

FACT SHEET
Changes to the Child and Family Services Act
RE: Alternative Dispute Resolution Processes

Compiled by Celeste Pedri
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The Children's Aid Society as of November 30, 2006, is obliged under section 20.2 of the Child and Family Services Act to consider whether alternative dispute resolution could assist any issue relating to a child who may be in need of protection, and with respect to a native child, to consult with the child's band or community to determine whether an alternative dispute resolution process established by the band, or native community, will assist in resolving the issue.

See below:

Resolution of issues by prescribed method of alternative dispute resolution

20.2 (1) If a child is or may be in need of protection under this Act, a society shall consider whether a prescribed method of alternative dispute resolution could assist in resolving any issue related to the child or a plan for the child's care. 2006, c. 5, s. 5.

Where a child is Indian or native person

(2) If the issue referred to in subsection (1) relates to a child who is an Indian or native person, the society shall consult with the child's band or native community to determine whether an alternative dispute resolution process established by

that band or native community or another prescribed process will assist in resolving the issue. 2006, c. 5, s. 5.

Children's Lawyer

(3) If a society or a person, including a child, who is receiving child welfare services proposes that a prescribed method of alternative dispute resolution be undertaken to assist in resolving an issue relating to a child or a plan for the child's care, the Children's Lawyer may provide legal representation to the child if in the opinion of the Children's Lawyer such legal representation is appropriate. 2006, c. 5, s. 5.

Notice to band, native community

(4) If a society makes or receives a proposal that a prescribed method of alternative dispute resolution be undertaken under subsection (3) in a matter involving a child who is an Indian or native person, the society shall give the child's band or native community notice of the proposal. 2006, c. 5, s. 5

For more information on Bill 210, please visit

http://www.e-laws.gov.on.ca/DBLaws/Source/Statutes/English/2006/S06005_e.htm