



IN THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #21

CHILD PROTECTION HEARINGS

In June of 2011 the *Child and Family Services Act* was amended to provide for a process which involves two hearings, in accordance with the decision of the Nunavut Court of Justice in P.E. v. Director of Child and Family Services, NCJ 24.

The purpose of the first hearing is to review the circumstances leading to the apprehension and will result in the court either confirming or not confirming the apprehension. If the apprehension is confirmed, an Interim Order will be issued. If it is not confirmed, the application will be dismissed and the child/children returned to the parents.

The second hearing is to determine whether the Director should be granted a Child Protection Order. There are three types of Child Protection Orders; those which direct the child/children be returned to the parents under a Supervision Order, those which place the child/children in the temporary care of the Director for a specified period and those which place the child/children in the permanent care of the director.

Child protection matters are unique in that they involve state intervention in the parent/child relationship and the safety and well being of children. Many of the Practice Directives that apply to other litigation are not appropriate in the context of child protection matters. Accordingly, child protection matters are exempt from the following Practice Directives:

- PD #15: Filing Deadlines for Civil and Criminal Chambers Set For Hearing on Circuit
- PD #16: Proof of Service Requirements for Civil Chambers
- PD # 17: List of Authorities -Civil and Criminal Chambers
- PD # 32: Motion Confirmation and/or Adjournments of Civil Chambers

This Practice Directive takes effect on November 14, 2011.

Issued by Judges of the Court on this 14th day of November, 2011

Mr. Justice Robert Kilpatrick
Mr. Justice Earl Johnson
Mr. Justice Neil Sharkey
Madam Justice Susan Cooper