

## **BEST PRACTICES IN CHILD PROTECTION LITIGATION – PREPPING EVERY FILE FOR TRIAL FROM THE FIRST MEETING WITH THE CLIENT**

### **HYPOTHETICAL #1**

Your office is contacted by a client who has been served with a Protection Application by a Children's Aid Society. You have committed to taking a certain number of cases annually by a funding body, and while you still have space relative to your commitment, a few current cases have become more complicated. You are confident that a Court will be understanding relative to needed extensions, but the reality is that there are only so many hours in a day, and your existing clients are demanding. Can you take the file?

Does your position change if the children are still in the home and the Society is seeking Supervision? Or if the children have been removed and the Society is seeking Society or Crown Wardship?

### **HYPOTHETICAL #2**

The Client has studied several online resources and is confident that the Society and the worker are liable for damages because of the way in which they apprehended the children and have kept the children in care. The Client is not Legal Aid funded, and, through a helpful Grandmother, has offered a significant retainer with monthly top-ups by way of automatic withdrawal. The Society's materials do offer reasonably strong evidence of addictions, and the impact of those addictions upon the children's care, as reported by the children's doctors, a teacher, and an "anonymous family member". What do you communicate to the client in terms of reasonable approaches and expected outcomes?

### **HYPOTHETICAL #3**

You are OCL on a file that is scheduled for argument on a Temporary Care Hearing. Society's counsel and Parent's counsel, after filing all materials, have met and are putting together an interim plan for the return of the child subject to Society supervision on an interim basis, and a restoration of the Father's access. You disagree with the result and are shocked that the worker advising Society Counsel is "going along with this". You know that the child's grandmother who called in the complaint is in the Courthouse. You want to talk with her first. Then you decide that you would also like to know if the CAS Supervisor knows what the Family Services Worker is doing at the Court. You have a good professional relationship with the Supervisor, and you think she may change her mind if you can talk with her about it. Should you speak with the Grandmother? Should you call the Supervisor?