Child protection cases can be overwhelming. This is especially true for Indigenous families, given the painful history and ongoing impacts of colonialism.

Knowing your rights and what to expect during the process can help you navigate this challenging and often confusing experience with greater clarity.

Wolastoqey Tribal Council Inc.

New Brunswick Law Foundation
Fondation pour le droit au Nouveau-Brunswick

For more information and for a full list of resources, visit our website.

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What to Do if

Your Child Is at Risk of Being Taken Away

by Child Welfare Authorities



If the Department Receives a Report Concerning My Child

During the investigation, the social worker assigned to your case will talk to you, your child, and other contacts they deem necessary. If you feel safe doing so, let them know if you and/or your child identify as First Nation, Inuk, or Métis. It may be important because **the law gives Indigenous children special rights** to their culture, heritage, traditions, and community.

Stay calm, record your notes, ask for details, give honest and clear answers, and consider bringing a trusted support person.

Potential Removal of a Child

If the department believes your child is in immediate danger, they may be removed from your home during the investigation.

A peace officer, such as a police officer or RCMP member, can carry out the removal if they see a serious risk. The department must notify you within 24 hours and, within five days, either return your child, make a safety agreement, or seek a court order. If your child is returned after five days, you have **30 days** to ask the court to review the removal. If the court denies your request, it will confirm the decision, which may affect school or custody matters.

Court Orders

If the department chooses to apply for a court order for protective or supervisory services, get a **lawyer or legal aid** right away.

If your child is removed, a court hearing will take place within **seven** days to decide whether the department had reasonable grounds. At this hearing, the court may:

- Dismiss the case;
- Return your child with supervision;
- Place your child with kin;
- Order temporary custody to another parent, kin, or the department;
- Transfer full custody to the department (used only in serious situations).

What Happens After the Investigation Is Concluded?

After the investigation, the department will decide whether your child is in danger and must inform you. If no protection is needed, the file may be closed but kept private, and it can be reopened if another report is made.



Wolastoqey Child and Family Laws and Services

In 2020, a federal law — *An Act Respecting First Nations, Inuit and Métis children, youth and families* (the "*Act*") — recognized First Nations' inherent jurisdiction over child and family services.

As of 2025, Neqotkuk (Tobique First Nation) is the only Wolastoqey First Nation that has made a law under the new *Act*. This law is focused on keeping families together, with its Child & Family Services Agency as the main provider. Other First Nations may have their own child and family services offices that provide support, help with provincial processes, and may also operate under their own child welfare rules or services.

For more information and for a full list of resources, visit our website.