



Legal aid,
a network at your service
www.csj.qc.ca



**Legal
Brief***

Vol. 13

Number 3

March 2021

How Can I Intervene in the Case of a Child Who is Dear to Me When a Hearing in the Youth Division is Scheduled?

First of all, you should know that a child's file in the Court of Québec – Youth Division is highly confidential. You cannot consult it or obtain information unless you are a party to the case.

Only the child, the child's father (legally recognized), the child's mother and the representative of the Director of Youth Protection have the status of parties to the dispute. They will have access to the documents filed for purposes of a hearing initiated when the Director of Youth Protection considers that a child's security or development is in danger. They will also be able to attend the hearing, file evidence in the Court record, be represented by a lawyer and examine and cross-examine the other parties and witnesses.

However, in order to intervene at the hearing, you can make an application before the hearing as an interested person. You have to act quickly and in strict compliance with the requirements of the *Youth Protection Act*.

In that regard, the requirements for this very specific application are set out in s. 81 para. 2 of the *Youth Protection Act*:

“Any person who wishes to intervene at the hearing in the interest of the child may, on an application, testify before the tribunal and make representations if the person has information likely to enlighten the tribunal, and may, for that purpose, be assisted by an advocate. The tribunal may, for exceptional reasons, in urgent cases or if the parties present at the hearing consent to it, authorize the person to make the application orally.”

Obviously, this application must be made in the interests of the child and not in the interests of the person making the application. It may be presented by a person who is significant in the child's life, such as an aunt or uncle or a grandparent.

Being recognized as an “interested person” allows you to be heard, but does not allow you to examine or cross-examine the other parties, obtain the reports filed in the Court record, make representations (what we call pleadings) or even obtain a copy of the judgment once it is rendered.

Since 2017, s. 83 of the *Youth Protection Act* allows the foster family to be admitted to the hearing concerning the child entrusted to it, without the need for a prior application.

...2/

Text prepared by
M^c Marie-Ève Bouchard
of the La Baie legal
aid office

Contact Us

Commission des
services juridiques
Communications Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Québec
H5B 1B3

Telephone: (514) 873-3562
Fax: (514) 864-2351

www.csj.qc.ca

* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.



Legal aid,
a network at your service
www.csj.qc.ca



How Can I Intervene in the Case of a Child Who is Dear to Me When a Hearing in the Youth Division is Scheduled?

(continued)

The foster family will be able to present its observations and be represented by a lawyer. However, unless the Court grants permission, the foster family will not be able to participate otherwise in the hearing, since it does not have the status of party.

Lastly, s. 81 para. 3 of the *Youth Protection Act* allows any person to apply for the status of party:

“For the requirements of the hearing, the tribunal may grant a person the status of party to the hearing if the tribunal considers it advisable to do so in the interest of the child. The status of party remains valid until withdrawn by a decision or order of the tribunal.”

When the Court grants this application, the person will have the same rights as the other parties. In order to obtain this status, you must be able to convince the Court that your participation in the debate is essential. This application is granted only exceptionally.

These steps can be complex. Therefore, don't hesitate to consult a lawyer at a legal aid office near you for assistance.

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you.

To find the contact information for your legal aid office, please visit our website at www.csj.qc.ca.

Legal Brief*

Vol. 13

Number 3

March 2021

Text prepared by
M^e Marie-Ève Bouchard
of the La Baie legal
aid office

Contact Us

Commission des
services juridiques
Communications Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Québec
H5B 1B3

Telephone: (514) 873-3562

Fax: (514) 864-2351

www.csj.qc.ca

* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.