

PART II

Application for a Review of a Proposed Removal of a Crown Ward under Section 61(7.1) of the *CFSA*.

Parties

38. The following persons are parties to an application for review under section 61(7.1) of the *CFSA*:
- a) the applicant foster parent;
 - b) the Society;
 - c) if a child is an Indian or a native person, a representative chosen by the child's band or native community;
 - d) any other person the Board determines is necessary to decide all of the issues in the review.

Application

39. The application for review must be filed with the Board, by mail or facsimile, within 10 days after receiving a notice of the proposed removal from the Society, by completing the application for Removal of Crown Ward. (See Appendix Form 2)
40. Upon receipt of the application, the Board shall send a notice of receipt of the application to:
- a) the Society named in the application; and
 - b) if the child is an Indian or a Native person, to the representative chosen by the child's band or native community.

Eligibility

41. To be eligible for review, the application must meet the following criteria:
- a) the applicant must be the Crown ward's foster parent; and
 - b) the Crown ward must have been in the care of the foster parent for a continuous period of at least two years.
42. Within seven days of receipt of the application, the Board shall determine whether the application is eligible for review and will provide to the applicant its written decision on eligibility. If the application is eligible for review, the decision will be sent to the parties and will include notice of the date and time of the hearing, together with a copy of the application.

43. The decision on eligibility is deemed to have been received by the applicant:
 - a) if sent by mail, on the fifth day after it is mailed;
 - b) if sent by facsimile, on the next day after it is faxed, unless that day is a holiday, in which case, it is deemed to have been received on the next day that is not a holiday.

Hearing

44. The Board shall hold a hearing within 20 days of the day the applicant is deemed to have received the Board's eligibility decision.
45. On reviewing the society's decision, the Board must decide what action is in the best interests of the child and based on its determination, either confirm the society's proposal to remove the child or direct the society not to carry out the proposed removal. (Feb/08)
46. At the hearing before the Board, the society will present its case first. (Feb/08)

Decision

47. The Board, following conclusion of a hearing, shall provide each party and their representatives with a copy of the Board's decision, including written reasons for the decision, within 10 days.