

PART IV

Application for a Review of a Decision to Refuse to Place a Child for Adoption or a Decision to Remove a Child after Placement for Adoption under Section 144 (3) of the *CFSA*.

Parties

73. The following persons are parties to an application for review under section 144(3) of the *CFSA*:
- a) the applicant;
 - b) the Society or licensee; (May/09)
 - c) if a child is an Indian or a native person, a representative chosen by the child's and or native community;
 - d) any other person the Board determines is necessary to decide all of the issues in the review.

Application

74. The application for review must be filed with the Board, by mail or facsimile, within 10 days after receiving a notice of the decision to refuse to place a child or of the decision to remove a child after placement, by completing the application for Refusal of Adoption. (See Appendix Form 4).
75. Upon receipt of the application, the Board shall send a notice of receipt of the application:
- a) to the Society or licensee named in the application; (May/09)
 - b) if the child is an Indian or a Native person, to the representative chosen by the Child's band or native community.

Eligibility

76. To be eligible for review, the application must be filed by the person(s) to whom the notice of the Society's or licensee's decision was addressed.
77. 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 each of the parties and will include notice of the date and time of the hearing, together with a copy of the application.

78. 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

79. The Board shall hold a hearing within 20 days of the day the applicant is deemed to have received the Board's eligibility decision.
80. On reviewing the Society or licensee's decision, the Board must decide what action is in the best interests of the child and based on its determination, either confirm or rescind the decision under review. (Feb/08) (May/09)
81. At the hearing before the Board, the Society or licensee will present its case first. (Feb/08) (May/09)

Decision

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