

PART VII

Application for a Review of a Residential Placement under Section 36 (1) of the CFSA (January / 2010)

Parties

113. The following persons are parties to an application for a review under section 36 (1) of the *CFSA*:
- a) The child who made the application ("applicant");
 - b) The child's parent or where the child is in a Society's lawful custody, the Society ("respondent");
 - c) Where the child is an Indian or native person, a representative chosen by the child's band or native community, and
 - d) any other person the Board specifies.

Application

114. Any child who is twelve years of age or older may apply for a review of his or her residential placement if the placement has been reviewed by an advisory committee as prescribed by section 34 of the *CFSA* ("RPAC").
115. An application for a review may be made when:
- a) the applicant is dissatisfied with the advisory committee's recommendation; or
 - b) if the advisory committee's recommendation is not followed.
116. The application may be made by telephone, fax or mail.
117. Upon receipt of the application, the Board will forward a copy to the other parties. With the consent of the applicant, notice of the application will be sent to the office of the Provincial Advocate for Children and Youth (Child Advocate)

Response to Application

118. Within seven days of receipt of the copy of the application, the Society, where it is the respondent shall send to the Board and the other parties, its response to the application which includes:
1. the RPAC report;
 2. its position on the existing placement and the reasons for that position; and

3. a summary of alternative placements, an explanation as to whether or not they are appropriate to meet the applicant's needs and if so, whether they are currently available for the applicant.

Hearing

119. The Board will inform the applicant within 10 days of receipt of the application whether or not it will hold a hearing.
120. Any evidence a party wishes to submit during the hearing shall be disclosed to all parties no later than 10 days before the hearing, with a copy to the Board.

Timelines

121. The Board shall complete its review and make a determination within thirty days of the Board's receipt of the application.
122. The Board may exceed the thirty day period to complete its review and to make its determination if a hearing is held and if the parties agree to a longer period.

Decision

123. The Board may :
 - a) order that the applicant be transferred to another residential placement if the Board is satisfied that the other residential placement is available,
 - b) order that the applicant be discharged from the residential placement;
or
 - c) confirm the existing placement.

Withdrawal

124. An applicant may withdraw his or her application. The Board will confirm the withdrawal in writing to the applicant and the other parties.