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### **Consent Agreement to Hear the Views of the Child(ren)**

THE PARTIES WISH TO HAVE THE VIEWS OF THE FOLLOWING CHILD(REN) HEARD IN THEIR CASE:

<b>CHILD'S NAME</b>	<b>DATE OF BIRTH</b>
<b>CHILD'S NAME</b>	<b>DATE OF BIRTH</b>
<b>CHILD'S NAME</b>	<b>DATE OF BIRTH</b>

During this report, the interviewer is a neutral and impartial person who will listen to the views of the child(ren), record them and report them back to the parties and/or the court to assist them in making decisions about the child(ren).

#### **THE PARTIES AGREE TO THE FOLLOWING:**

1. Without taking sides, the interviewer will listen to the views of the child(ren) to assist the parties and the court to make good decisions about the child(ren).
2. The Views of the Child Interview is voluntary, unless a court orders otherwise.
3. The children must agree to share their views. They will not be forced to share them.
4. Each party acknowledges that if the child discloses information during the interview that indicates the child is in need of protection as set out in section 13 of the Child, Family and

Community Services Act (See Schedule "A"), then the interviewer must immediately report this to the Ministry of Children & Families.

5. The interviewer will provide a transcribed copy of the Views of the Child Interview to the lawyers for each party, the court (if the interview is ordered by a court) and the lawyer for the child(ren), if applicable.

6. The parties agree to keep the child(ren)'s views confidential, as between themselves, unless the child(ren) consent otherwise.

7. The parties agree that they will tell the child(ren) about the interview beforehand, but not tell the child(ren) what to say, or press the child(ren) for details after the interview.

8. The parties acknowledge that the scope of this interview is to gather information from the child(ren) regarding issues specified by the parties. This interview is for the purpose of documenting the children's views, concerns and ideas. It is not intended to be therapeutic.

**The following party consents to the child(ren) being interviewed.**

**SIGNED BY:**

**PARTY:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_

**Dated:** \_\_\_\_\_ **at** \_\_\_\_\_

## Schedule "A"

### When protection is needed:

**13 (1)** A child needs protection in the following circumstances:

- (a) if the child has been, or is likely to be, physically harmed by the child's parent;
- (b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- (c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- (d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- (e) if the child is emotionally harmed by the parent's conduct;
- (f) if the child is deprived of necessary health care;
- (g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
- (h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
- (i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;
- (j) if the child's parent is dead and adequate provision has not been made for the child's care;
- (k) if the child has been abandoned and adequate provision has not been made for the child's care;
- (l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

## MEANINGFUL CHILD PARTICIPATION IN FAMILY COURT PROCESSES

### *Suggested Instructions to Parents*

#### **A. Explain to the children what's going on:**

- Mom and Dad have gone to court to ask a judge help them figure out what should happen now that/ once they are living apart
- Mom and Dad both love you very much and want to do what is best for you
- The judge wants to know how you think things should work for your life now that Mom and Dad are living apart (things like where you will live)
- Mom and Dad and the Judge want you to go to talk to (interviewer's name) about what's happening
- Do you want to talk about what you think? If yes, okay. If no, no interview

#### **B. Arrange the Interview**

- Both parents may participate in the transport of the child (either to or from the interview).
- Do not coach or prepare the child on what to say before the interview. Afterwards, do not ask your child what they said in the interview.
- Respect the child's privacy. You will hear what was said when the interviewer provides the children's views to your lawyer (or you, if unrepresented) and the court.

#### **C. Talk to Your Children About the Court's Decision and Let Them Ask Questions**

- When the court makes a decision about the custody and access matters in your case, tell the children what the judge decided in words that they understand.
- Give the children an opportunity to ask questions about the decision.