



What Happens at Court

Initial Hearing: The first hearing is with an associate judge. They will set a date for a hearing with an Intake Judge and may order the agency to explain why your child was taken. The associate judge also decides if a lawyer is needed for any child 12 years or older.

Intake Judge Hearing: Before a trial happens, the Intake Judge will hear from both parents/guardians and the agency to decide if a trial is necessary.

Pre-Trial Conference: If a trial is needed, a meeting is held to make sure everything is ready.

Trial: Both sides present their arguments and evidence. The judge decides if the child needs protection and what steps should be taken for their safety. Children 12 and older can take part in the hearing and may have their own lawyer.

Important: If you do not attend your court dates, a decision can be made without you.



Legal Assistance

- **Legal Assistance Legal Aid Manitoba:** Offers legal help to low-income persons. Address: 4th Floor, 287 Broadway, Winnipeg, 204-985-8500 or Toll-Free: 1-800-261-2960
- **CLEA Law Phone-In and Lawyer Referral Program:** Provides general legal information via telephone. They can also refer you to a lawyer if appropriate. 204-943-2305 or Toll-Free 1-800-262-8800
- **Legal Help Centre:** Legal information and referrals. Drop-in clinics are held on Tuesdays and Thursdays from 1:00-4:00. Address: 202-393 Portage Avenue, Winnipeg, MB 204-258-3096



Thrive
Community Support Circle

Navigating Child and Family Services

Information on Court Procedures

Prepared by Thrive
Community Support
Circle 204-772-9091



Disclaimer: This document does not contain legal advice. If you require legal advice, please consult with a lawyer.

What Happens When a Child is Taken by CFS?

Court Hearing:

Within 4 days of a child being taken by Child and Family Services (CFS), the agency must request a court hearing. This hearing will decide if the child needs protection. The agency must also explain how parents or guardians can see their child before the hearing.

Parental Notification:

Parents must be told about the protection hearing at least 2 days before it happens.

The agency must also notify:

The child (if they are 12 or older).
The Indigenous service provider (if the child is Indigenous).
The caregiver, if the child was living with someone other than their parents.

Legal Representation:

Parents and guardians have the right to a lawyer. A judge must inform them of this before the hearing. If they cannot afford one, they can apply for Legal Aid. A Legal Aid Duty Counsel is available at court to provide guidance.

Appealing a Decision:

If a judge (not an associate judge) made the decision, parents have 21 days to appeal.

Ending a Permanent Guardianship Order:

Parents can apply to the court to end a permanent order for guardianship.



Visitation and Parental Access

If the court places your child with someone else (including a foster parent), you must be given reasonable access to them.

If you and CFS disagree on visitation, the court will decide. CFS must prove that any limits on your visits are necessary.

Can CFS Enter My Home?

CFS does NOT need a warrant to enter your home if they believe a child is in danger.

You still have rights against illegal search and seizure.

If your child is returned under a Supervision Order, CFS can enter your home while the order is in place.

Voluntary Placement Agreements (VPA)

Definition: Parents can agree with CFS to place a child in a safe home without giving up guardianship.

Time Limits:

A VPA can last up to 24 months and be renewed yearly.

It can be extended if the child:

- Has an intellectual disability.
- Has a chronic illness or disability that cannot be treated at home.
- Is 14 years or older and is considered unmanageable.

Ending the Agreement:

A VPA can be terminated at any time using a formal request.

If the caretaker moves out of the province without CFS approval, the agency can immediately end the agreement.



Permanent Order

A permanent order gives the agency permanent guardianship of a child. This means that all your parental rights are terminated, and the agency has the right to put the child up for adoption. The agency also has the complete authority to decide if the parents/guardians can have access to their child.

What can I do if I'm not happy with the amount of time I'm allowed to spend with my child?

If you are unhappy with the access the agency is willing to grant you, you can apply to the court. A hearing will be held, and the court will decide what kind of access is appropriate.

Changes to the Order

Either the parents or guardians, or the agency can make an application to the judge to ask for a variation of the current order. The judge may grant this if there has been a change in circumstances since the last order was made, or if the access that you currently have is not in the "best interests of the child".

You cannot make an application if the child has been placed for adoption.

Can I appeal a court order?

You have 21 days from the day the order was given to appeal an associate judge's decision to the King's Bench Manitoba (Family Division).

