



Children's aid: Information for parents

A children's aid society or CAS has a legal duty to make sure that children under the age of 18 are protected from harm. The government has given them this job.

When does CAS check on a family?

Parents have a legal duty to keep their children safe. A CAS may check on a family if they believe that:

- parents are violent to each other,
- parents do things that could harm their children, or
- a parent does not stop their partner, or other people, including other family members, from doing things that could harm their children.

Here are a few examples of acts that could lead a CAS to check on a family:

- insulting or yelling at children,
- hitting or tying up children,
- punishing children by refusing to give them food,
- touching children in a sexual way, or
- leaving children alone without someone who is old enough and able to take care of them.

How does CAS hear that a child might not be safe?

If anyone has good reason to believe that a child **under 16** has been harmed or might be harmed, they must tell a CAS. This includes relatives, friends, and neighbours. This is sometimes called a duty to report.

Some people who work with children also have a duty to report, or the police can charge them with a crime. For example, teachers, doctors, nurses, daycare workers,

family counsellors, social workers, and religious leaders.

Only your lawyer does **not** have a duty to report.

If the child is 16 or 17, people can choose to report their concerns to a CAS, but they do not have to.

What if a CAS worker contacts me?

Try to stay as calm as possible. You should try to speak to a lawyer before you say very much. If you cannot afford a lawyer, Legal Aid Ontario may pay for one.

In most cases, a CAS must get your permission to enter your home. It is usually best to let them in or the situation can become worse. If they have to, a CAS can enter by force to protect a child. They can also bring the police to help them.

If you have **any** difficulty understanding or speaking English, tell the CAS worker. Ask for an interpreter who speaks your language and English well. If the CAS does not find one, you should try to find an interpreter.

The CAS worker usually talks to the parents and children separately. They must keep notes about anything you or your children tell them. This information can be used in court later on.

Some acts that harm children are crimes. If you think a CAS or the police suspect you of a crime, tell them that you would like to get legal advice before you answer any more questions. Contact a lawyer right away.

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What can CAS do?

The CAS can advise you to do many different things. They might want you to agree to do what they say. Do not sign any papers with the CAS until you get legal advice. It is very important to talk to a lawyer even if you want to make an agreement with the CAS.

In some cases, the CAS can take your child away from you. If your child is 16 or 17, they can only do this if the child agrees.

What if CAS takes my child away?

Tell the CAS if family members or other adults from your community can take care of your child. If the CAS does not take your child to stay with relatives or friends, then a community agency or a family that is paid by the government will take care of your child. Usually, you will be allowed to visit your child.

Get a lawyer right away to help you get your child back. You need to do this no matter

where the CAS takes your child to stay, even if they take your child to relatives or friends.

Will I need to go to court?

The CAS must take the case to family court if they take your child away or if they are asking the court to order you to follow CAS advice. If they take your child away, the first court date must be within 5 days from the day they took your child.

You may have to go to court many times. Get a lawyer with experience in CAS cases to help you.

If the police charge you with a crime, you have a right to a trial in criminal court. This is separate from the case in family court, even though it may be about the same situation. Get a criminal lawyer right away. ✱

On these pages we give only general information. You should get legal advice about your own situation.

How to get help

211 Ontario is an information and referral hotline that gives help in many languages. They take calls 24 hours a day, 7 days a week. They can tell you:

- where to get legal help, and
- how to contact a settlement agency or community agency for other kinds of help.

You could also try contacting a local library or a community legal clinic.

To contact 211 Ontario:

- ☎ Phone..... **211**
- ☎ Toll-free..... **1-877-330-3213**
- ☎ TTY..... **1-888-340-1001**
- 💻 211Ontario.ca

To find your clinic, contact Legal Aid Ontario:

- ☎ Toll-free..... **1-800-668-8258**
- ☎ TTY..... **711**
- 💻 legalaid.on.ca/legal-clinics

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CLEO's **Steps to Justice** website has step-by-step information about common legal problems. Visit stepstojustice.ca. Visit cleo.on.ca to download these pages and other legal information.