

**NATIONAL FAMILY LAW CONFERENCE  
JULY 2016**

**Group Homes on the Reserve**

**Safe Houses to Exercise Access to Children in Society Care**

**Legal Center for Parents to get Assistance Before Apprehension**

These and several others were innovative ideas that are being tried in other provinces. There was a lunch discussion meeting of Child Protection Lawyers from across the country at the recent National Family Law Conference in St. Johns. This was lead by Professor Rolly Thompson, who divided us into small groups and gave us two questions to discuss: (1) What is not working in child protection; and (2) Are there any innovative, new ideas being tried in your area to address issues in child protection?

Access between children taken into care and their parents was an issue for everyone as was the ability of parents to obtain good legal representation quickly after an apprehension.

Some of the interesting, innovative ideas from other provinces are:

British Columbia – They generally do not have access visits at Society Offices in B.C. That is a last resort where there is no Access Center available. In one native community, they have a “safe house” in the community for access which can include overnight visits. There are staff residing in the home who are responsible for making sure that the parent is not under the influence and not absconding, but are not watching throughout the visit.

Saskatchewan – They use Elders who act as advisors to the court and gather family and community members to try to make plans to keep children out of care.

Alberta – They have at least one group home on a reserve, such that children who are removed from their parents are not also removed from their community. This also enables the child to have regular access with their parents if it is appropriate.

Manitoba – In some areas of the province, they are removing parents from the home and putting a social worker or kin/kith in the home with the child rather than removing the child to a foster home. Lawyers present said that parents seem much more motivated to do what they needed to do when they were out of the house.

None of the lawyers from Ontario were able to contribute any innovative ideas.

Professor Thompson also organized a discussion group on the topic of Legal Aid later that week, which not surprisingly was attended by many of the same lawyers as the child protection discussion group. Some of the ideas being implemented or tested to enable people to be better represented and at an earlier stage came out of one or both discussions groups are:

British Columbia – They have established a Parent Legal Center in Vancouver which is mandated to assist people prior to the child being removed. It is staffed by two lawyers and one social worker as a pilot project. They help to develop plans which will prevent the apprehension, refer the client to necessary resources and liaise with the Society.

Alberta – They have a mixed model with Legal Aid Clinics and private bar lawyers. In the legal clinics, the staff lawyers can see clients immediately after apprehension so that the case is not adjourned to get a lawyer and they have social workers in some of the offices who see clients at the initial interview and help put together a Plan and make referrals. This is only available in the major centres – there are 4 in Calgary and 3 in Edmonton – but the lawyers are quite enthusiastic about having social workers to do this piece.

I reported that our tariff had recently increased to allow something closer to a reasonable number of hours to act on a child protection case. Not all provinces have tariff limits on the number of hours, but I learned that our hourly rate is the highest in Canada, including British Columbia, which has an hourly rate of \$83.00 which includes Vancouver. The Second Chair Program, which allows junior counsel to get experience working with senior counsel on a trial is an innovative program that is of interest to other provinces.