

Procedural Rights of Children and Youth



**BUILDING
STRONG FAMILIES**

Child, Youth & Family

ENHANCEMENT ACT

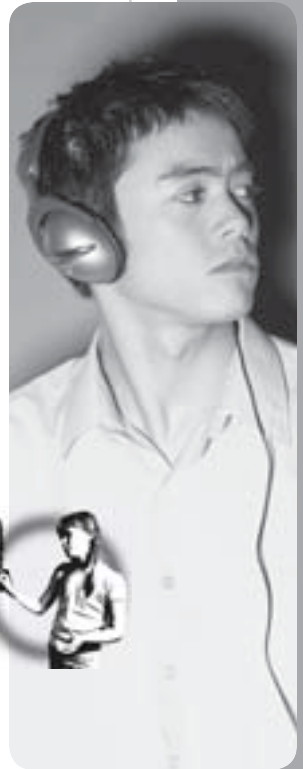
What is the Child, Youth and Family Enhancement Act?

The *Child, Youth and Family Enhancement Act* is the law in Alberta that is meant to ensure that all children and youth are safe from abuse and neglect. Every reasonable effort is made to try and help families in their own homes and in their own communities.

Some children and youth may not be able to live at home. The *Child, Youth and Family Enhancement Act* helps to make sure they also receive the services and care they need.

Children and youth need to know what to expect if they need help under this legislation. All children and youth have rights, regardless of their age. However, under this Act, special rights, called procedural rights, are given to children who are 12 years of age or older.

Your worker will tell you about your procedural rights under this legislation. Remember, when you know how things work, you can better follow through on your responsibilities!



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As a child or youth in our society, it is important:

(1) to be a wanted and valued member of a family.

Families come in different sizes and shapes. For example, some children live with their birth families, others live with foster or adoptive families. Some youth live on their own. Regardless of where they live, they need to feel 'connected', to feel that someone cares about them and will be there for them as they grow up.

(2) to state your views and opinions and to have them considered by people who make decisions about you.

Your ideas and thoughts about things that you would like to see happen in your life are important. People involved in making decisions about you should listen to what you have to say.

(3) to have your cultural, social and religious heritage considered in decisions, which affect you and your placement.

Your family or the community or cultural group you were raised in may have special values, beliefs and ways of doing things that need to be considered in the planning that you and your worker do.

(4) If you are Aboriginal, to have your unique culture and heritage respected.

Aboriginal families and communities have unique cultural values, beliefs and ways of doing things that need to be respected when decisions are being made.

When you are receiving services under the Child, Youth and Family Enhancement Act you can expect:

- 1. To have your worker talk to you about information from your personal files that is about you (you can't read information about other people).** If you would like to know what information about you is on your file, ask your worker. Some information cannot be shared because it would be against the law or harmful to you. If your worker does not share information with you, you can ask to speak with the worker's supervisor.
- 2. To have a plan for your care.** A plan for your care is called a Concurrent Plan. Decisions like where you are going to live, where you are going to go to school, what supports you can expect to receive, and what responsibilities you, your family and your worker have, may be included in this plan. You have a right to be involved in making this Concurrent Plan - ask your worker for a copy so that you will know what is going to happen in the months ahead.





- 3. To have the stability and continuity of your relationships with other people considered when your case plan is being developed and when a decision about your placement is being made.**

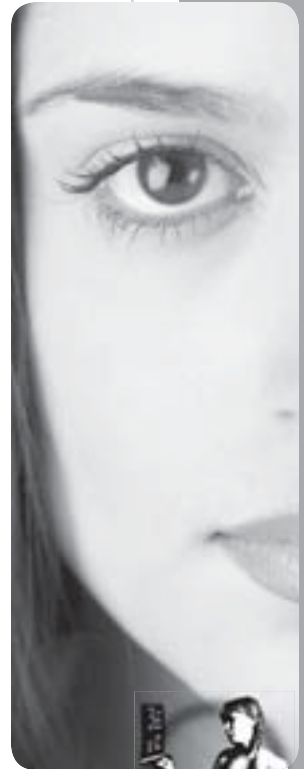
Where you will live and whom you would like to stay in touch with when you cannot live at home are very important decisions. Talk to your worker about people, activities and places that are important to you.

- 4. To be told about the following procedural rights under the Act (when appropriate):** The word 'procedural' means ways of doing things. In this legislation, procedural means certain actions that must be taken when a judge becomes involved in making decisions. There are different courts in Alberta. In this document, court means the court that makes decisions related to the Child, Youth and Family Enhancement Act.

- To have your confidentiality protected and to have privacy with respect to your personal information.** A file is a record about you and your family. It will have information about the people who have cared for you in the past. It also will have notes about meetings and any papers that a worker completed to take to court.

Workers have rules to follow about sharing file information. For example, information may need to be shared with doctors, teachers, foster parents, guardians, and group home workers who are involved in your life. However, file information is generally kept private unless sharing the information helps people make good decisions.

- **To have the Child and Youth Advocate represent your rights, interests and viewpoints. The Advocate could also involve your family or someone in your community to help if you want.** You have a right to be heard, but sometimes it is hard to say what you want to say. The Child and Youth Advocate can help you.
- **If you are 12 years of age or older, you have the right to have a lawyer represent you in court. If you are under 12 years of age, a lawyer may represent you in court if a judge agrees.**
- **If you are 12 years of age or older, you have the right to be told about the date, time and place of every court hearing which is about you. You then have the right to go to court, if you want to, and to tell the court what you want to have happen to you.**





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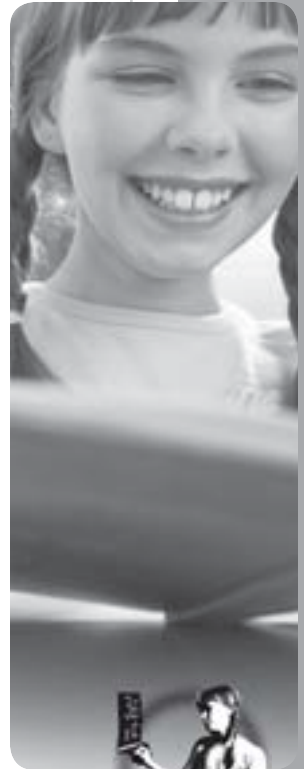
- **If you are 12 years of age or older, you have the right to appeal a supervision, temporary or permanent guardianship order made about you within 30 days of when the judge makes the order.** If you want to ask a judge to change the court order, and you make this decision within 30 days, the procedure is called an appeal. The worker can tell you what steps you need to take to talk to a judge.
- **If you are 12 years of age or older, you have the right to request one court review of any supervision or temporary guardianship order that is about you.** You can only request this review when the court order has been in effect for 30 days or longer. Both procedures, reviewing and appealing court orders, give you an opportunity to ask a judge to reconsider the decision. The judge still makes the final decision.
- **If you are 12 years of age or older and you are receiving support through a temporary or permanent guardianship order, you have the right to say yes or no to an access order, and also to ask the court to review the order.** An access order is an order that a judge makes to ensure that you have ongoing contact with

important people in your life - unless contact is not safe for you. You can ask a judge to review this order and to make changes.

- **All children and youth who are receiving intervention services under a secure services order, have the right to:**
 - **receive a copy of the order and a written statement explaining why you were secured.**
 - **be told when you will no longer be secured.**
 - **know that the order may be reviewed or appealed.**

Secure services are a group of services provided for a short period of time to a child or youth who is in danger of harming themselves or others and who need to live in a highly supervised [locked] place because other ways of reducing the danger of harm are not adequate. Workers providing secure services are trained to help stabilize behavior so that a child or youth can live safely in the community.

- **If you are 12 years of age or older, you have the right to say yes or no to an adoption or private guardianship order being made about you.** The



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judge will consider all the information and then make the final decision.

- **If you are 12 years of age or older, you have the right to receive a copy of a private guardianship order that is made about you.**
- **If you are 16 years of age or older and you are living independently, and you cannot return home because it is not a safe place, you have the right to ask to sign your own agreement for services, including a place to live.** Some older youth are not able to live at home or with other families because it is not safe. Youth who are living independently but who need help to meet their goals, such as going to school, can ask a worker to sign an agreement that describes what services will be provided. Make sure you tell the worker what your plans are and what help you need to achieve your goals.
- **If you are 18 years of age and you are receiving services under the Act, you can ask for ongoing supports until you are 22 years of age.** Some youth who are 18 years of age are not ready to live independently. Youth who have been receiving supports under this Act can ask for ongoing support to help them meet their goals until they are 22 years of age.



- **If you are adopted and 16 years of age or older and living independently of your guardian, you can apply to be placed on the passive registry.** If other members of your birth family also register with the passive registry, you will be notified. Once you are 18, you will be able to request information from your record.
- **If you disagree with decisions that are made about you, you have the right to have the decision reviewed. The decision could be reviewed by:**
 - **a mediation or some other dispute resolution process.**
 - **an administrative review of the decision.**
 - **an appeal to the Appeal Panel, in certain situations.**

First of all, talk to your worker, your worker's supervisor, or your foster parents or care givers. If you still feel that you are not being heard, ask your worker to explain what steps you can take to have the decision reviewed.

- **When participating in a dispute resolution process, review or an appeal, you can ask that the Child and Youth Advocate help you.**



- **When participating in an appeal, you also have the right to have a lawyer represent you.**

Other questions?

Depending on your circumstances, there may be other things you can reasonably expect as a child or youth receiving services under the Act. If you have questions about visits, a spending allowance, education, graduation, health care, recreation, clothing, or anything else, you are encouraged to ask your worker.

You also are encouraged to ask questions if you do not understand any words that people are using to describe your service plan or decisions that are being made about you.

Tell an adult you trust if you are having a problem, especially if you are being abused or mistreated. Tell someone if you feel that your cultural values are not being respected. In order to help you, people need to know that you are unhappy.

If you do not understand or if you need more information about your rights or responsibilities, ask your worker, your caregiver, the Child and Youth Advocate, or your lawyer, if you have one.



IMPORTANT Contact Information

MY CASEWORKER'S NAME

PHONE NUMBER

SUPERVISOR'S NAME

PHONE NUMBER

FAX NUMBER

ADDRESS LINE 1

ADDRESS LINE 2

ADDRESS LINE 3



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CONTACT LIST

Alberta Children's Services

There is a lot of helpful information on the Alberta Children's Services website: <http://www.child.gov.ab.ca>

Child Abuse Hotline

1-800-387-5437

Post Adoption Registry (Adoption Records)

11th Fl, Sterling Place, 9940-106 Street

Edmonton, Alberta T5K 2N2

Phone: 780-427-6387

Fax: 780-427-2048

Toll Free 310-0000-780-427-6387

website: www.child.gov.ab.ca/whatwedo/postadoptionregistry

Appeals Secretariat

Edmonton Phone: 780-422-3615

Calgary Phone: 403-297-5636

If you want to make a request for copies of records about yourself, or if you want information about Freedom of Information and Protection of Privacy (FOIP) contact:

Information and Privacy Office

12th Floor, Centre West Building

10035 – 108 Street



Edmonton AB T5J 3E1

Phone: 780-427-2805

Toll free 310-0000-780-427-2805

email: foipofficehre@gov.ab.ca

Child and Family Services Authorities

Child and Family Services Authorities have offices throughout the province. If you are not sure how to contact the Child and Family Services Authority responsible for providing intervention services in your area under the *Child, Youth and Family Enhancement Act*, you can look it up on the Children's Services website at: www.child.gov.ab.ca/cfsa

Office of the Child and Youth Advocate

Northern Office

803 Peace Hills Trust Tower

10011 - 109 Street

Edmonton AB T5J 3S8

Phone: 780-422-6056

Fax: 780-422-3675

Toll Free 1-800-661-3466

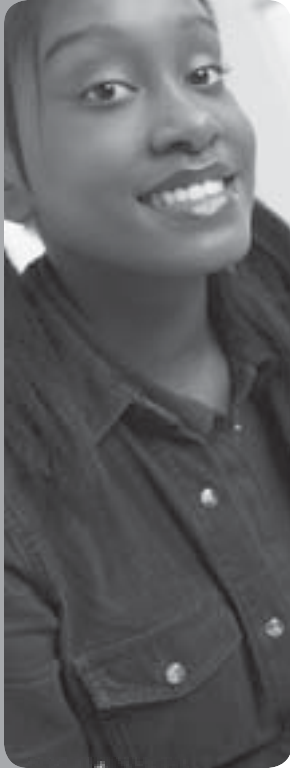
email: ca.information@gov.ab.ca

Southern Office

406 Hillhurst Professional Bldg

301 14 Street NW





Calgary AB T2N 2A1
Phone: 403-297-8435
Fax: 403-297-4456
Toll Free 1-800-661-3466
email: ca.information@gov.ab.ca

Helpful information about jargon that people use when describing activities under this act can be found on the website of the Office of the Child and Youth Advocate: www.gov.ab.ca/cs/childrensadvocate

Youth in Care Networks

Alberta Youth in Care and Custody Network

c/o The Calgary John Howard Society
917 - 9th Avenue SE
Calgary, Alberta T2G 0S5
Phone: 403-543-7819
Fax: 403-265-2458
email: sparks@shawbiz.ca

Association for Youth In Care - Edmonton

202B White Oaks
12222 – 137 Street
Edmonton, Alberta T5L 4X5
Phone: 780-426-7960
email: <http://www.ajice.org>



