



<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	<b>Program</b>	<b>Child Protection</b>	
	<b>Subject</b>	<b>Apprehended Child Returned to Parent With No Court Application</b>	<b>Policy # 1.10</b>
<b>Effective Date: July 5, 2010</b>		<b>Authorized by: Craig Dalton</b>	
<b>Revised Date: November 23, 2017</b>		<b>Deputy Minister</b>	

**1.0 PURPOSE**

- 1.1 Pursuant to the Child Protection Act, 27(2), where it is determined that it is in the best interest of the child to return the child to the parent in whose custody the child was at the time of apprehension, the Director shall:
- return the child instead of making an application to the Court;
  - where the child is Aboriginal, notify the Designated Representative of the Band of the intention to return the child to a parent of a child; and,
  - submit a report to the Minister respecting the apprehension and the reasons for returning the child .

**2.0 POLICY STATEMENT**

- 2.1 In the best interest of a child deemed in need of protection from parental harm, apprehension of the child, as a risk mitigation measure, is considered when a less intrusive course of action will not adequately protect the health and safety of the child.
- 2.2 Following the apprehension of a child, in situations where, prior to the court application:
- new evidence becomes available that indicates the safety concerns have been mitigated and the child can be safely returned to the parent in whose custody the child was at the time of apprehension; or
  - when a lesser intrusive option, to include a Voluntary Temporary Agreement for Custody and Guardianship or an alternate care provider, is presented; then a lesser intrusive option may be considered.
- 2.3 A Change of Legal Status Meeting is required in all situations where the social worker determines that it is in the best interests of a child to return the child to the parent in whose custody the child was at the time of the apprehension.

### **3.0 PROCEDURES**

3.1 In the best interests of the child, following an apprehension and prior to a court application, the child may be returned to the parent in whose custody the child was at the time of apprehension if:

- the social worker has assessed the child can be safely returned to the parent in whose custody the child was at the time of the apprehension;
- the parent proposes a less intrusive option and the social worker assesses the plan is in the best interests of the child; or
- the child is able to remain in the care of the province by a Voluntary Agreement for Temporary Custody and Guardianship.

3.2 A Change of Legal Status Meeting must occur prior to returning the child to the parent.

3.3 Where it is determined at the Change of Legal Status Meeting that the lesser intrusive safety plan is not in the best interests of the child, the court application will proceed.

3.4 Legal counsel must be advised of the risk decision outcome of the Change of Legal Status Meeting.

3.5 In situations where a lesser intrusive safety plan involves the child remaining in the care of the province through a Voluntary Agreement for Temporary Custody and Guardianship, or where the parent is placing the child with an alternate care provider, the child does not need to be physically returned to the parent in order to action the lesser intrusive safety plan.

3.6 Where the child is an Aboriginal child and a registered member of a Band, the social worker shall notify the Designated Representative of the Band of the intention to return the child to a parent of the child.

3.7 In situations where the risk decision of a Change of Legal Status Meeting is to return the child to the parent in whose custody the child was at the time of apprehension, the social worker will prepare a report, summarizing the risk factors and mitigation measures determined in returning the child to the parent in whose custody the child was at the time of apprehension. The report will be reviewed for approval and signature by the Child Protection Supervisor and forwarded to the Director of Child Protection within ten (10) business days of the date the child was returned to the parent in whose custody the child was at the time of apprehension. Upon receipt of the report, the Director of Child Protection will forward the report to the Minister.

### **4.0 REFERENCES**

Apprehension 1.9

Change of Legal Status Meetings 1.12

Voluntary Agreement for Temporary Custody and Guardianship 1.7

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**HISTORY:**

February 1, 2013 - Editorial and format changes

July 18, 2013 - Editorial and format changes

November 23, 2017 - Editorial and format changes; procedural clarity