

What are Appeal Panels?

Appeal Panels provide an opportunity for people to access a fair, impartial and independent citizen review of certain decisions made by their frontline caseworker or Family Support for Children with Disabilities (FSCD) worker.

The two Children's Services Appeal Panels that review certain decisions of the Children's Services Ministry are:

- the Child, Youth and Family Enhancement Appeal Panel; and
- the FSCD Appeal Committee.

Appeal Panels are less formal than courts; however, their decisions carry the same weight as a court decision.

Members of the Appeal Panels are citizens appointed by the Minister of Children's Services but are not employees of Children's Services. Panel members are from the community and bring a range of education, skills and experience to their role.

Who can Appeal?

A Notice of Appeal may be filed under the *Child, Youth and Family Enhancement Act* (Enhancement Act) if you are:

- a child;
- the Child and Youth Advocate on behalf of a child or youth;
- a guardian of a child;
- a person who has had continuous care of a child for more than six months of the 12 months immediately preceding a director's decision under s. 120(2);
- a person between the ages of 18 and 22 years and is receiving or has been refused support and financial assistance from a director;
- a person whose licence to operate a residential facility has been suspended or cancelled, or is dissatisfied with the terms of a licence, or application/renewal for a licence has been refused;
- a person who applied to a licenced adoption agency to have a child placed in his or her home for the purpose of adopting the child and whose application was refused; or
- a person who holds an adoption agency licence or has applied for an adoption agency licence.

Under the *Family Support for Children with Disabilities Act* (FSCD Act) you may file an appeal if you are:

- a biological parent;
- a person who is or is appointed as a guardian under the *Family Law Act (Domestic Relations Act)*; or
- a person who is a guardian of a child under an agreement.

What can be Appealed?

Generally, under the Enhancement Act and/or Regulation, decisions by the director that can be appealed are:

- the removal or placement of a child in a residential facility, who is under the temporary or permanent guardianship of Children's Services;
- the refusal to allow any person who has a significant relationship with a child, who is under a permanent guardianship agreement with Children's Services, to visit that child;
- the refusal or failure to enter into an agreement or apply for a court order if a child is believed to be in need of protection;
- the refusal to provide support or financial assistance to persons eligible under s. 120(2)(f.1)(f.2);
- the refusal of a residential facility licence or to renew a residential facility licence;
- the suspension or cancellation of a residential facility licence;

- the terms and conditions imposed around residential facility licences;
- the refusal to approve an application for an adoption placement, or the decision to rescind the approval of an application for an adoption placement; or
- the approval or the refusal of an international adoption application based on a home assessment.

Typically, under the FSCD Act, decisions may be appealed regarding:

- the refusal of funding for family support services or child focused services for children with disabilities.

What do Appeal Panels do?

The Appeal Panels:

- determine if the Appeal Panel has jurisdiction to hear the appeal under the appropriate legislation (e.g. Enhancement or FSCD Acts);
- hear appeals and make decisions that confirm, reverse/rescind, or vary the decision under review;
- ensure everyone involved in an appeal has an equal opportunity to present his or her case;
- provide a fair, impartial and independent hearing; and
- issue written decisions that include the reasons for their decisions.

What Happens at an Appeal Hearing?

An appeal panel hearing provides an opportunity for each party to present his/her case before a three-member panel. Appellants may be supported at these hearings by their legal counsel, witnesses, the Child and Youth Advocate, and others, including family members. Workers may be supported by their legal counsel, supervisors, witnesses and others.

What Happens after an Appeal Hearing?

After a hearing, the panel:

- reviews all the information that was presented; and
- makes a decision and issues a written statement that includes the reasons for the decision within approximately 45 days of a hearing.

Once a decision has been made, it is final at the Appeal Panel level. If a party to an Enhancement Act appeal is not satisfied with a decision of the Enhancement Appeal Panel, he/she can contact the Court of Queen's Bench, within 30 days from the date of the Panel's decision, to appeal the decision. Should a party be concerned about the appeal process, he/she may contact the Office of the Ombudsman to review the process.

If a party to an FSCD Act appeal is not satisfied with a decision of the FSCD Committee, he/she may apply to the Court of Queen's Bench for a judicial review of the decision, which is not a re-hearing, but rather a review of the decision.

What is the Appeal Secretariat?

The Appeal Secretariat assists the appeal process by providing support to the Appeal Panels and to those going through the appeal process.

The Appeal Secretariat:

- provides information about how to file an appeal and prepare for the appeal hearing, and what to expect at the appeal hearing;
- schedules hearings;
- prepares, coordinates and distributes appeal documents, and appeal decisions; and
- maintains a public appeal information website.

For more information about appealing a decision made by Alberta Children's Services, contact the Appeal Secretariat at (780) 422-2775 (310-0000 toll-free) or visit the website at www.child.gov.ab.ca.