

# Protection and In Care Policy and Procedure Manual

June 30, 2011



Child, Youth and Family Services

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## **INTRODUCTION**

On March 29, 2009, the Government of Newfoundland and Labrador announced the establishment of the Department of the Child, Youth and Family Services. A key goal of the Department is to revitalize the child protection system, guided by improved and progressive legislation, as well as to instill a culture of accountability and excellence in all Child, Youth and Family Services program areas.

The *Children and Youth Care and Protection Act SNL 2010, c. C-12.2* (the *Act*) is the legislative authority for the delivery of services to children, youth and families that includes; Protective Intervention Services, the In Care Program, Placement Resources for Children and Youth In Care and the Youth Services Program. The *Act* includes a clear purpose statement which is “to promote the safety and well-being of children and youth who are in need of protective intervention.” All interventions are based on children who are in need of protective intervention and a range of supports and services are provided to children, youth and families. These activities are aimed at reducing risk to children and youth to the point that such interventions are no longer required.

All services provided under the *Act* are the responsibility of the Department of Child, Youth and Family Services and will be delivered through four regions which are represented by 13 zones. The Department of Child, Youth and Family Services is responsible for protecting children and youth from maltreatment by their parents, and supporting their well-being and healthy development in families and the community through the provision of services and programs.

The *Act* provides clarification on responsibility for the development of policies, programs and standards and, evaluation and monitoring activities designed to support and enhance the delivery of services in the regions. The Division of Child Protection and In Care has the primary responsibility to oversee development, delivery and monitoring in collaboration with the Quality Division of the Department of Child, Youth and Family Services.

The new legislation contains significant updates and child-focused amendments which include reducing the number of temporary court orders for children in care; promoting improved permanency planning; requiring a detailed *Plan for the Child* to be filed with the courts; establishing a process for monitoring plans for children who are under the supervision of, or in the custody of a manager; and supporting youth in need of protection for longer periods as they transition into adulthood. Other highlights include recognizing the risk of emotional harm as grounds for protective intervention and introducing a new statutory legislative review process. Overall, this legislation will serve to better protect children and provide greater clarity to staff, community, clients and the courts.

## **THE HIGHLIGHTS OF THE ACT**

- Adds a clear purpose statement and principles that reflect the paramount importance of child-centred practice and policy;
- Extends continuous custody from 16 to 18 years of age;

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- Extends Youth Services Agreements from 18 to 19 years for eligible youth who are completing high school;
- Adds new grounds for protective intervention to include "risk of emotional harm";
- Adds new grounds for protective intervention in the home to include "living in a situation where there is a risk of violence";
- Ensures a detailed *Plan for the Child* is filed with the court;
- Provides new parameters around the access to and disclosure of information;
- Sets out timeframes for protective intervention orders and the number of orders allowed in a child's lifetime;
- Introduces a new statutory review process; and
- Clarifies and updates terminology.

## **BEST INTEREST PRINCIPLES**

Section 9 of the *Act* provides the legislated principles to govern the provision of services to children and youth. The best interest of children is paramount in any decision made under this legislation. The *Act* outlines the relevant factors that shall be considered in determining a child's best interest. These factors include:

- the child or youth's safety, health and well being;
- the child or youth's physical, emotional and developmental needs;
- the child or youth's relationship with family or a person significant to the child or youth;
- the child or youth's identity and cultural and community connections;
- the child or youth's opinion regarding his or her care and custody or the provision of services; and
- the importance of stability and permanency in the context of the child or youth.

## **PROGRAMS**

All protective intervention activities occur within the legal context of the programs that are mandated under the *Act*. In some cases, services may be provided to children and families to mitigate risk while a child is residing at home. When the safety, health and well being of a child cannot be assured, a more intrusive measure must be taken through an application to a court for a determination that the child is in need of protective intervention. Only the court can make a legal finding that a child is in need of protective intervention. Where a protective intervention case leads to a criminal investigation or charges, all criminal matters are heard in either the Provincial Court or the Supreme Court of Newfoundland and Labrador, Trial Division.

## **COURT PROCEEDINGS**

Legal proceedings under the *Act* are heard in the Supreme Court of Newfoundland and Labrador, Trial Division (Family) in St. John's and Corner Brook and the Provincial Court in all other areas of the Province. Proceedings under the *Act* are considered to be civil actions and not intended to be of an adversarial nature.

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The courts have a responsibility to:

- safeguard the legal and civil rights of both the children and adults;
- adjudicate at Presentation Hearings and Protective Intervention Hearings when determining if a child is in need of protective intervention; and
- ensure that the actions taken by the manager and his/her representatives are in accordance with the requirements of the *Act*.

Services are also provided to youth who are deemed to be in need of protective intervention and require out of home supports to ensure their safety, well being and transition into early adulthood.

#### **POLICY AND PROCEDUES MANUAL FORMAT**

All policies in the *Protection and In Care Services Policy and Procedure Manual June 30, 2011*, (the Manual) are formatted in a consistent manner and will replace all existing program policy. All policies and forms are numbered in a consistent manner in accordance with departmental information management systems. Each policy includes an effective and revision date for tracking and updating purposes.

The Manual also includes policy statements that provide general direction and a procedures section that provides general or specific direction (where possible) on the policy requirements. In addition to policy and procedures, all forms noted throughout the Manual are available through the regional office.

#### **UPDATES TO POLICY**

Policy review processes will continue as required through continued consultation with regional staff to ensure policy is well informed, that updates are provided through the monitoring of activities designed to determine the efficiency and effectiveness of policies and continued education on current and best practices in this field. Regular review of policy will also be conducted through the program consultant staff in the Division of Child Protection and In Care.

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**GLOSSARY OF TERMS**

- Abducted Child/Youth:** a child or youth who has been led away, in secret or by force, from their residence, school or community.
- Bridging Provision:** allows for an existing supervision or temporary custody order, granted pursuant to Subsection 32(2) of the *CYCP Act*, to remain in effect until an application for a subsequent order is heard in court and an order is granted. For the Bridging Provision to come into effect, the application for a subsequent order must be filed with the court before the expiration of the existing order.
- Care:** the physical daily care and nurturing of a child/youth (Subsection 2(1)(b) of the *CYCP Act*).
- Child:** a person actually or apparently under the age of 16 years (Subsection 2(1)(c) of the *CYCP Act*).
- Child Maltreatment:** the non-accidental infliction of injury or harm to a child by a parent, or the injury or harm of a child by another person and the parent does not protect the child. Child maltreatment includes the physical, sexual or emotional abuse of a child.
- Child Welfare Allowance:** a program available to provide support and financial services to relatives or significant others who are willing and capable of providing care to a child who is in need of protective intervention and, if relatives or significant others were not available; the child would have to be placed with a foster parent
- Child/Youth Absent Without Permission:** a child or youth who breaks curfew, leaves their placement without permission, or does not return to their placement at the expected time.
- Client Disclosure File:** a file created separate from the client file to maintain all correspondence and work completed regarding a request for information from a CYFS record.
- Client File:** an electronic or hard copy of all client documentation and interventions.
- Cohabiting Youth:** two people who are residing together in a conjugal relationship outside of marriage, and the relationship fits one or more of the following criteria:  
a) the two people share economic interdependence;

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- b) there are parental connections between the two people based on evidence of shared dependents and the sharing of parental roles; or
- c) the societal perception of the two people is that they present themselves as a couple in the community.

**Collateral Source:** a person/agency that is connected to the child or family that may have information required for a protective intervention investigation.

**Continuous Custody:** a custodial arrangement in which a manager becomes the sole custodian of the child/youth and has the right to make all decisions regarding the child/youth including medical decisions. The manager or a social worker may consent to the provision of medical treatment for the child/youth, and the manager may consent to the adoption of the child/youth under the *Adoption Act*.

**Court:** the Supreme Court of Newfoundland and Labrador Trial Division (Family) or the Provincial Court.

**Custody:** the rights and responsibilities of a parent with respect to a child/youth (Subsection 2(1)(e) of *CYCP Act*).

**Day:** every day (except Saturdays, Sundays, and government holidays recognized by field services) unless the time period specified is six (6) days or more in which case “days” means calendar days.

**Educational or Rehabilitation Program:** includes a post-secondary certificate, diploma or degree program, a high school equivalency program, or pre-employment program; employment, life skills or career development program; mental health and addictions treatment program, day program for youth with developmental disabilities or a physical rehabilitation program prescribed by the youth’s physician.

**Excepted Information:** information contained in a client record that is protected from release and includes referral sources, information that is subject to solicitor-client privilege, information pertaining to an adoption of a child (*Adoption Act*), information under the *Youth Criminal Justice Act*, information that may interfere with a criminal investigation and/or third party information.

**Facsimile:** a record produced by electronic means, or a written record of a telephone conversation made by both parties to the conversation while it is in progress, and which the parties have confirmed as to its accuracy by reading their record of the conversation to one

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another at the end of the conversation (as per Subsection 22(3) of the *CYCP Act*).

- Foster Parent:** a person with whom a child/youth (who is in the care or custody of a manager) is placed for care with the approval of a manager and who, by agreement with a manager, has assumed responsibility for the care of the child/youth. A foster parent includes a family member or a person significant to the child/youth but does not include the parent of the child/youth (Subsection 2(1)(h) of the *CYCP Act*).
- Government Record:** records created or received by a public body in the conduct of its affairs and includes a cabinet record, transitory record or abandoned record (Subsection 2(b.1) of the *Management of Information Act*).
- Group Home:** a parent or staff model residential placement for the group care of children/youth in the care or custody of a manager. Group homes must be operated by a community-based incorporated board.
- High School Equivalency Program:** includes Adult Basic Education (ABE) programming, General Education Development (GED) preparation programs and literacy programs to prepare for ABE or GED program enrollment.
- In Care Planning Team:** a team of individuals involved in planning for the child/youth in care. The team must include the social worker for the child/youth and the social worker for the child/youth's parent(s); the child/youth (where developmentally appropriate); the parent(s) of the child or youth (if they are actively involved), foster parent(s) or residential staff person; and may also include other professionals working with the child/youth including extended family, significant others or other community partners.
- In Care Progress Report (IPR):** a comprehensive written report developed for each child/youth in care/custody by the social worker in consultation with the child/youth's planning team. The IPR will document the child/youth's progress on a number of developmental dimensions, outline the supports and services the child/youth requires, identify who will be responsible for linking the child/youth to identified supports and services, and monitor the goals and outcomes for the child/youth. The IPR will also monitor and document the implementation of the child/youth's contact with their parent(s), siblings, extended family, significant others, their community and culture as outlined in the Plan for the Child filed with the Court.

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- Income:** includes *earned* and *unearned* income:
- a) **Earned income** - money paid to a youth in exchange for labor;
  - b) **Unearned income** - money received by a youth that is not in exchange for labour, such as parental support (court or non-court ordered) paid directly to a youth, employment insurance benefits, pension income or stipends paid to youth to attend training.
- Information:** personal information obtained under the CYCP Act or a predecessor Act that is held in government records by, or is in the custody of or under the control of the Department, and includes information that is written, photographed, recorded or stored in any manner.
- Intake Prioritization:** a Risk Management System Guide used to determine the priority and immediacy of CYFS response to each report of alleged child maltreatment screened in for a protection investigation. The time it takes to respond to a report should correlate with the level of risk to the child.
- Interim Approval:** a one-time temporary approval of a non-relative foster home. The full non-relative foster parent PRIDE approval process must be completed within the time frames specified in the Placement Resources: Non-Relative Foster Home Approval Process policy.
- Interim Care:** a care arrangement for a child who is removed under Section 20 of the *CYCP Act*. The manager has interim care of the child until the child is returned, under Section 45, to the parent from whom the child was removed, or until a judge makes an order at a Presentation Hearing under Section 31. While the manager has interim care of the child the manager, or a social worker, may authorize a qualified health practitioner to examine the child and consent to necessary health care for the child where the parent cannot be contacted if, in the opinion of a qualified health practitioner, health care should be provided without delay (as per Section 24 of the *CYCP Act*).
- Interim Custody:** an order issued by the court at a Presentation Hearing or in accordance with Subsection 31(1)(e) of the *CYCP Act* where the child is placed in or remains in the custody of a manager until the conclusion of the Protective Intervention Hearing.
- Interim Services:** residential and supportive services offered to meet the youth's basic needs (food, clothing, shelter, and physical safety) until

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assessment of the youth's need for protective intervention is completed.

- Judge:** a judge of the court.
- Manager:** a person appointed by the Minister of the Department of Child, Youth and Family Services who exercises the powers and performs the duties that are conferred or imposed upon them by the *CYCP Act*.
- Missing Child/Youth:** a child or youth who is absent without permission and has not returned to his/her placement within five (5) hours, **or** has been absent without permission for less than five (5) hours and:
- a) is under 12 years of age;
  - b) has a disability (i.e. physical, intellectual, cognitive);
  - c) has a recent and repeated history of drug/alcohol/solvent use;
  - d) has suspected or known mental health issues;
  - e) has a diagnosed mental illness;
  - f) has a recent history of suicide attempts or suicidal ideation;
  - g) has a recent history self-harming behaviors;
  - h) there are severe weather conditions (i.e. blizzard);
  - i) has a medical condition that requires monitoring (i.e. diabetes and insulin dependent);
  - j) is suspected of or is associating with individuals who pose an immediate safety threat to the child/youth (i.e. violent offenders, pimps); and
  - k) any other risk factor that the social worker determines is likely to impact the child or youth's immediate safety.
- Missing Youth:** a youth who has signed a Youth Services Agreement and is living independently in the community is considered missing when:
- a) an individual contacts CYFS to report they have not seen or heard from a youth for a specified period of time and the lack of contact is out of character for the youth;
  - b) the youth did not arrive for a scheduled CYFS appointment and, concerned for the youth's safety and well-being, the youth's social worker designates the youth as missing; or
  - c) the police contact CYFS to report that a missing persons report has been filed on the youth.
- Necessary Health Care:** health care that is recommended by a qualified health practitioner. The treatment is such that, in the opinion of the qualified health practitioner, it should be provided without delay.

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<b>Necessary Medical Treatment:</b>	medical treatment that is recommended by a qualified health practitioner. The treatment is such that, in the opinion of the qualified health practitioner, treatment should be provided without delay.
<b>Net Pay:</b>	the remaining earnings after deductions from gross earnings are made.
<b>Non-Custodial Parent:</b>	a parent of a child/youth who does not have custody but regularly exercises right of access.
<b>Non-Offending Parent:</b>	the parent not alleged to be involved in the maltreatment of the child.
<b>Order Set Aside:</b>	where a youth's written request to have an order of continuous custody set aside has been approved, the order is no longer in effect and a manager no longer has legal responsibility for the youth. Where an order is set aside the manager does not have a legal right to make decisions or consent to medical treatment on the youth's behalf.
<b>Parent of a Child/Youth:</b>	includes: <ul style="list-style-type: none"><li>a) the custodial mother;</li><li>b) the custodial father;</li><li>c) a custodial step-parent;</li><li>d) a non-custodial parent who regularly exercises, or attempts to exercise, right of access to the child/youth;</li><li>e) a person to whom custody of a child/youth has been granted by a written agreement or by a court order; or</li><li>f) a person who is responsible for the child or youth's care and with whom the child or youth resides, except a foster parent</li></ul>
<b>Party:</b>	the person(s) named in the Application as an applicant or respondent in a court proceeding.
<b>Peace Officer:</b>	a member of the Royal Newfoundland Constabulary or a member of the Royal Canadian Mounted Police, and includes a person approved by the Attorney General to perform the duties of a peace officer (Section 2(n) of the <i>CYCP Act</i> ).
<b>Personal Service:</b>	the person who is being served should personally receive the documents.
<b>Placement:</b>	an approved foster home, group home or other residential placement, including an out-of-province residential treatment program in which a child or youth is residing.

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- Placement Card:** a template containing specific information about a child or youth that is given to a foster parent or a residential care provider at the time of placement.
- Plan for the Child:** the plan for the child(ren) (in accordance with Section 29 of the *CYCP Act*) that is filed with the court after a social worker has filed an Application for Protective Intervention Hearing requesting a supervision or custody order. The Plan for the Child outlines prior involvement with the child(ren) and family, the child protection concerns, and the recommended services and interventions to address these concerns. In cases where the child(ren) has been removed and is In Care, the Plan for the Child outlines the efforts planned to maintain the child(ren)'s contact with the parent, family or other person significant to the child(ren) and a description of the arrangements made or being made to recognize the importance of the child(ren)'s identity and cultural and community connections.
- Preliminary Approval:** a short term, expedited approval of a relative/significant other foster home which enables a child/youth to be quickly and safely placed with a familiar person(s). The full approval process must be completed within the time frames specified in the Placement Resources: Relative/Significant Other Foster Home Approval.
- Presentation Hearing:** an initial hearing held informally before a judge to consider the circumstances surrounding the child(ren)'s removal, and to determine whether there is sufficient evidence to proceed to the Protective Intervention Hearing. The court shall determine what interim order is appropriate until a more comprehensive hearing is held to determine whether the child(ren) are in need of protective intervention. The Presentation Hearing is an important prelude to the Protective Intervention Hearing but may result in the judge making a final order (in accordance with Section 32 of the *CYCP Act*), thus removing the necessity for a Protective Intervention Hearing.
- PRIDE:** Parent Resources for Information Development and Education. A standardized competency-based model for recruiting, preparing, and assessing foster and adoptive parents. It also refers to ongoing training components for approved foster families.
- Proceeding:** any appearance in court resulting from a court application.

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**Protective Intervention Hearing:**

a hearing held after a Presentation Hearing if the matter has not been resolved at the Presentation Hearing. At the Protective Intervention Hearing, the judge will hear evidence, determine whether a child is in need of protective intervention and give a final order (in accordance with Subsection 32(2) of the *CYCP Act*) with respect to the application before the court.

**Protection Investigation:**

the process of responding to a complaint of alleged child maltreatment to assess the immediate risk to the child, and to determine the child's need for protective intervention. It involves interviewing and observing the child in need of protective intervention and interviewing their siblings, parents and collateral sources; gathering information through the agency's records and through checks with the police, school, medical records, and any other means necessary. Depending on the allegation, the investigation may require joint interviews with the police.

**Protection Investigation Plan:**

the initial plan for conducting the protection investigation. It identifies the social worker assigned for the investigation, identifies who will conduct the interviews, when the interviews will take place, and whether police involvement is required.

**Protective Care Agreement:**

a written agreement that allows a parent(s) to transfer care and supervision of a child to a manager of CYFS. A Protective Care Agreement does not transfer custody of the child to a manager.

**Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories:**

a framework for the provision of consistent, quality services to children and families moving between provinces and territories.

**Public Body:**

a department created under the *Executive Council Act*, or a branch of the executive government of the province; a corporation, the ownership of which, or a majority of shares of which, is vested in the Crown; a corporation, commission, board or body, the majority of the members of which, or the majority of members of the board of directors of which, are appointed by an Act, the Lieutenant-Governor in Council or a minister, a local public body, or the House of Assembly and statutory offices, as defined in the House of Assembly *Accountability, Integrity and Administration Act* (Subsection 2(p) of *ATIPPA*).

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<b>Qualified Health Practitioner:</b>	a physician, nurse, nurse practitioner, licensed practical nurse, dentist or dental hygienist.
<b>Reasonable Grounds:</b>	for child protection purposes, some reasonable and reliable information upon which the social worker determines that a child may be in need of protective intervention.
<b>Record:</b>	a correspondence, memorandum, form, paper, parchment, manuscript, map, plan, drawing, painting, print, photograph, magnetic tape, computer disc, microform, electronically produced document and other documentary material regardless of physical form or characteristic (Subsection 2(f) of <i>MI Act</i> ). Transitory records are not included.
<b>Referral Source:</b>	any individual who reports concerns of alleged abuse or maltreatment of a child to CYFS under Section 11 of the <i>CYCP Act</i> . The referral source may be a self-identified person or a person who wishes to remain anonymous.
<b>Relative/Significant Other Foster Parent:</b>	a family member or person significant to the child/youth with whom a child/youth (who is in the care or custody of a manager) is placed for care with the approval of a manager and who, by agreement with a manager, has assumed responsibility for the care of the child.
<b>Relevant Information:</b>	all information pertinent to <i>CYCP</i> court proceedings including information generated by CYFS, statements by experts and other prospective witnesses, and all other evidence required to present the manager's application that is not protected by law from production to third parties.
<b>Removal:</b>	a legal procedure whereby a child/youth, believed to be in need of protective intervention, has been removed from his/her parent's care and placed in the interim care of a manager until a judge makes an order at the Presentation Hearing.
<b>Report/Referral:</b>	information received under Section 11 of the <i>CYCP Act</i> that a child is, or may be, in need of protective intervention.
<b>Repudiate:</b>	To refuse to accept or support; to have nothing to do with; to enounce; to reject.

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- Residential Placement:** an approved board, lodging and associated supervisory, shelter or group care for a child/youth who is in the care or custody of a manager (Subsection 2(1)(q) of the *CYCP Act*).
- Residential Services:** includes monthly financial and supportive services provided to youth in need of protective intervention who are living outside the parental home and who have signed a Youth Services Agreement.
- Residing Independently in the Community:** a youth who is residing outside the parental home in an apartment, board, lodging or bedsitting arrangement and has signed a Youth Services Agreement with CYFS.
- Risk Management System:** a formalized system for identifying, assessing, responding to and documenting the risk of child maltreatment throughout the life of a protective intervention case.
- Screening Decision:** a decision made by a social worker whether or not to accept a report of alleged child maltreatment for a Protection Investigation.
- Screened In Report:** a report of alleged child maltreatment that has been accepted for a Protection Investigation.
- Screened Out Report:** a report of alleged child maltreatment that has not been accepted for a Protection Investigation.
- Severing:** the process of reviewing the client file and removing information that is excepted from release in disclosure.
- Social Worker:** a person registered under the *Social Workers Association Act* and employed by the Department of Child, Youth and Family Service.
- Solicitor-Client Privilege:** confidential information/advice intended only for the client. This may include letters, emails, memos, faxes or contact notes that relate to legal opinions, legal strategy, and/or litigation.
- Subsequent Order:** an order granted when an application is filed with the court for another order under Subsection 32(2) of the *CYCP Act*.
- Substituted Service:** a type of service, other than personal service, permitted by the Rules of the Supreme Court, 1986 or the rules of the Provincial Court.
- Summer Employment:** income earned between the months of June and August as outlined in the Youth with Income policy.

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- Supervision Order:** an order issued by the court at a Presentation Hearing in accordance with Subsection 31(2)(b)(c) or (d) of the *CYCP Act*, or at a Protective Intervention Hearing in accordance with Subsection 32(2)(a) or (b) of the *CYCP Act*.
- Supportive Services:** services provided to youth who have signed a Youth Services Agreement. Supportive services may include social work support such as facilitating referrals to community agencies, crisis intervention, and case management services. Emergency funding for items or services that cannot be obtained from another source may also be provided.
- Telewarrant:** a time limited written order issued by a judge that gives a social worker the authority to enter premises, by force, where necessary to remove a child. A telewarrant is sought when a social worker cannot appear in person before a judge. By obtaining a telewarrant a social worker is receiving a judge's sanction to remove the child. A telewarrant also provides the authority for the police to become involved in assisting with the removal.
- Temporary Custody:** a custodial relationship in which the manager has custody of a child for a period specified by a court order and the manager or a social worker has the right to make all decisions regarding the child with the exception of medical consent. The manager or a social worker may consent to necessary medical treatment for the child as recommended by a qualified health practitioner, where the child's parent is unavailable or refuses to consent to the treatment.
- Temporary Custody Order:** an order issued by the court at a Presentation Hearing or Protective Intervention Hearing in accordance with Subsection 32(b) or (c) *CYCP Act*
- Third Party:** in relation to a request for access to a record or for personal information, third party refers to a person, group of persons or organization other than the person who made the request or a public body (Subsection 2(t) of *ATIPPA*).
- Timely Manner:** reasonable amount of time so as to allow the solicitor(s) representing the parent(s), or the parents representing themselves if they are not represented by legal counsel, to review the disclosure and be able to prepare for the court proceeding.

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- Transitory Record:** a government record of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record (Section 2(h) of *MI Act*). Transitory records include jot notes and draft documents.
- Warrant:** is a time limited written order issued by a judge that gives a social worker the authority to enter a premises, by force, where necessary to remove a child. By obtaining a warrant, a social worker is receiving a judge's sanction to remove the child. A warrant also provides the authority for the police to become involved in assisting with the removal.
- Youth:** a person who is 16 years of age or over but under 18 years of age.
- Youth Screening and Assessment Tool (YSAT):** a tool used by the social worker to complete an initial screening (intake) and assessment of a youth's need for protective intervention.

## OVERVIEW: PROTECTIVE INTERVENTION PROGRAM

*The Children and Youth Care and Protection Act (CYCP Act)* provides social workers with the legislative authority to assess and investigate information that a **child** is or may be at risk of maltreatment by omission or commission of the parent.

To guide social workers in carrying out the mandate to provide protective intervention services to children and families, the Newfoundland and Labrador *Risk Management System (RMS)* was developed. The RMS is a comprehensive approach to the assessment and investigation of risk. It facilitates clinical decision making by formalizing a system for identifying, assessing, and responding to the risk of **child maltreatment** throughout the life of a protective intervention file.

The tools in the RMS available to assist social workers in the investigation, assessment and ongoing protective intervention services include the:

- Safety Assessment which assists in the assessment of immediate safety of the child,
- Safety Plan which is required if interventions are necessary to ensure the safety of the child during the investigation,
- Risk Assessment Instrument which assists in identifying the factors which place the child at future risk of maltreatment and,
- The Family Centered Action Plan which is used as the primary planning tool with children and families to identify interventions targeted at risk reduction.

## DUTY TO REPORT

In accordance with 11 of the *CYCP Act* everyone in Newfoundland and Labrador has a duty to report information that a child is or may be in need of protective intervention. When the information is received a social worker will assess the information to determine if a *protection investigation* is required. If it is determined that an investigation is not required the parent will be notified that information was received and the reason for no further Child, Youth and Family Services (CYFS) involvement. When the decision is that an investigation is required the information is assigned to a social worker for follow up.

## INVESTIGATION AND ASSESSMENT

The investigation of all **referrals** of a child in need of protective intervention is the primary responsibility of the social worker. However an accurate investigation can only be completed through collaboration with the police, other professionals and community resources.

A *Protection Investigation* involves gathering information from a number of sources including:

- CYFS historical **records**;
  - collateral sources including police, medical and school personnel;
  - interviews with children, parents and siblings;
  - a social worker's own observations of the child, his/her siblings and parents; and,
  - information obtained from extended family members and others who have knowledge of the family situation.
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Upon conclusion of the [protection investigation](#) the social worker determines whether the child was harmed, i.e. if the allegations were verified and if on-going CYFS involvement with the family is required to ensure the safety and well being of the child. Providing for the child's safety and well being is an ongoing process for the social worker during involvement with a family.

## **LONG TERM PROTECTION SERVICES**

When a decision has been made that the file is to remain open for ongoing services the social worker identifies future risk to the child by completing a *Risk Assessment Instrument* (RAI). The assessment of risk for a child involves some of the most critical decisions made in the protective intervention program. During the RAI process the social worker works with the parent(s) to identify factors that create risk to the child and to assist the parent(s) in identifying their strengths and protective factors.

When the RAI is completed the social worker, together with the parent(s) develops a plan. The *Family Centered Action Plan* (FCAP) outlines the interventions and supports required to increase the parent's(s') ability to protect the child and reduce further risks. The social worker continues to provide support to the family and monitors the parent(s') progress in reducing the behaviours/conditions that create risk for the child. When risk to the child is reduced so that CYFS intervention is no longer required the file will be closed.

During the on-going work with the family the child's risk of harm may increase where he/she can no longer remain safely in the home. When this situation occurs the social worker will assess which options are available that will ensure the child's safety. Options may include:

- the child staying with a relative until the risk is reduced; or
- the social worker applying to the [court](#) for a warrant to remove the child from the parent(s') care.

## **REMOVAL OF CHILDREN**

When a child is removed from the parent (s') care they will be placed in an approved placement. The social worker is required to prepare all required court documents and serve notices to the parent(s). One of the documents that must be presented to the Court is a *Plan for the Child*. In this plan, the social worker identifies presenting issues and risk factors that need to be addressed, the services and supports the parent(s) must participate in to address these issues and risk factors, the responsibilities of the social worker in providing the required services, anticipated length of time necessary for participation in those services and the indicators that demonstrate when the child can safely return home. The plan also outlines when contact with the parent(s) will occur and whether the contact is required to be supervised.

At the time of the removal the social worker applies to the Court for a [Protective Intervention Hearing](#). During the hearing the [Judge](#) hears testimony from the social worker(s), the parent(s) and other professionals involved with the family. At the conclusion of the hearing the Judge will make a declaration whether or not the child is in need of protective intervention.

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## OVERVIEW OF RISK MANAGEMENT SYSTEM

**Policy no.: 1.2**

**Effective Date: March 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:**

**Legislative References:**

**PURPOSE:** To provide an overview of the Risk Decision Points (1-9) within the 2003 *Risk Management System* (RMS)

### **POLICY:**

1. The *RMS*, as outlined in the *RSM Manual, 2003*, shall be followed for all new, reopened and active cases in the Protective Intervention Program.
2. The *RMS* is a formalized system for identifying, assessing, responding to, and documenting the risk of **child maltreatment** throughout the life of a protective intervention case. RMS involves the use of assessment tools and specific risk assessment instruments to supplement the social worker's clinical judgement when determining the level of risk to a **child** throughout the life of a case.

### **PROCEDURES:**

1. The *RMS* consists of nine key risk decision points. Please refer to the *RMS Manual, 2003* for full explanation of the standards, commentary, recording requirements and clinical application. The following provides an outline of the standards for each Risk Decision Point.

### **RISK DECISION #1: SHOULD THE CHILD PROTECTION REPORT BE ACCEPTED FOR INVESTIGATION?**

#### **STANDARD:**

1. All referrals on new, reopened and active cases shall be recorded on the Child Protection Report Form 14-704, as soon as possible and no later than 24 hours after the report is received.
2. The Initial Intake Report Form 14-696 shall be completed for all referrals, as soon as possible and no later than 24 hours after the report is received.

3. The decision to **screen in or screen out** a Child Protection Report for investigation must be made, no later than 24 hours after the report is received by the **manager**. Depending on the nature of the report, the decision to accept the report may need to be made immediately. The supervisor must review and sign approval of the social worker's recommendation within 7 **days**.

**RISK DECISION #2: WHAT IS THE RESPONSE TIME?****STANDARD:**

1. The child alleged to have been maltreated must be seen as soon as possible and no later than 72 hours after the receipt of the report.
2. The social worker must determine the response priority and document it on the Initial Intake Report, Form 14-696, as soon as possible and no later than 24 hours after the report is received.

**RISK DECISION #3: IS THE CHILD SAFE NOW?****STANDARD:**

1. The social worker must complete a face to face interview with any child defined to be a child in need of protective intervention or a face to face contact where an interview is not developmentally appropriate.
2. The social worker must complete the Safety Assessment Form 14-628 as soon as possible, and within 24 hours of seeing the child.
3. The social worker must consult with a supervisor after completing the Safety Assessment and the Safety Plan and receive written approval of both.

**RISK DECISION #4: ARE CHILD PROTECTION CONCERNS VERIFIED?****STANDARD:**

1. The social worker must determine if the allegations in the Child Protection Report are verified within 30 days after the report is received.
2. The decision regarding whether a report is verified or not verified must be documented on the Verification Decision Form 14-856 and approved by the supervisor.

**RISK DECISION #5: IS THE CHILD IN NEED OF PROTECTIVE INTERVENTION?****STANDARD:**

1. Following the investigation and within 30 days after the Child Protection Report is

received, the social worker must determine whether there are reasonable and probable grounds to believe that the child is in need of protective intervention.

2. The social worker must document the decision and the reasons to support the decision in the Assessment/Investigative Summary, which must be approved by the supervisor.

#### **RISK DECISION #6: IS THE CHILD AT RISK OF FUTURE HARM**

##### **STANDARD:**

1. The social worker must complete the Risk Assessment Instrument within 60 days of receipt of the Child Protection Report, where it is determined that a child is in need of protective intervention.
2. The Risk Assessment Instrument must be completed at minimum once every 6 months for high risk and moderately high risk ratings and at critical points in the case.
3. The Risk Assessment Instrument must be completed at minimum once every 9 months for medium risk and moderately low risk ratings and at critical points in the case.
4. The Risk Assessment Form 14-827 and the Review of the Risk Assessment Form 14-857 must be approved by the supervisor within 60 days of receipt of the referral.
5. The social worker shall review the Risk Assessment Instrument when a new report is screened in on an active case.

#### **RISK DECISION #7: WHAT IS THE FAMILY CENTERED ACTION PLAN?**

##### **STANDARD:**

1. The social worker must complete, with the family, a Family Centered Action Plan -Form 14-858. This must include a face to face interview, if developmentally appropriate, or face to face contact if not, with any child defined to be in need of protective intervention and the case remains open.
2. The Family Centered Action Plan-Form 14-858 must be completed within 60 days of receipt of the Child Protection Report where the Social Worker determines intervention is required beyond the 60 day assessment period.
3. The social worker must consult with the supervisor in the development of the Family Centered Action Plan. The Family Centered Action Plan must be approved by the supervisor.
4. A copy of the Family Centered Action Plan must be provided to the family. The plan must be reviewed with any child deemed to be in need of protective intervention and a copy provided to a child 12 years of age or older, where appropriate.

**RISK DECISION #8: HAS THE FAMILY CENTERED ACTION PLAN BEEN REVIEWED/REVISED?****STANDARD:**

1. The social worker must, at minimum, review and revise the Family Centered Action Plan- Form 14-858 with the family and obtain supervisory approval no longer than 6 months after the initial plan is developed for high risk and moderately high risk rating and every 6 months thereafter.
2. The social worker must, at minimum, review the Family Centered Action Plan- Form 14-858 with the family and obtain supervisory approval no longer than 9 months after the initial plan is developed, for medium risk and moderately low risk ratings and every 9 months thereafter.
3. The social worker must revise the Family Centered Action Plan whenever the Risk Assessment Instrument is reviewed or when other assessments are completed.
4. As part of the review process the social worker must complete a face to face interview, when developmentally appropriate, with any child defined to be a child in need of protective intervention or a face to face contact where an interview is not developmentally appropriate.
5. A copy of the revised Family Centered Action Plan must be provided to the family. The revisions shall be reviewed with any child deemed to be in need of protective intervention and a copy provided to any child 12 years of age or older, where appropriate.

**RISK DECISION #9: SHOULD THE CASE BE CLOSED?****STANDARD:**

1. As part of the closure process a social worker must complete a face to face interview, or a face to face contact where an interview is not developmentally appropriate, with any child defined to be a child in need of protective intervention.
2. The social worker must review the Risk Assessment Tool and Family Centered Action Plan within 30 days of file closure.
3. The social worker must consult with the supervisor when making a decision to close a protective intervention case. The supervisor's approval is necessary before a case can be closed.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *RMS - Risk Management System Manual, 2003*
- *Child Protection Report*, Form 14-704
- *Initial Intake Report*, Form 14-696
- *Safety Assessment*, Form 14-628
- *Safety Plan*
- *Verification Decision*, Form 14-856
- *Investigative Summary*
- *Risk Assessment Instrument*, Form 14-827
- *Review of the RAI*, Form 14-857
- *Family Centered Action Plan (FCAP)*, Form 14-858

## DETERMINING THE NEED FOR PROTECTIVE INTERVENTION

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**Policy no.: 1.3****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Duty to Report; Interview of a Child**Legislative References:** **s.10** Definition of a child in need of protective intervention; **s.11** Duty to report; **s.12** Determining the need for protective intervention; **s.14** Interview of child; **Part IV** Court Proceedings

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**PURPOSE:** To outline the process for determining the need for protective intervention.**POLICY:**

1. The social worker shall assess information received under s.12 (1) of the *CYCP Act* to determine whether a *Protection Investigation* is required.
2. When *reasonable grounds* exist to believe that a child is in need of protective intervention due to the action or inaction of a parent, a protection investigation shall take place following the standards set out in the *Risk Management System (RMS)*.
3. Where it is determined, upon assessment of the information, that a protection investigation is not required, the social worker may refer the child or the child's parent(s) to other services.
4. If, after a *Protection Investigation*, the social worker determines that a child is in need of protective intervention and subsequently completes the *Risk Assessment Instrument (RAI)*, the social worker shall enter into a *Family Centered Action Plan (FCAP)* with the parent outlining the plan for the child as per s.12(2) of the *CYCP Act*.
5. In situations where it is determined that a child's need for protective intervention **cannot** be met though the goals set out in the *FCAP*, the social worker shall consult with a supervisor to determine what further action under the *CYCP Act*, may be required to protect the child.
6. The police shall be notified immediately when the information indicates physical or sexual abuse of a child, or indicates that a crime has been, or is about to be, committed which places a child at risk.

## PROCEDURES:

### Receiving Information - screen-in

1. The *CYCP Act* provides social workers with the legislative authority to assess and investigate information that a child is, or may be at risk of, maltreatment (physical, sexual or emotional abuse) according to the standards set out in the *Risk Management System (RMS)*.
2. When information is received alleging maltreatment of a child by a child's parent, an individual living in the child's home, or another individual, the social worker shall decide (i.e., screen) whether or not there are reasonable grounds to accept the information for an investigation. This **screening decision** involves a clinical assessment of:
  - a) the details regarding the current incident and whether the information indicates a parent acted to protect the child;
  - b) the family's child welfare history and any previous **referrals**;
  - c) the social worker's professional knowledge of the dynamics of **child maltreatment**;
  - d) the factors that increase risk;
  - e) the child's vulnerability;
  - f) the family's strengths and needs; and ,
  - g) risk indicators and protective factors.

It is through this clinical assessment that the social worker establishes the most appropriate response required to determine if the child is in need of protective intervention.

3. Depending on the outcome of the clinical assessment, the social worker shall take whatever action is necessary to determine if the child is at risk of harm, and if the parent is deemed protective of the child. The CYFS response may range from screening-out the information resulting in no further action; gathering more information (e.g., through telephone contact with collaterals before making the screening decision); or screening-in the information immediately for an investigation.
4. When information is received alleging abuse of a child by someone other than the parent the responsibility for the protection of the child rests with the parent. Protective intervention is not warranted unless the information received during the initial assessment indicates that the action or inaction of the parent has or is contributing to the child being at risk.
5. The social worker may contact the parent prior to making the screening decision in order to assess the parent's protectiveness if it is not clear if the parent has been or is being protective of the child when assessing information alleging abuse or a child by someone other than the parent.

6. When the assessment of information has determined that the parent has harmed the child, either through acts of commission or omission, or may have failed to protect the child, the information will be screened-in under s.10 of the *CYCP Act* for an investigation.
7. The social worker will follow the *Intake Prioritization Guidelines* outlined in the *RMS* to determine the time frame for initiating an investigation. The response time is directly related to risk of harm to the child. Deciding on an appropriate response time is a matter of clinical judgment.

### Reporting to the Police

8. When the information alleges that the child has been physically or sexually abused, a joint decision will be made by CYFS and the police as to the most appropriate means of investigation. If the decision is for a joint forensic investigation, the social worker and police officer shall follow the *Stepwise Interview Protocol* found in the Collaborative Approach to the Investigation of Child Sexual Abuse Training Manual.

### Investigation

9. The first priority for the social worker in the investigation is determining the immediate safety of the child. The social worker shall assess the child's safety through completion of the *Safety Assessment* as outlined in the *RMS*.
10. The family shall be informed as to why an investigation is required, advised of the investigative process, and advised of their rights during that process.
11. The social worker, when conducting investigative interviews, shall disclose that they are investigating an allegation of child maltreatment. However, the details of the allegation/report are to be kept confidential.
12. Parental consents are not required to obtain information from individuals involved with the family (i.e., a counsellor). However, where possible, the social worker shall obtain consent for the release of information.
13. Through the investigation, the social worker shall determine if the parent's action or lack of appropriate action resulted in the child being harmed, if the parent has the capacity to protect the child from further harm, and if the child is in need of protective intervention.
14. The social worker, when requested to do so by a parent, may provide the outcome of the investigation in writing to the parent following the letter template Referral Investigated. The letter shall be signed by the social worker and a supervisor unless there are complicating factors that require a **manager's** signature. If there are extenuating circumstances that require more detail, then the letter shall be vetted through a CYFS solicitor prior to its release to the parent. The letter shall be sent to the parent through Registered Mail.

### Determining the Need for Protective Intervention

15. The social worker, in consultation with the supervisor, shall analyze the information gathered during the intake and the investigation processes to determine if the allegations are verified, and if the child is in need of ongoing protective intervention.
16. There are four possible outcomes to the investigation (that are discussed further in the RMS Manual) as follows:
  - a) allegation(s) is not verified and the child is not in need of protective intervention;
  - b) allegation(s) is verified but the child is not in need of protective intervention;
  - c) allegation(s) not verified but the child is in need of protective intervention; or
  - d) allegation(s) is verified and the child is in need of protective intervention.

### Referral on an Active File

17. Information alleging maltreatment of a child who is receiving services through the Protective Intervention Program shall be assessed to determine if the information is new information requiring an investigation, or if the information is follow-up information on the active case.
18. When information is received alleging abuse of a child by someone other than a parent and the child is already receiving services through the protective intervention program the social worker will determine the level of support/involvement required including an assessment of the parent's protectiveness.

### Information on Pregnant Woman Who Does Not Have an Active File

19. CYFS does not have the legislative authority under the *CYCP* Act to respond in situations of unborn children. However, CYFS will accept information advising that a pregnant woman, who is not receiving services from CYFS, is participating in behaviors that may place a newborn at risk of maltreatment. These details may allow CYFS to act immediately upon the child's birth. CYFS will **not** contact other individuals/family members to obtain additional information on the individual.
20. In situations where CYFS receives information advising that a pregnant woman, who is not receiving services from CYFS, is participating in behaviors that may place a newborn at risk of maltreatment, the social worker will consult with a supervisor to determine if the information is to be referred to an investigating social worker to:
  - a) notify the hospital maternity ward to request that CYFS be notified when the baby is born;
  - b) plan with the hospital, if necessary, around the child's [removal](#);
  - c) post an alert, including directions for CYFS response, in the *On Call System*;
  - d) if necessary, send an alert to other regions/provinces;
  - e) review historical file information; and,

- f) prepare court documents.
21. Prior to the birth of the baby, the social worker shall document any involvement in the Other CYCP Services – Red Flag. Immediately following the birth of the child the information shall be screened in under s.10 for an investigation and a Protective Intervention Program shall be opened.

### **Referral on a Child Residing in Another Zone**

22. When information is received regarding a child who is living within the province but outside of the region, the social worker will continue to take the information, and advise the reporter that the information will be referred on to the correct region. The social worker shall provide the reporter with the phone number of the appropriate office and encourage him/her to call that office with any additional information as per the Duty to Report policy and procedures.

### **Exceptional Circumstances**

23. The decision to provide services when a child is not in need of protective intervention must be made between a manager and the Provincial Director.
24. When a social worker receives a request for services from a child or a child's parent after it has been determined, either at screening or after an investigation, that the child is not in need of protective intervention, the social worker shall bring the request for services to a manager. The manager, in consultation with the Provincial Director, will make the decision whether or not to provide the requested service.
25. When a manager and the Provincial Director approve the provision of services in this exceptional circumstance the social worker shall open the Other CYCP Services - Exceptional Circumstances program on CRMS. All involvement with the child or the child's parent shall be documented in this program.
26. The social worker will meet with the family to develop a plan with respect to the service being requested by the child or the child's parent. The plan will document the reason CYFS involvement is being requested, the service(s) to be provided, the steps necessary to obtain the service(s) and the timeline for the provision of the service.
27. The provision of services to a child who is not in need of protective intervention does not carry the same legal requirements under the CYCP Act as does the provision of mandated protective intervention services. Protective Intervention services are provided according to the standards set out in RMS.

### **Referral Screened-Out**

28. The social worker's clinical assessment of the information alleging [child maltreatment](#) may determine that there are no reasonable grounds to investigate the report. When the

decision is made not to complete an investigation, the social worker, with the supervisor's approval, will contact the parent(s) and:

- a) advise them of the information and the decision made by CYFS not to respond to the report;
- b) advise them that the information will be retained by CYFS;
- c) advise them of any action taken by CYFS, for example, referring the information on to the police.

### **Planning for Children in Need of Protective Intervention-Ongoing**

29. Family Centered Action Plan (FCAP) - The social worker, where it is determined that the child is in need of ongoing protective intervention and upon completion of the RAI, shall enter into a written agreement with the parent(s) outlining the plan for the child. The written agreement is documented on the Family Centered Action Plan (FCAP). The FCAP identifies the risk factors to be addressed, the family strengths, the desired outcomes, the activities necessary to reach the outcomes, and who will be responsible for the activities.

30. Interventions with maltreated children and their families must be planned and purposeful. Participation of the child and family in the development of the FCAP is essential as is consultation with collaterals and service providers. The social worker shall discuss with the family the benefits of working together to develop the FCAP.

### **Other Actions Required to Protect a Child**

31. When protection of a child cannot be met through the interventions and services provided to the family through the FCAP and the child remains at risk, a social worker may take other actions under the CYCP Act to protect the child. For example, the social worker, in consultation with a supervisor, may determine that the child's safety can only be met through filing an application with the Court for a [Protective Intervention Hearing](#) and an order that the child is in need of protective intervention.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Risk Management System Manual, 2003*
- *Child Protection Report, Form 14-704*
- *Initial Intake Report, Form 14-696*
- *Safety Assessment, Form 14-628*
- *Family Centered Action Plan (FCAP), Form 14-858*
- *Referral Investigated Letter Template*
- *Memorandum of Understanding on Information Sharing, Appendix A*
- *Collaborative Approach for the Investigation of Child Sexual Abuse Training Manual*
- *Introduction to Family Violence Training Manual*
- *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories, Appendix B*

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## DEFINITION OF CHILD IN NEED OF PROTECTIVE INTERVENTION

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**Policy no.: 1.4****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** s.10 Definition of child in need of protective intervention; s.12 Determining the need for protective intervention

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**PURPOSE:** To outline the definition of a child in need of protective intervention.

**POLICY:**

1. A child shall be defined as a child in need of protective intervention in accordance with the statutory provisions set out in s.10 of the *CYCP Act*.
2. The definitions of a child in need of protective intervention, as outlined in s.10 of the *CYCP Act*, shall apply when screening information received under s.12(1) and in making applications to the court.
3. The *Risk Management System (RMS)* shall be followed to determine whether or not a child is in need of protective intervention.

**PROCEDURES:**

1. The social worker shall apply the following definitions when screening information received under s.12 of the *CYCP Act* or when making applications to the court. A child is in need of protective intervention where the child:
  - a) is being, or is at risk of being, physically harmed by the action or lack of appropriate action by the child's parent;
  - b) is being, or is at risk of being, sexually abused or exploited by the child's parent;
  - c) is being, or is at risk of being, emotionally harmed by the parent's conduct and there are **reasonable grounds** to believe that the emotional harm suffered by the child or that may be suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent;
  - d) is being, or is at risk of being, physically harmed by a person and the child's parent does not protect the child;
  - e) is being, or is at risk of being, sexually abused or exploited by a person and the child's parent does not protect the child;

- f) is being, or is at risk of being, emotionally harmed by a person and the child's parent does not protect the child;
- g) is in the **custody** of a parent who refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment to be given to the child when recommended by a **qualified health practitioner**;
- h) is abandoned;
- i) has no living parent and no adequate provision has been made for the child's care;
- j) has no parent available to care for the child and the parent has not made adequate provision for the child's care;
- k) has no parent able or willing to care for the child;
- l) is living in a situation where there is violence or is living in a situation where there is a risk of violence;
- m) is living with a parent whose actions show a propensity to violence or who has allegedly killed or seriously injured another person;
- n) has been left without adequate supervision appropriate to the child's developmental level; or
- o) is actually, or apparently, under 12 years of age and has
  - (i) allegedly killed or seriously injured another person or has caused serious damage to another person's property; or
  - (ii) on more than one occasion caused injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing, either with the parent's encouragement or because the parent does not respond adequately to the situation.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Risk Management System Manual, 2003*

## POLICE INVOLVEMENT

**Policy no: 1.5**

**Effective Date: March 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Duty to Report; Determining the Need for Protective Intervention; Interview of Child; Memorandum of Understanding on Information Sharing

**Legislative References:** s.11 Duty to Report; s.12 Determining the need for protective intervention; s.14 Interview of child

**PURPOSE:** To outline the process for police involvement.

### **POLICY:**

1. All reports of suspected child maltreatment indicating physical or sexual abuse shall be forwarded immediately to the police.
2. A joint social work/police investigation of alleged physical or sexual abuse shall be conducted whenever possible.
3. A social worker may request the assistance of the police when carrying out orders issued under the *CYCP Act* and when determining the level of risk to the child or the social worker.

### **PROCEDURES:**

1. The social worker shall review each [referral](#), where possible in consultation with the supervisor, to determine the need for police involvement. In making this determination the following shall be considered:
  - a) The police shall be informed immediately of all referrals in which there is reason to believe a child is at risk of being sexually abused or exploited or physically harmed.
  - b) The police shall be informed immediately of all referrals in which there are reasons to believe that a crime has been or is about to be committed which places a child at risk. (This includes situations in which a child has injuries which are believed to be the result of abuse and situations where the child's life may be in danger because of an act or failure to act by the parent.)

2. The social worker shall make the initial referral to the police verbally and then follow up with the written *Child Protection Report* (CPR). In cases where it is determined that a child is at immediate risk the *CPR* must be faxed immediately to the police.
3. At the time of the CPR to the police a joint decision will be made, by the social worker and the police officer, as to the most appropriate and effective means of investigation. Some of the possibilities are:
  - [Protection investigation](#) only
  - Police investigation only
  - Parallel protection/police investigation
  - Joint protection/police investigation
4. In situations, where it appears that a child is at immediate risk and the police are not available to respond, the social worker shall take measures to ensure the protection of the child without, whenever possible, jeopardising the police investigation. The social worker shall endeavour to preserve possible evidence such as clothing worn at the time of a sexual assault.
5. Where a referral has been made to the police, the social worker shall not interview the alleged offender without prior consultation with the police.
6. The social worker shall receive information from the police where the police, upon responding to a situation, has identified a child who is or may be at risk of maltreatment; or when the police are given information alleging [child maltreatment](#) by a member of the public. The information is to be forwarded to CYFS on the *Child Protection Report*.
7. The social worker shall participate in a joint forensic interview with the police when required as part of an investigation of physical or sexual abuse of a child. The interview will follow the *Stepwise Interview Protocol*.
8. When required, the social worker shall request police assistance:
  - a) to enforce an Order issued under this *Act*;
  - b) when information indicates that the child and/or the social worker could be at risk by a family member or other person present in the home such as, situations of family violence or when a person's behaviour is unpredictable due to the influence of drugs or alcohol;
  - c) when forced entry to a home is necessary to ensure the safety of the child.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Child Protection Report* Form 14-704
- *Collaborative Approach for the Investigation of Child Sexual Abuse Training Manual*

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## MEMORANDUM OF UNDERSTANDING ON INFORMATION SHARING (MOU)

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**Policy no.:**1.6

**Effective Date:** March 2007

**Date Revised:**

**Policy Cross References:** Police Involvement

**Legislative References:**

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**PURPOSE:** To outline the process for the sharing of information between Child, Youth and Family Services and police agencies on matters relating to the protection of children.

### **POLICY:**

1. *The Memorandum of Understanding on Information Sharing (MOU)* between the Department of Child, Youth and Family Services, the Department of Justice, the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police shall be followed for inter-agency information sharing and the gathering of statistical data respecting child abuse in the province.
2. The *MOU* was created to assist each agency in the prompt identification of children at risk of abuse and to facilitate the effective and timely investigation and prosecution of offenders.

### **PROCEDURES:**

1. The social worker shall follow the procedures for the sharing of information as outlined in the *Memorandum of Understanding on Information Sharing: A Coordinated Response to Child Abuse (MOU)*.
2. *The Memorandum of Understanding on Information Sharing* is located in Appendix A of this manual.

**EXCEPTIONS TO POLICY:** None

### **RELEVANT DOCUMENTS:**

- *Memorandum of Understanding*

## INTERVIEW OF CHILD

**Policy no.:** 1.7

**Effective Date:** March 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Overview of Risk Management System

**Legislative References:** s.2 Interpretation; s.14 Interview of child

**PURPOSE:** To outline the procedure for observing/interviewing a child when conducting a [protection investigation](#) or ongoing assessment of risk.

### **POLICY:**

1. A social worker shall take all necessary steps to observe/interview a child who is, or may be, in need of protective intervention for the purposes of a protection investigation and for the on-going assessment of risk.
2. A social worker shall interview all siblings of a child defined to be in need of protective intervention as part of the protection investigation.
3. When a joint social worker/police interview occurs as part of an investigation of physical or sexual abuse of a child, the interview will follow the *Stepwise Interview Protocol*.
4. The parent(s) shall be notified of all interviews with his/her child.
5. The [Risk Management System](#) (RMS) shall be followed when observing/interviewing a child.

### **PROCEDURES:**

#### **General**

1. The social worker shall follow the *RMS* Standards when preparing for and interviewing/observing a child for the purposes of a *Protection Investigation* and for the ongoing assessment of risk.
2. The social worker shall review and become familiar with Appendix A, *Methods of Information Gathering*, of the *RMS Manual* prior to proceeding with an interview.

3. The social worker shall determine when and where the interview(s) shall take place and advise the supervisor of the interview plan.
4. The social worker shall provide the *Interview of Child* form when advising a person who has [custody](#) of, or who is entrusted with the care of the child, of the social worker's authority to have the child identified, and to observe/interview the child. A copy of the letter shall be placed on the client's file.
5. The social worker, prior to starting the interview shall confirm the child's identify with the child.
6. The social worker shall, where it is appropriate to do so, interview the child in private. A private interview is generally necessary in order to conduct an objective assessment.
7. The social worker shall advise the parent(s) of the interview with the child.

#### **Protection Investigation**

8. The social worker shall consult with a supervisor regarding who will be interviewed, and when and where the interviews will take place.
9. The social worker shall consider the child's wishes to have someone present during the interview unless having a support person present would jeopardize the [protection investigation](#).
10. The social worker shall observe/interview the child at the place the child is located unless the parent brings the child to another location.
11. The social worker shall, if required during a protection investigation, observe/interview the child on more than one occasion.
12. The social worker shall interview the child prior to the parent(s) being notified wherever possible. This is necessary to ensure the safety of the child, and to assist with obtaining corroborating evidence necessary in the verification of allegations.
13. The investigating social worker shall notify the parent, with whom the child resides, of the interview as soon as possible on the day of the interview.
14. In situations where the investigating social worker is not available to notify the parent, another CYFS social worker who is informed of the facts of the case will complete the notification.
15. The social worker shall notify the [non-custodial parent](#) of the child, as defined in 2 of the *CYCP Act*, of the interview.

16. The social worker shall document in the client's file the decision of when to notify the parent(s) in addition to any unsuccessful attempts to notify the parent(s).
17. The social worker, following the interview with the child alleged to be in need of protective intervention, shall interview the siblings, the **non-offending parent** and the offending parent. Where a referral has been made to the police, the social worker will not interview the alleged offender without prior consultation with the police.
18. The social worker may conduct interviews with individuals who have information about the family such as witnesses, significant others, school personnel, counsellors, community elders and other professionals involved with the family.
19. When required, the social worker shall participate in a joint forensic interview with the police following the *Stepwise Interview Protocol* when investigating allegations of physical or sexual abuse of a child.

#### **Ongoing Assessment of Risk**

20. The social worker, in establishing a working relationship with the parent(s), shall explain the role of CYFS in monitoring risk to a child. The process for monitoring risk includes interviews with the child and, depending on the circumstances, the interviews may have to take place prior to notifying the parent(s).
21. The social worker, in consultation with a supervisor, shall determine if the child will be interviewed prior to the parent(s) being notified.
22. The social worker shall interview the child in private, where it is appropriate to do so, either at the place the child is located or in the child's home.
23. The social worker shall notify the parent(s) of the interview with the child.

**EXCEPTIONS TO POLICY:** None

#### **RELEVANT DOCUMENTS:**

- *Risk Management Manual, 2003*
- *Interview of Child*, Form 41-02
- *Collaborative Approach to the Investigation of Child Sexual Abuse Training Manual*

## SHORT TERM CARE IN THE HOME

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**Policy no.: 1.8****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** s.19 Short term care in the home

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**PURPOSE:** To outline the process for the provision of short term care in the home when premises are entered and it is believed that the **child** is without adequate supervision.

**POLICY:**

1. The social worker, when it is believed that a child is without adequate supervision, may arrange for short term care in the home. This care shall **not exceed 72 hours**.
2. The social worker shall approve a person to provide care in the home.
3. The social worker shall make all reasonable efforts to notify the child's parent(s) of the action(s) taken by the social worker.

**PROCEDURES:**

1. The purpose of this provision is to avoid the **removal** of the child, where a person significant to the child could care for the child safely. The care in the home will provide a suitable and safe arrangement for the child until other supervision, which is considered adequate by the social worker, becomes available or the parent(s) return home. Short term care in the home shall **not exceed 72 hours**.
2. The social worker, when arranging care in the home, may approve a relative or a person significant to the child to provide care.
3. All reasonable efforts shall be made to locate and notify the child's parent(s). These efforts may include:
  - a) making inquiries about the parent's location in the premises where the child was found;
  - b) contacting other family members, friends, neighbors or employers, or advising the police; and

- c) ensuring that everyone contacted is aware of who the parent should contact if the parent inquires about the child.
4. The social worker, where the child continues to need care **after 72 hours**, shall complete further assessment of the child's risk and, in consultation with a supervisor, determine what further action under the *CYCP Act* may be required to protect the child.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## PROTECTIVE CARE AGREEMENTS

**Policy no.: 1.9****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Removal of Child without a Warrant; Youth Services Agreements**Legislative References:** s.12 Determining the need for protective intervention; s.20 Removal of child

**PURPOSE:** To identify when a *Protective Care Agreement* may be used and to outline the process for entering into a *Protective Care Agreement* with a parent(s) when a child is in need of protective intervention.

**POLICY:**

1. When a child is in need of protective intervention, a *Protective Care Agreement* (PCA) may be considered as an alternative to the **removal** of a child when:
  - a) supportive services and informal care by family or significant others are unavailable or inadequate to ensure the child's safety;
  - b) the social worker and the parent agree that out-of-home care is necessary to ensure the child's safety;
  - c) the parent agrees to a plan for the child that includes maintaining regular contact and involvement with the child;
  - d) a plan is developed with the parent to reduce the risks that cause the child to be in need of protective intervention; and
  - e) reunification of the child and family is expected to occur within the timeframes outlined in this policy.
2. There shall only be one *PCA* signed in the life of a child.

**PROCEDURES:**

1. Prior to entering into a *PCA* with a parent, the social worker shall:
  - a) ensure no other less intrusive options are available that will adequately protect the child;
  - b) develop a plan with the parent that shall include arrangements for access with the child, siblings and persons significant to the child and the steps required to facilitate the child's return to the parent's care;

- c) explain the effects of a *PCA* to the parent and child where appropriate and identify the ways in which the agreement may end;
  - d) inform the parent that they may seek legal advice prior to entering into a *PCA*;
  - e) determine an appropriate timeframe for the agreement. The time a child spends in a *PCA* shall **not exceed six (6) months**; and
  - f) determine the ability of the parent to contribute financially to the care of the child for the duration of the *PCA*.
2. The *PCA* shall include:
- a) the obligations of the parent;
  - b) the obligations of the **manager**;
  - c) the time limits of the agreement;
  - d) an access schedule outlining details of visitation; and
  - e) a *Family Centered Action Plan* (FCAP) outlining the plan for the child and the services the parent has agreed to participate in.
3. Upon signing the *PCA*, the care of the child transfers to the manager. The **custody** of the child remains with the parent.
4. A child in care under a *PCA* shall be placed in a foster home or **residential placement** that has been approved by a manager.
5. Where a child is placed in care under a *PCA*, the social worker shall:
- a) arrange for a placement medical to be completed;
  - b) visit the child monthly, maintain contact with, and monitor the child in accordance with standards for monitoring children in care;
  - c) make an application for the Children's Special Allowances;
  - d) complete a **Placement Card** that will accompany the child to their placement;
  - e) ensure that a copy of the child's birth certificate and MCP card are on file;
  - f) ensure that the child's MCP card accompanies them to their placement;
  - g) make an application to the Newfoundland and Labrador Prescription Drug Program where required. Additional information regarding the NLPDP may be obtained online at: <http://www.health.gov.nl.ca/health/index.html>; and
  - h) adhere to the standards outlined in policies related to children in care.
6. Parental consent will be required for medical treatment. Arrangements for medical consent shall be made in advance, where a parent will be unavailable for a period of time.
7. As part of on-going work with the family or when requested to do so by the parent or child, the *FCAP* shall be reviewed in order to monitor the plan, assess the services in place, and consider any issues affecting the child or the family. The plan shall be revised where required in order to adequately protect the child and facilitate the child's return to the care of the parent(s).

8. Where, the *PCA* is about to expire or is **repudiated** or about to be repudiated and the social worker believes the child continues to be in need of protective intervention and risk cannot be mitigated with a return home of the child the social worker shall consult with a supervisor to determine the appropriate response. Where it is determined that a removal is necessary, please refer to the ***Removal of Child Without a Warrant*** policy.
9. At least one month prior to the end date of the *PCA*, a case conference, with family members and relevant professionals, shall occur where the *FCAP* shall be reviewed. Where a child is to return to live with a parent, a transition plan shall be developed. Where it is determined that a child will not return to live with a parent, an alternate plan shall be identified.
10. A *PCA* ends when:
  - a) the child is removed, with or without a **warrant**, under the *CYCP Act*;
  - b) the parent requests that the agreement be terminated;
  - c) the social worker terminates the agreement and the child returns to the care of the parent; or
  - d) the child reaches sixteen (16) years of age.
11. Where a child is in the care of a manager through a *PCA* and the child turns 16, he or she will be eligible for Youth Services up to his or her 21<sup>st</sup> birthday if enrolled in an **educational or rehabilitation program**. Please refer to the ***Youth Services Agreement*** policy for further information regarding eligibility requirements.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- ***Protective Care Agreement***, Form 41-03
- ***Protective Care Agreement Cancellation***, Form 41-04
- ***MCP & NLPDP*** <http://www.health.gov.nl.ca/health/index.html>

## CHILD WELFARE ALLOWANCE

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**Policy no.: 1.10****Effective Date:** March, 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** s.12 Determining the need for protective intervention; s.20 Removal of a child

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**PURPOSE:** To identify when a *Child Welfare Allowance* (CWA) may be used and to outline the process for completing a CWA application.

**POLICY:**

1. The CWA program is available to provide support and financial services to relatives or significant others who are willing and capable of providing care to a child who is in need of protective intervention and if relatives or significant others were not available; the child would have to be placed with a foster parent or other residential placement.
2. When it has been determined that a child is in need of protective intervention a CWA may be considered as an alternative to the removal of a child when:
  - a) supportive services are not available or are inadequate to ensure the child's safety;
  - b) the social worker and the parent agree that an out-of-home placement is necessary to ensure the child's safety;
  - c) the social worker and the parent agree on the family member or the significant other who will be providing the placement;
  - d) the parent and social worker have developed a *Family Centred Action Plan* (FCAP) to reduce the risk that causes the child to be in need of protective intervention. The parent agrees with the plan for the child which includes maintaining regular contact and involvement with the child; and
3. When it has been determined that reunification with the child and his/her family will not occur or is not in the best interest of the child, the social worker shall pursue a permanent plan for the child with the family member or significant other. This plan may include adoption or obtaining custody of the child with whom the child currently resides.
4. A CWA application shall be reviewed **every six (6) months.**

**PROCEDURES:**

1. Prior to entering into a *CWA* with a relative/significant other, the social worker shall:
  - a) ensure no other less intrusive options are available that will adequately protect the child;
  - b) identify a relative/significant other as an option for the out of home placement;
  - c) develop an *FCAP* with the parent that shall include arrangements for access with the child, siblings and persons significant to the child and the steps required to facilitate the child's return to the parent's care;
  - d) ensure the parent is available to provide consent for medical treatment or arrangements for medical consent shall be made in advance, where a parent will be unavailable for a period of time;
  - e) explain the *CWA* to the relative/significant other, parent and the child where age and developmentally appropriate and identify ways in which the *CWA* may end;
  - f) inform the parent and relative/significant other that custody of the child is not transferred from the parent to the relative/significant other during the placement; and
  - g) determine the ability of the parent to contribute financially to the care of the child for the duration of the *CWA*.
  
2. The social worker shall complete an assessment of the placement to ensure the child's safety and protection in this arrangement. The assessment shall include:
  - a) a Child, Youth and Family Services (CYFS) record check from any areas of the province or other jurisdiction where the family previously resided;
  - b) a police record check for all persons 12 years of age and over from any jurisdiction where the applicants previously resided;
  - c) personal contact with relative/significant other;
  - d) a determination of the relative/significant other's commitment and understanding of the child's need for protective intervention;
  - e) a discussion with the relative/significant other regarding their ability to keep the child safe; and
  - f) a home visit and assessment of the physical space (i.e. suitable sleeping arrangements, etc).

A copy of the assessment shall be attached to the *CWA* application for the supervisor's approval.

3. The social worker shall complete a *CWA* application with the relative/significant other for the placement. The social worker shall:
  - a) advise the relative/significant other to make application for the *Canada Child Tax Benefit* (CCTB). Additional information regarding the CCTB may be obtained online at: <http://www.servicecanada.gc.ca/eng/gov/cctb.shtml>

- b) advise the relative/significant other to pursue other sources of income for which the child may be eligible (i.e., Canada Pension Plan, Worker's Compensation, Veteran's Allowance, insurance policies). Any income from other sources shall be deducted from the CWA entitlement;
  - c) include a Verification of Birth for the child or a photocopy of the birth certificate; and
  - d) include a copy of the Support Agreement, where applicable.
4. A CWA application must be approved by a supervisor. When a CYFS records check reveals current/previous CYFS involvement, a [manager](#) must approve the application.
5. Where a child is placed in a home under a *CWA* arrangement, the social worker shall:
  - a) ensure a copy of the child's birth certificate and MCP are on file;
  - b) ensure the child's MCP accompanies the child to their CWA placement; and
  - c) make application to the Newfoundland and Labrador Prescription Drug Program where required. Additional information regarding the NLPDP may be obtained online at: <http://www.health.gov.nl.ca/health/index.html>
6. The *CWA* application shall be reviewed **every six (6) months**. The review shall include:
  - a) an interview with the child; and
  - b) an home visit with the relative/significant other.
7. The social worker, parent and a child where age and developmentally appropriate, shall review the *FCAP* as needed or at other points where requested by the child or parent. This review shall include an opportunity to monitor the reunification plan, assess the services in place, and consider any issues impacting the child or the family. The *FCAP* shall be revised where required in order to adequately protect the child and facilitate the child's return to the care of the parent(s).
8. Where, upon reviewing the *FCAP* or at any time during the *CWA* placement, it is determined that the *CWA* placement cannot adequately protect the child, the social worker shall consult with a supervisor to determine what action under the *CYCP Act* is necessary to ensure the safety and well being of the child.

Monthly [Child Welfare Allowance](#) rates are as follows:

0 - 11 years \$318.50

12+ years \$379.60

9. Where financial assistance over and above the regular monthly *CWA* rate is needed to meet the needs of a child, the social worker shall complete a *Special Needs Assessment*. The special needs allowance may be increased and/or reduced as the child's needs change. Increased rates are recommended by the social worker and approved by a supervisor. The relative/significant other shall be advised in writing of the amount

approved and the end date of this approval. The Special Needs Assessment rate may be paid retroactively for **30 days**.

10. A child being maintained under the *CWA* Program may be is entitled to additional services that he/she requires to meet his/her individual needs, including:

a) **Health and Medical Services:**

- eye glasses and contacts (testing and repairs);
- dental care;
- prescribed medication;
- special equipment;
- medical transportation (long distance over 100 km round trip).

b) **Educational Expenses;**

c) **Counselling:**

The child and relative/significant other shall utilize publicly funded counselling services wherever possible. Where unavailable, the social worker may contract for private services up to a maximum of \$300.00 per month.

d) **Transportation:**

The child and relative/significant other may be supported financially to facilitate family visiting consistent with rates available to **foster parents**. Transportation can also be provided to support a placement.

e) **Other Supports:**

Children and relatives/significant others can also be provided with other supports which are deemed necessary by the social worker with the approval of a supervisor.

11. A *CWA* ends when:

- a) other actions are taken under the *CYCP Act* to ensure the child's safety;
- b) the child returns to the care of the parent;
- c) the child leaves the home of the relative/significant other;
- d) the **youth** turns 18 years of age.

**EXCEPTIONS TO POLICY:** A *CWA* placement may be extended beyond the youth's 18<sup>th</sup> birthday and until the youth completes high school with the approval of a **Manager**.

**RELEVANT DOCUMENTS:**

- *Family Centered Action Plan (FACP)*, Form 14-858
- *Child Welfare Allowance Application*, Form 14-641
- *Verification of Birth for the Child*, Form 14-614
- *A Child, Youth and Family Services record check*, Form 14-609
- *Special Needs Assessment*, Form 14-633

## DUTY TO REPORT

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**Policy no.: 1.11****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** **s.11** Duty to report; **s.12** Determining the need for protective intervention; **s.72** Information not to be disclosed; **s.76** General offence; **s.79** Liability for an offence;

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**PURPOSE:** To outline the CYFS response, under the duty to report, when an individual fails to report that a **child** is, or may be, in need of protective intervention.**POLICY:**

1. Failure to report that a child is, or may be in need, of protective intervention constitutes an offence under s.11 of the *Child Youth and Child Protection (CYCP) Act* and an individual who fails to report is liable to a fine and/or imprisonment.
2. Under this section, a complaint may be made **within three (3) years** from the day the information was received.

**PROCEDURES:**

1. The social worker shall advise a supervisor when it is believed that a person has not complied with the *Duty to Report*.
2. The social worker shall notify the police in writing and request a full investigation regarding possible charges under s.11 of the *CYCP Act*. The final decision on whether or not to investigate or lay charges shall rest with the police.
3. The social worker shall familiarize himself or herself with the relevant sections *CYCP Act* in order to determine when an offence may have occurred.

**EXCEPTIONS TO POLICY:** None**RELEVANT DOCUMENTS:** None

**PROVINCIAL/TERRITORIAL PROTOCOL ON CHILDREN AND  
FAMILIES MOVING BETWEEN PROVINCES AND TERRITORIES-  
PROTECTIVE INTERVENTION**

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**Policy no.: 1.12**

**Effective Date: March 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:**

**Legislative References:**

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**PURPOSE:** To outline the process for responding to or requesting the provision of protective intervention services to children and families moving between provinces and territories.

**POLICY:**

1. *The Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* shall be followed where children and/or families are moving between provinces and territories and the **child** is, or may be in need of protective intervention.

**PROCEDURES:**

1. The social worker shall comply with *Schedule A* of the *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories*.
2. The social worker shall review and become familiar with the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* to ensure the provisions set out in the protocol are followed when:
  - a) issuing, receiving and responding to child protection alerts;
  - b) responding to or requesting the provision of child protection services, including the investigation of **referrals**; and
  - c) responding to or requesting repatriation services.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories (Appendix B)*

## COURT OVERVIEW

Legal [proceedings](#), under the *CYCP Act*, are held in the Supreme Court of Newfoundland and Labrador, Trial Division (Family) in St. John's and Corner Brook. Proceedings are held in the Provincial Court in all other areas of the province that is not covered by the Supreme Court, Trial Division (Family).

Proceedings under the *CYCP Act* are considered to be civil in nature and are to be held in private (closed) unless otherwise ordered by the [judge](#). The judge has the authority to decide who may attend the hearing. Witnesses, including social workers who are not the case manager, shall be excluded from the hearing until they are required to give evidence. The case manager remains in the courtroom with the CYFS solicitor, as they are representative of the [manager](#).

A person significant to a child, who was not named as a respondent in the application, may apply to be heard at a hearing in accordance with s.51 of the *CYCP Act*. This provision allows a relative or someone closely connected to a child (i.e. grandparent), to apply to be heard at a hearing concerning the child.

All proceedings under the *Act* are subject to a *Publication Ban*, which means that a person shall not, with respect to a proceeding under the *CYCP Act*, publish or make public information that can identify a child who is a witness at, or a participant in, a proceeding or who is the subject of a proceeding, the child's parent or [foster parent](#) or, a member of the child's family.

In addition to *Presentation* and [Protective Intervention Hearings](#), other hearings are held to hear applications made under the *CYCP Act* such as an *Application to Prohibit Contact*. A social worker may also be requested, on the direction of a judge, to attend status updates and Judicial Case Conferences.

A proceeding under the *CYCP Act* may be conducted by means of teleconference, video conference, or other means of telecommunication.

### ROLE OF THE COURT:

Courts have the responsibility to:

- a) safeguard the legal and civil rights of both the children and adults brought before them;
- b) ensure that action taken by a manager and his/her representatives are in accordance with the requirements of the legislation; and
- c) hear evidence and make decisions in the best interests of a child including their safety, health and well-being.

### PREPARING FOR COURT:

#### File disclosure

A [party](#) to a proceeding under the *CYCP Act* shall disclose in a [timely manner](#) all the information relevant to the proceeding in his/her possession where requested to do so by another party to the

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proceeding. Refer to *Disclosure of CYCP Court Proceedings* policy for more detailed policy and procedures.

### **Request for legal representation**

A social worker shall contact the CYFS solicitor in his/her area when an application is filed with court, and when a child is removed with or without a [warrant](#).

A social worker shall provide to the CYFS solicitor pertinent information such as copies of the:

- *Information to Obtain a [Warrant /Telewarrant to Remove](#)*
- *Warrant (Telewarrant) to Remove*
- *Affidavits of Service*
- *Application*
- *Notice of court hearings, and*
- Full names, birth dates, addresses, relationships of all parties involved in the court action, if known.

Although s.50 of the *CYCP Act* allows a social worker to appear in court with or without legal counsel with respect to a matter arising out of the *CYCP Act*, it is common and preferred practice that a CYFS solicitor represents a social worker at court. The only situation where a social worker is permitted under this section to appear in court without legal counsel is if the parents are not represented by a solicitor and are consenting to the matter. Prior to a social worker appearing in court without his or her solicitor, he or she shall discuss the matter with a supervisor and a CYFS Solicitor.

### **TYPES OF HEARINGS AND COURT PROCEEDINGS:**

There are two types of hearings under the *CYCP Act* that may result in a judge determining and declaring that a child is in need of protective intervention:

- a) [Presentation Hearing](#); and
- b) [Protective Intervention Hearing](#).

#### **Presentation Hearing**

A *Presentation Hearing* is an initial hearing held informally before a judge to consider the circumstances surrounding the child's [removal](#) and to determine whether there is sufficient evidence to proceed to the protective intervention hearing. The court shall determine what interim order is appropriate until a more comprehensive hearing is held to determine whether the child(ren) is in need of protective intervention. The court may also provide direction to the parties.

The *Presentation Hearing* is an important prelude to the protective intervention hearing but it may result in a final order being made by the judge, thus removing the necessity for a protective intervention hearing. It may be conducted by a judge in an informal manner and shall be concluded within one (1) [day](#), unless extended by the judge.

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**At the conclusion of a *Presentation Hearing*, a judge may:**

- a) dismiss the application for a *Protective Intervention Hearing*;
- b) order that the child be returned to, or remain with, the parent under the supervision of a manager or social worker until the conclusion of the *Protective Intervention Hearing*;
- c) order that the child be placed in the **custody** of a parent, other than the parent from whom the child was removed, under the supervision of a manager until the conclusion of the *Protective Intervention Hearing*;
- d) order that the child be placed in the care of the child's family, or a person significant to the child, other than the parent from whom the child was removed, under the supervision of a manager until the conclusion of the *Protective Intervention Hearing*;
- e) order that the child be placed in, or remain in the custody of, a manager until the conclusion of the *Protective Intervention Hearing*; or
- f) make a declaration that the child is in need of protective intervention and make an order under s.32(2) of the *CYCP Act*.

Where a judge makes an order, other than an order for **continuous custody**, the judge may attach **reasonable conditions** to that order, including conditions with respect to access with a parent or other person significant to the child or for the assessment, treatment or services to be obtained by the child or the child's parent.

**Protective Intervention Hearing**

A *Protective Intervention Hearing* is a hearing held after a *Presentation Hearing* if the matter has not been resolved at the *Presentation Hearing*. At the *Protective Intervention Hearing*, the judge will hear evidence and give a final order with respect to the application before the court. At a *Protective Intervention Hearing*, a judge shall determine whether a child is in need of protective intervention.

Where a judge finds that a **child is in need of protective intervention**, the judge shall so **declare** and make an **order** under s.32(2) of the *CYCP Act* stating that:

- a) the child be returned to, or remain with, the parent and under a manager's supervision for a specified period of up to six (6) months;
  - b) the child be placed in the temporary custody of the child's family or a person significant to the child other than the parent from whom the child was removed, with the consent of that person and under a manager's supervision, for a specified period in accordance with s.33 of the *CYCP Act*;
  - c) the child be placed in the temporary custody of a manager for a specified period in accordance with s.33; or
  - d) the child be placed in the continuous custody of a manager.
-

Where a judge makes an order for **temporary custody** under s. 32(2)(c), the judge may attach **reasonable conditions** to that order, including conditions with respect to:

- a) the child's contact with a parent, unless the judge is satisfied that continued contact with the parent would not be in the best interests of the child;
- b) the child's contact with a person significant to the child; and
- c) the assessment, treatment or services to be obtained by the child or the child's parent.

A temporary custody order under s.32(2)(c) **shall not** contain conditions with respect to the type or the geographical location of the **placement** for the child.

Where a judge makes an order for **continuous custody**:

- a) the order shall not contain conditions; and
- b) the manager has custody of the child and has all the rights and responsibilities of a parent for the child's care and future planning.

Where the judge finds that the child **is not** in need of protective intervention, the judge shall so declare and shall make an order that the child remain with, or be returned to, the parent from whom the child was removed and the order **shall not** contain conditions.

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## SERVICE OF NOTICES AND DOCUMENTS: GENERAL DIRECTION

**Policy no.: 2.2**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:**

**Legislative References: s.53** Participation by child; **s.54** Variation of notice requirements; **s.55** Service of documents

**PURPOSE:** To outline general directions for serving notice of court hearings and documents.

**POLICY:**

1. Where a court action is taken, a social worker shall ensure that parents and children 12 years of age and over are notified of all applications to the court, all hearings in relation to an application, and the reasons for taking these actions.
2. The notice requirements and documents to be served vary depending on the type of order being sought and court action taken. A social worker shall review the relevant section of the *CYCP Act* and appropriate policy whenever an application is filed with the court, or court action is taken under the *CYCP Act*.
3. Where the *CYCP Act* requires a person to be served with documents, s.55 of the *CYCP Act* requires service to be **personal service**.
4. Where policy does not specify who shall serve notices or documents, any person designated by a **manager** can serve the notice/documents providing the person who does so fills in, swears and returns to the court an *Affidavit of Service*. This is the proof to the court that personal service was achieved. If the *Affidavit of Service* is not returned to the court, the person who served the document may be required to attend court and give evidence under oath that service was achieved.
5. Where it is impractical to personally serve a notice or document a social worker shall advise the CYFS solicitor in his/her area before a court hearing. In such cases, the solicitor may choose to request or make an application to the court for:
  - a) an order to dispense with notice; or
  - b) an order to give notice by some other means, for example, registered mail, which is referred to as **substituted service**.

6. When a social worker has been unsuccessful in serving court documents, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area.
7. When required to provide notice, a social worker shall provide notice to the parent(s) and child(ren) 12 years of age and over at the earliest time possible, but no later than the time specified in the *CYCP Act* and the appropriate policy. Providing adequate notice ensures that parents have the time required to prepare and seek legal counsel, if they so choose, where a court action is being taken. Failure to provide adequate notice may result in a delay in the court proceedings.
8. While the *CYCP Act* only requires notice of court hearings to be served to children 12 years of age and over, a social worker should also discuss the hearing, and the order being sought, with younger children unless it can be clearly demonstrated that a child is not able to understand, or that it may cause emotional harm to the child.
9. A social worker shall advise a child who is the subject of a proceeding, where age and developmentally appropriate, of their right to be heard by the [judge](#). This may include giving evidence in court, writing a letter or meeting with the judge in chambers. Where a child wishes to be heard, the child's desire to do so should be raised at the start of the *Presentation Hearing* by the social worker, or the solicitor representing the social worker, in accordance with s.53 of the *CYCP Act*.
10. If a child is in the care and/or [custody](#) of a manager and expresses an interest in seeking legal representation, the social worker shall facilitate the child's request by contacting the Newfoundland and Labrador Legal Aid Commission to set up an appointment for the child. The social worker shall ask the child who they want to take them to the appointment such as the [foster parent](#), relative, significant other or social worker and, if necessary, the social worker shall assist with the child's transportation to the appointment.

## **PROCEDURES:**

### **Reasonable Attempts to Serve**

1. Reasonable attempts to serve notice may include, but not be limited to: visiting the last known address, contacting persons who have a relationship with the individual and contacting the school for last known address. When contacting persons who have a relationship with the individual, the social worker shall only provide enough information to locate the person's whereabouts, such as name, last known address, but not disclose the reason why the social worker is trying to locate the person.

**Notice to Parents**

2. When an application is made under the *CYCP Act* and notice must be given to a parent, the definition of parent of a child in accordance with s.2(1)(m) of the *CYCP Act* will determine which persons receive notice.
3. All persons who meet the definition of parent of a child shall be served with the documents for a court proceeding, outlined in the applicable policy.
4. Where the parents reside together, the social worker shall serve each parent.
5. Should a situation arise in which the social worker has difficulty serving one of the parents, the social worker should proceed to serve the available parent(s) and advise the CYFS solicitor in his/her area of same. The parent who has not been served should be served at the earliest opportunity.

**Notice to Children 12 Years of Age and Over**

6. When serving children, 12 years of age and over with documents for a court proceeding:
  - a) service shall be done in person by the social worker who removed the child or the social worker presently working with the child; and
  - b) the child shall be given the option of having someone known and trusted present.
7. Under the *CYCP Act*, when serving a child 12 years of age and over, a social worker is only required to serve the notice of time, date and place of a hearing. Although a social worker is not required to serve the child with the application or the *Plan for the Child*, the social worker shall discuss the purpose of the hearing and the *Plan for the Child* in a manner that is considerate of the child's level of development and understanding. This information is highly sensitive and significant consideration must be given to the emotional impact on the child.
8. If a social worker believes, after he/she discusses the nature of the hearing(s) and the plan with the child, that it would be beneficial for the child to have a copy of the court application or *Plan for the Child*, the social worker has discretion, pursuant to s.71 of the *CYCP Act*, to provide the application or the plan to the child if they are in the care or custody of a manager and are 12 years of age or older. Should a social worker decide to do this, he/she shall discuss the confidential nature of the documents with the child, and discuss how they might be safeguarded. A child does not have to apply to access the information in order for the social worker to be able to provide a copy of the court application or the *Plan for the Child* to the child.

**Children Under 12 Years of Age**

9. While the *CYCP Act* only requires notice of hearing to be served to children 12 years of age and over, a social worker should also discuss the hearing, and the order being sought,

with younger children unless it can be clearly demonstrated that a child is not able to understand, or that it may cause emotional harm to a child.

### **Service of Notices and Documents – Safety Concerns**

10. Where there is a risk of physical harm to a social worker's safety when serving notices or documents, a social worker may request the assistance of a [peace officer](#). Additionally, a manager can designate another individual, such as a sheriff's officer, to serve the notices or documents providing the person who does so completes, swears and returns to the court an *Affidavit of Service*.

### **Parents Residing Out of Province**

11. When a parent is living outside the province, the social worker shall follow the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* (Appendix B) policy and write directly to the Provincial Child Welfare agency for the area in which the parent resides requesting [personal service](#) of the *Notice to Parent*. An *Affidavit of Service* shall also be completed and returned by the person who effects notice.

### **Parents in Correctional or Rehabilitative Facilities**

12. When the parent is in a correctional, rehabilitative or medical facility, arrangements should be made through the administrator of the facility for personal service of the *Notice to Parent*. An *Affidavit of Service* shall also be completed and returned by the person who effects notice.

### **Parents in Psychiatric Facilities**

13. When the parent is in a psychiatric facility, the social worker shall consult with the psychiatrist working with the parent regarding the serving of the *Notice to Parent*. Should the psychiatrist recommend that the client not be served with the *Notice to Parent* by the social worker, the psychiatrist can be requested to serve the *Notice to Parent* and complete an *Affidavit of Service*. Should the psychiatrist believe that the parent is not competent to understand the procedure or make plans for the child, a letter to this effect should be obtained from the psychiatrist for presentation at the court. The psychiatrist should be advised that he/she may be required to testify in court in relation to this matter.

### **Substituted Service**

14. Upon receiving a request, a court may order a [substituted service](#). Examples include:
  - a) serving an adult family member, or other individual with whom the person to be served has regular contact;

- b) serving by certified mail or other mail delivery which produces a receipt, or other proof of delivery signed by the recipient, and forwarding to the last known address of the person to be served;
- c) placing an advertisement in a newspaper serving the area where the person to be served is believed to reside;
- d) posting a notice in the court registry where the application is being heard; or
- e) using other means that the court may deem appropriate in the circumstances.

### **Affidavit of Service**

15. The person who served notice is required to complete an *Affidavit of Service* for each person served. The *Affidavit of Service* can be filed immediately with the court, or a social worker can take it to the first hearing and file it at that time. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy is kept for the CYFS file.

### **Dispensing with Notice**

16. Requests to dispense with notice can be made orally at the time of the hearing or by filing an *Interlocutory Application* to dispense with notice.

**EXCEPTIONS TO POLICY:** None

### **RELEVANT DOCUMENTS:**

- *Interlocutory Application*, Form 47-37
- *Affidavit*, Form 47-37
- *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* (Appendix B)

## PUBLICATION BAN

**Policy no.:** 2.3

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:**

**Legislative References:** s.52 Publication ban

**PURPOSE:** To outline the restrictions imposed by a publication ban with respect to a proceeding under the *CYCP Act*, and the process to follow if a person fails to comply with the publication ban in accordance with s.52 of the *CYCP Act*.

### **POLICY:**

1. In accordance with s.52 of the *CYCP Act*, proceedings under the *Act* are subject to a Publication Ban which means that a person shall not, with respect to a proceeding under the *CYCP Act*, publish or make public information that has the effect of identifying:
  - a) a **child** who is a witness at, or a participant in, a proceeding or who is the subject of a proceeding;
  - b) the child's parent or **foster parent**; or
  - c) a member of the child's family.

### **PROCEDURES:**

1. A social worker shall notify a supervisor **within 24 hours** if he/she becomes aware that an individual has made public information that would identify:
  - a) a child who is a witness at, or a participant in a proceeding, or who is the subject of a proceeding;
  - b) the child's parent or foster parent; or
  - c) a member of the child's family.
2. A supervisor shall notify a **manager** and the CYFS solicitor for his/her area **within 24 hours** if he/she becomes aware that an individual has made public information that would identify:
  - a) a child who is a witness at, or a participant in a proceeding, or who is the subject of a proceeding;
  - b) the child's parent or foster parent; or

- c) a member of the child's family.

And determine in consultation with the manager and CYFS solicitor what action is to be taken.

- 3. The notification to the supervisor and manager shall be done in writing and shall include:
  - a) the name and age of the child(ren);
  - b) the application that is before the [court](#);
  - c) the name of the person who made the information public; and
  - d) the details of the information that were made public.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## APPLICATION FOR AN ORDER TO AUTHORIZE MEDICAL TREATMENT

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**Policy no.:** 2.4

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Consents: Medical Consent

**Legislative References:** s.30 Order for medical treatment

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**PURPOSE:** To outline the purpose and process for filing an application to seek an Order to authorize medical treatment.

### **POLICY:**

1. Where a social worker believes a **child** is in need of protective intervention because of his or her parent's refusal or failure to obtain or permit essential medical, psychiatric, surgical or remedial treatment that is recommended for the child by a **qualified health practitioner**, the **manager** or social worker may file an application with the **court** for an order authorizing the treatment.

### **PROCEDURES:**

1. The decision to seek an Order for medical treatment shall be made in consultation with a manager and the CYFS solicitor.
2. Normally, medical decisions relating to a child are left to the parent and the attending physician. This provision is meant to address situations where not receiving the treatment would be deemed to be life threatening for the child.
3. Unless a child is in need of protective intervention on other grounds, a social worker shall not remove a child from the parent's care to make this application.
4. When a parent refuses to permit essential medical, psychiatric, surgical or remedial treatment that is recommended for the child by a qualified health practitioner and the child is in the **interim care**, **interim custody** or **temporary custody** of a manager, a social worker shall review the **Consents: Medical Consent** policy and procedures prior to making an application for medical treatment order.

When a child is in the **continuous custody** of a manager, an application for a medical treatment order shall not be made as the social worker, or manager, may provide

consent for all essential medical treatment. Refer to *Consents: Medical Consent* policy and procedures.

5. Upon consultation with a CYFS solicitor, the solicitor will draft an application to be filed with the court immediately.
6. A hearing shall be held **within one (1) day** after filing the application and the parent of a child and child where 12 years of age or over, shall be served with notice of the time and place of a hearing. The application shall also be provided to the parent.
7. A **judge** may choose to hear the application at any time or place. This may include hearing the matter immediately or during the night and/or weekend.
8. The role of the social worker in this particular application is to begin the court process upon receipt of the referral and be available to give evidence, if necessary. Generally, the evidence given by the social worker will involve advising the court of the referral received and the actions to date in filing the application. The evidence which will impact most significantly on whether an order is granted will be that of a qualified health practitioner.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## APPLICATION TO ACCESS A CHILD

**Policy no.:** 2.5

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Interview of Child

**Legislative References:** s.14 Interview of child; s.15 Manager denied access to child; s.16 Location of child not disclosed

**PURPOSE:** To outline the purpose and process for filing an application to seek access to a child or a warrant to arrest a person who does not comply with such an order.

### **POLICY:**

1. Where a manager or social worker receives information that a child may be in need of protective intervention in accordance with s.10 of the *CYCP Act*, and is denied access to the child for the purpose of assessment, an application may be made to the court pursuant to s.15 of the *CYCP Act* for an Order of Access.
2. An Order of Access is intended to allow a social worker access to a child to complete an assessment of risk which may include a medical examination by a [qualified health practitioner](#) or removal of the child from the place where the child is located for the purposes of an interview. This action does not constitute a “*removal of a child*” under s.20 of the *CYCP Act*.
3. Where a person does not comply with an Order of Access made under s.15, a warrant for the person’s arrest may be sought pursuant to s.16 of the *CYCP Act*.

### **PROCEDURES:**

#### **Application to Access a Child**

1. A social worker applies for an order to *Access a Child* by:
  - a. completing the *Application to Access a Child*;
  - b. signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness his or her signature and sign as a Commissioner for Oaths; and
  - c. filing the application with the court.

2. An *Application to Access a Child* shall outline why the social worker believes access to the child is necessary to determine if the child is in need of protective intervention and request an order for one or more of the following:
  - a) That a person disclose the location of the child;
  - b) That a person permit the manager or social worker or another person to interview or visually examine the child;
  - c) Authorizing the manager or social worker to remove the child from the place where the child is located for an interview or medical examination; and/or
  - d) Authorizing a qualified health practitioner to examine the child.

#### **Application for Warrant to Arrest**

3. If an Order for Access is granted and a person does not comply with the Order, the social worker shall, in consultation with a supervisor and a CYFS solicitor, apply for a warrant from a judge for the person's arrest in accordance with s.16 of the *CYCP Act*.
4. A social worker applies for a warrant to arrest by:
  - a. Completing *Information to Obtain a Warrant to Arrest*. The social worker completing the *Information to Obtain a Warrant to Arrest* must sign the *Affidavit*. Have another social worker to witness his/her signature and sign as a Commissioner for Oaths; and
  - b. Filing the *Information to Obtain a Warrant to Arrest* with the court.
5. A social worker makes arrangements to have the *Information to Obtain a Warrant to Arrest* heard through the court clerk.
6. When the social worker has completed the *Information to Obtain a Warrant to Arrest*, he/she should make a copy for the file as the court will keep the original.
7. A social worker drafts and brings to the judge a *Warrant to Arrest* authorizing a peace officer to arrest a person who has not complied with the Order.
8. A copy of the *Warrant to Arrest* is retained at the court when it is granted by the judge. A copy is provided to the police and the original *Warrant to Arrest* is kept for the social worker's file with a notation of when it was executed and by whom.
9. Where a person is arrested and brought before the court, the social worker may be required to give evidence. This evidence would likely focus on why access to the child is critical in the assessment of risk in relation to the [referral](#) concerns and would also identify the actions which have been taken to date.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:*****Forms Package: Supreme Court 47-01/Provincial Court 47-02***

- *Application to Access a Child*
- *Affidavit*
- *Information to Obtain a Warrant to Arrest*, Form 47-46
- *Warrant to Arrest*, Form 47-45

## ORDER TO PRODUCE RECORDS

**Policy no.:** 2.6

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Right to Information and Information Sharing

**Legislative References:** s.17 Order to produce record; s.74 Right to information and information sharing; s.79 Liability for an offence

**PURPOSE:** To outline the process for filing an application with the [court](#) to seek an Order for a person to produce [records](#).

### **POLICY:**

1. Where a social worker is completing an assessment or protective intervention investigation, and it is believed that a person or organization has information which may assist in determining whether a [child](#) is in need of protective intervention and the social worker is refused access to the information, the social worker may apply to a [judge](#) for an order in accordance with s.17 of the *CYCP Act*.

### **PROCEDURES:**

1. Prior to commencing an application under s.17 of the *CYCP Act*, the social worker shall:
  - a) Make every reasonable attempt to obtain the information. In cases where the information is held by an organization, the social worker shall discuss the matter with the organization's chief executive officer or someone in a similar position of authority within the organization.
  - b) Review the policy *Right to Information and Information Sharing*.
  - c) In accordance with the *Right to Information and Information Sharing* policy and s.74 of the *CYCP Act*, inform the person who has custody or control of the information that:
    - pursuant to s.74(1) of the *CYCP Act*, the social worker has a right to information with respect to a [child](#) or [youth](#) that is necessary to enable the [manager](#) or social worker to exercise his or her powers or perform his or her duties or functions under the *Act*; and
    - pursuant to s.74(2) of the *CYCP Act*, the person or [public body](#) is required to disclose the information to the manager or social worker.

2. A social worker's decision to file an *Application to Produce Records* shall be made in consultation with a supervisor.
3. A social worker applies for an Order to produce records by:
  - a) completing the *Application to Produce Records*;
  - b) signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness his/her signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court.
4. The *Application to Produce Records* shall contain:
  - a) the specifics of the information being requested;
  - b) the purpose for which the information is being requested; and
  - c) the efforts that have been made to obtain the information.
5. A social worker shall obtain from the court the earliest date available for a hearing on the day the application is filed with the court.
6. **No later than two (2) days** before the date set for the hearing, a social worker, or person designated by a manager, shall serve the person against whom the order is being sought (the respondent) with:
  - a) a copy of the *Application to Produce Records*; and
  - b) notice of the date, time and place of the hearing using the *Notice to the Respondent* form;

**unless, it is the opinion of the social worker in consultation with a supervisor, that by doing so there would be risk of the information being destroyed, in which case notice will not be required.**
7. If the application is made without Notice to the respondent, the social worker may be required to explain to the court why he or she believes there is a risk of the information being destroyed if notice is given.
8. The person who serves the notice shall complete an *Affidavit of Service*. The *Affidavit of Service* shall be filed with the court prior to the hearing, and should clearly state the documents which were served.
9. As soon as possible and prior to a hearing, a social worker shall notify the CYFS solicitor in his or her area of the *Application to Produce Records*.
10. When an Order is granted by the court, the social worker shall execute the Order by providing the appropriate person with a certified copy of the Order.

11. If a person or organization fails to comply with the Order, the social worker shall advise his or her supervisor and the CYFS solicitor immediately to discuss the next steps.
12. If a person or organization fails to comply with the Order a charge may be laid under s.79(b) (Liability for an Offence) of the *CYCP Act*.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

*Forms Package: Supreme Court 47-03/Provincial Court 47-04*

- *Application to Produce Record*
- *Affidavit*
- *Notice to the Respondent*
- *Affidavit of Service to Respondent*

## ORDER TO PROHIBIT CONTACT

**Policy no.:** 2.7

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Service of Notices and Documents – General Direction.

**Legislative References:** s.18 Order to prohibit contact; s.79 Liability for an offence

**PURPOSE:** To outline the process for filing an application with the court for an order to prohibit contact.

### **POLICY:**

1. Where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, a social worker shall consult with a supervisor and may file an application with the court for an *Order to Prohibit Contact* between the child and that person.
2. This provision may be used in the following circumstances:
  - a) as an alternative to the removal of the child, where the person who places the child at risk lives in the home; or
  - b) where the person who places the child at risk does not live in the home but has contact and this contact places the child at risk. This contact may or may not be court ordered access.
3. Prior to an application being filed, a social worker shall assess safety and risk factors, in relation to the child and the offending person, that support the belief that contact places the child at risk. **The assessment shall consider the non-offending/protective parent's ability to protect the child where an order is obtained.**

### **PROCEDURES:**

1. A social worker shall make an *Application to Prohibit Contact* by:
  - a) completing the *Application to Prohibit Contact*;
  - b) signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness his/her signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court.

2. A social worker shall include in the *Application to Prohibit Contact*:
  - a) why he/she believes that contact between a child and a person named in the application will cause the child to be in need of protective intervention;
  - b) the terms and conditions felt necessary to protect the child;
  - c) a signed *Affidavit* by the social worker filing the application attesting to the truth of the information contained in the application; and
  - d) the length of the order, up to six (6) months, being requested.
3. A social worker shall obtain from the court, on the **day** the application is filed with the court, a date for a hearing. The hearing date shall be no later than **two (2) days** after the application is filed.
4. **On the day** the *Application to Prohibit Contact* is filed with the court, a social worker or person designated by a **manager**, shall serve on the person against whom the order is sought (respondent):
  - a) a copy of the *Application to Prohibit Contact*; and
  - b) notice of date, time and place of the hearing using the *Notice to the Respondent* form.
5. **On the day** the *Application to Prohibit Contact* is filed with the court, a social worker or person designated by a manager, shall serve on a parent:
  - a) a copy of the *Application to Prohibit Contact*, and
  - b) notice of date, time and place of the hearing using the *Notice to the Parent* form.

The social worker shall discuss the application with the non-offending/protective parent in order to ensure the parent understands why contact between the child and the person named in the application will cause the child to be in need of protection, and the terms and conditions believed by CYFS to be necessary to ensure the child's safety.
6. **On the day** the *Application to Prohibit Contact* is filed with the court, a social worker shall serve on the child, where the child is 12 years of age or over, notice of date, time and place of the hearing using the *Notice to the Child* form.
7. It is preferred practice that service to the child 12 years of age or over be done by the social worker presently working with the family. This information is highly sensitive and service shall be done in accordance with policy on ***Service of Notices and Documents - General Direction***.
8. The person who serves the notices shall complete an *Affidavit of Service* for each person served. Each *Affidavit of Service* shall be filed with the court, prior to the hearing, and shall clearly state what was served.

9. As soon as possible, and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the *Application to Prohibit Contact*.
10. When a social worker has been unsuccessful in serving the application or notice, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy *Service of Notices and Documents – General Direction*.
11. If a social worker becomes aware that the conditions of an *Order to Prohibit Contact* have been breached, he/she shall advise a supervisor immediately. If a person refuses to comply with the Order a charge may be laid under the s.79(b) (Liability for an Offence) of the *CYCP Act*.
12. At the request of a manager or social worker, a [peace officer](#) shall assist in enforcing an *Order to Prohibit Contact*.
13. Prior to the expiration of an *Order to Prohibit Contact*, a social worker shall, in consultation with a supervisor, determine whether to make an application with the court to grant another order, vary the order, or rescind the order.
14. A social worker may make an *Application to Prohibit Contact* on more than one occasion, and a [judge](#) may grant an *Order to Prohibit Contact* on more than one occasion.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

**Forms Package: Supreme Court 47-05/Provincial Court 47-06**

- *Application to Prohibit Contact*
- *Affidavit*
- *Notice to the Respondent(s)*
- *Notice to the Parent*
- *Notice to the Child*
- *Affidavit of Service to Respondent(s)*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Child*

## OVERVIEW OF SUPERVISION ORDERS

**Policy no.: 2.8**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Application for Supervision Order when a Child has not been Removed; Plan for the Child; Application for Protective Intervention Hearing when a Child has been Removed; Application for a Subsequent Order; and Application of Non-Compliance of a Supervisor Order

**Legislative References:** **s.25** Where child is not removed; **s.26** Where a child has been removed; **s.29** Plan for the child; **s.31** Presentation hearing; **s.32** Protective intervention hearing; **s.36** Subsequent order

**PURPOSE:** To provide an overview and general requirements of a [supervision order](#).

### **POLICY:**

1. A social worker may seek a Supervision Order in situations when:
  - a) **a child has not been removed** and the social worker believes, upon an assessment of safety and risk factors, that:
    - i. a child is in need of protective intervention;
    - ii. the child's safety could be assured without the child with the provision of protective intervention services; and
    - iii. the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child.
  - b) **when a child has been removed** and the social worker believes, upon an assessment of safety and risk factors, that the child should return to the parents under a Supervision Order; or
  - c) **when a child has been removed and** the social worker is seeking a Temporary Custody Order with Supervision in accordance with s.32(2)(b) for the child to be placed in the **temporary custody** of a person, other than the parent from whom the child was removed, with the consent of that person and **under a manager's supervision**, for a specified period in accordance with s.33 of the *CYCP Act*.

Refer to *Application for Supervision Order when a Child has not been Removed* and *Application for [Protective Intervention hearing](#) when a Child has been removed* for policy and procedures.

2. When supervision is being proposed, the social worker shall:

- a) make specific, reasonable recommendations to the **court** regarding the supervision of the child and parents;
  - b) seek to have the conditions of the *Plan for the Child* written into the supervision order; and
  - c) submit to the court a copy of the *Plan for the Child* in accordance with the ***Plan for the Child*** policy.
3. A supervision order **does not** transfer the guardianship or custody of the child to the manager, thus the child does not come into care.
  4. A judge may grant a supervision order at a presentation hearing or at a protective intervention hearing.

### PROCEDURES:

1. The supervision of the child by a social worker shall involve in person contact with the child for a specific length of time and at intervals as ordered by the court, or as presented to the court in the *Plan for the Child*.
2. Where the court has not specified the frequency of the contact with the child and the family, the social worker in consultation with a supervisor shall determine this.
3. **The primary responsibility to carry out the order of supervision shall remain with the social worker no matter what form the supervision of the child takes.** Other agencies and individuals, such as public health, childcare, school, family, doctor, and counseling agencies may be asked to assist in the supervision of the child. Where such arrangements are made, roles in the shared supervision shall be documented and the responsibility for reporting and consulting clearly outlines and documented.
4. In accordance with s.81 of the *CYCP Act*, the *Plan for the Child*, and any conditions attached to the order of supervision, shall be reviewed with a supervisor at least **one (1) month prior** to the expiration of the order and where possible at midpoint of the order.
5. A social worker applies for a supervision order in accordance with one of following applicable policies:
  - a) ***Application for Supervision Order when a Child has not been Removed;***
  - b) ***Application for Protective Intervention Hearing when a Child has been Removed; or***
  - c) ***Application for a Subsequent Order***
6. In cases where parents refuse to cooperate with the supervision order, the social worker shall notify a supervisor immediately to determine the next step to ensure the child's safety and well-being.

7. An application of non-compliance with a supervision order shall be completed in accordance with the *Application of Non-Compliance of a Supervision Order* policy.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## APPLICATION FOR SUPERVISION ORDER WHEN A CHILD HAS NOT BEEN REMOVED

**Policy no.:** 2.9

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Service of Notices and Documents - General Direction; Overview of Supervision Orders; Types of Supervision and Custody Orders Requested on an *Application for Protective Intervention Hearing* or an Application for a Subsequent Order; Plan for the Child

**Legislative References:** s.25 Where child is not removed; s.29 Plan for the child; s.32 Protective intervention hearing

**PURPOSE:** To outline the process to obtain pursuant to s. 32(2)(a) a [supervision order](#) when a child has not been removed.

### **POLICY:**

1. Where a social worker believes, upon an assessment of safety and risk factors, that:
  - a) a child is in need of protective intervention;
  - b) the child's safety could be assured without removing the child with the provision of protective intervention services; and
  - c) the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child,

the social worker shall file with the [court](#) an *Application for Protective Intervention Hearing (Pursuant to Section 25)*, requesting a declaration that the child is in need of protective intervention and for an order of supervision pursuant to s.32(2)(a) of the *CYCP Act*.

2. Prior to filing an *Application for Protective Intervention Hearing (Pursuant to Section 25)* a social worker shall, in consultation with a supervisor, determine the [Plan for the Child](#), the length of the *Supervision Order*, and the conditions to be requested.

### **PROCEDURES:**

1. A social worker applies for *Supervision Order* by:
  - a) completing the *Application for Protective Intervention Hearing (Pursuant to Section 25)*;

- b) signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court in the zone where the child's parents generally reside.
2. An *Application for Protective Intervention Hearing (Pursuant to Section 25)* shall contain:
  - a) the name of person(s) who meets the definition of a parent (respondent);
  - b) the name and date of birth of the child who is believed to be in need of protective intervention;
  - c) the grounds as per s.10 of the *CYCP Act* upon which the social worker believes the child to be in need of protective intervention;
  - d) an explanation of how the child's safety can be assured without **removal** through the provision of protective intervention services;
  - e) an explanation of how the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child;
  - f) a request for a declaration that the child is in need of protective intervention;
  - g) the type of order and conditions that are being requested in accordance with s.32(2)(a) of the *CYCP Act*;
  - h) a request that the order include a statement that if a person fails to comply with a specific condition(s) set out in the order of supervision, a **manager** or social worker may make a further application to this Honourable Court **within five (5) days**, in accordance with s.32(3) of the *CYCP Act*, and seek a variation of this order pursuant to s.60 of the *CYCP Act*; and
  - i) a signed *Affidavit* by the person filing the application attesting to the truth of the information contained in the application.
3. When a social worker files an *Application for Protective Intervention Hearing (Pursuant to Section 25)*, he/she shall request from the court a date for a Protective Intervention Hearing to be held **no later than 30 days** after the application is filed. It is preferred practice that the social worker obtains the earliest date possible.
4. A social worker shall notify the court clerk and CYFS solicitor of the need for an interpreter/translator for the parents if applicable.
5. **No later than three (3) days** after the hearing date is obtained, a social worker, or person designated by a manager, shall serve all persons who meet the definition of a parent (respondents) with:
  - a) the notice of time and place of the *Protective Intervention Hearing* using the *Notice to Parent*; and
  - b) a copy of the *Application for Protective Intervention Hearing*.

6. When serving the parent(s) with notice of hearing and application, the social worker shall:
  - a) advise the parent that a detailed *Plan for the Child* (as per s.29 of the *CYCP Act*), will be filed with the court and provided to them before the protective intervention hearing. It is preferred practice that the social worker offer the parent the opportunity to participate in the development of the plan for the child that will be filed with the court;
  - b) explain and respond to any concerns regarding the nature of the court procedure and purpose, if required; and
  - c) advise the parent that he/she may be represented by legal counsel.
7. A social worker shall serve a child 12 years of age or over with notice of the time and place of the protective intervention hearing **no later than three (3) days** after the date of the hearing is obtained using the *Notice to Child*. A copy of the *Application for Protective Intervention Hearing* is **not** provided to the child.
8. When serving a child 12 years of age or over with the notice of time and place of the protective intervention hearing, it is preferred practice that it be done by the social worker who is presently working with the child. This information is highly sensitive and service shall be done in accordance with policy on ***Service of Notices and Documents - General Direction***.
9. The person who served notice completes an *Affidavit of Service* for each person served. The *Affidavit of Service* can be filed immediately with the court, or a social worker can take it to the first hearing and file it at that time.

It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy must be placed in the CYFS file.
10. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy ***Service of Notices and Documents – General Direction***.
11. As per s.29 of the *CYCP Act*, a *Plan for the Child* while under the manager's supervision must be filed with the court **no later than noon** on the day before the *Protective Intervention Hearing*. Refer to policy on ***Plan for the Child***.
12. As soon as possible, and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the application.
13. When an order of supervision is granted by the court a social worker shall follow the procedures outlined in the ***Overview of Supervision Orders*** policy.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:****Forms Package: Supreme Court 47-13/Provincial Court 47-14**

- *Application for Protective Intervention Hearing (Pursuant to Section 25)*
- *Affidavit*
- *Notice to Parent*
- *Notice to Children*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Child*

## APPLICATION OF NON-COMPLIANCE OF A SUPERVISION ORDER

**Policy no.: 2.10**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Application for Supervision Order when a Child has not been Removed; Overview of Supervision Orders.

**Legislative References:** s.32 Protective intervention hearing; s.60 Variation of order.

**PURPOSE:** To outline the process for filing an *Application of Non-Compliance* of a [supervision order](#) with the [court](#).

### **POLICY:**

1. Where a person fails to comply with all, or part, of a *Supervision Order* issued by the court under s.32(2)(a) or s.32(2)(b) of the *CYCP Act*, a social worker shall advise a supervisor immediately and, in consultation with the supervisor, determine whether to file an *Application of Non-Compliance* or take another action under the *CYCP Act* to ensure the safety and well-being of the child.
2. Prior to filing an *Application of Non-Compliance* a social worker shall, in consultation with a supervisor, review the safety and risk factors, recommended terms and conditions in the Supervision Order, the condition(s) of the Supervision Order that the person failed to comply with and the *Plan for the Child*. Failure to comply with part of a Supervision Order may or may not result in a decision being made to take another court action.

### **PROCEDURES:**

1. An *Application of Non-Compliance* shall contain:
  - a) the name of person(s) who were identified as the respondents in the original application;
  - b) the name and D.O.B. of the child(ren) who is declared on the existing *Order* in need of protective intervention and the grounds as per s.10 of the *CYCP Act*;
  - c) the existing *Order* and conditions granted under s.32(2)(a) or s.32(2)(b) of the *CYCP Act*;
  - d) the conditions of the *Order* that a person failed to comply with; and
  - e) Pursuant to s.60 of the *CYCP Act*, a request to:

- vary the conditions of the existing *Supervision Order* that was granted under s.32(2)(a); or
  - vary the conditions of the existing *Temporary Custody Order with Supervision* that was granted under s.32(2)(b); and
- f) a signed *Affidavit* by the person filing the application attesting to the truth of the information contained in the application.
2. When requesting to vary the conditions of an existing *Supervision Order* granted under s.32(2)(a), the application should include:
- a) the *Order* and conditions that are being requested in accordance with s.32(2)(a) or s.32(2)(b) of the *CYCP Act*;
  - b) an explanation of how the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child; and
  - c) an explanation of how the child's safety can be assured without **removal** through the provisions of protective intervention services.
3. When requesting to vary the existing *Temporary Custody Order with Supervision* containing conditions granted under s.32(2)(b), the application should include:
- d) the type of *Temporary Custody Order* and conditions that are being requested in accordance with s.32(2)(b) or s.32(2)(c) of the *CYCP Act*;
  - e) an explanation of how the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child; and
  - f) the facts that led the social worker to believe that a less intrusive course of action that would adequately protect the child is not available.
4. A social worker makes an *Application of Non-Compliance* by:
- a) completing the *Application of Non-Compliance*;
  - b) signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness his or her signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court.
5. A social worker shall attach an updated *Plan for the Child* to the *Application of Non-Compliance*. Refer to the ***Plan for the Child*** policy and procedures for further detail.
6. When a social worker files an *Application of Non-Compliance*, he/she shall request from the court a date for the hearing, which is to be held no later than **five (5) days** after the date on which the application is filed. If applicable, the social worker shall notify the court clerk of the need for an interpreter/translator for the parents.
7. **On the day** the application is filed with the court, a social worker, or designate, shall personally serve all respondents with:

- a) the notice of time and place of the hearing using *Notice to Parent*, and
- b) a copy of the *Application of Non-Compliance*

A copy of the *Plan for the Child* shall be attached to the *Notice to Parent*.

8. **On the day** the application is filed with the court, a social worker shall serve a child 12 years of age and over with the notice of the time and place of the hearing using *Notice to Child*. A copy of the *Application of Non-Compliance* is **not** provided to the child.
9. It is preferred practice that service to a child 12 years of age and over is done by the social worker presently working with the family. This information is highly sensitive and service shall be done in accordance with the policy on ***Service of Notices and Documents - General Direction***.
10. A social worker shall complete and file with the court an *Affidavit of Service* for each person served and shall retain a copy for the CYFS file.
11. When a social worker has been unsuccessful in serving a parent with notice of the time and date of the hearing and the *Application of Non-Compliance*, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy ***Service of Notices and Documents - General Direction***.
12. The person who served notice completes an *Affidavit of Service* for each person served using the appropriate form.  
  
The *Affidavit of Service* can be filed immediately with the court or a social worker can take it to the first hearing and file it at that time. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served.
13. As soon as possible, and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the application.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

**Forms Package: Supreme Court 47-20/Provincial Court 47-21**

- *Application of Non-Compliance*
- *Affidavit*
- *Notice to Parent*
- *Notice to Child*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Child*

## REMOVAL OF CHILD WITH A WARRANT

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**Policy no.: 2.11****Effective Date: March, 2007****Date Revised: June 30, 2011****Policy Cross References:** Removal of Child with Telewarrant; Removal of Child without a Warrant; Service of Notices and Documents - General Direction; Placement: Placement Procedures; Placement: Consulting and Informing a Child or Youth; Application for Protective Intervention Hearing where Child has been Removed**Legislative References:** s.20 Removal of child; s.23 Notice of removal of child; s.24 Interim care of child after removal

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**PURPOSE:** To outline the process for the [removal](#) of a child with a [warrant](#).**POLICY:**

1. When a social worker believes that a child is in need of protective intervention in accordance with s.10 of the *CYCP Act*, he/she shall consider removal only when a less intrusive course of action that would adequately protect the child is not available.
2. A social worker's decision to remove a child shall be made in consultation with a supervisor.
3. A warrant must be always obtained to remove a child unless:
  - a) the social worker has [reasonable grounds](#) to believe there would be an immediate risk to the child's health and safety if no action were taken during the time required to obtain a warrant; or
  - b) the child is in the care of a [manager](#) under a *Protective Care Agreement (PCA)* and that agreement is about to expire, or is [repudiated](#) or is about to be repudiated by the parent and the social worker believes the child is in need of protective intervention.

A social worker shall follow the policy on *Removal of Child without a Warrant* when removing a child without a warrant.

## PROCEDURES:

### Applying for a Warrant

1. Prior to filing an *Information to Obtain a Warrant to Remove*, a social worker shall, in consultation with a supervisor, discuss and determine:
  - a) the grounds which place the child in need of protective intervention in accordance with s.10 of the *CYCP Act*; and
  - b) the facts that led the social worker to believe that a less intrusive course of action that would adequately protect the child is not available.
2. A social worker applies for a warrant by:
  - a) completing an *Information to Obtain a Warrant to Remove*;
  - b) signing the *Affidavit*;
  - c) arranging for another social worker to witness his/her signature and sign as Commissioner for Oaths; and
  - d) filing the *Information to Obtain a Warrant to Remove* at the courthouse during working hours.
3. An *Information to Obtain a Warrant to Remove* must cite the grounds for the warrant including:
  - a) the grounds which place the child in need of protective intervention in accordance with s.10 of the *CYCP Act*; and
  - b) the facts that led the social worker to believe that a less intrusive course of action that would adequately protect the child is not available.
4. A social worker shall arrange to have the *Information to Obtain a Warrant to Remove* heard through the court clerk. The matter will generally be held in chambers (where possible) by the judge in an expeditious manner.
5. When the social worker has completed the *Information to Obtain a Warrant to Remove*, he/she should make copies, as the court will keep the original. Copies will be needed for the social worker's file and to attach to the *Application for Protective Intervention Hearing (Pursuant to Section 26)* and to the *Notice of Removal*.
6. A social worker shall draft and bring to the judge a *Warrant to Remove*. Where it is not possible to appear in person before a judge, the social worker may obtain a telewarrant. Refer to *Application for a Telewarrant* policy and procedures.
7. A copy of the *Warrant to Remove* shall be retained at the court when it is so granted by the judge. The original *Warrant to Remove* shall be kept for the social worker's file with a notation of when, and by whom, it was executed.

8. Where a social worker applies for a warrant to remove and the judge does not issue a warrant, the social worker shall:
  - a) request feedback from the judge regarding the reason(s) why a warrant was not issued; and
  - b) immediately consult with a supervisor and, if necessary, a CYFS solicitor.

### **Executing the Warrant**

9. The social worker shall give careful consideration as to how much time will be required to execute the warrant to remove a child, as the warrant is only effective for the time period outlined in the warrant.
10. At the request of a social worker, supervisor or manager, a **peace officer** shall assist in enforcing a warrant to remove a child as per s.20(4) of the *CYCP Act*. A social worker requesting police assistance shall:
  - a) contact, or visit, the nearest detachment; and
  - b) have a copy of the warrant available for the officer to review if necessary.
11. A social worker shall provide a copy of the *Warrant to Remove* and *Information to Obtain a Warrant* to the parent from whom the child is removed. If time permits, the social worker will aim to complete the *Notice of Removal* so that it can be attached to the warrant.
12. If the child is removed from a person who is temporarily entrusted with the care of the child, such as a school, daycare or babysitter but not the child's parent, a social worker shall produce a copy of the *Warrant to Remove* at the time of removal but not provide a copy to that person.
13. If a parent is present when the warrant is being executed, a social worker shall ask the parent(s) if the child is taking any medication and if the child has any known allergies or health problems. If possible, and appropriate at the time of removal, the social worker shall ask for the child's:
  - medications;
  - clothing;
  - glasses (if applicable);
  - special items (e.g. teddy bear and school bag);

and also:

- obtain a contact number for the parent(s); and
- provide the parent(s) with the social worker's contact number and any other details that may be provided regarding the child's **placement** at the time.

14. A social worker shall:
  - a) advise the parent(s) that the child will be placed in an approved **residential placement** and will be in the **interim care** of the manager; and
  - b) inform the parent(s) as to where the child will be placed, and notify them that access shall be arranged unless the provision of that information is not in the child's best interests.
15. The social worker shall explain to the child, in age and developmentally appropriate terms, the reason for his/her removal, where he/she will be placed, and what will be happening in the near future.

### **Serving Notice of Removal**

16. Before serving the *Notice of Removal*, a social worker shall make copies for the CYFS file as well as for the court's files. It is preferred practice that the social worker(s) working with the family serve the *Notice of Removal* to the parent and to the child.
17. Service shall be made by personally serving a copy of the original document on the person to be served. Where it is impractical to personally serve a document on a person, refer to ***Service of Notices and Documents – General Direction*** policy.
18. **Within 24 hours** of removal, a social worker shall serve a *Notice of Removal to Parent*, which shall state the reason(s) why the child was removed, to all parents who meet the definition of a parent. The social worker shall attach a copy of the *Information to Obtain a Warrant to Remove* and a copy of the warrant to the *Notice to the Parent*.
19. A social worker shall advise the parent(s) served with the *Notice of Removal* that he/she may seek representation by legal counsel.
20. A social worker shall serve *Notice of Removal to the Child*, which shall state the reason(s) why the child was removed, to a child 12 years of age or older **within 24 hours** of removal. The social worker shall discuss the removal and reasons for removal with the child. The child **does not** receive a copy of the warrant or the *Information to Obtain a Warrant to Remove*.
21. It is preferred practice that service of the notice to the child 12 years of age and over is done by the social worker presently working with the family. This information is highly sensitive and service shall be done in accordance with the ***Service of Notices and Documents - General Direction*** policy.
22. The person who served notice completes an *Affidavit of Service* for each person served. It should be clearly written on each *Affidavit of Service* which document(s) was served.
23. To file the *Notice(s) of Removal* and *Affidavit(s) of Service* with the court, the social worker shall attach a copy of these documents to the *Application for Protective*

*Intervention Hearing (Pursuant to Section 26)*, which is filed with the court **within 24 hours** after the child has been removed. Refer to *Application for a Protective Intervention Hearing* policy and procedures.

24. Copies of the *Notice of Removal* and the *Affidavit of Service* are kept for the CYFS file.
25. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy *Service of Notices and Documents – General Direction*.
26. If the child is a hospital patient when the removal takes place, a social worker, in accordance with s.24(4) of the *CYCP Act*, shall give written notice to the hospital administration and the attending physician that the child has been removed from his/her parent's care and that the manager has interim care of the child. Notice shall be given using the *Notice of Removal to Hospital Administration and Attending Physician* form. The notice to the hospital **does not** replace serving the written *Notice of Removal* on all parents who meet the definition of a parent, and the child, where the child is 12 years of age or over.
27. Where a child has been removed, a social worker shall file an *Application for Protective Intervention Hearing (Pursuant to Section 26)* **within 24 hours** of removal. Refer to *Application for Protective Intervention Hearing when Child has been Removed* policy and procedures.
28. The removal and placement of a child outside the family home is a significant event in the child's and family's life. Refer to *Placement: Placement Procedures* and *Placement: Consulting and Informing a Child or Youth* policies and procedures.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Information to Obtain a Warrant to Remove*, Form 47-07
- *Warrant to Remove*, Form 47-08
- *Notice of Removal to Parent*, Form 47-11
- *Affidavit of Service to Parent*, Form 47-11
- *Notice of Removal to Child*, Form 47-12
- *Affidavit of Service to Child*, Form 47-12
- *Notice of Removal to Hospital Administration and Attending Physician*, Form 41-01

## REMOVAL OF CHILD WITH A TELEWARRANT

**Policy no.:** 2.12

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:** Removal of Child with a Warrant; Removal of Child without a Warrant; Service of Notices and Documents - General Direction; Placement: Placement Procedures; Placement: Consulting and Informing a Child or Youth; Application for Protective Intervention Hearing when Child has been removed

**Legislative References:** s.20 Removal of child; s.22 Telewarrant; s.23 Notice of removal of child; s.24 Interim care of child after removal

**PURPOSE:** To outline the process for the [removal](#) of a child with a [telewarrant](#).

### **POLICY:**

1. When a social worker believes that a child is in need of protective intervention, in accordance with s.10 of the *CYCP Act*, he/she shall consider removal only when a less intrusive course of action that would adequately protect the child is not available.
2. A social worker's decision to remove a child shall be made in consultation with a supervisor.
3. A [warrant](#) must always be obtained to remove a child unless:
  - a) the social worker has [reasonable grounds](#) to believe there would be an immediate risk to the child's health and safety if no action were taken during the time required to obtain a warrant; or
  - b) the child is in the care of a [manager](#) under a *Protective Care Agreement (PCA)* and that agreement is about to expire, or is [repudiated](#) or is about to be repudiated by the parent and the social worker believes the child is in need of protective intervention (s. 20(6) of the *CYCP Act*).

A social worker shall follow the policy on *Removal of Child without a Warrant* when removing a child without a warrant.

4. Where it is not possible to meet personally with a [judge](#) to obtain a warrant, the social worker may obtain a telewarrant by telephone or other means of telecommunication.

## PROCEDURES:

### Applying for a Telewarrant

1. Prior to submitting an *Information to Obtain a Telewarrant to Remove*, a social worker shall, in consultation with a supervisor, discuss and determine:
  - a) the grounds which place the child in need of protective intervention in accordance with s.10 of the *CYCP Act*; and
  - b) the facts that led the social worker to believe that a less intrusive course of action that would adequately protect the child is not available.
2. A social worker applies for a Telewarrant by:
  - a) completing an *Information to Obtain a Telewarrant to Remove*;
  - b) drafting the *Telewarrant to Remove*;
  - c) contacting the judge for his/her area during regular working hours, or contacting the on-call judge named on the list supplied by the Chief Judge after hours; and
  - d) reading over the phone to the judge the information contained in the *Information to Obtain a Telewarrant to Remove*, or faxing a copy of the *Information to Obtain a Telewarrant to Remove* to the judge.
3. An *Information to Obtain a Telewarrant to Remove* shall include:
  - a) a statement of the circumstances that make it impractical for the social worker to appear personally before the judge;
  - b) a statement of the grounds for believing that a child is in need of protective intervention in accordance with s.10 of the *CYCP Act* and the identity of the child, if known; and
  - c) a statement explaining that a less intrusive course of action that would adequately protect the child is not available.
4. When an *Information to Obtain a Telewarrant to Remove* is submitted by telephone or other means of telecommunication (e.g., fax), the social worker shall give the information under oath or affirmation. The oath or affirmation may be administered by telephone or other means of telecommunication.
5. If a judge issues a telewarrant he/she will either:
  - a) fill in a *Telewarrant to Remove* and submit it by electronic means to the social worker; or
  - b) state over the phone the words to be inserted by the social worker on the *Telewarrant to Remove*. Both the judge and the social worker should recap to the other their notes of the telephone conversation and the content of the telewarrant for accuracy purposes before concluding the conversation.

6. In most situations, a judge will fax a copy of the signed telewarrant to the social worker. When possible, a social worker should always request a signed *Telewarrant to Remove* as opposed to filling in the telewarrant by himself/herself.
7. The original *Information to Obtain a Telewarrant to Remove* and a copy of the *Telewarrant to Remove* shall be filed when the *Application for Protective Intervention Hearing* is filed with the court. Copies will be needed for the social worker's file, attached to both the *Application for Protective Intervention Hearing*, and the *Notice of Removal*.

### Executing the Warrant

8. The social worker must give careful consideration as to how much time shall be required to execute the telewarrant, as it is only effective for the time period outlined in the telewarrant.
9. At the request of a social worker, supervisor or manager, a peace officer shall assist in enforcing a telewarrant to remove a child as per s.20(4) of the *CYCP Act*. A social worker requesting police assistance shall:
  - a) contact or visit the nearest detachment; and
  - b) have a copy of the telewarrant available for the officer to review, if necessary.
10. If a judge forwards a *Telewarrant to Remove* by facsimile that copy, along with a copy of the *Information to Obtain a Telewarrant to Remove*, is served on the parent from whom the child is removed:
  - a) a social worker shall mark "facsimile" on the *Telewarrant to Remove* before serving it;
  - b) a copy of the *Telewarrant to Remove* is retained for the social worker's file with a notation of when, and by whom, it was executed.

If time permits, a social worker may complete the *Notice of Removal* so that it can be attached to the telewarrant.

11. If a social worker completes the *Telewarrant to Remove* on the direction of a judge:
  - a) a copy of that document is served on the parent along with a copy of the *Information to Obtain a Telewarrant to Remove*;
  - b) the original *Telewarrant to Remove* is retained for the social worker's file with a notation of when, and by whom, it was executed.

If time permits, a social worker may complete the *Notice of Removal* so that it can be attached to the telewarrant.

12. If a parent is present when the telewarrant is being executed, a social worker shall ask the parent(s) if the child is taking any medication, and if the child has any known allergies or health problems. If possible, and appropriate at the time of removal, the social worker shall ask for the child's:

- medications;
- clothing;
- glasses (if applicable);
- special items (e.g. teddy bear and school bag);

and also:

- obtain a contact number for the parent(s); and
- provide the parent(s) with the social worker's contact number and any other details that may be provided regarding the child's placement at the time.

13. A social worker shall:

- a) advise the parent(s) that the child will be placed in an approved residential placement and will be in the interim care of the manager; and
- b) inform the parent(s) as to where the child will be placed, and notify them that access shall be arranged unless the provision of that information is not in the child's best interests.

14. If the child is removed from a person who is temporarily entrusted with the care of a child such as a school, daycare, or babysitter but not the child's parent, a social worker shall produce a copy of the telewarrant at the time of removal but not provide a copy to that person.

15. The social worker shall explain to the child, in age and developmentally appropriate terms, the reason for his/her removal, where he/she will be placed, and what will be happening in the near future.

### **Serving Notice of Removal**

16. Before serving the *Notice of Removal*, a social worker shall make copies for the CYFS file as well as the court. It is preferred practice that the social worker working with the family serve these documents on the parent and the child.

17. Service shall be made personally by serving a copy of the original document on the person to be served. Where it is impractical to personally serve a document on a person, refer to policy *Service of Notices and Documents – General Direction*.

18. A social worker shall serve the *Notice of Removal to Parent*, which shall include the reason(s) why the child was removed, to all parents who meet the definition of a parent

**within 24 hours** of removal. The social worker shall attach a copy of the *Information to Obtain a Telewarrant* and a copy of the telewarrant.

19. A social worker shall advise the parent(s) who is served with the *Notice of Removal* that he/she may be represented by legal counsel.
20. A social worker shall serve *Notice of Removal to the Child*, which shall include the reason why the child was removed, on a child 12 years of age or older **within 24 hours** of removal. The social worker shall discuss the removal and reasons for removal with the child. The child **does not** receive a copy of the telewarrant or the *Information to Obtain a Telewarrant*.
21. It is preferred practice that service of the notice to the child 12 years of age and over is done by the social worker presently working with the family. This information is highly sensitive and service shall be done in accordance with the ***Service of Notices and Documents - General Direction*** policy.
22. The person who served notice completes an *Affidavit of Service* for each person served. It should be clearly written on each *Affidavit of Service* which document(s) was served.
23. To file the *Notice(s) of Removal* and *Affidavit(s) of Service* with the court, the social worker shall attach a copy of these documents to the *Application for Protective Intervention Hearing*, which is filed with the court **within 24 hours** after the child has been removed. Refer to ***Application for a Protective Intervention Hearing*** policy and procedures.
24. Copies of the *Notice of Removal* and the *Affidavit of Service* are kept for the CYFS file.
25. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy ***Service of Notices and Documents – General Direction***.
26. If the child is a hospital patient when the removal takes place, a social worker, in accordance with s.24(4) of the *CYCP Act*, shall give written notice to the hospital administration and the attending physician that the child has been removed from his/her parent's care and that the manager has interim care of the child. Notice shall be given using the *Notice of Removal to Hospital Administration and Attending Physician* form. The notice to the hospital **does not** replace serving the written *Notice of Removal* on all parents who meet the definition of a parent, and the child, where the child is 12 years of age or over.
27. A social worker shall file, **within 24 hours** of the removal of a child, an *Application for Protective Intervention Hearing*.
28. Refer to ***Application for Protective Intervention Hearing when Child has been removed*** policy and procedures.

29. The removal and placement of a child outside the family home is a significant event in the child's and family's life. Refer to *Placement: Placement Procedures*; and *Placement: Consulting and Informing a Child or Youth* policies and procedures.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Information to Obtain a Telewarrant to Remove*, Form 47-09
- *Telewarrant to Remove*, Form 47-10
- *Notice of Removal to Parent*, Form 47-11
- *Affidavit of Service to Parent*, Form 47-11
- *Notice of Removal to Child*, Form 47-12
- *Affidavit of Service to Child*, Form 47-12
- *Notice of Removal to Hospital Administration and Attending Physician*, Form 41-01

## REMOVAL OF CHILD WITHOUT A WARRANT

**Policy no.: 2.13****Effective Date: June 30, 2011****Date Revised:****Policy Cross References:** Service of Notices and Documents - General Direction; Placement: Placement Procedures; Placement: Consulting and Informing a Child or Youth; Application for Protective Intervention Hearing where Child has been Removed**Legislative References:** s.20 Removal of child; s.23 Notice of removal of child; s.24 Interim care of child after removal**PURPOSE:** To outline the process for the [removal](#) of a child without a [warrant](#).**POLICY:**

1. When a social worker believes that a child is in need of protective intervention in accordance with s.10 of the *CYCP Act*, he/she shall consider removal only when a less intrusive course of action that would adequately protect the child is not available.
2. A warrant must always be obtained to remove a child unless:
  - a) the social worker has [reasonable grounds](#) to believe there would be an immediate risk to the child's health and safety if no action were taken during the time required to obtain a warrant (s.20(3) of the *CYCP Act*); or
  - b) the child is in the care of a [manager](#) under a *Protective Care Agreement (PCA)* and that agreement is about to expire, or is [repudiated](#) or is about to be repudiated by the parent and the social worker believes the child is in need of protective intervention (s. 20(6) of the *CYCP Act*).

**PROCEDURES:**

1. A social worker's decision to remove a child without a warrant shall be made in consultation with a supervisor.

**Removal without a warrant when child is at immediate risk**

2. Where a social worker has reasonable grounds to believe that the time required to obtain a warrant would pose immediate risk to the child's health and safety, the social worker may, in consultation with supervisor, enter a premises to remove a child without a warrant in accordance with s.20(3) of the *CYCP Act*. In these circumstances, the social

worker will need to demonstrate to the [court](#), at a later date, why the child was considered to be at immediate risk and why a warrant was not obtained.

3. At the request of a manager or social worker, a [peace officer](#) shall assist a social worker in the removal of a child as per s.20(4) of the *CYCP Act*.
4. If a parent is present when the child is being removed, a social worker shall ask the parent(s) if the child is taking any medication and if the child has any known allergies or health problems. If possible, and appropriate at the time of removal, the social shall ask for the child's:
  - medications
  - clothing
  - glasses (if applicable)
  - special items (e.g., teddy bear & school bag)

and also:

- obtain a contact number for the parent(s); and
  - provide the parent(s) with the social worker's contact number and any other details that may be provided regarding the child's placement at the time.
5. A social worker shall advise the parent that the child will be placed in an approved [residential placement](#) and will be in the [interim care](#) of the manager. The social worker shall inform the parent(s) as to where the child is to be placed, and explain that access will be arranged unless the provision of this information is not in the child's best interests.
  6. The social worker shall explain to the child, in age and developmentally appropriate terms, the reason for the removal, where the child will be placed, and what will be happening in the near future.

### Serving Notice of Removal

7. Before serving the *Notice of Removal*, a social worker shall make copies for both his/her and the court's file. While a *Notice of Removal to the Parent* and a *Notice of Removal to the Child* can be served on them by any person designated by a manager, it is preferred practice that the social worker working with the family serves these documents on the parent and the child.
8. When a child has been removed without a warrant in accordance with s.20(3) of the *CYCP Act*, a social worker shall serve a *Notice of Removal* **within 24 hours** of removal on:
  - a) all parents who meet the definition of a parent; and
  - b) children 12 years of age and over.

9. Where a child is in the care of a manager under a *Protective Care Agreement (PCA)* and that agreement is about to expire or is **repudiated** or about to be repudiated by the parent, and the social worker believes the child is in need of protective intervention and decides to remove the child from the parent's care without a warrant, in accordance with s.20(6) of the *CYCP Act*, a social worker shall:
  - a) serve *Notice(s) of Removal* to the parent and to the child 12 year of age and over **within 24 hours** in accordance with s. 23 of the *CYCP Act*. Although the child was not physically removed from the parents care serving the *Notice of Removal* commences a legal procedure.
10. The **reason for removal must be stated** on, or attached to, the *Notice of Removal to Parent* and *Notice of Removal to Child* forms.
11. The social worker shall advise the parent(s) who is served with the *Notice of Removal* that he/she may be represented by legal counsel.
12. The social worker shall discuss the removal, and reasons for removal, with the child. It is preferred practice that service is done by the social worker who removed the child or the social worker presently working with the family.
13. The person who serves the *Notice of Removal* shall complete an *Affidavit of Service* for each *Notice of Removal*.
14. To file the *Notice of Removal* and *Affidavit of Service* with the court, the social worker attaches a copy of each of the documents served to the *Application for Protective Intervention Hearing*, which is filed with the court **within 24 hours** after the child has been removed. Refer to *Application for a Protective Intervention Hearing* policy and procedures.
15. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served.
16. Copies of the *Notice of Removal* and the *Affidavit of Service* are kept for the file.
17. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy *Service of Notices and Documents – General Direction*.
18. If the child is a hospital patient when the removal takes place, a social worker, in accordance with s.24(4) of the *CYCP Act*, shall give written notice to the hospital administration and the attending physician that the child has been removed from his/her parent's care and that the manager has **interim care** of the child. Notice shall be given using the *Notice of Removal to Hospital Administration and Attending Physician* form. The notice to the hospital does **not** replace serving the written *Notice of Removal* on all

parents who meet the definition of a parent, and the child, where the child is 12 years of age or over.

19. Where a child has been removed a social worker shall, **within 24 hours** of removal, file an *Application for Protective Intervention Hearing (Pursuant to Section 26)*. Refer to ***Application for Protective Intervention Hearing when a Child has been removed*** policy and procedures.
20. The removal and placement of a child outside the family home is a significant event in the child's and family's life. Refer to ***Placement: Placement Procedures;*** and ***Placement: Consulting and Informing a Child or Youth*** policy and procedures.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- ***Notice of Removal to Parent***, Form 47-11
- ***Affidavit of Service to Parent***, Form 47-11
- ***Notice of Removal to Child***, Form 47-12
- ***Affidavit of Service to Child***, Form 47-12
- ***Notice of Removal to Hospital Administration and Attending Physician***, Form 41-01

## REMOVAL OF CHILD QUICK CHECKLIST

### DAY OF REMOVAL:

- Consult with a supervisor.
- Must always obtain a [Warrant](#) or [Telewarrant](#) to remove a child unless child is already in care under a [Protective Care Agreement](#) s.20(6) or no time to obtain a Warrant because of immediate risk to the child’s health and safety s.20(3).

<b>Removal with a Warrant</b>	<b>Removal with a Telewarrant</b>
<ul style="list-style-type: none"> <li>□ Complete <i>Information to Obtain a Warrant to Remove</i></li> <li>□ Draft and bring to <a href="#">court</a> the <i>Warrant to Remove</i></li> <li>□ Arrange through the court clerk to have the <i>Information to Obtain a Warrant to Remove</i> heard</li> </ul>	<ul style="list-style-type: none"> <li>□ Complete <i>Information to Obtain a Telewarrant to Remove</i></li> <li>□ Draft <i>Telewarrant to Remove</i></li> <li>□ Call on-call <a href="#">judge</a> if after hours or call court if during regular working hours and you're not working in an area where you have direct access to court.</li> <li>□ Fax the documents or read the information over the phone.</li> </ul>

- Remove child by executing the *Warrant to Remove* (see Warrant for time limit). Request police assistance if required.
- At time of removal ask parent(s) for child’s medications, clothing, glasses and special items (e.g. teddy bear and school bag) if applicable.
- Provide copy of *Warrant to Remove* to Parent from whom the child is removed. At the same time, serve *Notice of Removal to Parent* and attach a copy of the *Information To Obtain A Warrant*.
- Obtain a contact number for the parent(s) and provide the parent(s) with the social worker’s contact number and any other details that may be provided regarding the child’s [placement](#) at the time.
- If removing child from hospital provide the *Notice of Removal to Hospital Administration and Attending Physician* form to the hospital administration and attending physician.
- Keep original *Warrant to Remove* with a notation of when it was executed and by whom.

### OTHER TASKS:

- Consultation with CYFS Solicitor
- Complete [Placement Card](#)
- Review applicable policy and procedures:
  - ***Removal of a Child with a Warrant***
  - ***Removal of Child with a Telewarrant***
  - ***Removal of Child without a warrant***

**FOLLOWING REMOVAL:**

## 1. SERVE NOTICE OF REMOVAL

- **Within 24 hours** of removal:
  - Serve all parents who were not served at the time of removal with *Notice of Removal to Parent*. Attach a copy of the *Information to Obtain a Warrant and Warrant to Remove*
  - Advise the parent(s) that he/she may seek representation by legal counsel
  - Serve *Notice of Removal to Child* (12 years and over)
- Complete *Affidavit of Service to Parent* and *Affidavit of Service to Child*

## 2. FILE APPLICATION FOR PROTECTIVE INTERVENTION HEARING

- **Within 24 hours** of removal complete and file with the court an *Application for Protective Intervention Hearing* (Pursuant to Section 26).
- Obtain dates from the court clerk for the **Presentation Hearing** (to be held within 10 days) and Protective Intervention Hearings (to be held within 30 days). Refer to *Application for Protective Intervention Hearing when Child has been Removed* (Pursuant to s.26) policy and procedures.

## 3. SERVE NOTICE OF COURT HEARING

- **Within 3 days** of obtaining the dates, serve parents with:
  - A copy of the *Application for Protective Intervention Hearing* (Pursuant to Section 26).
  - Notice of Presentation and Protective Hearings using *Notice to Parent*.
- **Within 3 days** of obtaining the dates, serve child age 12 and over with notice of Presentation and Protective Hearings using *Notice to Child*.
- Complete *Affidavit of Service to Parent* and *Affidavit of Service to Child* and file with court. Make copies for CYFS file.

**OTHER TASKS:**

- **Within 3 days** of placement complete *Children's Special Allowances* form. Refer to *Financial Services: Children's Special Allowances* policy and procedures.
  - **Within 3 days** of placement arrange a placement medical. A medical shall be done immediately if a child has a physical injury, an apparent medical condition, or there may be medical evidence that the child has been physically or sexually abused. Use *Placement Medical* form. Refer to ***Placement: Placement Procedures***.
-

- Complete ***Plan for Child***. File no later than noon the day before presentation hearing and provide to parent(s). Refer to ***Plan for Child*** policy and procedures.
  - Provide significant information to [foster parents](#), parents and child. Refer to ***Placement: Placement Procedures; Placement: Consulting and Informing a Child or Youth*** policy and procedures.
  - Determine the type and level of access. Refer to ***Planning: Access*** policy and procedures.
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**APPLICATION FOR PROTECTIVE INTERVENTION HEARING  
WHEN A CHILD HAS BEEN REMOVED  
(PURSUANT TO SECTION 26)**

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**Policy no.: 2.15**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Removal of Child with Warrant/Telewarrant; Service of Notices and Documents - General Direction; Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order; Plan for the Child

**Legislative References:** s.26 Where child has been removed; s.27 Notice of hearing where child removed; s.29 Plan for the child

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**PURPOSE:** To outline the process for filing an application with the court for a [Protective Intervention Hearing](#) when a child has been removed.

**POLICY:**

1. Where a child has been removed with or without a [warrant](#), as per s.20 of the *CYCP Act*, a social worker shall file with the court an *Application for Protective Intervention Hearing (Pursuant to s.26)* and for an order that the child is in need of protective intervention **within 24 hours** after the removal of the child.
2. Prior to filing an *Application for Protective Intervention Hearing (Pursuant to s.26)*, a social worker shall, in consultation with their supervisor, determine:
  - a) the type of order which is being sought in accordance with s.32(2) of the *CYCP Act*, and
  - b) the [Plan for the Child](#)

For a description of orders, refer to the *Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order* policy and procedures.

**PROCEDURES:**

1. An *Application for Protective Intervention Hearing* is filed with the court in the zone in which the child's parents generally reside.

2. An *Application for Protective Intervention Hearing (Pursuant to s.26)* shall contain:
  - a) the name of the person(s) who meets the definition of a parent (respondent);
  - b) the name and date of birth of the child believed to be in need of protection intervention and the grounds as per s.10 of the *CYCP Act*;
  - c) whether the child was removed with or without a warrant;
  - d) an explanation of the circumstances that led to the removal or, where a warrant was obtained, a copy of the *Information to Obtain a Warrant to Remove*;
  - e) the interim plan for the child from the time of the removal until the *Plan for the Child* (s.29) is filed;
  - f) a request for a declaration that the child is in need of protective intervention;
  - g) the type of order and conditions that are being requested in accordance with s.32, s.33 and s.35 of the *CYCP Act*;
  - h) a request for an order of child support in accordance with the ***Financial Support*** policy and procedures; and
  - i) a signed *Affidavit* by the person filing the application attesting to the truth of the information contained in the application.
  
3. **Within 24 hours** after the removal, a social worker shall file with the court:
  - a) the original *Application for Protective Intervention Hearing (Pursuant to s.26)*;
  - b) a signed *Affidavit* attesting to the truth of the information contained in the application. Arrange for another social worker to witness signature and sign as a Commissioner for Oaths; and
  - c) copies of the *Notice of Removal* and an *Affidavit of Service* for each person served with the *Notice of Removal*.

If the removal occurred on a weekend, the social worker shall complete the above on Monday morning or, in the event of a holiday, the morning of the first **day** the court is opened. Copies of the documents are kept for the CYFS file.

4. When a social worker files an *Application for Protective Intervention Hearing*, he/she shall request from the court a date for the *Presentation Hearing*, which is to be held **no later than ten (10) days** after the date on which the application is filed.
5. When a social worker files an *Application for Protective Intervention Hearing*, he/she shall request from the court a date for a *Protective Intervention Hearing* to be held **no later than 30 days** after the child's removal.
6. A social worker shall notify the court clerk and CYFS solicitor of the need for an interpreter/translator for the parents if applicable.
7. **No later than three (3) days** after the dates of the hearings are obtained, a social worker, or person designated by a **manager**, shall serve all parents who meet the definition of a parent (respondents) with:

- a) notice of the time and place of the *Presentation Hearing* and the *Protective Intervention Hearing* using the *Notice to Parent*; and
  - b) a copy of the *Application for Protective Intervention Hearing*.
8. When serving the parent(s) with notices of hearing and application, the social worker shall:
- a) advise the parent that a detailed *Plan for the Child* (as per s.29 of the *CYCP Act*), will be filed with the court and provided to them before the *Presentation Hearing*. It is preferred practice that the social worker offer the parent the opportunity to participate in the development of the plan;
  - b) be able to explain and respond to any concerns regarding the nature of the court procedure and purpose; and
  - c) advise the parent that he/she may be represented by legal counsel.
9. A social worker shall serve the child 12 years of age and over with notice of the time and place of the *Presentation Hearing* and the *Protective Intervention Hearing* **no later than three (3) days** after the dates of the hearings are obtained using the *Notice to Child* form. It is preferred practice that this is done by the social worker who removed the child or the social worker presently working with the family.

The social worker **does not serve** the child with the *Application for Protective Intervention Hearing* or the *Plan for the Child* but shall discuss with the child the order being requested and the *Plan for the Child*. If a social worker decides to provide a copy of the application or plan to the child, they shall do so in accordance with policy on ***Service of Notices and Documents - General Direction***.

10. While the *CYCP Act* only requires the notice of hearings to be served on children 12 years of age or over, a social worker should also discuss the hearing, and the order being sought with younger children, unless it can be clearly demonstrated that the child is not able to understand, or that it may cause emotional harm to the child.
11. The person who served notice shall complete an *Affidavit of Service* form for each person served.

The *Affidavit of Service* can be filed immediately with the court or a social worker can take it to the first hearing and file it at that time. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy is kept for the CYFS file.

12. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy ***Service of Notices and Documents – General Direction***.

13. A *Plan for the Child* while in the care/custody of a manager must be filed with the court **no later than noon** on the day before the *Presentation Hearing*. Refer to s.29 of the *CYCP Act* and policy on *Plan for the Child*.
14. As soon as possible, and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the application.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

**Forms Package: Supreme Court 47-15/Provincial Court 47-16**

- *Application for Protective Intervention Hearing (Pursuant to s.26)*
- *Affidavit*
- *Notice to Parent*
- *Notice to Children*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Child*

## PLAN FOR THE CHILD

**Policy no.: 2.16**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Application for Supervision Order when Child has not been Removed; Application for Protective Intervention Hearing when a Child has been removed; Application for a Subsequent Order

**Legislative References:** s.29 Plan for the child; s.36 Subsequent order; s.81 Monitoring plans for children in care or custody

**PURPOSE:** To outline the process for filing a *Plan for the Child* with the court.

### **POLICY:**

1. Where a social worker has filed an *Application for a Protective Intervention Hearing* with the court seeking a *Supervision, Temporary or Continuous Custody Order*, he/she shall file with the court a *Plan for the Child*.
2. A social worker shall make reasonable attempts to consult and include the parent(s) and the child, where age and developmentally appropriate, in the development of the *Plan for the Child*. Other significant people in the family and child's life who can contribute to the planning process may be invited to participate in the development of the plan.

### **PROCEDURES:**

1. A social worker shall complete the plan for a child using the *Plan for the Child* form.

The *Plan for the Child* is filed with the court, in accordance with s.29 of the *CYCP Act*, after a social worker has filed an *Application for Protective Intervention Hearing* requesting a supervision or custody order. The *Plan for the Child* outlines prior involvement with the child and family, the child protection concerns, and the recommended services and interventions to address these concerns. In cases where the child has been removed and is In Care, the *Plan for the Child* outlines the efforts planned to maintain the child's contact with the parent, family or other person significant to the child and a description of the arrangements made or being made to recognize the importance of the child's identity and cultural and community connections.

2. **Where a child has been removed:**

- a) the *Plan for the Child* is filed with the court **no later than noon** on the **day** before the *Presentation Hearing*; and
- b) provided to all parents who were served the *Application for Protective Intervention Hearing* **within 24 hours** of filing the plan with the court.

3. **Where a child has not been removed (Supervision Order):**

- a) the *Plan for the Child* is filed with the court **no later than noon** on the day before the *Protective Intervention Hearing*; and
- b) provided to all parents who were served the *Application for Protective Intervention Hearing* **within 24 hours** of filing the plan with the court.

4. **Where a social worker makes an application for a subsequent order:**

- a) the *Plan for the Child* is attached to the *Application for Protective Intervention Hearing* and is filed **on the same day** the application is filed with the court; and
- b) provided to all parents who were served the *Application for Protective Intervention Hearing* preferably within twenty-four (24) hours of filing the plan with the court but **no later than ten (10) days** before the hearing.

5. Prior to filing the *Plan for the Child* with the court, a supervisor shall review, approve and sign the *Plan for the Child*. Where a supervisor reviews and approves the *Plan for a Child* but is unable to sign a hard copy of the plan prior to the *Plan for the Child* being filed, the supervisor shall:

- a) make arrangements for another supervisor to sign on his or her behalf and shall confirm their approval of the *Plan for the Child* with the supervisor via telephone or e-mail; or
- b) instruct the social worker, via telephone or e-mail, to type the supervisor's name on the *Plan for the Child* in lieu of a signature.

6. A revised *Plan for the Child* can be filed with the court anytime before the conclusion of the *Protective Intervention Hearing*.

A revised *Plan for the Child* should be filed with the court when:

- a) the type of order being requested has changed;
- b) an *Application of Non-Compliance* is filed with the court;
- c) circumstances with respect to the risks and/or recommended services have changed; and
- d) any time a social worker determines it appropriate.

7. When a revised *Plan for the Child* is filed with the court, the social worker shall also provide a copy to the parent(s) who was provided with the original *Plan for the Child*.

8. A social worker shall discuss with the child the *Plan for the Child* in a manner which considers the child's level of development and understanding. This information is sensitive and consideration must be given to the emotional impact on the child.
9. The social worker is not required to provide a child 12 years of age and over with a copy of the plan. If the social worker decides to provide a copy of the plan to the child, they shall do so in accordance with the policy on *Service of Notices and Documents – General Direction*.
10. A copy of the *Plan for the Child* shall be placed on the child's In Care file.
11. In accordance with s.81 of the *CYCP Act*, the *Plan for the Child* shall be reviewed with a supervisor at least **one (1) month prior** to the expiration of the order and where possible at midpoint of the order.
12. A social worker is not required to file with the court an *In Care Progress Report*. Filing an *In Care Progress Report* will **not** satisfy the legislative requirements of filing the *Plan for the Child* with the court in accordance with s.29 or s.36 of the *CYCP Act*.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Plan for the Child*, Form 47-19

**TYPES OF SUPERVISION AND CUSTODY ORDERS REQUESTED ON  
AN APPLICATION FOR PROTECTIVE INTERVENTION HEARING OR AN  
APPLICATION FOR A SUBSEQUENT ORDER**

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**Policy no.: 2.17**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Overview of Supervision Orders; Application for Supervision Order when a Child has not been Removed; Application for Protective Intervention Hearing when a Child has been removed; Application for a Subsequent Order; Time Limits for Temporary Custody Orders

**Legislative References:** s.32 Protective intervention hearing; s.33 Time limits for temporary custody orders; s.35 When time limits expire; s.36 Subsequent order

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**PURPOSE:** To outline the types of supervision and custody orders under s.32(2) of the *CYCP Act*, that may be requested on an *Application for Protective Intervention Hearing* or on an application for a [subsequent order](#).

**POLICY:**

1. A social worker shall, in consultation with their supervisor, determine the order under s.32(2) of the *CYCP Act* that will be requested on an *Application for Protective Intervention Hearing* (s.25 or s.26), or an application for a subsequent *Supervision, Temporary* or *Continuous Custody Order* (s.36), prior to filing the application with the court.

**PROCEDURES:**

1. A *Supervision Order* under s.32(2)(a) of the *CYCP Act* provides for the child to remain in, or return to, the care and custody of his/her parents(s) under the supervision of a [manager](#). This type of order should be considered in circumstances where a social worker believes, upon an assessment of safety and risk factors, that:
  - a) a child is in need of protective intervention;
  - b) the child's safety could be assured without removing the child with the provision of protective intervention services; and
  - c) the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child.
2. A *Temporary Custody Order* with *Supervision* pursuant to s.32(2)(b) of the *CYCP Act* provides for the child to be placed in the [temporary custody](#) of a person, other than the

parent from whom the child was removed, with the consent of that person and **under a manager's supervision**, for a specified period in accordance with s.33 of the *Act*.

- a) An order pursuant to s. 32(2)(b) is an order for temporary custody, for a specified period of time pursuant to s.33 of the *CYCP Act* **and** an order of supervision. Please refer to ***Overview of Supervision Order*** and ***Time Limits for Temporary Custody Orders*** policy and procedures;
  - b) This type of order should be considered in circumstances where:
    - it is determined that a relative or person significant to the child has consented to having custody;
    - it is determined that the child's best interest would be served by the **placement**; and
    - the person agrees to work collaboratively with the social worker regarding the permanent *Plan for the Child*;
  - c) Approval of the placement shall be done in accordance with the:
    - preliminary relatives/significant other approval process, or
    - **non-custodial parent** approval process.

The only exception to this is if the Child is already in an assessed *Child Welfare Allowance (CWA)* placement, and an application is made seeking an order under s.32(2)(b) for the child to remain with the same CWA Caregiver in their custody rather than care, a re-approval of the placement as relatives/significant other is not required;
  - d) The terms and conditions of supervision **must be** agreed upon between the social worker and the person that the child will be placed with. The social worker shall seek to have these terms and conditions written into the supervision order. Refer to ***Overview of Supervision Orders*** policy and procedures for further detail; and
  - e) An order under this section means the child is **not** in the care and/or custody of a manager, and financial assistance will only be provided if the person is unable to care for the child without such support. Where financial and other supports are required, they may be provided through the *Child Welfare Allowance Program* or by some other agreement. A non-custodial parent is not eligible for financial support from a manager of Child, Youth and Family Services.
3. A *Temporary Custody Order* under s.32(2)(c) of the *CYCP Act* provides for the child to be placed in the temporary custody of a manager for a specified period in accordance with s.33 of the *Act*. The purpose of this *Temporary Custody Order* is to allow a manager to provide care for a child while developing and implementing, together with the parents, a plan that will ensure the child's protection upon return to the parent's care.
- a) This type of order should be considered in circumstances where there is likelihood that with intervention the child would be able to return home following the *Temporary Custody Order* with or without a *Supervision Order*.
  - b) In accordance with s.32(5), a **judge** may attach **reasonable conditions**, including conditions with respect to:

- the child's contact with a parent, unless the judge is satisfied that continued contact with the parent would not be in the best interests of the child;
  - the child's contact with a person significant to the child; and
  - the assessment, treatment or services to be obtained by the child or the child's parent.
- c) A *Temporary Custody Order* shall not contain conditions with respect to the type or geographic location of placement for the child.
4. A *Continuous Custody Order* under s.32(2)(d) of the *CYCP Act* provides for the child to be placed in the continuous custody of a manager. The decision to recommend removal of parental rights permanently must always be given careful consideration. Situations which may justify such action include, but are not limited to:
- a) where a parent is unable or unwilling to resume care and custody even with reasonable supports;
  - b) the harm the child has suffered or is likely to suffer is so extreme there is little possibility the parent could meet the child's safety, health and well-being;
  - c) there is a documented history that demonstrates the parent's inability or unwillingness to meet the needs of the child; or
  - d) the time limits have expired in accordance with s.33 and it is not in the child's best interest to return to the parent's care.

In accordance with s.32(6)(a), a judge shall not attach conditions to a *Continuous Custody Order*.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## TIME LIMITS FOR TEMPORARY CUSTODY ORDERS

**Policy no.: 2.18**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Application for Protective Intervention Hearing where Child has been Removed; Application for a Subsequent Order; Types of Supervision and Custody Orders Requested on an *Application for Protective Intervention Hearing* or an Application for a Subsequent Order

**Legislative References:** **s.32** Protective intervention hearing; **s.33** Time limits for temporary custody orders; **s.36** Subsequent order

**PURPOSE:** To outline the time limits for [temporary custody orders](#).

**POLICY:**

1. A *Temporary Custody Order* transfers the custody of the child for a specified period, in accordance with s.33 of the *CYCP Act*, to:
  - a) a [manager](#) of Child, Youth and Family Services (s.32(2)(c)); or
  - b) the child's family or a person significant to the child other than the parent from whom the child was removed (s.32(2)(b)).
2. Time limits for a *Temporary Custody Order* under s.33 of the *CYCP Act* shall be strictly adhered to and have been developed in consideration of the child's need for stability and permanence.
3. The duration of the *Temporary Custody Order* is determined by the [court](#) in accordance with s.33 of the *CYCP Act*. Time limits for *Temporary Custody Orders* are:
  - a) **six (6) months** for a **first order** irrespective of child's age;
  - b) **three (3) months** for a **second order** where the child who is the subject of the order is **under six (6) years** of age when that order is made; and
  - c) **six (6) months** for a **second order** where the child who is the subject of the order is **six (6) years of age or over** when that order is made.
4. The **maximum number** of orders allowed in a child's lifetime, irrespective of age, is **two (2) orders** for each child. These orders do not have to be consecutive.

5. Where exceptional circumstances exist, a **judge** may grant a third temporary custody order in accordance with s.33(2) if the parent has demonstrated that he/she may reasonably be expected to resume custody of the child within a reasonable period.
6. The term of a third *Temporary Custody Order* shall not exceed:
  - a) **three (3) months** where the child is **under six (6) years of age** when that order is made; or
  - b) **six (6) months** where the child is **six (6) years of age or over** when that order is made.
7. The time period of the order begins once the order is granted by the court and not on the date it is signed or filed with the court.

**PROCEDURES:**

1. Prior to making an application for a *Temporary Custody Order* pursuant to s.32(2)(b) or s.32(2)(c), a social worker shall determine in accordance with s.33 of the *CYCP Act*, the length of the *Temporary Custody Order* being requested taking into consideration the child’s age and number of temporary custody orders.

	<b>&gt;6 years</b>	<b>6+ years</b>
<b>1<sup>st</sup></b> Temporary Custody Order shall not exceed	6 mths	6 mths
<b>2<sup>nd</sup></b> Temporary Custody Order shall not exceed	3 mths	6 mths
Exceptional Circumstances Temporary Custody Order shall not exceed	3 mths	6 mths
<b>Total</b>	<b>12 mths</b>	<b>18 mths</b>

2. Prior to making an application for a third *Temporary Custody Order*, a social worker shall assess, in consultation with a supervisor, whether the exceptional circumstances will be remediated within the time frame of the *Temporary Custody Order*.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

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## APPLICATION FOR A SUBSEQUENT ORDER

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**Policy no.: 2.19**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Service of Notices and Documents - General Direction; Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order; Plan for the Child

**Legislative References:** s.36 Subsequent order; s.37 Bridging provision

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**PURPOSE:** To outline the process for filing an application with the court for a subsequent *Supervision, Temporary* or *Continuous Custody Order*.

### **POLICY:**

1. An application for a subsequent *Supervision, Temporary* or *Continuous Custody Order* shall be filed with the court when:
  - a) a child is under the supervision of a manager or is in the temporary custody of a manager in accordance with s.32(2) of the *CYCP Act*;
  - b) a social worker believes, upon an assessment of safety and risk factors, that it is in the child's best interest to remain under the supervision or in the custody of a manager; and
  - c) a less intrusive course of action that would adequately protect the child is not available.

### **PROCEDURES:**

1. Prior to filing an application for a subsequent *Supervision, Temporary* or *Continuous Custody Order*, a social worker shall, in consultation with their supervisor:
  - a) determine the type of order which is being sought;
  - b) review the *Plan for the Child* that was filed with the court for the existing order; and
  - c) discuss the future *Plan for the Child*.
2. If the child is In Care, the social worker shall review the child's *In Care Progress Report(s)*.

3. A social worker shall make reasonable attempts to consult and include the parent(s) and the child, where age and developmentally appropriate, in the development of the *Plan for the Child*. Other significant people in the family and child's life who can contribute to the planning process may be invited to participate in the development of the *Plan for the Child*.
4. **Before the expiration of an order**, a social worker shall file an application for a subsequent order by completing and filing with the court:
  - a) an application for a *Supervision, Temporary or Continuous Custody Order*. The social worker outlines in the title of the application, and in the application itself, the type of order being requested in accordance with s.32(2) of the *CYCP Act*, and any conditions he/she wishes to have attached to the order;
  - b) a signed *Affidavit*, attesting to the truth of the information contained in the application; and
  - c) a *Plan for the Child*. Refer to the ***Plan for the Child*** policy and procedures for further detail.

It is important that a social worker does not allow an order to expire before an application for a **subsequent order** is filed. If this occurs, the social worker shall notify their supervisor immediately.

5. When filing an application for a subsequent *Supervision, Temporary or Continuous Custody Order*, a social worker shall request from the court a date for a hearing to be held **no later than thirty (30) days** after the application has been filed. The social worker shall notify the court clerk of the need for an interpreter/translator for the parent(s), if applicable.
6. If the court is unable to hear the matter prior to the order expiring, the current order of **temporary custody** or supervision remains in effect under a ***Bridging Provision*** (s.37 of the *CYCP Act*) until the matter is heard and decided upon.
7. A social worker shall serve, or make arrangements to have served on the parent(s):
  - a) the notice of time and place of the ***Protective Intervention Hearing*** using the *Notice to Parent* form; and
  - b) a copy of the application.

These documents shall be served preferably within twenty-four (24) hours of filing the application with court, but **no later than ten (10) days** before the hearing.

8. A *Plan for the Child* shall be attached to the notice served on the parent(s).
9. Where a child is 12 years of age or over, a social worker shall serve the child with the notice of time and place of the hearing preferably within twenty-four (24) hours of filing the application with court, but **no later than ten (10) days** before the hearing. It

is preferred practice that this is done by the social worker who is presently working with the child.

10. The social worker **does not serve** the child with a copy of the application or the *Plan for the Child* but shall discuss with the child the order being requested and the plan for the child. If a social worker wishes to provide a copy of the plan or application to the child, they shall do so in accordance with policy on *Service of Notices and Documents – General Direction*.
11. While the *Act* only requires *Notice of Hearing* to be served to children 12 years of age or over, a social worker should also discuss the hearing and the order being sought with younger children, unless it can be clearly demonstrated that the child is not able to understand, or that by doing so, it may cause emotional harm to the child.
12. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise the CYFS solicitor in his/her area. Refer to policy *Service of Notices and Documents – General Direction*.
13. The person who served notice completes an *Affidavit of Service* for each person served using the appropriate *Affidavit of Service* form.
14. The *Affidavit of Service* can be filed immediately with the court or a social worker can take it to the first hearing and file it at that time. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy is kept for the CYFS file.
15. As soon as possible and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the application.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

**Forms Package: Supreme Court 47-22/Provincial Court 47-23**

- *Application for a Supervision, Temporary or Continuous Custody Order*
- *Affidavit*
- *Notice to Parent*
- *Notice to Child*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Child*
- *Plan for the Child*, Form 47-19

## APPLICATION FOR FINANCIAL SUPPORT

**Policy no.: 2.20**

**Effective Date: March, 2007**

**Date Revised: June 30, 2011**

**Policy Cross References:** Application for Protective Intervention Hearing when a Child has been Removed (Pursuant to Section 26)

**Legislative References: s.40** Financial responsibility

**PURPOSE:** To outline the process for filing an application with the court for financial support when a child is in the temporary or continuous custody of a manager.

### **POLICY:**

1. Where a child is in the temporary or continuous custody of a manager, a social worker shall determine the parent's ability to contribute to the support of the child.
2. Where a support order already exists between parents who are separated or divorced and a child is removed from the parent receiving support, the social worker shall advise the Support Enforcement Agency in writing of the change in the child's custody and ask the court to order that the support be paid to a manager.

### **PROCEDURES:**

1. A parent should be encouraged to provide support, according to his or her ability to do so, for children who are in the custody of a Manager of Child, Youth and Family Services.
2. Support can be either monetary or non-monetary depending upon the ability of the parent. Examples of non-monetary support may include a parent's agreement to provide clothing, recreation, transportation, education, psychological services and/or medical costs.
3. When children are in the custody of a manager, the social worker shall apply for *Children's Special Allowance* on behalf of the child.
4. A parent's ability to contribute financial support shall be determined using the *Child Support Guidelines*.

5. Where an agreement for support is reached voluntarily between the social worker and parent, the agreement must be provided to the court.
6. Where a parent will not voluntarily agree to pay support and the social worker feels based on the assessment, there is an ability to do so, the social worker shall apply to the judge for an order of support. The amount of support will be in accordance with the *Child Support Guidelines*.

### **Support Order already exists**

7. Where a support order already exists between parents who are separated or divorced and a child is removed from the parent receiving support, a new order is required as the Support Enforcement Agency cannot collect support for a manager without a specific order. In these circumstances, the social worker shall:
  - a) advise the Support Enforcement Agency in writing of the change in the child's custody; and
  - b) ask the court to order that the support be paid to a manager.

### **Application for Order of Support**

8. A social worker requests an Order for financial support, pursuant to s.40 of the *CYCP Act*, in one of the following ways:
  - a) requesting an Order of support in the *Application for Protective Intervention Hearing (Pursuant to Section 26)*. Refer to ***Application for Protective Intervention Hearing where child has been Removed*** policy and procedures; or
  - b) filing an *Application for Support (Pursuant to Section 40)*.
9. If a social worker does not request an order for support on an *Application for Protective Intervention Hearing (Pursuant to Section 26)*, he/she should seek an Order of support by:
  - a) completing an *Application for Support (Pursuant to Section 40)*
  - b) signing an *Affidavit* attesting to the truth of the information contained in the application and arranging for another social worker to witness his/her signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court.
10. When an *Application for Support (Pursuant to Section 40)* is filed with the court, a social worker shall obtain a date for the hearing and serve the parent with:
  - a) the notice of time and place of the hearing using the *Notice to Parent*; and
  - b) a copy of the *Application for Support*.

11. The person who served notice completes an *Affidavit of Service* for each person served. The *Affidavit of Service* can be filed immediately with the court, or a social worker can take it to the first hearing and file it at that time. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy is kept for the CYFS file.
12. As soon as possible, and prior to a hearing, a social worker shall notify the CYFS solicitor in his/her area of the application.

**Order granted**

13. If an order is granted, the court will file the order with the Support Enforcement Agency for enforcement. The order will stipulate that payments be made to the Department of Child, Youth and Family Services, Attention: Manager of Financial and General Operations, for the benefit of the Crown and payments will be forwarded by the Support Enforcement Agency.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:****Forms Package: Supreme Court 47-24/Provincial Court 47-25**

- *Application for Support (Pursuant to Section 40)*
- *Affidavit*
- *Notice to Parent*
- *Affidavit of Service to Parent*

**Forms: Supreme Court 47-15/Provincial Court 47-16**

- *Application for Protective Intervention Hearing (Pursuant to s. 26),*

***Child Support Guidelines***

<http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/legis/fcsg-lfpae/index.html>

**NOTICE OF DISCONTINUANCE - CHILD TURNS  
16 YEARS OF AGE**

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**Policy no.: 2.21**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Application for Protective Intervention Hearing when a Child has been removed; Application for a Subsequent Order

**Legislative References:** s.28 When sixteenth birthday intervenes; s.37 Bridging provision

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**PURPOSE:** To outline the process for discontinuing a [continuous custody](#) application after a child has turned 16 years of age.

**POLICY:**

1. When an application seeking an order of continuous custody has been filed with the [court](#) and:
  - a) the child has turned 16 years of age;
  - b) the matter has not been heard; and
  - c) a social worker, in consultation with a supervisor, has decided that CYFS no longer wishes to proceed with the matter;

a social worker shall advise his or her CYFS solicitor that CYFS will be not be proceeding with the continuous custody application and request that the CYFS solicitor file a *Notice of Discontinuance* with the court.

**PROCEDURES:**

1. A social worker shall request that the CYFS solicitor file a *Notice of Discontinuance* with the court on or after the child's 16<sup>th</sup> birthday.
2. A CYFS solicitor files a *Notice of Discontinuance* by:
  - a) completing the *Notice of Discontinuance*; and
  - b) filing the *Notice of Discontinuance* with the court.
3. **Within 24 hours** of filing a *Notice of Discontinuance* with the court, a social worker shall serve the person(s) who was the respondent(s) in the original application with a copy of the *Notice of Discontinuance*.

4. **Within 24 hours** of filing a *Notice of Discontinuance* with the court, a social worker shall serve the child/youth with a copy of the *Notice of Discontinuance*.
5. The person who served notice shall complete, and file with the court, an *Affidavit of Service* for each person served. It should be clearly written on each *Affidavit of Service* filed with the court which document(s) was served. A copy is kept for the CYFS file.
6. Where an application for a continuous custody order has been filed with the court, a child who is in the **temporary custody** of a **manager will remain** in the temporary custody of a manager under the **bridging provision** after their 16<sup>th</sup> birthday until either:
  - a) the application for a continuous custody order is determined by the court; or
  - b) a *Notice of Discontinuance* is filed with the court.

**Note: The bridging provision applies even in situations where the youth may have physically left his or her **foster care/residential placement**.**

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

**Forms Package: Supreme Court 47-17/Provincial Court 47-18**

- *Notice of Discontinuance*
- *Affidavit of Service to Parent*
- *Affidavit of Service to Youth*

## APPLICATION TO RESCIND A CONTINUOUS CUSTODY ORDER

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**Policy no.: 2.22****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Planning: Continuous Custody Order Ceases to Have Effect for a Child or Youth**Legislative References:** s.41 When continuous custody order ceases to have effect; s.42 Rescinding continuous custody order

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**PURPOSE:** To outline the purpose and process for rescinding a [continuous custody](#) order.**POLICY:**

1. A [manager](#) or social worker may make an application to rescind a continuous custody order when the circumstances have changed significantly since the order for continuous custody was made and the child or [youth](#) has not been placed for adoption.

**PROCEDURES:**

1. A continuous custody order may be rescinded by the [court](#), with leave of a [judge](#), where:
  - a) a [party](#) to a hearing at which the continuous custody order was made files an application with the court seeking to rescind the order;
  - b) the circumstances have changed significantly since the time the order for continuous custody was made; and
  - c) the child or youth has not been placed for adoption.
2. The social worker, in consultation with a supervisor, shall assess the current circumstances to determine whether there has been significant change since the order for continuous custody was made. Where there is an intention to make an application to rescind the continuous order, the social worker shall advise and consult with the manager and a CYFS solicitor.
3. Where a decision has been made to make an application to rescind a continuous custody order, the social worker must first seek leave from a judge.
4. A social worker makes an *Application Seeking Leave* by:
  - a) completing the *Application Seeking Leave*;

- b) signing an affidavit attesting to the truth of the information contained in the application and arranging for another social worker to witness his/her signature and sign as a Commissioner for Oaths; and
  - c) filing the application at the courthouse.
5. Where leave is granted by a judge, a social worker makes an *Application to Rescind a Continuous Custody Order*.
6. A social worker makes an *Application to Rescind a Continuous Custody Order* by:
  - a) completing the *Application to Rescind a Continuous Custody Order*;
  - b) signing an affidavit attesting to the truth of the information contained in the application and arranging for another social worker to witness his/her signature and sign as sign as a Commissioner for Oaths; and
  - c) filing the application at the courthouse.
7. Where an *Application to Rescind a Continuous Custody Order* has been filed, the following parties shall be served with notice at **least 10 days** prior to the hearing:
  - a) a parent of the child or youth;
  - b) a child or youth, where this child is 12 years of age or over; and
  - c) another party to the continuous custody application.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Application Seeking Leave*, Forms: Supreme Court 47-26/Provincial Court 47-27
- *Application to Rescind a Continuous Custody Order*, Forms: Supreme Court 47-28/Provincial Court 47-29

## CHILD RETURNED AT ANY TIME

**Policy no.: 2.23****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** **s.44** Child returned at any time; **s.45** Child returned within 72 hours; **s.46** Child returned after 72 hours; **s.47** Child returned after protective intervention hearing**PURPOSE:** To outline the process for returning a child to his/her parent's care.**POLICY:**

1. Where it is determined that it is in a child's best interests and the child would not be at risk, a child can be returned home anytime after [removal](#).
2. The social worker shall consult with the supervisor when considering the return of the child.
3. The social worker shall consult with the CYFS solicitor immediately following the decision to return the child.
4. The social worker shall follow the [Risk Management System](#) when returning a child who has been in the [custody](#) of a [manager](#).
5. The social worker and the parent shall develop a *Family Centered Action Plan* that will adequately protect the child.
6. Where a child is being returned to the parent **within 72 hours** of removal and an application for a [protective intervention hearing](#) has been filed with the [court](#), the social worker shall file a *Notice of Discontinuance (Section 45)* with the court.
7. Where a child is being returned to the parent **after 72 hours** of removal but before the protective intervention hearing, the social worker shall file an *Application Seeking Leave (Section 46)* to withdraw the application for a protective intervention hearing.
8. Where a child is returned and an order of [temporary custody](#) is in place, the social worker shall file an *Application to Rescind an Order (Section 47)* with the court or vary an outstanding order made in relation to the child.

**PROCEDURES:**

1. The social worker shall consult with the supervisor when making the decision to return a child to his/her parent's care. This is a clinical decision and will involve a consideration of how the family's circumstances have changed so that the child is no longer in need of protective intervention.
2. The court process to be followed after a child is returned is dependent on the time frame involved since removal. The social worker shall refer to Sections 45-47 of the *CYCP Act*.

**Child returned within 72 hours of removal**

3. When a child is being returned to the parent **within 72 hours** of removal and an application for a protective intervention hearing has been filed with the court the social worker shall:
  - a) request that the CYFS solicitor file a *Notice of Discontinuance (Section 45)* with the court;
  - b) file with the court and provide to the parent a written explanation of the change in circumstances or a copy of the *Family Centered Action Plan*; and
  - c) serve *Notice of Discontinuance* to the persons who received notice of the application.
4. The written explanation shall include the factual information that provides the basis of the social worker's assessment that the child can be returned home safely.

**Child returned after 72 hours**

5. When a child is returned to the parent **after 72 hours** of removal but before the protective intervention hearing, the social worker shall:
  - a) seek leave of a **judge** to withdraw the application for a protective intervention hearing using the *Application Seeking Leave (Section 46)*.
  - b) provide notice of the intention to seek leave to withdraw the application to the persons who received notice of the application for a protective intervention hearing; and
  - c) file with the court and provide to a parent who received notice, a written explanation of the change in circumstances or provide a copy of the *Family Centered Action Plan*.
6. The person who serves the notice shall complete an *Affidavit of Service* for each person served. Each *Affidavit of Service* shall be filed with the Court prior to the hearing and shall clearly state what was served.
7. Where leave of a judge is sought, the matter shall be heard no later than the date set for the protective intervention hearing.

**Child returned while in the custody of the Manager**

8. The social worker shall complete the *Risk Assessment Instrument (RAI)* for any child who is returned home while in the custody of a manager. The RAI is completed to determine that the child can return home safely.
9. The social worker shall revise the *Family Centered Action Plan* to reflect how the risk to the child has been reduced where the child is no longer in need of protective intervention and identify any interventions required to adequately protect the child.
10. Where a child is returned to the parent after a protective intervention hearing but before the expiration of an order of temporary custody the social shall, not later than **10 days** before the date set for a hearing, provide notice of the application to:
  - a) a parent of the child; and
  - b) the child, where the child is 12 years or age or older.
11. File with the court and provide to a parent who received notice, a written explanation of the change in circumstances or a copy of the *Family Centered Action Plan*.

**EXCEPTIONS TO POLICY:** None

**REFERENCE DOCUMENTS:**

- *Application to Rescind an Order*, Forms Supreme Court 47-34/Provincial Court 47-35
- *Application Seeking Leave*, Forms Supreme Court 47-32/ Provincial Court 47-33
- *Family Centered Action Plan (FCAP)*, Form 14-858
- *Notice of Discontinuance*, Forms Supreme Court 47-30/Provincial Court 47-31
- *Risk Management System Manual (2003)*

## CONSENT ORDERS

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**Policy no.:** 2.24

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:**

**Legislative References:** s.10 Definition of child in need of protective intervention; s.31 Presentation hearing; s.32 Protective intervention hearing; s.58 Court order with consent

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**PURPOSE:** To provide an overview and general requirements of a Consent Order.

### **POLICY:**

1. Where there is consent from the parties to an application, a consent order may be entered into between the social worker or [manager](#) and the parent from whom the child was removed under s.10 of the *CYCP Act*.
2. Where a parent gives consent to an order, it is not an admission by the parent of a ground for protective intervention alleged by a social worker or a manager.
3. The consent order may be filed at any time during the [presentation hearing](#) or the [protective intervention hearing](#) or at any other time with leave from the [court](#).

### **PROCEDURES:**

1. Where a parent has consented to an order, the social worker shall:
  - a) ensure that the opinion of the child has been considered;
  - b) ensure the parent consenting to the order has been informed that he or she may be represented by legal counsel; and
  - c) discuss with the parent the nature of the order and consequences of consenting to the manager's application.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## OFFENCES AGAINST CHILDREN

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**Policy no.:** 2.25

**Effective Date:** March, 2007

**Date Revised:** June 30, 2011

**Policy Cross References:**

**Legislative References:** s.76 General offence; s.77 Contributing to an offence; s.78 Offence to remove a child or youth from manager; s.79 Liability for an offence

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**PURPOSE:** To outline Child, Youth and Family Services response when there is or may be an offence against a child.

### **POLICY:**

1. The social worker shall make a [referral](#) to the police for an investigation where it is believed that an offence has been committed under the *Child and Youth Care and Protection (CYCP) Act*.
2. The offences against children found in the *CYCP Act* are specific to offences under this legislation and are not found in any other statutes.

### **PROCEDURES:**

1. The social worker shall advise a supervisor when an offence has occurred or is likely to be committed.
2. The social worker shall notify the police in writing and request an investigation when it is believed that an offence against a child has occurred or is likely to be committed. The police will be responsible for laying charges where it is determined necessary.
3. The social worker shall familiarize himself or herself with the Offences Against Children Part IX of the *CYCP Act* in order to determine when an offence against a child as occurred.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## OVERVIEW: PLANNING FOR CHILDREN AND YOUTH IN CARE

Planning for a child or youth in care shall be consistent with the goals for the child or youth outlined in *Plan for the Child* submitted to the Court. All decisions made regarding children and youth in care are made in accordance with the best interest of the child as outlined in s.9 of the *CYCP Act*.

It is the responsibility of the social worker, in consultation with the planning team, to ensure that:

- the child/youth is the primary focus of all planning;
- permanency planning for the child/youth is paramount;
- the child/youth is included in planning based on his or her age and developmental stage,
- a plan is developed to maintain the child/youth's contact with the parent(s), siblings, extended family and significant others: and
- there is recognition of the importance of the child/youth's identity and there is a plan to maintain cultural and community connections.

Children and youth in care need to be informed and consulted regarding planning and significant decisions affecting their care and custody in an age and developmentally appropriate manner. Each child and youth in care shall have a planning team that meets regularly and includes:

- the child/youth (where developmentally appropriate);
- the social worker;
- the child/youth's parent(s);
- foster parents or residential staff person;
- community partners (i.e.: teacher, counselor, cultural leader); and
- persons significant to the child.

## IN CARE PROGRESS REPORTING

Planning for children and youth in care will be documented in the *In Care Progress Report (IPR)* which will be developed and updated at regular intervals for a child or youth for the duration of their placement in care or custody.

The *IPR* is a living document that monitors ongoing case planning, progress and outcomes for children and youth. It also provides a written history of a child/youth's life in care, and contains crucial information when a former child/youth in care requests information about their past through file disclosure.

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## INTERIM CARE OF A CHILD OR YOUTH

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**Policy no.: 3.2****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Effect of a Temporary Custody Order; Consents: Medical Consent**Legislative References:** s.24 Interim care of a child after removal; s.31 Presentation hearing; s.38 Effect of temporary custody order

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**PURPOSE:** To outline the effect of **interim care** after the **removal** of a child or **youth**, specifically as it relates to the provision of medical consent.

**POLICY:**

1. Where a child or youth has been removed from their parent(s), the **manager** has **interim care** of the child or youth until:
  - a) the child or youth is returned to their parent under s.45 of the *CYCP Act*.
  - b) a **judge** makes an order at a *Presentation Hearing* under s.31 of the *CYCP Act*.
2. While the manager has interim care of the child or youth, the manager or social worker may:
  - a) authorize a **qualified health practitioner** to examine the child or youth, and;
  - b) consent to **necessary health care** for the child or youth where the parent cannot be contacted if, in the opinion of a qualified health practitioner, the health care should be provided without delay.
3. Where an order of *Interim Custody* is granted at a *Presentation Hearing* in accordance with paragraph 31(1)(e) of the *CYCP Act*, the ***Effect of a Temporary Custody Order*** policy shall be followed.

**PROCEDURES:**

1. The social worker shall refer to the ***Consents: Medical Consent*** policy for further direction regarding medical consent.

**EXCEPTIONS:** None**RELEVANT DOCUMENTS:** None

## EFFECT OF A TEMPORARY CUSTODY ORDER

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**Policy no.: 3.3****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Consents: Medical Consent**Legislative References:** s.38 Effect of temporary custody order

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**PURPOSE:** To outline the effect of a temporary custody order, specifically as it relates to decision making on the [child's](#) or [youth's](#) behalf.

**POLICY:**

1. A child or youth is in the *temporary custody* of a [manager](#) when such an order is made under paragraph 32(2)(c) of the *CYCP Act*.
2. A manager or social worker has the legal authority to make all decisions regarding a child or youth, except those related to medical treatment, during the period of temporary custody.
3. While a child or youth is in the *temporary custody* of a manager, the manager or social worker may consent to *necessary medical treatment* for the child or youth only when the parent is unavailable or refuses to provide consent.
4. A manager shall not consent to an adoption of a child or youth in temporary custody without the consent of the parent from whom the child or youth was removed.

**PROCEDURES:**

1. While the manager or social worker has the right to make all decisions (including decisions related to daily care, education, place of residence, travel) regarding a child or youth in temporary custody, with the exception of medical decisions as outlined below, the social worker shall make all reasonable efforts to facilitate the involvement of parents and include them in decisions regarding their children. Where possible, the opinion of the child or youth will be taken into consideration as part of the decision making process.
2. While the manager has *temporary custody* of the child or youth, the manager or social worker may:
  - a) authorize a *qualified health practitioner* to examine the child, and;

- b) consent to *necessary medical treatment* for the child or youth where the parent is unavailable or refuses to provide consent.
3. The social worker shall refer to the ***Consents: Medical Consent*** policy for further direction related to obtaining and providing medical consent.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## EFFECT OF A CONTINUOUS CUSTODY ORDER

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**Policy no.: 3.4****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Consents: Medical Consent; Planning: In Care Progress Report and Consulting and Informing a Child or Youth; Planning: Continuous Custody Order Ceases to have Effect**Legislative References:** s.32 Protective intervention hearing; s.39 Effect of continuous custody order; s.41 When continuous custody ceases to have effect

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**PURPOSE:** To outline the effect of a [continuous custody order](#), specifically as it relates to decision making on the child's or [youth's](#) behalf.**POLICY:**

1. When an order for continuous custody is made under paragraph 32(2)(d) of the *CYCP Act*, the [manager](#) becomes the sole custodian of the child or youth.
2. When a child or youth is in continuous custody every effort shall be made to develop a permanent plan based on the best interest of the child or youth.
3. An order of continuous custody does not affect the rights of a child or youth with respect to inheritance or succession to property.
4. An application for [custody](#) of or access to a child or youth under the *Children's Law Act* shall not be made with respect to a child or youth who is the subject of a continuous custody order made under the *CYCP Act*.

**PROCEDURES:**

1. The manager or social worker has the right to make all decisions regarding a child or youth in continuous custody. Where possible, the opinion of the child or youth will be taken into consideration as part of the decision making process.
2. The manager or social worker has the ability to consent to medical treatment for a child or youth in continuous custody. The social worker shall refer to **Consents: Medical Consent** policy for further direction.

3. The social worker, in consultation with the child or youth's planning team shall develop a permanent plan that best addresses the needs of the child or youth. This plan may include:
  - a) adoption by a relative, significant other, foster parent or an individual or couple from the approved adoption list;
  - b) transfer of custody to a relative, significant other or foster parent;
  - c) continuation of existing placement; or
  - d) transition to independent living.
4. A manager may consent to the adoption of a child or youth in their continuous custody.
5. At least 30 days prior to consenting to an adoption under the *Adoption Act*, the social worker shall provide written notification to those who have been permitted to have contact with the child or youth of the intention to consent to adoption.
6. If the plan for the child or youth is adoption, the social worker shall refer to the adoption procedures outlined in the *Adoption Services Standards and Policy Manual, April 2003*.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Adoption Act*
- *Children's Law Act*
- *Adoption Services Standards and Policy Manual, April 2003*

## PLACEMENT: SHARING OF INFORMATION RELEVANT TO THE CARE OF A CHILD OR YOUTH

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**Policy no.: 3.5****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** s.64(1) Information re child or youth's care

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**PURPOSE:** To outline the information relevant to the care of a child or **youth** that must be shared with a **foster parent**(s), residential care provider(s), or other person(s) entrusted with the daily care of a child or youth.

**POLICY:**

1. The social worker shall ensure that foster parents, residential care providers (i.e., **group home** staff) and other persons, including personnel at schools or child care centres entrusted with the care of a child/youth, are provided with information relevant to the care of that child or youth.

**PROCEDURES:**

1. On the **day** of placement, the social worker shall give the foster parent(s) or residential care providers a copy of the child/youth's **placement card** in addition to the following:
  - a) hospital and MCP card numbers (if available);
  - b) reasons for **removal**;
  - c) information on any special needs of the child/youth;
  - d) information that will assist in ensuring the child/youth's safety, including the need to protect the child/youth from contact with another person;
  - e) information that will assist in ensuring the health and safety of any other person in the home, including any health and safety risks posed by the child/youth towards the care provider or other person in the home;
  - f) information on the day to day care/routines of the child/youth, including sleeping habits, bedtime routine, food preferences, mealtime routines, and spiritual or cultural routines (if available);
  - g) a description of the child/youth's personality and behaviour, including coping strategies, fears, likes and dislikes (if available); and

- h) information of any allegations of maltreatment involving the child/youth in previous placement settings, and whether or not the allegations were investigated and the outcome.
2. If an *In Care Progress Report (IPR)* has already been completed on the child or youth, the social worker shall review this report with the foster parent(s) or residential care provider and give them a written copy of the work plan portion of the *IPR* as soon as possible after the child/youth is placed in the foster home or [residential placement](#). If an *IPR* has not been completed the social worker shall give the foster parent(s) or residential care providers the following information as soon as possible after the child/youth is placed:
- a) names of, and contact information for, the members of the child/youth's planning team;
  - b) relevant family history;
  - c) family visiting/contact schedule;
  - d) medical information (i.e., any diagnosis, dental and vision needs) including any outstanding medical needs or appointments, and the names of, and contact information for, any health professionals involved with the child/youth;
  - e) developmental information including physical, social and emotional development;
  - f) extra-curricular and special interests, hobbies or habits;
  - g) any specific child/youth management approaches that will benefit the child/youth's development based on the child/youth's individual needs;
  - h) child/youth's placement history including any circumstances that led to their disruption or breakdown;
  - i) previous experiences in care or in the child/youth's home that may explain the child/youth's attitude towards the foster parent or residential care provider, or that may explain personal habits that cause concern or seem unusual;
  - j) details on how the child/youth's family has reacted to his/her placement, including feelings, attitudes and opinions about the child/youth being removed; and
  - k) any other information that will assist in responding to the individual needs of the child/youth.
3. The social worker shall provide information to others entrusted with the care of a child/youth (i.e., school or child care centre personnel) as soon as possible after the child/youth is placed, including:
- a) relevant health information;
  - b) previous school record;
  - c) care/[custody](#) status;
  - d) information that will assist in ensuring the child/youth's safety, including the need to protect the child/youth from contact with another person;

- e) name of, and contact information for, the social worker and social worker's supervisor;
  - f) name of, and contact information for, the foster parent(s) or residential care provider; and
  - g) any health and safety risks posed by the child/youth towards any other person.
4. The social worker shall advise the foster parent(s), residential care providers and other persons entrusted with the child/youth's care that any information provided to them must be stored in a secure location and returned to the social worker at the end of the child/youth's placement with them.
  5. The type of information shared, and with whom, shall be documented in the child/youth's file by the social worker.

**EXCEPTIONS TO POLICY:**

1. If, in extenuating circumstances, a social worker does not have access to some information relevant to the care of the child/youth, it shall be noted in the child/youth's file. The information shall be provided as soon as it becomes available.

**RELEVANT DOCUMENTS:**

- *Placement Card*, Form 42-01
- *In Care Progress Report Template*

## PLACEMENT: SHARING PLACEMENT INFORMATION WITH A CHILD, YOUTH AND PARENT(S)

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**Policy no.: 3.6****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement: Sharing of Information Relevant to the Care of a Child or Youth**Legislative References:** s.64(2) Information re child or youth's care

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**PURPOSE:** To outline the information that shall be shared with a child/youth or parent concerning the child/youth's placement.**POLICY:**

1. The social worker shall provide relevant information to the child/youth, in an age and developmentally appropriate manner, about the foster home or residential program where he/she is to be placed.
2. The social worker shall provide relevant information to the parent(s) about the foster home or residential program where the child/youth is to be placed unless the **manager** or social worker believes that sharing this information is not in the best interest of the child/youth.

**PROCEDURES:**

1. On the **day** of placement in a foster home, the social worker shall give the child/youth and his/her parent(s) the following information about the home:
  - a) name(s), address and telephone number(s) of the **foster parent(s)**;
  - b) names and ages of all family members, and ages of other children/youth in care living in the home;
  - c) role of the foster parent(s);
  - d) home rules;
  - e) whether the foster parent(s) smokes and whether they smoke in the home;
  - f) when and where visits will take place, and if visits will be supervised;
  - g) cultural heritage of the family;
  - h) religious affiliation and practices of the family, and other religious/spiritual considerations of importance to the child/ youth;

- i) interests and hobbies in which the family regularly participates;
  - j) description of the foster parents' personality;
  - k) any pets;
  - l) what the child/youth can expect regarding personal belongings and privacy; and
  - m) any other information that may assist the child/youth and family in adjusting to the placement.
2. On the day of placement in a residential program, the social worker shall give the child/youth and his/her parent(s) the following information about the residence:
  - a) address, phone numbers and contact person;
  - b) mandate of the residence;
  - c) staffing model;
  - d) rules and routines;
  - e) policies regarding visiting/contact at the residence;
  - f) what the child/youth can expect regarding personal belongings and privacy;
  - g) when and where visits will take place and if the visits will be supervised; and
  - h) any other information that may assist the child/youth in adjusting to the placement.
3. The social worker may arrange for a pre-placement visit for the child/youth if it is appropriate and feasible. The social worker shall include the parent(s) in the pre-placement visit and/or invite the parent(s) to accompany the child/youth when he/she is placed if it is deemed in the best interest of the child/youth and the parent is willing/able to accompany the child or youth.

**EXCEPTIONS TO POLICY:**

1. If, in extenuating circumstances, a social worker does not have access to some information concerning the placement of the child/youth, it shall be noted in the child/youth's file and in the file of the parent(s). The information should be provided as soon as it becomes available.
2. The social worker in consultation with the supervisor may withhold information about the placement resource if it is felt that sharing this information with the parent(s) may place the child/youth or the placement providers at risk of harm.

**RELEVANT DOCUMENTS:** None

## PLACEMENT: PLACEMENT PROCEDURES

**Policy no.: 3.7****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement: Consulting and Informing a Child or Youth; Placement: Sharing of Information Relevant to the Care of a Child or Youth; Financial Services: Children's Special Allowances; Financial Services for Children and Youth in Care and Custody; Financial Services: Foster Home Rates; Health Services; Medical Consent**Legislative References:**

**PURPOSE:** To outline the procedures to be followed when placing a child or youth in a foster home or other residential placement.

**POLICY:**

1. A social worker shall meet with the child or youth in the care or custody of a manager **on the day** of placement and again **within seven (7) days**.
2. A social worker shall ensure that a child or youth who enters the care or custody of a manager is medically examined **within three (3) days** of placement.
3. A social worker shall ensure that a child or youth is medically examined **immediately** where the child or youth has a physical injury, has an apparent medical condition or there is evidence that a child or youth has been physically or sexually abused.
4. The social worker shall provide the foster parent or residential care provider with information relevant to the child or youth's care as outlined in the *Placement: Sharing of Information Relevant to the Care of a Child or Youth* policy.

**PROCEDURES:**

1. A social worker shall meet with the child or youth on the **day of placement** and again **within seven (7) days** of placement. A social worker shall talk to the child or youth, where age and developmentally appropriate, about the reasons for placement and provide information about the plan for their care. Please refer to the *Placement: Consulting and Informing a Child or Youth* policy for further information.
2. At the time of placement, the social worker shall complete the *Placement Card* and provide this to the foster parent or residential care provider. Please refer to the

***Placement: Sharing of Information Relevant to the Care of a Child or Youth*** policy for further information regarding additional information that shall be provided.

3. Where a child has been removed, a placement medical shall be completed as soon as possible and **within three (3) days** of placement. The *Placement Medical for Children and Youth Entering Care* form shall be used, however a note may also be provided by the doctor advising of the outcome of the medical.
4. Where a child or youth has a physical injury, an apparent medical condition or there is evidence that the child or youth has been physically or sexually abused, a social worker shall ensure the child or youth is medically examined **immediately**. Should medical treatment be recommended by a **qualified health practitioner**, please refer to the ***Consents: Medical Consent*** policy for information related to providing consent for treatment.
5. An application for the Children's Special Allowances shall be completed **within three (3) days** of the child or youth entering care. Please refer to the ***Financial Services: Children's Special Allowances*** policy for further direction.
6. A social worker shall make an application for prescription drug coverage for a child or youth in care or custody. Please refer to the ***Health Services for the Child or Youth*** policy for further information.
7. A social worker shall arrange for the foster parent(s) to receive the foster care basic rate and shall assess whether any other supports are required by the child/youth or placement resource. Please refer to the ***Financial Services for the Child or Youth*** policy for information regarding other supports available for children or youth in care or custody.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- ***Placement Card***, Form 42-01
- ***Placement Medical for Children and Youth Entering Care***

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**PLACEMENT: CONSULTING AND INFORMING A CHILD OR YOUTH**

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**Policy no.: 3.8****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Service of Notices and Documents – General Direction; Planning: In Care Progress Report; Placement: Sharing Placement Information with a Child, Youth and Parents**Legislative References:** **s.9(2)(e)** General principles; **s.23(1)** Notice of removal; **s.2(2)** Notice of hearing where child removed; **s.36(3)** Subsequent order

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**PURPOSE:** To outline the process for consulting and informing children and youth about plans and decisions affecting their care.**POLICY:**

1. The social worker must have, at minimum, **one (1) in person contact per month** with each child and youth in care or custody.
2. The social worker shall ensure that children and youth in the care or custody of a manager, where age and developmentally appropriate, are informed and consulted regarding significant decisions affecting their care and custody.

**PROCEDURES:****Informing and consulting the child or youth regarding Court Hearings:**

1. Where a court action is taken, a social worker shall ensure that children 12 years of age and over are provided the following;
  - a) the written notice of removal including the reasons for removal;
  - b) notice of time and place of a presentation hearing and a protective intervention hearing; and
  - c) notice of time and place of a hearing with respect to an application before the court for a subsequent order.
2. When serving notices to children 12 years of age and older and to youth, the service shall be done in person by the social worker who removed the child or the social worker presently working with the child or youth. The child or youth should be given the option of having someone known and trusted present.

3. The social worker shall discuss the purpose of the hearing and the plan for the child or youth in a manner which is considerate of the child's or youth's level of development and understanding. This information is highly sensitive and significant consideration must be given to the emotional impact on the child or youth.
4. While the *CYCP Act* only requires notice of court hearings to be served to children 12 years of age or older, a social worker should also discuss the hearing and the order being sought with younger children, unless it can be clearly demonstrated that the child or youth is not able to understand, or that by doing so it may cause emotional harm to the child or youth.
5. Where age and developmentally appropriate, a social worker shall advise a child or youth, who is the subject of a [proceeding](#), of their right to have their views known. This may include giving evidence in court, writing a letter, meeting with the [judge](#) in chambers or expressing his or her views in some other way. Where a child or youth wishes to be heard, the child's or youth's desire to do so should be raised at the start of the presentation hearing by the social worker or CYFS solicitor representing the social worker in accordance with s.53 of the *CYCP Act*.
6. If a child or youth is in the care and/or custody of a manager and expresses an interest in seeking legal representation, the social worker shall facilitate the child's or youth's request by contacting the Newfoundland and Labrador Legal Aid Commission to set up an appointment for the child/youth. The social worker shall ask the child/youth who they want to take them to the appointment and if necessary the social worker will assist with the child's/youth's transportation to the appointment.

**Informing and consulting the child or youth regarding ongoing planning:**

7. The social worker shall use the [In Care Progress Report](#) (IPR), including the work plan (if developed), to guide ongoing discussion and planning with a child or youth where it is age and developmentally appropriate.
8. The child or youth, if age and developmentally appropriate, shall be part of the [In Care Planning Team](#) and inform the development and review of the *IPR*.
9. The social worker shall inform and consult every child and youth in care, when it is age and developmentally appropriate, regarding the range of alternatives available to them after they reach their 16<sup>th</sup> birthday.
10. If a child or youth, due to age or development cannot be informed or consulted, the social worker shall observe the child/youth's interactions and relationships with his or her [foster parents](#)/residential care providers and family members/significant others and in consultation with the planning team develop a plan deemed to be in the child's or youth's best interest.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *In Care Progress Report Template*

## PLANNING: IN CARE PROGRESS REPORT

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**Policy no.: 3.9****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Plan for the Child**Legislative References:** s.29(1) Plan for the child

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**PURPOSE:** To outline the process for developing and reviewing the planning and progress of children and youth placed in the care or custody of a manager.

**POLICY:**

1. Planning for a child/youth in care/custody is an ongoing process and it is the responsibility of the social worker, in consultation with the *In Care Planning Team*, to ensure that:
  - a) the child/youth is the primary focus of all planning;
  - b) permanency planning for the child/youth is paramount;
  - c) planning is based on the child/youth's needs, age and developmental stage, and is consistent with the *Plan for the Child* submitted to the Court;
  - d) there is a plan to maintain the child/youth's contact with the parent(s), family or significant others. If a child/youth is not maintaining family contact, the reason why shall be documented;
  - e) there is recognition of the importance of the child/youth's identity and there is a plan to maintain cultural and community connections;
  - f) identified supports and services outlined in the *In Care Progress Report* (IPR) are provided and if not, the reason shall be documented;
  - g) established plans are meeting the child/youth's needs; and
  - h) *IPR* plans are reviewed and updated as necessary but **at minimum every six (6) months.**

**PROCEDURES:**

1. The *IPR* is a living document that monitors ongoing case planning, progress and outcomes for every child/youth in the care/custody of a manager. It also provides a written history of a child/youth's life in care, and contains crucial information when a former child/youth in care requests information about their past through file disclosure.

2. There are three *IPR* templates (birth – school age; school age - 12 years of age; 12 - 18 years of age), which outline the information that the social worker shall include in the report based on the age of the child/youth.
  - a) The social worker shall develop and review the *IPR* in consultation with the members of the *In Care Planning Team* using the following guidelines:
    - (i) initial *IPR* shall be completed within six (6) months of a child/youth entering the care/custody of a manager;
    - (ii) the *IPR* shall be updated every six (6) months after the initial report is completed;
    - (iii) the *IPR* shall be updated before a child/youth leaves the care/custody of a manager or is placed for the purpose of adoption; and
    - (iv) a case conference must be held with the *In Care Planning Team* as part of developing and updating the *IPR*.
3. The social worker shall discuss the written *IPR* with a child who is 12 years of age and over, or a youth, where developmentally appropriate and place the original in the child/youth's file. The child/youth may be given a copy of the *IPR*.
4. The social worker shall:
  - a) provide a copy of the *IPR* to the parent and place a copy of the *IPR* on the parent's file if a child/youth is in a [protective care agreement](#), [interim care](#), [interim custody](#), or temporary custody;
  - b) provide a copy of the *IPR* to the parent when the child/youth is in [continuous custody](#) if the parent is still actively involved; and
  - c) review the *IPR* as part of preparing the *Plan for the Child* for a subsequent court hearing so that any relevant information from the *IPR* is incorporated into the *Plan for the Child* being submitted to the court.
5. The *IPR* shall be reviewed with the child/youth's [foster parent\(s\)](#) or residential care provider they will be provided a copy of the work plan.

#### **EXCEPTIONS TO POLICY:**

1. An *IPR* will not be required if a child/youth is in care/custody for **less than a six (6) month** period from the time he or she initially enters care.
2. An *IPR* will not be required if a *Voluntary Custody Agreement* is signed and the child/youth is placed for the purpose of adoption **within a six (6) month period**.

**RELEVANT DOCUMENTS:**

- *In Care Progress Report Template*

## PLANNING: COUNSELLING FOR A CHILD OR YOUTH FOLLOWING REMOVAL

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**Policy no.:** 3.10

**Effective Date:** March 2007

**Date Revised:** June 30, 2011

**Policy Cross References:**

**Legislative References:** s.66 Counselling for child or youth after removal

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**PURPOSE:** To inform the social worker of a child/youth's entitlement to counselling upon removal from a placement that had been approved by a manager.

### **POLICY:**

1. Children or youth who have been removed from a residential placement or from the care of a person with whom they have been placed by a manager or social worker are entitled to counselling.

### **PROCEDURES:**

1. Upon removal from a residential placement or the care of a person with whom they were placed by a manager or social worker, the child or youth shall be informed, in a developmentally appropriate manner, of the reasons for removal and the plans for their care.
2. The social worker shall provide supportive counselling to the child or youth following the removal.
3. The social worker shall assess the child/youth's need for further counselling and make referrals to other service providers if required.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## PLANNING: ACCESS

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**Policy no.: 3.11****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Planning: In Care Progress Report**Legislative References:** s.29 Plan for the child; s.31(3) Presentation hearing; s.32(4) Protective intervention hearing

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**PURPOSE:** To outline the social worker's responsibility in facilitating access between a child or youth in the care or custody of a manager and their family or other significant people in their lives.

**POLICY:**

1. A social worker or manager shall determine the nature of access between a child or youth and his/her family or significant others.
2. Where access is determined to be in the best interest of the child or youth, the social worker shall facilitate this access.

**PROCEDURES:**

1. Where a child or youth has been removed, the social worker must include a plan for access with family including siblings or significant others in the *Plan for the Child* in accordance with s.29 of the *CYCP Act*.
2. In determining the nature of the access between a child or youth and their family or other significant people in their lives, the social worker, in consultation with a supervisor, shall consider:
  - a) the best interest of the child or youth;
  - b) the age and developmental stage of the child or youth;
  - c) the purpose of the access, including the promotion of attachment between the child and a parent or other significant person;
  - d) the wishes of the child or youth;
  - e) the wishes of the parent;
  - f) the long term plan for the child; and
  - g) risks that may be associated with contact between the child or youth and a parent or another person.

3. When developing an access schedule the social worker shall consider any appointments the parents may have, particularly as they relate to services outlined in the *Plan for the Child*.
4. The social worker shall consult with the foster parent or the residential care provider to discuss the plan for access and to determine their ability to support the plan. The social worker may need to consider the foster parent's work schedule or the needs of other children or youth who may reside in the home when developing an access schedule.
5. The social worker shall encourage the foster parent or residential care provider to be involved in the child or youth's access with their family or other significant people wherever possible.
6. Visits between a child or youth and their family should occur in the least restrictive environment as possible. The social worker shall first consider whether visits can occur in the parental home, a relative's home, or the child's or youth's placement, before considering a community location or a CYFS site.
7. The social worker, in consultation with a supervisor, shall determine whether supervision of access is required to:
  - a) ensure the safety and well-being of a child or youth; and/or
  - b) provide an opportunity to observe and assess parent-child/youth interactions.
8. Where required, access visits may be supervised by another family member or significant person in the child or youth's life, a foster parent or residential placement provider, a social worker or another person determined to be appropriate by the social worker and supervisor.
9. Contact between a child or youth and their family or other significant people shall be assessed on an on-going basis to ensure the access plan is responsive to the needs of the child or youth.
10. All decisions related to access for a child or youth in the custody of a manager shall be documented in the child or youth's file as well as the parent's file.
11. Reports from supervised access visits shall be placed on the child or youth's file as well as the parent's file.
12. Where decisions are made relating to a child or youth's access with their family or other people, the social worker shall inform the child or youth of these plans and answer questions they may have regarding the amount of contact, the location, or the necessity of supervision.

13. Where access is planned, the social worker shall determine if the family member or significant person is able to pay all or a portion of the costs associated with the visit. The supervisor may approve funds to cover the associated costs where required. These costs may include transportation, accommodations, meals, and recreational activities.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

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## PLANNING: LIFE BOOKS

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**Policy no.: 3.12****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:**

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**PURPOSE:** To outline a social worker's responsibility to ensure a **child** or **youth** in care or **custody** has a life book and to outline the items to be contained in the life book.

**POLICY:**

1. Each child or youth in the care or custody of a **manager** shall have a life book.
2. A life book is the property of the child or youth and will remain with them should their living arrangement change.

**PROCEDURES:**

1. A social worker shall advise the **foster parent** or residential care provider of the importance of a child or youth's life book and advise them of their role in creating the life book.
2. The social worker shall ensure that the life book has been created and shall monitor the status of the life book.
3. The life book may be compiled in a variety of formats (i.e. album, scrapbook, memory box) but should be in a form that the child or youth can have access to and look through freely.
4. Where possible, the child or youth should be a part of the development of their life book.
5. Where possible, the life book should contain the following:
  - a) birth information;
  - b) information about infancy and toddler developmental milestones;
  - c) any pertinent health facts;
  - d) a description or a picture of the child or youth's birth parent(s);

- e) a description or picture of the child or youth's siblings or other people significant in the life of the child or youth;
  - f) an honest, yet sensitive description about why the child or youth is not living with their parent(s);
  - g) an honest, yet sensitive description about why the child or youth may have experienced a change in **placement** (if applicable);
  - h) a record of significant family events, traditions or special visits;
  - i) names and/or pictures of foster parents and homes;
  - j) records and mementos of special achievements (i.e. report cards, certificates);
  - k) records of important anniversaries;
  - l) photographs (i.e. baby pictures, yearly school photos, birthday parties, vacations, other events); and
  - m) other items or observations the child or youth would like to include.
6. As the life book is the property of the child or youth it must remain with them should their living arrangement change.
7. The child or youth shall be permitted to make decisions about when and with whom their life book is shared.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## PLANNING: PERSONAL PRIVACY

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**Policy no.: 3.13****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement: Sharing of Information Relevant to the Care of a Child or Youth**Legislative References:**

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**PURPOSE:** To outline the importance of personal privacy for children and youth in care or custody and to identify the role of a social worker in ensuring this privacy is maintained.

**POLICY:**

1. Every child or youth in the care or custody of a manager is entitled to personal privacy.
2. All documentation regarding a child or youth in the care or custody of a manager shall be kept in a secure location in the foster home or residential placement.
3. Personal information or pictures of children or youth in the care or custody of a manager shall not be posted on social media outlets by their foster parent or any other person providing care to the child or youth.

**PROCEDURES:****Personal Privacy in the Child or Youth's Placement**

1. As part of the social worker's on-going work with a child or youth in care or custody, they shall ensure the foster home or other residential care provider is informed of a child or youth's right to privacy in their placement. The child or youth's right to privacy can be demonstrated by:
  - a) knocking before entering a child or youth's bedroom;
  - b) providing storage space for his/her belongings;
  - c) requesting permission to have access to his/her space;
  - d) allowing the child or youth to remove himself/herself from the group living situation for quiet moments in his/her room;

- e) permitting and encouraging the child or youth to have personal belongings in the home that reflect his/her individuality and continuity with his or her family, culture or community;
- f) allowing the child or youth privacy when making/receiving telephone calls;
- g) allowing the child to send and receive mail or email that is not read or examined by another person unless there are **reasonable grounds** to suspect prohibited articles or material are being sent/received. In this situation, correspondence may be opened or reviewed by the **foster parent**, residential care provider or the social worker in the child or youth's presence; and
- h) ensuring that correspondence from the child or youth's solicitor shall only be opened by or at the request of the child or youth.

### **Storage of Information Pertaining to a Child or Youth in the Care or Custody of a Manager**

- 2. A social worker shall ensure that foster parents and residential care providers are aware that they must keep all confidential **records** and documentation pertaining to any child or youth placed in their home in a secure location. Information to be securely stored includes:
  - a) the *Placement Card*;
  - b) medical and dental information;
  - c) information relating to the plan for the child or youth;
  - d) assessment information;
  - e) notes, observations, or other reports prepared by the foster parent or residential care provider about the child or youth;
  - f) legal documents (i.e. court notices, *Plan for the Child*, or Youth Criminal Justice Act documents, where applicable);
  - g) signed consent forms; and
  - h) school information.
- 3. When a child or youth leaves a foster home or other residential setting, the social worker shall ensure that all records and documentation pertaining to the child or youth are returned to the social worker or moved with the child or youth. Please refer to the ***Placement: Sharing of Information Relevant to the Care of a Child or Youth*** policy for further information.

### **Social Media**

- 4. A social worker shall ensure that foster parents and residential care providers are aware that they **shall not** post photos or other information about the child or youth in care or custody on social media websites (i.e. Facebook, Twitter).

**Privacy and Technology**

5. The social worker shall talk with foster parents and other residential care providers to ensure that they are aware of the importance of monitoring a child or youth's usage of technology and providing age and developmentally appropriate expectations regarding computer and internet access and the use of mobile devices (i.e. cell phones, iPhones).

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- [www.thedoorthatsnotlocked.ca](http://www.thedoorthatsnotlocked.ca). (internet safety tips)

## PLANNING: A CHILD OR YOUTH ABSENT WITHOUT PERMISSION

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**Policy no.: 3.14****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Planning: A Child or Youth Missing or Abducted , Youth Services Agreement**Legislative References:**

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**PURPOSE:** To outline the process for responding when a child or youth in the care or custody of a manager is absent without permission. The policy also applies to youth who are residing in a placement through a Youth Services Agreement.

**POLICY:**

1. Where information is received that a child or youth may be *absent without permission* (absent), the child or youth's social worker shall first determine that the absence does not meet the definition of an *abducted child/youth* or *missing child/youth*.
2. Where a child or youth is determined to be absent, a social worker shall immediately;
  - a) collaborate with the child or youth's *foster parent* or residential staff person and determine what steps may be taken to help locate the child or youth;
  - b) consult with a supervisor to share all information known about the child or youth; and
  - c) ensure that support is provided to the child or youth following his/her return.
3. Once a child or youth's absence meets the definition of a missing child/youth or the child/youth has been absent for more than **five (5) hours** he/she is considered missing. A social worker shall then refer to the *Planning: A Child or Youth Missing or Abducted* policy for direction.

**PROCEDURES:**

1. Social workers are usually informed by a foster parent or residential staff person that a child or youth is absent without permission. Foster parents or residential staff program are expected to immediately inform a social worker when a child or youth is absent without permission.

2. A social worker shall **immediately** consult with a supervisor and share all known information about the absent child or youth in order to make timely and effective decisions.
3. When a social worker determines that a child or youth is absent, he/she shall contact the foster parent or residential staff person to:
  - a) discuss all information known about the child or youth;
  - b) determine what steps may be taken to locate him/her; and
  - c) determine who will be responsible for each step.
4. **Notwithstanding the foster parent or residential staff person's role in responding to a child or youth's absence, a social worker shall ensure that all agreed upon steps are undertaken.**
5. Actions taken to locate an absent child or youth may include conducting a search of the neighborhood or contacting friends and family for information. The foster parent or residential staff person and social worker shall **immediately** share new information with each other as new information may result in the social worker upgrading the child or youth's status to missing or abducted.
6. When an absent child or youth returns home, the foster parent or residential staff person shall **immediately** contact a social worker to discuss the following:
  - a) the child or youth's demeanor since his/her return;
  - b) the circumstances surrounding the child or youth's absence; and
  - c) if a social worker should follow up with the child or youth to discuss the absence or if the foster parent or residential staff person will discuss the absence with the child or youth.
7. When an absent child or youth returns home, a social worker shall **immediately** notify the supervisor and any other parties who had been contacted for information.
8. A social worker shall also discuss the child or youth's absence with the child or youth's foster parent or residential staff person to:
  - a) discuss the circumstances regarding the child or youth's absence;
  - b) obtain information about the child or youth's demeanor since his/her return;
  - c) discuss what factors may increase or reduce the likelihood of future episodes; and
  - d) determine what steps may be taken to prevent future episodes.

### **Out of Province Placements**

9. In accordance with the *Provincial/Territorial Protocol for Children and Families Moving between Provinces/Territories*, decisions regarding absent children or youth residing out of province are subject to the policies and procedures of the receiving province. In order

to address differences that exist between this policy and the receiving province's policy, the following steps shall be taken:

- a) a copy of the receiving province's policy shall be reviewed by a social worker and discussed with a supervisor;
- b) a copy of this policy shall be provided to the placement where the child or youth will reside;
- c) policy differences and expectations regarding how the placement will respond when a child or youth from this province is absent shall be discussed with the designated person in the receiving province and outlined in the Case Transfer Agreement (Interprovincial Agreement) or service contract developed with a residential facility.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Provincial/Territorial Protocol for Children and Families Moving between Provinces/Territories, Appendix B*

**PLANNING: A CHILD OR YOUTH MISSING OR ABDUCTED****Policy no.: 3.15****Effective Date:** June 30, 2011**Date Revised:** December 1, 2011**Policy Cross References:** Planning: A Child or Youth Absent Without Permission; Youth Services Agreements**Legislative References:**

**PURPOSE:** To outline the process for responding when a child or youth in the care or custody of a manager is missing or has been abducted. The policy also applies to youth who are residing in a placement through a Youth Services Agreement.

**POLICY:**

1. Where a child or youth is missing or has been abducted, a social worker shall ensure that:
  - a) all appropriate parties are notified, including a supervisor, manager, foster parent or residential staff person, parent(s), Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services, and/or police;
  - b) efforts are undertaken to locate and return the child or youth to his/her placement; and
  - c) support is provided to the child or youth, his/her foster parent or residential care provider and parent(s) following the child or youth's return.
2. A child or youth is determined to be missing if they have been absent for more than **five (5) hours**.
3. Where a child or youth is missing or has been abducted and a media release or Amber Alert is planned, a social worker shall advise the police that information regarding the child or youth's involvement with CYFS shall not be publicly released.

**PROCEDURES:****Consultation with a Supervisor**

1. A social worker shall **immediately** consult with a supervisor when informed that a child or youth is missing or has been abducted to share all known information and to determine what efforts shall be taken to locate the child or youth. Updates shall be provided to a supervisor, **on a daily basis**, at minimum, during the child or youth's absence.

### Working with the Foster Parent/Residential Staff Person

2. In most situations, social workers are informed by a foster parent or residential staff person when a child or youth is missing or has been abducted. If a social worker is advised by another source, he/she shall contact the foster parent or residential staff person to:
  - a) inform them of the situation;
  - b) discuss all information known about the child or youth;
  - c) determine what steps to take to locate the child or youth; and
  - d) identify who shall complete each step.

For example, a foster parent or residential staff person may contact the police to file the missing persons report and/or update other parties regarding the child or youth's status. **Notwithstanding the foster parent or residential staff person's role in responding to a child or youth's absence, the social worker is responsible for ensuring that agreed upon steps as noted above are undertaken.**

### Police

3. A social worker shall ensure that the police are **immediately** contacted and a missing persons report is filed when a child or youth is missing from his/her placement or has been abducted. The following information shall be provided to the police:
  - a) child or youth's full name, date of birth, language and ethnicity;
  - b) child or youth's cell phone number, if applicable;
  - c) name, address and phone number of foster parent/**residential placement**;
  - d) CYFS social worker's name and phone number;
  - e) child or youth's home community, if different from the placement community;
  - f) physical description of the child or youth, including height, weight, hair style and color, eye color, unique body markings and clothing worn when last seen;
  - g) whether articles of clothing or personal items are missing from the child or youth's room;
  - h) a picture of the child or youth (digital picture is preferred);
  - i) any known risk factors unique to the child or youth, including physical, mental health or medical issues;
  - j) child or youth's state of mind at the time of absence, if known;
  - k) when the child or youth was last seen, by whom and if the child or youth left with someone;
  - l) known associates and hang out locations;
  - m) names and contact information for family, significant others and friends;
  - n) contact person(s) if the child or youth is located;
  - o) where to transport the child or youth once located if the police are willing to do so;
  - p) any other information requested by the police; and
  - q) any other information assessed as being relevant by the social worker.

## Media Releases

4. Media releases regarding missing persons are conducted by the RCMP/RNC, on a case-by-case basis. A manager's approval is required prior to a social worker making a request to the RCMP/RNC for a media release. At times, differences of opinion may arise between CYFS and the RCMP/RNC about issuing a media release. Further discussions between the CYFS manager and the RCMP/RNC may be required to attempt to resolve the matter.
5. The RCMP/RNC may advise a social worker that they plan to issue a media release even if CYFS has not made such a request. A manager shall be **immediately** notified in these situations to determine if further discussion with the RCMP/RNC is required.

## Amber Alerts

6. Amber Alerts can only be released by the RCMP/RNC. If a child or youth has been abducted, the RCMP/RNC may decide to issue an Amber Alert to provide the public with immediate and up-to-date information about the child or youth through widespread media broadcasts and solicit the public's help in the safe and swift return of the child or youth.
7. A social worker shall **immediately** consult with a manager if the RCMP/RNC is planning to issue an Amber Alert. The RCMP/RNC requires the written permission of a parent before an Amber Alert can be issued. Additional Information regarding Amber Alerts can be found at [www.rcmp-grc.gc.ca](http://www.rcmp-grc.gc.ca).

## Parents

8. A social worker shall ensure that the parent(s) is **immediately** notified when a child or youth, in the care/custody of the manager, through an interim order, **temporary custody order**, or a **protective care agreement**, is missing or has been abducted.
9. The social worker shall advise the parent(s) prior to making a request for a media release.
10. When notifying the parent(s), a social worker shall:
  - a) provide information about the circumstances surrounding the child or youth's absence and the actions taken to locate the child or youth;
  - b) update the parent(s) on a daily basis until the child or youth is located and seek information from the parent(s) that may assist in locating the child or youth;
  - c) ask the parent(s) to immediately provide any new information regarding the child or youth's status to CYFS.
11. The decision to contact the parent(s) of a child or youth in **continuous custody** or of a youth receiving services through a Youth Services Agreement will be made in consultation with a supervisor. The decision will be based on the parent's relationship with the child or youth and whether they may have information that will assist in locating the child or youth.

### Responsibility of Supervisor

12. The supervisor shall **immediately** notify the manager and Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services when a child or youth has been abducted or has been missing for **24 hours**.
13. Where a child or youth is missing for **24 hours** on a weekend or statutory holiday, the supervisor will normally notify the manager and Provincial Office as outlined in procedure 12. However, if there is a threat to life or other exceptional circumstance, the manager shall ensure that personal contact has been made with a member of the executive (Assistant Deputy Minister of Service Delivery and Regional Operations, Assistant Deputy Minister of Policies and Programs or the Deputy Minister).
14. Where a child or youth is placed outside their home zone, the receiving manager will determine if the manager of the child or youth's home zone will be notified and the method of notification.

### Reviewing Our Efforts to Locate a Missing or Abducted Child or Youth

15. A social worker shall consult with a supervisor **on a daily basis** to review the actions taken to locate a child or youth. **Daily** contact with all parties who have participated in response efforts shall also occur.

### Sharing Information between On-Call and Day Staff Regarding a Missing or Abducted Child or Youth

16. The sharing of information between the on call social worker and a child or youth's social worker is crucial. This will help ensure that staff involved in decisions about a missing/abducted child or youth have pertinent and up to date information.
17. The child or youth's social worker shall inform the on-call social worker each **day** that a child or youth is missing or has been abducted using the *On Call Notification Form*.
18. Any follow up provided by the on-call social worker regarding a missing child or youth, including new notifications received during the on-call shift, shall be documented in the case notes and forwarded to the child or youth's social worker **at the beginning of the next working day**. Managers shall ensure that processes are in place in their respective zones to facilitate the sharing of information between on-call and day social work staff.

### Return of a Child or Youth who has been Missing or Abducted

19. Once a child or youth has been located or has returned to a placement, a social worker shall **immediately** notify the foster parent or residential staff person, supervisor, child or youth's parent(s), police, the manager and Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services. Where a child or youth is in continuous custody or a Youth Services Agreement, his/her parent should be notified only where they had been informed that the child or youth

was missing or abducted. The foster parent or residential staff person may also assist the social worker to notify appropriate parties, **however it is the social worker's responsibility to ensure that all appropriate parties have been notified.**

20. Once a child or youth has returned to a placement, a social worker shall contact the child or youth **within 24 hours** to provide support. In situations where the child or youth's immediate safety was, or is, identified as a concern, a meeting shall occur with the child as soon as possible and **within 24 hours**. At minimum, the social worker shall:
  - a) assess and attend to the child or youth's urgent needs and promptly arrange additional support, if needed (i.e. medical attention, crisis counselling, interview with the police if the child or youth has been assaulted);
  - b) discuss with the child or youth what happened during the time they were missing/abducted;
  - c) determine if additional supports are needed in the short term; and
  - d) assess how future missing/abducted episodes may be prevented.
21. A social worker shall also discuss the missing/abducted episode with the child or youth's foster parent or residential staff person to:
  - a) discuss the circumstances regarding the child or youth's missing/abducted episode;
  - b) obtain information about the child or youth's demeanour since his/her return;
  - c) discuss what factors may increase or reduce the likelihood of future episodes; and
  - d) determine what steps may be taken to prevent future episodes.
22. Support shall also be provided to foster parents or residential staff persons who may have been negatively impacted by child or youth's missing/abducted episode.
23. A social worker should also discuss the child or youth's missing/abducted episode with the parent(s) and provide support where necessary. Support may also be extended to siblings or other family members who have a significant relationship with the child or youth.
24. In situations where a child or youth is frequently missing, a social worker shall arrange a case conference and determine, in consultation with a supervisor, who shall be invited, (i.e. child or youth, parent(s), other professionals working with child or youth). A case conference may assist a social worker:
  - a) determine if additional supports are required to assist the child or youth, such as a referral to counselling or other community supports,
  - b) develop a plan to prevent or reduce episodes of running; and
  - c) develop a safety plan with the child or youth to reduce the likelihood of harm should a future missing/abducted episode occur.

### **Out of Province Placements**

25. In accordance with the *Provincial/Territorial Protocol for Children and Families Moving Between Provinces/Territories*, decisions regarding missing or abducted children or youth residing out of province are subject to the policies and procedures of the receiving province. In order to address differences that may exist between this policy and the receiving province's policy, the following steps shall be taken:

- a) a copy of the receiving province's policy regarding a missing or abducted child or youth shall be reviewed by a social worker and discussed with a supervisor;
- b) a copy of this policy shall be provided to the placement where the child or youth will reside; and
- c) policy differences and expectations regarding how the placement will respond when a child or youth from this province is missing or has been abducted shall be discussed with the designated person in the receiving province and outlined in the Case Transfer Agreement (Interprovincial Agreement) or service contract developed with a residential facility.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *On-Call Notification* Form 42-06
- *Provincial/Territorial Protocol for Children and Families Moving between Provinces/Territories, Appendix B*

## PLANNING: CONTINUOUS CUSTODY ORDER CEASES TO HAVE EFFECT FOR A CHILD OR YOUTH

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**Policy no.: 3.16****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Planning: A Youth's Request to Have an Order Set Aside, Application to Rescind a Continuous Custody Order; Placement Resources: Relative/Significant Other Foster Home Approvals; Placement Resources: Non-Custodial Parent Approval and Monitoring Process**Legislative References:** s.41 When continuous custody order ceases to have effect; s.42 Rescinding continuous custody order; s.43 Transfer of care, supervision or custody between managers

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**PURPOSE:** To outline when a [continuous custody](#) order will cease to have effect for a child or [youth](#) in the continuous custody of a manager.**POLICY:**

1. A continuous custody order shall cease to have effect when:
  - a) a youth reaches 18 years of age;
  - b) a youth marries;
  - c) custody of the child or youth is transferred to another person, other than to another manager under s.43;
  - d) a youth's written request to have the [order set aside](#) is approved by a manager; or
  - e) the [court](#) rescinds the order.

**PROCEDURES:**

1. A continuous custody order will automatically cease to have effect when a youth reaches their 18<sup>th</sup> birthday.
2. A continuous custody order will cease to have effect if a youth marries. In accordance with the *Marriage Act*, special consent is required for persons under 19 years of age to marry. Requests for consent to marry from a youth in continuous custody shall not be approved. The youth shall be informed that he/she may seek legal advice when a request for consent to marry is denied.

3. Where a person significant to a child or youth is prepared to assume custody of that child or youth, a social worker, in consultation with a supervisor, will assess whether transferring custody to that person would be the best permanency plan for a child or youth. The approval of the placement shall be done in accordance with the relative/significant other approval process or the **non-custodial parent** approval process.
4. When it is determined that the transfer of custody to another person is the most appropriate option for a child or youth, the social worker shall consult with a CYFS solicitor regarding the process for transferring custody.
5. Where the custody of a child or youth is transferred to another person:
  - a) the person to whom custody has been transferred has the same rights and responsibilities as a parent; and
  - b) the manager who transferred custody ceases to have custody of the child or youth.
6. A youth may make a written request to have an order of continuous custody set aside. A written request to have an order set aside shall be approved by a manager unless it is determined that the youth lacks the mental capacity to understand and appreciate the consequences of their request. Please refer to the policy ***Planning: A Youth's Request to Have an Order Set Aside*** for further direction regarding this process.
7. A manager or social worker may make an application to rescind a continuous custody order when the circumstances have changed significantly since the order for continuous custody was made and the child or youth has not been placed for adoption. Please refer to the policy ***Application to Rescind a Continuous Custody Order*** for further direction regarding this process.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- ***Marriage Act***

## PLANNING: A YOUTH'S REQUEST TO HAVE A CONTINUOUS CUSTODY ORDER SET ASIDE

**Policy no.:** 3.17

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:** Youth Services Agreements; Planning: Transitioning to Youth Services From the In Care Program

**Legislative References:** s.41 When continuous custody order ceases to have effect

**PURPOSE:** To outline the social worker's responsibilities to prepare for and respond to a youth's request to have an order of [continuous custody](#) set aside.

### **POLICY:**

1. A youth in the continuous custody of a manager may make a written request that the order be set aside.
2. A continuous custody order shall cease to have effect once a youth's written request to have the [order set aside](#) is approved by a manager.
3. All requests to have an order set aside shall be approved unless it is determined that a youth lacks the mental capacity to understand and appreciate the consequences of their request.

### **PROCEDURES:**

#### **Planning with a Child or Youth to Stay in Continuous Custody**

1. When an order for continuous custody is granted, a social worker shall explain to a child or youth that the continuous custody order will remain in effect until their 18<sup>th</sup> birthday, however, after their 16<sup>th</sup> birthday (the age at which they are legally considered a youth), they have an option to make a written request to have the continuous custody order set aside.
2. When an application for a continuous custody order is made, a social worker shall initiate and continue discussions with the child or youth, in an age and developmentally appropriate manner, about the meaning of a continuous custody order.
3. On-going discussions with the child or youth should provide opportunities to identify and resolve issues that may cause a youth to request that an order be set aside.

4. Discussions shall occur individually with the child or youth and with the child's or youth's *In Care Planning Team*.

### **Advanced Planning**

5. If a social worker anticipates that a child or youth in care or custody may make a request to have an order set aside after their 16<sup>th</sup> birthday, he/she shall begin planning in advance of receiving the request and include planning discussions in the child or youth's upcoming *In Care Progress Report* (IPR).
6. Where a child or youth has advised that they intend to make a request to have an order set aside, a social worker shall:
  - a) explain to the child or youth that the continuous custody order will remain in effect until a request has been received and approved by a manager;
  - b) explain to the child that a request to have an order set aside shall not be approved prior to their 16<sup>th</sup> birthday;
  - c) explain to the child or youth that a manager is responsible for their care until an order has been set aside. For example, a social worker may explain to a child or youth who has indicated a desire to leave their *placement* that the social worker will be obligated to locate and return them to a placement until a written request is received and approved;
  - d) meet with a supervisor to discuss if there are concerns regarding a child's or youth's mental capacity to understand and appreciate the consequences of making a request. Where there are concerns regarding a child or youth's mental capacity, the social worker shall **immediately** commence an assessment as outlined in this policy; and
  - e) advise the manager that a child or youth plans to make a request so that the manager may determine their level of involvement in the process to approve or decline a youth's request to have an order set aside.

### **Informed Decision Making**

7. Where a child or youth has advised that they are considering making a request to have an order set aside, a social worker shall:
  - a) provide information and support to help ensure that the child or youth understands the implications of making a request to have an order set aside;
  - b) discuss with the child or youth the reason they plan to make the request to determine if there are issues influencing their decision that may be resolved;
  - c) explain to a child or youth that once a continuous custody order is set aside it cannot be reinstated and that consent for medical services, or school outings, for example, cannot be provided by a social worker;
  - d) encourage the child or youth to seek independent legal advice;
  - e) offer to facilitate the meeting if a child or youth wants to consult with a lawyer;

- f) where appropriate, encourage the child or youth to discuss their options with their foster family, parents or other significant people in their life; and
  - g) facilitate meetings between the child or youth and service providers in the community for the purposes of information gathering regarding supports and services available to them.
8. Where a child or youth has decided to make a written request to have a continuous custody order set aside, a social worker shall advise the child or youth:
- a) to include the reasons for wanting the order set aside and their planned living arrangement if his/her request is approved;
  - b) that he/she may be asked to meet with the social worker and/or manager to discuss their request; and
  - c) that their request shall not be approved prior to their 16<sup>th</sup> birthday.

#### **Assessing a Youth's Mental Capacity to Understand and Appreciate the Consequences of Making a Request**

9. Where a social worker and supervisor have concerns regarding a youth's mental capacity, they shall arrange a case conference and invite individuals who may assist in their assessment of the youth's mental capacity. Participants should include members of the youth's *In Care Planning Team*.
10. The assessment of a youth's mental capacity shall be based on a variety of factors specific to a particular youth. The information required to complete an assessment may be drawn from a variety of sources, such as: school reports, psychological and/or psychiatric reports, medical reports, and information provided during interviews with the youth, his/her parent(s) and formal and informal supports.
11. When assessing a youth's mental capacity, the social worker shall consider:
- a) whether the youth has limitations in the areas of self care, life skills and/or communication/social relationships which affect the youth's ability to understand and appreciate the consequences of decisions that may impact their immediate safety and well being;
  - b) whether the limitations are: permanent; experienced by the youth over the course of his/her life; or experienced for a prolonged period of time; and
  - c) whether the youth also has a disability that has been diagnosed in childhood, such as Fetal Alcohol Spectrum Disorder; an acquired brain injury; or severe and persistent symptoms indicative of a mental illness, with little to no period of stabilization.

Examples of limitations may include the following:

- a) **Self care** - cannot complete one or more of the six basic activities of daily living (feeding/eating, bathing, dressing, toileting, walking and continence); does not

- have the ability to secure food and shelter, maintain basic personal hygiene and manage one's basic physical and mental health;
- b) **Life Skills** – has not acquired and does not have the capacity to acquire important life skills such as preparing basic meals, taking public transportation, doing laundry, cleaning a home, and managing one's money; and
  - c) **Communication/social interaction** – cannot communicate and/or engage socially with others including, the ability to express one's thoughts, to comprehend what others are saying, to understand basic written instructions (for reasons other than illiteracy) and to relate socially with individuals.
12. This assessment is **not** meant to include a youth who engages in drug and/or alcohol use, which temporarily alters his/her mental capacity or a youth who experiences a brief period of mental health instability. These situations likely reflect a youth who has the ability to understand and appreciate the consequences of his/her decision but continues to act in a way that may compromise his/her safety and well-being.
13. After assessing a youth's mental capacity, the social worker and supervisor shall make a written recommendation to the manager on whether to approve or decline a youth's request to have an order set aside. A manager shall make the final decision whether to approve or decline a request to have an order set aside.

#### **Advising a Youth of the Decision**

14. If it is anticipated that a youth may leave his/her placement before a decision has been made, a social worker shall ask the youth for his/her contact information in order to contact them once a decision is made. A social worker may also develop, in consultation with a supervisor, an interim plan with a youth to prevent him/her from running away from the placement while awaiting a decision. This may involve arranging an extended visit with a parent or staying with a family member/significant other until a decision has been made.
15. The decision to approve or decline a request to have an order set aside shall be made **as soon as possible and within 30 days** of receiving the request. The decision shall be provided to the youth in writing by registered mail or in person by **the next working day or as soon as possible**, if a youth cannot be immediately located.
16. Where a youth's request to have an order set aside has been declined, a social worker shall:
- a) arrange a meeting with the youth **as soon as possible** to review the decision and provide necessary support;
  - b) determine if other members of the *In Care Planning Team* should participate in the meeting to provide support to the youth; and
  - c) explain to the youth that although there are no options to appeal the decision under the *CYCP Act*, they may still seek legal advice to determine if other appeal options exist.

17. Where a youth indicates a wish to seek legal advice regarding the decision, a social worker shall:
  - a) offer to make a referral to Legal Aid on the youth's behalf, and arrange transportation if necessary;
  - b) advise a supervisor and manager of the youth's plans; and
  - c) consult with a CYFS solicitor regarding the youth's plan to seek independent legal advice.

#### **Transition Planning where a request has been approved**

18. Once a request to have an order set aside has been approved, a continuous custody order cannot be reinstated. However, a youth may continue to receive support via a *Youth Services Agreement (YSA)*. Please refer to ***Youth Services Agreement*** policy for information related to a youth's eligibility for service.
19. Where a request to have an order set aside is approved, a social worker shall make a referral to the *Youth Services Program (YSP)* if the youth is interested in continued support. Additional information about transitioning to the *YSP* is contained in the ***Planning: Transitioning to Youth Services from the In Care Program*** policy.
20. If a youth is planning to return home to live with their parent(s), **supportive services** may be provided to a youth via a *YSA*.
21. If the youth is in agreement, the transition from a foster home/residential placement does not have to occur immediately and should involve an opportunity to develop a transition plan with the youth.

#### **EXCEPTIONS TO POLICY:**

1. If a youth verbally advises a social worker that they would like to have an order set aside but leaves his/her placement without making a written request, the social worker, may, upon locating the youth, have the youth sign the *Youth's Request to Have an Order Set Aside* form, in lieu of a youth drafting a written request.
2. Where a youth is unable to complete a written request due to literacy issues, an oral request shall be considered and the youth may sign the *Youth's Request to Have an Order Set Aside* form, in lieu of a youth drafting a written request.

#### **RELEVANT DOCUMENTS:**

- ***Youth's Request to Have an Order Set Aside***, Form 42-02

## PLANNING: TRANSITIONING TO YOUTH SERVICES FROM THE IN CARE PROGRAM

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**Policy no.: 3.18****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Youth Services Agreements; Residential and Supportive Services for Youth, Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention**Legislative References:** s.41 When continuous custody order ceases to have effect, s.67 Youth Services Agreement

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**PURPOSE:** To outline the options available to a [youth](#) when transitioning from the In Care program to the Youth Services program.**POLICY:**

1. Youth shall be informed of their options when transitioning from the In Care program to the Youth Services program and transition planning shall occur with the youth wherever possible.

**PROCEDURES:**

1. A youth's custodial relationship with a [manager](#) automatically ends when a youth reaches their 18<sup>th</sup> birthday.
2. Prior to their 18<sup>th</sup> birthday, a youth may make a written request to have an [order set aside](#) and leave their custodial relationship with a manager.
3. At the time the custodial relationship ends between a manager and a youth, the youth may:
  - a) remain in their foster home or [residential placement](#) under a Youth Services Agreement (YSA);
  - b) return to live with their parent and receive [supportive services](#) from the Youth Services Program (YSP);
  - c) choose to live independently in the community under a *YSA*; or
  - d) leave their placement and choose not to avail of services from the *YSP*.

**Remaining in a foster home or residential placement**

4. A youth who was in the *temporary custody* of a manager at their 16<sup>th</sup> birthday may sign a *YSA* and continue to reside in their foster home or *residential placement* via the *YSP*. The *foster parent* may continue to receive the foster care rate up to the youth's 18<sup>th</sup> birthday even though the youth is no longer in the custody of a manager.
5. If a youth remains in a foster home or residential placement under a continuous custody order until their 18<sup>th</sup> birthday, all in care policies will apply.
6. A youth will be advised that upon his or her 18<sup>th</sup> birthday policies related to Children and Youth In Care will cease to have effect and Youth Services policies will come into effect if the youth signs a *YSA*.
7. Where a youth has had their order set aside, has signed a *YSA* and remains in the foster home, the foster parent may continue to receive the foster care rate up to the youth's 18<sup>th</sup> birthday even though the youth is no longer in the custody of a manager.
8. Upon a youth's 18<sup>th</sup> birthday the financial supports provided to the foster parent will be replaced by the Youth Services housing allowance rates outlined in the ***Residential and Supportive Services for Youth*** policy. The youth will receive all other applicable allowances directly.
9. Where a youth has a developmental delay or other special needs, financial support may continue to be provided to the foster parent as if the youth were a youth in care under the *CYCP Act* even though the youth has had his/her 18<sup>th</sup> birthday.
10. Where a youth remains in a foster home under a *YSA*, the Youth Services Plan will outline the manner in which the youth will be encouraged to assume more responsibility and learn life skills important for independence. For example, where appropriate the youth may be provided with a personal or clothing allowance and may be responsible for purchasing items for themselves.
11. If a youth makes a written request to have the order set aside and leaves his/her placement, transitional supports may be provided with the youth's consent. Refer to the ***Planning: A Youth's Request to Have an Order Set Aside*** policy for further information.
12. If a youth chooses to leave his or her placement, he/she shall be advised that at anytime prior to his/her 18<sup>th</sup> birthday or 21<sup>st</sup> birthday if attending an *educational or rehabilitation program*, a youth may contact CYFS to discuss the possibility of receiving services under the *YSP*. If the youth wishes, the possibility of returning to live with his/her former foster parent or residential placement provider under a *YSA* may be explored. In this circumstance, if a youth returns to live with a foster parent all Youth Services policies, including financial supports outlined in the ***Residential and Supportive Services for Youth*** policy shall be followed for both the youth and the placement.

**Returning Home with Supportive Services**

13. When the custodial relationship ends, a youth may choose to return to live with their parent(s).
14. A youth returning to live with their parent(s) is eligible to receive *supportive services* from the *YSP* as outlined in the ***Residential and Supportive Services for Youth*** policy.
15. The youth and his/her *In Care Planning Team* shall ensure that, where possible, required supports are identified and provided in order to assist in a youth's transition home.

**Independent Living**

16. When the custodial relationship ends, a youth is eligible for *residential services* from the *YSP* as outlined in the ***Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention*** and the ***Residential and Supportive Services for Youth*** policies.
17. The youth and the *In Care Planning Team* shall plan in advance of a youth's move to ensure that, where possible, required supports are provided to assist with the youth's transition to living independently.
18. Once the custodial relationship ends, a youth may not wish to receive any support from the *YSP*. In these cases, a youth shall be advised that they may be eligible to apply for services in the future as outlined in the ***Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention*** and the ***Youth Services Agreement*** policies.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- ***Youth Services Plan***, Form 43-03

## CONSENTS: MEDICAL CONSENT

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**Policy no.: 3.19****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Interim Care of a Child or Youth; Effect of a Temporary Custody Order; Effect of a Continuous Custody Order; Application for an Order to Authorize Medical Treatment**Legislative References:** s.24 Interim care of child after removal; s.30 Order for medical treatment; s.38 Effect of temporary custody order; s.39 Effect of continuous custody order

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**PURPOSE:** To outline the process for providing medical consent for a child or youth in the care or custody of a manager and to explain the limits of the social worker's authority under the *CYCP Act*.**POLICY:**

1. Where a child or youth is in the *Interim Care* of a manager, the social worker or manager may authorize a *qualified health practitioner* to examine the child or youth and may consent to *necessary health care* where a parent cannot be contacted to provide consent.
2. Where a child or youth is in the *Interim Custody* or *Temporary Custody* of a manager, the social worker, or the manager may authorize a *qualified health practitioner* to examine the child or youth and may consent to *necessary medical treatment* where the parent is unavailable to provide consent or refuses to provide consent for the treatment.
3. Where a child is in the *Continuous Custody* of a manager, the social worker, or manager may authorize a *qualified health practitioner* to examine the child or youth and may provide consent for medical treatment.

**PROCEDURES:****Interim Care:**

1. While the manager has *Interim Care* of the child or youth, the manager or social worker may:
  - a) authorize a *qualified health practitioner* to examine the child or youth, and;
  - b) consent to *necessary health care* for the child or youth where the parent cannot be contacted if, in the opinion of a *qualified health practitioner*, the health care should be provided without delay.

2. Where a child or youth is in the *interim care* of a manager under s.24 all reasonable attempts shall be made to contact the parent from whom the child was removed to obtain medical consent.
3. All efforts to contact the parent to seek consent shall be documented in the parent's and child's or youth's file.
4. If the social worker has been unable to contact the parent from whom the child or youth was removed and *necessary health care* is recommended by a *qualified health practitioner*, they shall:
  - consult with the *qualified health practitioner* to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment; and
  - consult with a supervisor prior to providing consent for the *necessary health care*.
5. If developmentally appropriate, the child or youth may be included in the decision making process as it relates to their medical treatment.
6. When a social worker has consented to *necessary health care* for a child or youth, the parent from whom the child or youth was removed shall be notified **as soon as possible**.
7. Where a child is in the *interim care* of a manager and a parent refuses to provide consent for necessary health care that has been recommended and considered essential by a *qualified health practitioner*, an application may be made under s.30 of the *CYCP Act*, in accordance with the ***Application for an Order to Authorize Medical Treatment*** policy.
8. The social worker shall advise a child's or youth's foster parent or residential care provider that they shall not consent to medical treatment for a child or youth in their care.

#### **Interim Custody or Temporary Custody:**

9. While the manager has *interim custody* or *temporary custody* of the child or youth, the manager or social worker may:
  - a) authorize a *qualified health practitioner* to examine the child or youth, and;
  - b) consent to *necessary medical treatment* for the child or youth where the parent is unavailable or refuses to provide consent.
10. Where a child or youth is in the *interim custody* or *temporary custody* of a manager, all reasonable attempts shall be made to contact the parent from whom the child or youth was removed to obtain medical consent.
11. All efforts to contact the parent to seek medical consent shall be documented in the parent's and child or youth's file.

12. If the social worker has been unable to contact the parent from whom the child or youth was removed and *necessary medical treatment* is recommended by a *qualified health practitioner*, they shall:
  - consult with the *qualified health practitioner* to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment.
  - consult with a supervisor prior to providing consent for medical treatment.
13. If the social worker has contacted the parent and they refuse to provide consent for *necessary medical treatment*, the social worker shall:
  - consult with the *qualified health practitioner* to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment.
  - consult with a supervisor and a manager prior to providing consent for *necessary medical treatment*.
14. If developmentally appropriate, the child or youth may be included in the decision making process as it relates to their medical treatment.
15. When a social worker has consented to *necessary medical treatment* for a child or youth, the parent from whom the child or youth was removed shall be notified **as soon as possible**.
16. The social worker shall advise a child or youth's foster parent or residential care provider that they shall not consent to medical treatment for a child or youth in their care.
17. Notwithstanding that a qualified health practitioner has recommended necessary medical treatment for a child in interim or temporary custody, where a parent is unavailable or has refused to provide consent, and the treatment proposed is considered by the social worker, in consultation with a supervisor and the manager, to be life threatening or to have serious and long lasting or permanent impacts on the child, (i.e., major surgery), the social worker shall consider making an application under s.30 of the *CYCP Act* in accordance with the *Application for an Order to Authorize Medical Treatment* policy.

**Continuous Custody:**

18. The manager or social worker has the ability to provide consent for medical treatment for the child or youth in continuous custody.

19. Where medical treatment is recommended for a child or youth by a *qualified health practitioner*, the social worker shall:
- consult with the *qualified health practitioner* to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment.
  - consult with a supervisor prior to providing consent for medical treatment.
  - consult with a manager prior to providing consent for medical treatment that is potentially life threatening or may have long lasting or permanent impacts on the child or youth (i.e., major surgery).
20. If developmentally appropriate, the child or youth may be included in the decision making process as it relates to their medical treatment.
21. When a social worker has consented to medical treatment for a child or youth, and there is on-going contact between the child or youth and their parent(s), the social worker will advise the parent of the treatment **as soon as possible**.
22. The social worker shall advise a child or youth's foster parent or residential care provider that they shall not consent to medical treatment for a child or youth in their care.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## CONSENTS: CONSENT TO TRAVEL

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**Policy no.: 3.20****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Interim Care of a Child or Youth; Effect of a Temporary Custody Order; Effect of a Continuous Custody Order**Legislative References:** **s.24** Interim care of a child after removal; **s.38** Effect of temporary custody order; **s.39** Effect of a continuous custody order

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**PURPOSE:** To outline the process for providing consent for travel for a child or youth in the care or custody of a manager.**POLICY:**

1. Where a child is in the *interim care* of a manager, the parent from whom the child or youth was removed must provide consent for travel.
2. Where a child or youth is in the *interim, temporary, or continuous custody* of a manager:
  - a) a social worker shall provide consent for a child or youth to travel within the province.
  - b) a supervisor shall provide consent for a child or youth to travel to another province or territory within Canada.
  - c) a manager shall provide consent for a child or youth to travel internationally.

**PROCEDURES:****Interim Care**

1. Where a child or youth is in the *interim care* of a manager, the parent from whom the child was removed must consent to travel.

**Interim, Temporary, and Continuous Custody**

2. When a social worker receives a travel request for a child or youth, they shall first consider the nature of the request (i.e. school trip, vacation with a foster parent) and the plans in place to ensure the safety of the child or youth prior to providing consent.

3. When a child or youth who is in the custody of a manager wishes to travel within the province, a social worker may provide consent for travel. This consent may be provided verbally and shall be documented on the child or youth's file.
4. When a child or youth who is in the custody of a manager wishes to travel within Canada, a letter of permission to travel must be completed and signed by a supervisor.
5. When a child or youth who is in the custody of a manager wishes to travel internationally, a letter of permission to travel must be completed and signed by a manager.
6. A letter of permission to travel, along with necessary travel and identification documents shall be provided to the person accompanying the child or youth. The permission letter shall contain the following information:
  - a) child or youth's name;
  - b) child or youth's date of birth;
  - c) child or youth's address;
  - d) date of travel;
  - e) name, date of birth and address of the persons with whom the child or youth is authorized to travel;
  - f) name, address, telephone and fax numbers of the manager who has custody of the child or youth; and
  - g) emergency contact numbers should consent for medical treatment be required.
7. Where a child or youth is in the *interim or temporary custody* of a manager, the parent's consent for travel shall be sought, however is not required in order for the child or youth to travel.
8. Where consent to travel is provided for a child or youth in *interim or temporary custody* of a manager the parent(s) shall be informed **as soon as possible**.
9. Where consent to travel is provided for a child or youth in the *continuous custody* of a manager and the child or youth maintains contact with their parent(s), the parent shall be informed of the travel **as soon as possible**.
10. Where a passport is required for a child or youth in care, the social worker shall work with the *foster parent* or residential care provider to complete the application as required by Passport Canada. Information regarding applications and requirements related to passports for children and youth in care can be found online at <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Passport Canada* <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>

## HEALTH SERVICES FOR THE CHILD OR YOUTH

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**Policy no.: 3.21****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Consents: Medical Consent**Legislative References:**

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**PURPOSE:** To outline medical, dental and vision care for children and youth in the care or custody of a manager and to identify a social worker's responsibility in ensuring complete medical coverage is provided.

**POLICY:**

1. Children and youth, while in the care or custody of a manager, are entitled to complete medical, dental and vision care.

**PROCEDURES:**

1. Foster parents and residential care providers shall be advised that should a child or youth in the care or custody of a manager become ill, they are to be taken to the nearest medical facility. Please refer to the *Consents: Medical Consent* policy for direction regarding consent for medical treatment.

**Health Coverage**

2. Children and youth in the care or custody of a manager are entitled to complete medical, dental and vision coverage provided through:
  - a) Medical Care Plan (MCP);
  - b) NL Prescription Drug Program (NLPDP);
  - c) Regional Health Authority direct payment for service; and
  - d) Child, Youth and Family Services (CYFS) direct payment for service.
3. Where a child or youth has not been previously registered with MCP and/or NLPDP the social worker shall make an application on the child or youth's behalf.
4. Where a child or youth has previously been registered with MCP and/or NLPDP, the social worker shall ensure the child or youth's address is updated.

5. All forms associated with MCP and NLPDP can be accessed online at: <http://www.health.gov.nl.ca/health/forms/index.html#3>
6. The MCP card should be provided to the foster parent or residential care provider and should accompany the child or youth if their living arrangement changes. A copy should be placed on the child or youth's file.
7. If a child or youth is placed for adoption, the MCP card and NLPDP coverage shall be cancelled and the adoptive parent must make an application for the child or youth in their adoptive name.
8. The social worker shall inform the foster parent or residential care provider that they are responsible for the purchase of over-the-counter medication and medical supplies for children or youth in their care. Where these costs are determined to be excessive on a continual basis, a supervisor may approve reimbursement or arrange for direct payment for costly items.

### **Immunizations**

9. The social worker shall refer all infants and pre-school children to the community health nurse in their area. Contact information for the Regional Health Authorities can be accessed online at: [http://www.health.gov.nl.ca/health/findhealthservices/in\\_your\\_community.html#contact](http://www.health.gov.nl.ca/health/findhealthservices/in_your_community.html#contact)
10. If a child moves while in the care or custody of a manager or returns home, the social worker shall notify the community health nurse of the new address.
11. The social worker shall obtain a child's immunization record and ensure that it is updated and accompanies the child if their living arrangement changes or the child returns home. If the parent is unable to provide a copy of the child's immunization record, the social worker shall request a copy from the community health nurse. A copy of the record shall be placed on the child's file.
12. The social worker shall refer to the *Consents: Medical Consent* policy for information on when they may provide consent for medical treatment, including immunizations.

### **Dental Care**

13. A child or youth in the care or custody of a manager shall receive at minimum **annual** dental care.
14. Where it is recommended by a *qualified health practitioner* that the child or youth receive dental treatment that is to occur over an extended period, the social worker shall only commit to payment for services for the period of time the manager has care or custody of the child or youth.

15. The Regional Health Authority or the Department of Child, Youth, and Family Services shall cover any dental services not covered by MCP.

### **Vision Care**

16. A child or youth in the care or custody of a manager shall receive **annual** vision care.
17. Vision care includes eye examinations, prescription glasses, or contact lenses as well as repairs to prescription glasses. The guidelines for payment are as follows:
- a) Eye Examination – \$ 60.00
  - b) Glasses or Contacts – \$200.00
  - c) The cost of repair for damaged glasses shall not exceed the amount to purchase new glasses.
18. Where it is determined that prescription glasses will cost more than the guidelines listed above, the cost may be approved by a manager if the increased cost is due to a condition identified by an optometrist.
19. The social worker shall inform the foster parent or the residential care provider of the cost guidelines and efforts shall be made to receive the service at these rates. In an area where the normal rate for these services exceeds the guidelines above, extra funding may be approved by a manager.

### **Other Services**

20. The social worker and the *In Care Planning Team* shall consider any other services the child or youth may require. This may include mental health counselling, occupational therapy, or speech-language pathology. Where possible, children and youth shall be referred to community services or those offered by the Regional Health Authority. When these services are not available or are not considered sufficient to meet the child or youth's needs, funding may be approved for private services.

**EXCEPTIONS:** None

### **RELEVANT DOCUMENTS:**

- *MCP and NLPDP* <http://www.health.gov.nl.ca/health/forms/index.html#3>
- *Regional Health Authorities*  
[http://www.health.gov.nl.ca/health/findhealthservices/in\\_your\\_community.html#contact](http://www.health.gov.nl.ca/health/findhealthservices/in_your_community.html#contact)

## HEALTH SERVICES: HOSPITALIZATION

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**Policy no.: 3.22****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Consents: Medical Consent**Legislative References:**

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**PURPOSE:** To outline the social worker's responsibility where a child or youth in the care or custody of a manager has been admitted to a hospital.

**POLICY:**

1. Where a child or youth in the care or custody of a manager has been admitted to a hospital, the social worker shall actively monitor the child or youth's progress.
2. Where a child or youth in the care or custody of a manager has been admitted to a hospital for treatment, the social worker shall inform the parent(s) and facilitate contact where appropriate.

**PROCEDURES:**

1. The social worker shall advise the foster parent or residential care provider that they must be informed **immediately** when a child or youth in the care or custody of a manager is taken via ambulance, medevaced, or admitted to hospital.
2. The social worker shall notify hospital administration and/or the attending physician that the child or youth is in the care or custody of a manager.
3. The social worker shall refer to the *Consents: Medical Consent* policy for information related to providing consent for medical treatment for children and youth in care or custody. The social worker shall discuss the provision of medical consent with hospital administration and/or the attending physician.
4. The social worker shall notify the child or youth's parent(s) **as soon as possible**, regardless of their level of contact or the care or custody status of the child or youth. This would include a parent who has signed a Consent to Adoption where the child or youth **has not** been placed for adoption.
5. The social worker shall maintain, **at minimum, daily contact** with the hospital to monitor the progress of the child or youth.

6. The social worker shall provide on-going information to the foster parent, residential care provider and the parent(s) to ensure they are aware of the child or youth's progress and condition. The social worker shall develop a plan with the foster parent(s) or residential care provider(s) regarding visiting and supporting the child or youth while they are in the hospital.
7. The social worker shall notify hospital administration of who may visit with the child or youth and any conditions related to contact with family members.
8. Where supervision of visits is required, the social worker shall be responsible for coordinating a visitation schedule and ensuring supervision is present during scheduled visits.
9. The social worker shall work with hospital staff to develop a discharge plan for the child or youth that shall include provisions for who will assume care of the child or youth upon discharge. The social worker shall consult with the foster parent or residential care provider to ensure they are equipped to respond to any on-going health needs for the child or youth.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## FINANCIAL SERVICES FOR THE CHILD OR YOUTH

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**Policy no.: 3.23****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Consents: Travel Consent**Legislative References:**

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**PURPOSE:** To outline the additional funds that may be approved and provided to a [foster parent](#) or residential care provider on behalf of a child or [youth](#) in care.

**POLICY:**

1. Child care costs may be provided to foster parents who work outside of the home or who are required to be away from the home on matters related to the child or youth in care or [custody](#).
2. A clothing allowance may be provided to children and youth in care or custody to ensure they are adequately and appropriately clothed.
3. The cost of tutoring or other exceptional educational expenses may be provided for children and youth in care or custody.
4. Where it has been determined by Child, Youth and Family Services that a child or youth in care or custody has caused damage to the property of their foster parent or other property, the [manager](#), as the guardian of the child or youth, is responsible for the costs of repairs.
5. Funding may be provided to support a child or youth in care or custody to participate in cultural, social, or recreational activities.
6. Financial support may be provided to foster parents to support the inclusion of children and youth in care or custody in family trips.
7. Financial support may be provided to a youth who is graduating from high school.

**PROCEDURES:****Child Care**

1. The cost of child care may be provided to a foster parent where:

- a) the foster parent is employed outside the home; or
  - b) the foster parent must be away from the home due to child related matters (i.e. case conferences, school meetings, training or workshops).
2. Where the foster parent requires full-time child care while they are employed outside of the home, the social worker shall work with the foster parent to secure a placement for the child in a licensed child care centre or family child care home.
  3. The social worker shall contact Child Care Services Subsidy Program to discuss the child's placement with a child care provider and make an application for coverage under the subsidy program.
  4. Where it is determined that a child requires one-to-one support, the social worker shall discuss this need with the Child Care Services Subsidy Program to determine next steps.
  5. Where child care is provided by a person who is not a licensed child care provider, the foster parent will be responsible for obtaining two references and a certificate of conduct with a vulnerable sectors check from the potential child care provider. The social worker shall complete a CYFS record check for the potential child care provider.
  6. If the foster parent chooses to employ an individual privately to provide childcare as outlined in Procedure 5, they shall be informed that Revenue Canada's guidelines are to be followed. These guidelines can be found online at <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>
  7. The cost of routine child care (i.e. foster parent going out for the evening, attending a medical appointment, or a school meeting for their own child) is covered in the basic foster care rate provided to the foster parent.

### **Clothing Allowance**

8. When a child or youth is placed with a foster parent or residential care provider, the child or youth's clothing shall be assessed to ensure they have adequate and appropriate clothes in accordance with their age and the season of the year.
9. Where required, a placement clothing allowance can be provided to purchase needed clothes for the child or youth.
10. The foster parent rate includes money to maintain an adequate standard of clothing for child and youth.
11. Additional funds can be provided where necessary to ensure a child or youth has the clothing he or she requires.

12. The social worker shall ensure that a child or youth has a suitcase to use when travelling, attending visits, changing placements, or returning home.

### **Education Expenses**

13. The foster care rate includes monthly funding that has been allocated to cover the cost of regular school supplies for children and youth in care or custody. The social worker will ensure that the foster parent provides these basic supplies to the child or youth.
14. When the child or youth is involved in extra-curricular activities where significant cost is incurred, the social worker may, at the request of the foster parent and in consultation with a supervisor, approve additional funding for such costs.
15. Where required and recommended by the child or youth's school or *In Care Planning Team*, tutoring services may be provided to a child or youth. The social worker shall determine the type of service required to adequately meet the needs of the child or youth (i.e. a private service or a tutoring program offered through a private centre). Informal educational supports and those offered through the child or youth's school shall also be explored and utilized where possible.

### **Damages**

16. Where it has been determined that damage to property has been caused by a child or youth in the care or custody of a manager, the cost of repair or replacement up to \$2500.00 per year may be approved by the supervisor.
17. The social worker shall request, where possible, three estimates or quotes for repair or replacement costs.
18. Where the cost of repairs exceeds \$2500.00 per year, approval of a manager is required prior to payment.
19. Where more than one child or youth was involved in an incident that caused damage to property, only a portion of the costs of repair or replacement will be the responsibility of the manager. For example, where three (3) youth were involved in an incident and only one youth was in care, the manager is only responsible for 1/3 of the cost.
20. Where possible, the foster parent and social worker shall work with the child or youth, in an age and developmentally appropriate manner, to determine a way in which they can contribute to the repairs. The contribution of the child or youth may be financial or take another form.
21. Where payment is to be provided to a foster parent or another party as reimbursement for repairs, the party receiving the payment shall sign the *Release* form prior to receiving the agreed upon payment. This release acknowledges that payment was provided and that no further action or claim may be made in relation to the identified incident.

### Cultural/Social/Recreational Expenditures

22. The foster care rate includes monthly funding that has been allocated to cover the cost of:
- a) family activities and outings;
  - b) day or weekend trips;
  - c) treats;
  - d) tickets for movies or other events;
  - e) enrollment in lessons (i.e. swimming, art, music); and
  - f) skates.
23. Where the child or youth is involved in multiple activities or enrolled in activities determined to be costly, the social worker may, at the request of the foster parent and in consultation with a supervisor, approve additional funding for such costs.
24. The cost of a bike and helmet may be approved for a child or youth.
25. A Christmas allowance shall be provided to the foster parent or residential care provider for all children and youth in care or custody in November of each year. The Christmas allowance rates are as follows:
- a) Birth – 4 years - \$200.00
  - b) 5 – 11 years - \$300.00
  - c) 12 – 18 years - \$400.00

### One-to-One Support

26. Where required and recommended by the child or youth's *In Care Planning Team*, one-to-one supports may be provided to assist with the care of a child or youth with exceptionally challenging needs. Supports that may be provided include personal care, respite, or behavioural aide services. Where a person has been identified to provide one-to-one support, they shall provide two references and a certificate of conduct, which includes a vulnerable sectors check. The social worker shall complete a CYFS record check prior to the person commencing work.

### Vacation

27. Where the foster parent is planning a vacation and it is their intention to take the child or youth, the social worker shall consult with the foster parent about these plans to determine the child or youth's ability to participate and the supports that may be provided.
28. The social worker shall refer to the *Consents: Travel Consent* policy to determine the type of consent required based on the travel plans.

29. While the basic foster care rate includes funding for the child or youth's portion of a vacation, funding for the costs associated with a trip determined to be unusually expensive may be approved.
30. In assessing a request for additional funding for a child or youth's participation in a vacation, the social worker shall consider the following:
- a) the destination;
  - b) the mode of transportation;
  - c) the accommodations;
  - d) the planned activities;
  - e) the number of vacations the child or youth has taken in the past two (2) years;
  - f) the difference in cost of travel for the family with or without the child or youth;
  - g) the amount of the basic foster care rate that will be used toward the trip; and
  - h) the ability of the child or youth's family to contribute to the cost of the trip.
31. Additional funding may be provided to pay for actual expenditures for costly items, including airfare, ferry fees, or amusement park passes.
32. Funding shall not be approved to cover the cost of a car rental, gasoline, or campground fees as these are not likely to increase due to the addition of another child or youth.
33. Where including the child or youth results in increased expenses such as extra hotel accommodations, these costs may be considered for approval. In the case of a hotel room, where the room is shared by other people, only a percentage of the cost shall be attributed to the child or youth.
34. Funding may be provided to cover additional expenses related to the cost of meals and other miscellaneous expenses while on vacation. The maximum allowable rates are:

**Nationally:**

- 0 – 12 years: \$10 per day up to a maximum of \$100
- 12 – 18 years: \$12 per day up to a maximum of \$120

**Internationally:**

- 0 – 12 years: \$15 per day up to a maximum of \$150
- 12 – 18 years: \$20 per day up to a maximum of \$200

35. Where a passport is required for a child or youth in care, the social worker shall work with the foster parent or residential staff person to complete the application as required by Passport Canada. Information regarding applications and requirements related to passports for children and youth in care can be found online at: <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>

**Summer Camp**

36. Where a child or youth plans to attend summer camp, the social worker must approve the child or youth's participation in the program before registration occurs. Approval may also be given to cover the cost of camp fees and camping equipment, if required. Prior to approving the child or youth's registration for such a program, the social worker shall ensure adequate safety measures are in place to reduce the risk of injury to the child or youth (i.e. adequate supervision).

**High School Graduation**

37. The cost of graduation tickets may be covered and additional funds to a maximum of \$500 may be provided to cover other costs associated with graduation, including the purchase or rental of formal attire, graduation book and school ring.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Passport Canada* <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>
- *Revenue Canada* <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>
- *Release Form*, Form 44-01

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**FINANCIAL SERVICES: CHILDREN'S SPECIAL ALLOWANCE**

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**Policy no.: 3.24****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placements: Placement Procedures; Financial Services: Foster Home Rates**Legislative References:**

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**PURPOSE:** To outline the social worker's responsibilities related to the Children's Special Allowances for children and youth in the care or custody of a manager.

**POLICY:**

1. Where a child or youth under the age of eighteen (18) is in the care or custody of a manager, Child, Youth, and Family Services is entitled to receive the *Children's Special Allowances*.

**PROCEDURES:**

1. The social worker shall apply for the *Children's Special Allowances* (CSA) on behalf of Child, Youth, and Family Services **within three (3) days** of a child or youth entering the care or custody of a manager. The application form can be accessed online at <http://www.cra-arc.gc.ca/E/pbg/tf/rc64/rc64-10e.pdf>. The foster parent section shall not be completed.
2. The social worker shall advise the parent from whom the child or youth was removed that this application has been made and as a result, they will cease to receive the Child Tax Benefit and the children's component of the GST/HST credit.
3. The social worker shall arrange for the foster home or the residential placement (if applicable) to receive the Child's Special Allowance in the amount of 85.00 dollars per month. This amount will be paid to the foster home or residential placement by the Department of Child, Youth and Family Services or the Regional Health Authority. Foster parents or residential care providers cannot apply for the Child Tax Benefit or GST/HST credit on behalf of a child or youth in care.
4. The social worker shall complete and submit the cancellation section of the application form as soon as possible when a child or youth leaves the care or custody of a manager. The form can be accessed online at <http://www.cra-arc.gc.ca/E/pbg/tf/rc64/rc64-10e.pdf>.

5. Where a child or youth returns to live with their parent(s) or enters the custody of another person, the parent or other person shall be advised that they must make an application to receive the Child Tax Benefit. The social worker may offer to assist with this process.
6. Where a youth under the age of 18 is transitioning from the care or custody of a manager to the Youth Services Program to receive *Residential Services*, a cancellation form shall not be completed.
7. The social worker shall submit a cancellation form where a youth in the care or custody of a manager is sentenced to a secure custody facility for more than 30 days. Where the youth remains in the care or custody of a manager following the secure sentence, the social worker shall reapply for the CSA.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- **Children's Special Allowances Application/Cancellation Form** <http://www.cra-arc.gc.ca/E/pbg/tf/rc64/rc64-10e.pdf>.

## FINANCIAL SERVICES: FOSTER HOME RATES

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**Policy no.: 3.25****Effective Date:** April 2010**Date Revised:** June 30, 2011**Policy Cross References:** Financial Services for the Child or Youth; Financial Services: Children's Special Allowances**Legislative References:**

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**PURPOSE:** To outline the foster home rates that **foster parents** providing care for children or **youth** in the care or **custody** of a **manager** are eligible to receive.**POLICY:**

1. Foster parents shall be provided with the basic foster care rate and the *Children's Special Allowance* rate for each child or youth in the care or custody of a manager who is placed in their home.
2. A social worker shall provide a foster parent with a placement allowance when a child or youth is initially placed in their home.
3. Where a child or youth has been placed in a foster home for **30 days**, the social worker, at the request of the foster parent, may assess the need for a special foster care rate based on the completion of a *Special Needs Assessment*.
4. Other costs associated with the care of a child or youth that are not included in the basic rate may be assessed for approval on an individual basis. Please refer to the *Financial Services for the Child or Youth* policy for further information.

**PROCEDURES:****Basic Rate**

1. The basic foster care rate is provided to cover the daily costs of caring for a child or youth and includes:
  - a) food;
  - b) shelter;

- c) clothing;
  - d) routine household wear and tear;
  - e) personal hygiene items;
  - f) routine community travel (i.e. friend's house, community centre);
  - g) regular family activities (i.e. movie night);
  - h) routine babysitting (i.e. foster parent(s) going to a movie);
  - i) non-prescription medications;
  - j) school supplies;
  - k) regular field trips;
  - l) haircuts;
  - m) birthday parties; and
  - n) gifts.
2. The foster parent(s) is responsible for the management of monies issued on the child or youth's behalf and for ensuring the day to day needs of the child or youth are being met. The social worker is responsible for working with the foster parent(s) to ensure the rate provided is sufficient to meet the child's or youth's needs.
3. The table below outlines the basic foster care rates which came into effect on April 1, 2010. When a rate is adjusted based on a change in the child's age category (i.e. child turns 2, 5, or 12 and enters the next age category) the new rate will be effective starting the pay period following the child's birthday.

Age	Basic Foster Care Rates Effective April 1, 2010		
	Island	Labrador	Remote Labrador
<b>Birth-2*</b>	<b>915.00</b>	<b>1052.00</b>	<b>1190.00</b>
<b>2-4</b>	<b>715.00</b>	<b>822.00</b>	<b>930.00</b>
<b>5-11</b>	<b>815.00</b>	<b>937.00</b>	<b>1060.00</b>
<b>12 &amp; older</b>	<b>915.00</b>	<b>1052.00</b>	<b>1190.00</b>

\* The Birth-2 rates include the infant allowance

### Basic Rate for Labrador

4. Distinct rates have been established for Labrador in recognition of the higher cost of living in this region. The **Labrador Rate** will apply to all areas of Labrador with the exception of the communities that have been designated to receive the **Remote Rate**. The communities designated to receive the Remote Rate include Nain, Natuashish, Hopedale, Makkovik, Postville, Rigolet, Norman Bay, Williams Harbour, and Black Tickle.

### Infant Allowance

5. An infant allowance is automatically included in the basic foster care rate for children up to two years of age. Foster parents will receive the **Birth - 2 Rate** until the end of the pay period following the child's second birthday. The infant allowance will assist with the additional costs of caring for an infant (i.e. formula, diapers). The table below provides a breakdown of the infant allowance amounts that are included in the basic rate structure for the Birth-2 age category.

Age	Infant Allowance Amounts Included in the Basic Rate Effective June 1, 2009		
	Island	Labrador	Remote Labrador
Birth-2	200.00	230.00	260.00

### Placement Allowance

6. Foster parents shall be provided with a placement allowance in the amount of \$200.00 when a child or youth is placed in their home. This is to assist the foster parent in obtaining items a child or youth may need upon placement (i.e. school supplies, special foods, personal items). It does not include monies for clothing as this is outlined in the *Financial Services for the Child or Youth* policy. The placement allowance is not intended for respite placements or for situations where a child or youth is placed in a home on an emergency overnight basis.

### Special Needs Rate

7. The purpose of the basic rate is to cover the daily costs associated with the care of a child or youth. If it is identified by the foster parent that a child or youth has special needs and the foster parent requires additional financial or supportive services to meet the level of care associated with these needs, the social worker may, in consultation with the foster parent and other professionals working with the child or youth, complete a *Special Needs Assessment*.

8. The child or youth should reside in the home for **30 days** prior to the social worker completing the *Special Needs Assessment*. This gives the foster parent(s) and the social worker an initial opportunity to observe the child or youth's strengths and needs which will better inform the assessment process.
9. A special needs foster care rate may be paid **up to three (3) months** retroactive to the date of approval.
10. The *Special Needs Assessment* shall be reviewed **every six (6) months**. If the review indicates that increases are required in the rate, increases shall become effective on the first day of the following month.
11. If a review indicates an improvement in any of the 12 key areas, the special needs rate received by the foster parent **shall not** be reduced accordingly. An improvement in the child or youth's functioning will likely reflect the work of the foster parent and the child or youth to address the identified issues. The foster parent will likely continue to work with the child or youth in order to maintain the child or youth's level of functioning. If a service is reduced (i.e. respite, tutoring), and the cost of this service is included in the rate, the special needs rate shall be reduced by that amount.
12. If the *Special Needs Assessment* does not adequately address the special needs of a child or youth a narrative report may be attached to the assessment to support a more appropriate rate or level of service. Medical documentation is required for the following key areas of the assessment to support an increase in the rate or to maintain an increased rate:
  - a) eating;
  - b) communication;
  - c) health; and
  - d) emotional/psychiatric/psychological needs.

The social worker is responsible for obtaining the required medical documentation. Any required documentation must be attached to the *Special Needs Assessment* and retained in the child or youth's file.

13. If there is special needs rate being paid on behalf of a child or youth and the child or youth experiences a change of placement, the special needs rate shall not follow the child or youth to the new placement. The new foster home shall initially receive the basic foster care rate and a new *Special Needs Assessment* may be completed as outlined in this policy after the child or youth has resided in the home for **30 days**.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Special Needs Assessment*

## FINANCIAL SERVICES: RESPITE RATES

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**Policy no.: 3.26****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Respite Foster Home Approval and Monitoring Process**Legislative References:**

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**PURPOSE:** To outline when respite may be provided to a foster home and to identify the requirements for implementing respite services.**POLICY:**

1. Hourly and/or overnight respite is a service that may be approved and provided to a foster family.

**PROCEDURES:**

1. Respite is a service designed to provide temporary relief and reduce stress levels for **foster parents** who are providing care for a **child** or **youth** with complex needs. If it is identified that a foster parent requires respite services the social worker should develop a respite plan with the foster parent(s).
2. The need for respite shall be assessed individually for each foster parent. The assessment shall consider the:
  - a) age and developmental abilities/needs of the child or youth;
  - b) number of persons with special needs within a home (there shall not be more than two individuals);
  - c) the degree of stress experienced by the foster parent(s);
  - d) the number of respite hours the foster parent(s) believes is adequate;
  - e) medical considerations of the child or youth;
  - f) dependency of the child or youth in the area of self help;
  - g) requirement of the child or youth for constant or intensive supervision; and
  - h) behavioural difficulties exhibited by the child or youth (i.e. self abusive, destructive, or aggressive behaviour).

3. Respite can be approved on an hourly, daily, weekend, weekly or monthly basis.
4. Individuals or families providing overnight respite services in their own home must be approved under the respite home approval guidelines. Please refer to the ***Placement Resources: Respite Home Approval and Monitoring Process*** policy for further details on this approval process.
5. Remuneration of approved respite homes providing overnight care is not considered reportable income by Revenue Canada and is treated in the same manner as foster care payments.

### Rate of payment

6. The maximum rates for payment of respite as established by the Provincial Office are as follows:
  - a) Monthly Respite up to 1,038.00
  - b) Weekly 280.00
  - c) Weekend 135.00
  - d) Extended weekend (3 nights) 180.00
  - e) Daily overnight (max.2 nights) 40.00
  - f) Hourly 12.00
7. If overnight respite extends beyond an extended weekend the weekly rate should be used to calculate the daily amount. The rate paid to respite providers on a **monthly** basis **shall not exceed** the monthly rate paid to the child or youth's foster parent(s).

### Hourly Respite

8. The recruitment of respite providers who will be providing hourly respite is the responsibility of the social worker and the foster parent(s) with whom the child or youth resides.
9. Respite providers shall:
  - a) have experience in working with children with behavioural issues and/or developmental challenges;
  - b) provide three references from non relatives who they have known for at least three years;
  - c) provide a certificate of conduct which includes a Vulnerable Sectors Check;
  - d) sign the *Child, Youth and Family Services Record Check Consent* form.
  - e) understand their role with the child or youth;
  - f) understand the importance of maintaining confidentiality in relation to information about the child or youth and the child or youth's family; and
  - g) sign an Oath of Confidentiality.

10. The foster parent(s) should review and evaluate the respite worker's performance to ensure the service is an appropriate fit for the child or youth and the foster parent(s).
11. The foster parent is considered to be the employer of the hourly respite provider and they must contact Revenue Canada to open an account. Information regarding contributions and deductions can be obtained directly from Revenue Canada online at <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>.
12. The foster parent(s) or an individual/agency they have contracted with to keep payroll records shall be reimbursed for the approved respite rate, including employer contributions. All earnings must be reported to Revenue Canada. Foster parents are required to provide a T4 to the respite provider at the end of the year.
13. Foster parents must ensure that when contracting with individuals or agencies to keep payroll records that the respite providers are not placed on the agency's/individual's payroll. The respite provider is employed by the foster parent(s) and all records are to be in the foster parent's name.
14. The cost of coverage by the Workplace Health, Safety and Compensation Commission (WHSCC) is not provided by Child, Youth and Family Services. Where the employer (the foster parent) wishes to provide the respite provider with WHSCC coverage, this must be paid for from their own resources and involves the completion of the *Householder's Coverage Application* which can be accessed online at <http://www.whscc.nf.ca/forms.whscc>.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Revenue Canada* <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>.
- *Workplace Health, Safety and Compensation Commission – Householder's Coverage Application* <http://www.whscc.nf.ca/forms.whscc>

## FINANCIAL SERVICES: REIMBURSEMENT FOR MEALS AND TRAVEL

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**Policy no.:** 3.27

**Effective Date:** March 2007

**Date Revised:** June 30, 2011

**Policy Cross References:**

**Legislative References:**

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**PURPOSE:** To outline the funding that may be provided to foster parents for travel costs associated with the care of a child or youth placed in their home.

### **POLICY:**

1. Foster parents may be reimbursed for transportation costs for travel that is in addition to the funding included in the basic foster care rate. This reimbursement shall be based on an assessment of the purpose of travel, frequency of the travel and/or the distance travelled.
2. The cost of meals may be provided to a foster parent who must travel with a child or youth.
3. Transportation may be approved for a child or youth's birth family to attend *CYCP* court proceedings where they are unable to arrange their own transportation.

### **PROCEDURES:**

1. Additional travel costs that may be approved for a child or youth in the care or custody of a manager or their foster parent(s) include:
  - a) **Placement Transportation:** Approval may be granted to cover the cost associated with the initial placement of a child or youth, the movement from one placement to another, or the child or youth's return home.
  - b) **Medical Transportation:** Approval may be granted to cover costs associated with medical transportation depending on the distance to be travelled and the frequency of the travel.
  - c) **School/Child Care Transportation:** Transportation to school or child care centre is provided to children or youth in care only in exceptional circumstances (i.e. the child or youth is attending a special program or is in a short term or emergency

placement). Children or youth with physical or mental disabilities who require special transportation may qualify for assistance from the Department of Education. Social workers should consult with the school district regarding services for these children and youth.

2. Where additional monies are approved for transportation as outlined in this policy and the foster parent(s) uses their own vehicle, they should be reimbursed for mileage at the fluctuating basic Provincial Government rate.
3. The following must be considered when assessing requests to cover the cost of meals for foster parents travelling outside of their home region with the child/youth:
  - a) purpose of travel;
  - b) frequency of travel;
  - c) appointment time and location;
  - d) departure time; and
  - e) return time.
4. Where a foster parent is to be reimbursed for meals, reimbursement shall be provided in accordance with the Provincial Government per diem rate.

**Transportation for parents**

5. Approval may be given to assist a child or youth's parent(s) to attend *CYCP* court proceedings when they are unable to arrange their own transportation.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:** None

## OVERVIEW: PLACEMENT RESOURCES FOR CHILDREN AND YOUTH IN CARE

The placement of children and youth is guided by the philosophy and principles of the *Child and Youth Care and Protection Act (CYCP)*. The overriding and paramount consideration in decisions made under the Act is the best interest of the child or youth.

### BEST INTEREST PRINCIPLES

The Act outlines the relevant factors that shall be considered in determining a child's best interest. These factors include:

- the child or youth's safety, health and well being;
- the child or youth's physical, emotional and developmental needs;
- the child or youth's relationship with family or a person significant to the child or youth;
- the child or youth's identity and cultural and community connections;
- the child or youth's opinion regarding his or her care and custody or the provision of services and
- the importance of stability and permanency in the context of the child or youth's

### PLACEMENT CONSIDERATIONS

In keeping with the best interest principle, every effort should be made to match a child or youth in care with a placement that can:

- protect and nurture them;
- support connections to their family and community;
- respect and cultivate cultural heritage, spiritual beliefs and identity; and,
- meet their emotional, developmental and service needs.

Relatives, non custodial parents and individuals significant to the child should be considered first when exploring placement options. If a family member or significant other is unavailable, the child or youth should be matched with either an approved non relative foster family or residential setting that best meets that child's needs. Every effort should be made to place siblings together unless for a safety reason this is not in the best interest of individual siblings.

When a child or youth is placed in a foster home it is important that the social worker prepare and support the child or youth, the parent(s) and the foster parents with the transition. If possible pre-placement visiting should be facilitated. The social worker shall provide the child or youth and the parent(s) with relevant information about the foster family unless it is not deemed in the child's best interest. It is also important for the social worker to provide as much relevant information as possible about the child or youth to the foster parents.

If a group home or another residential placement is selected instead of a foster home for a child, it is equally as important to prepare and support the child or youth and the parent(s) and to ensure the residential setting is given all relevant information about the child or youth.

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## **APPROVING, SUPPORTING AND MONITORING PLACEMENT RESOURCES**

Children and youth in care need to be matched with approved placements that are supported and monitored to ensure that they are providing quality care. [Parent Resources for Information, Development and Education \(PRIDE\)](#) is the training and assessment tool used by the Department of CYFS for the approval of non-relative foster homes. The core competencies identified through PRIDE represent basic competencies that are expected from any family or group based environments for children and youth in care.

It is important for foster parents and residential care providers to understand that children who are removed from their family have often experienced trauma and inconsistencies in their lives which can make it difficult for them to understanding or accept rules and expectations. This coupled with behaviours associated with maltreatment, feelings of loss and anger at being separated from their family and other factors can make caring for a child or youth challenging.

It is critical that foster parents and residential staff are provided relevant information about the child or youth so they are able to understanding the child or youth's needs and behaviour in the context of their life experiences. Foster parents and residential staff also require ongoing support and training and must be included as part of the planning team.

The social worker is also responsible for monitoring placement resources though regular in home contact with the home or residential setting , observing the interaction between a child or youth and their care provider and consulting with the child or youth. Supporting and monitoring placement resources is an important component of ensuring that children and youth live in environments where they are nurtured and protected, their developmental needs including cultural identity are addressed and they are connected with people who are significant in their life.

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## PLACEMENT RESOURCES: NON-CUSTODIAL PARENT APPROVAL AND MONITORING PROCESS

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**Policy no.: 4.2****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:** s.62(1) and s.62(2) Placement Considerations; s.63(2) and s.63(3) Agreement for Service.

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**PURPOSE:** To outline the process for approving and monitoring the placement of a [child](#) or [youth](#) with a [non-custodial parent](#).

**POLICY:**

1. A non-custodial parent shall be considered as a placement option for a child or youth in care or [custody](#) if it is determined to be in the best interests of the child or youth.
2. The placement of a child or youth in care or custody with the non-custodial parent may only be approved by a [manager](#) or supervisor.
3. A child or youth in care who has been placed with the non-custodial parent shall be monitored in accordance with policies relating to children and youth in care.

**PROCEDURES:**

1. The social worker shall complete an assessment of the non-custodial parent that includes:
  - a) conducting a home visit to determine the appropriateness of the living arrangement;
  - b) conducting an interview with all persons in the home;
  - c) obtaining a *Child, Youth and Family Services Record Check* for the non-custodial parent, including all areas of the province and from any other jurisdictions in which they, or any other person living in the home, previously resided;
  - d) obtaining a verbal criminal records check from the local police jurisdiction where the non-custodial parent resides and including all jurisdictions where he/she previously resided;
  - e) obtaining a verbal criminal records check on any other persons age 12 years old and over residing in the home with the non-custodial parent;
  - f) obtaining two verbal references from non-relatives;

- g) obtaining one verbal collateral reference (e.g., personnel from the child/youth's school, if applicable);
  - h) determining the wishes of the child/youth, including the relationship that exists between the child/youth and the non-custodial parent;
  - i) determining the factors that led to the child/youth being in the custody of the other parent.
2. The social worker shall assess the relationship between the custodial parent and the non-custodial parent and discuss with the latter their ability and willingness to support the child/youth's relationship with the custodial parent.
3. The social worker shall make a recommendation to the supervisor about whether the non-custodial placement should be approved. The final decision regarding approval shall be made by the manager.
4. When a child/youth is placed with a non-custodial parent, the parent shall be advised that if he/she makes application under the *Children's Law Act* for custody, the application may be connected with the social worker's application for a *Protective Intervention Hearing* under the *CYCP Act*.
5. The social worker shall follow the *CYCP* policies relating to children and youth in care when a child/youth is placed with the non-custodial parent with the exception of providing financial support.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Letter of Reference*
- *Child, Youth and Family Services Record Check*
- *Children's Law Act*

## PLACEMENT RESOURCES: RELATIVE/SIGNIFICANT OTHER FOSTER HOME APPROVAL

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**Policy no.: 4.3****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non-Relative Foster Home Approval Process.**Legislative References:** s.62(1) and s.62(2) Placement considerations; s.63(3) Agreement for service.

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**PURPOSE:** To outline the process for completing the assessment and approval for a relative/significant other foster home.

**POLICY:**

1. The social worker shall first consider placement of a **child** or **youth** with family or a person with whom the child or youth has a significant relationship.
2. When determining where a child or youth should be placed, the social worker shall involve the child/youth, where age and developmentally appropriate, the family, and other support networks to determine if there is a family member, or individual significant to the child/youth, who could meet the child/youth's placement needs.
3. If it enables a child/youth to be safely placed with a familiar person(s), the social worker may expedite the placement of the child/youth with a **relative/significant other foster parent** by assessing that individual(s) using the **preliminary approval** process.

**PROCEDURES:****Preliminary Approval Process**

1. A social worker shall assess prospective relative/significant other foster parents for a preliminary approval if a child or requires an immediate placement. A preliminary assessment must include:
  - a) conducting a home visit and interview with all persons in the home to determine the appropriateness of the living arrangement;
  - b) obtaining a *Child, Youth and Family Services Record Check* for the prospective **foster parent(s)**, from any areas of the province and from any other jurisdictions in which they, or any other person living in the home, previously resided;

- c) obtaining a verbal criminal records check from the local police jurisdiction where the prospective foster parent(s) resides and including all jurisdictions where they previously resided;
  - d) obtaining a verbal criminal records check on any other persons age 12 years old residing in the home with the prospective foster parent(s);
  - e) obtaining two verbal references from non-relatives;
  - f) obtaining one verbal collateral reference (e.g., personnel from the child/youth's school, if applicable);
  - g) determining the wishes of the child or youth, including the relationship that exists between the child/youth and prospective relative/significant other foster parent(s);
  - h) foster home safety checklist.
2. The prospective relative/significant other foster parent(s) shall demonstrate to the social worker that they understand their role in supporting the child or youth, and are able to work as part of a team to ensure that the child/youth's physical, emotional and developmental needs are addressed. It is also important that they understand the expectations of the foster care program, and are willing and able to work with the child/youth's birth family and support contact, unless it is deemed not to be in the best interests of the child or youth.
3. The written preliminary assessment, together with the social worker's recommendation and supporting documentation identified in (1) above, shall be forwarded to the supervisor. The supervisor must approve the home prior to the placement of the child/youth. Relative/significant other foster home placements shall not be approved if there are outstanding child/youth protection concerns, or if a police or reference check indicates there is a history that may place the child/youth at risk.
4. The written preliminary assessment shall include:
  - a) a brief summary of the home visit and interviews with all persons in the home;
  - b) the views and wishes of the child or youth where age and developmentally appropriate;
  - c) a description of the relationship that exists between the child or youth and the prospective relative/significant other foster parent; and
  - d) social worker's recommendation.
5. When a preliminary approval is granted, the relative/significant other foster parent(s) shall be notified in writing in a timely manner. The approval letter should outline the duration of the preliminary approval as well as the remaining steps that have to be completed for a full approval. If a prospective foster parent(s) is not approved, they shall be notified verbally when the decision is made followed as soon as possible by a written decision.
6. The social worker shall ensure that all approved foster parents are given copies of the CYCP policy on ***Monitoring Placement Resources: Discipline, Medical Consent, Child or Youth Absent Without Permission and Child or Youth Missing or Abducted.***

7. The social worker shall ensure that approved foster parents are given the contact information for the Newfoundland and Labrador Foster Families Association and their local CYFS office, including after hour services.
8. The social worker shall notify the Newfoundland and Labrador Foster Families Association in writing when a new foster home is approved.

### Final Approval

1. When a child/youth is placed on the basis of a preliminary approval and continues to reside in the home, the final approval process must be completed **within 60 days**. This enables a social worker to complete a more thorough assessment of the relative/significant other foster home and their ability to meet the expectations of the foster care program.
2. The social worker shall complete the *Relative/Significant Other Foster Home Assessment* and obtain the following documentation as part of the final assessment process:
  - a) *Certificates of Conduct* on any person residing in the home age 12 years old and over:
    - (i) applicants must make application to the police jurisdiction where they currently reside and give permission to have a criminal record check completed in all jurisdictions where they previously resided;
    - (ii) applicants must check the Vulnerable Sectors Check on the application to identify an individual who has been pardoned for a sexual offence;
    - (iii) applicants residing in an RCMP jurisdiction must also make application to the provincial court to have a check completed. Applications are available at RCMP detachments;
    - (iv) applicants who reside in a Royal Newfoundland Constabulary jurisdiction must make application to the Provincial Court to have a check completed if it is possible that they may have a record prior to 1980.
  - b) two written references from non-relatives, and one collateral reference using *Letter of Reference* forms;
  - c) medicals on all persons living in the home using the *Medical Report on Prospective Foster Parents* form;
  - d) an interview with the child/parent; and
  - e) a *Foster Home Safety Check*.
3. If, at any time throughout the final assessment process, concerns are noted regarding the prospective foster parents that would impact the approval process, these should be brought to the immediate attention of the supervisor and a decision shall be made regarding the child/youth's continued placement.

4. Upon completion of the final assessment, the social worker shall submit it and the supporting documentation to the supervisor with his/her recommendation regarding approval of the prospective foster parents.
5. The supervisor or manager shall make the final decision regarding approval.
6. If the relative/significant other foster home is approved, the social worker shall advise them in writing of the approval.
7. Where the final assessment indicates a child/youth should not remain in the placement, an alternative placement shall be explored and secured. The social worker shall meet with the foster parent(s) to discuss the reasons for not granting final approval. This decision should also be provided in writing in a timely manner of meeting with the foster parent(s).
8. Relative/significant other foster parents are not required to complete the *PRIDE* pre-service program, but they may be offered the opportunity to attend.
9. The social worker will support and monitor a relative/significant other foster home, and address and document any issues that affect the care of the child/youth. An annual review is not required.

#### **EXCEPTIONS TO POLICY:**

1. A supervisor may grant verbal approval of a relative/significant other foster home without the written summary being completed if completion of the summary will result in the child or youth having to be placed in an unfamiliar environment. The written summary shall be completed **within 2 days**.

#### **RELEVANT DOCUMENTS:**

- *Foster Parent Application*
- *Letter of Reference*
- *Child, Youth and Family Services Record Check*
- *Medical Report*
- *Foster Home Agreement*
- *Declaration of Confidentiality*
- *Foster Home Safety Checklist*

## PLACEMENT RESOURCES: NON-RELATIVE FOSTER HOME APPROVAL PROCESS

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**Policy no.: 4.4****Effective Date:** March 2007**Date Revised:** June 30, 2010**Policy Cross References:****Legislative References:** s.62(3) Placement considerations; s.3(1) and s.63(3) Agreement for service.

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**PURPOSE:** To outline the requirements and process for assessing prospective non-relative foster care applicants.

**POLICY:**

1. Single persons or couples, with or without children, may apply to become non-relative foster parents providing they meet the following criteria:
  - a) 25 years of age or older;
  - b) willing to participate in the *Parent Resources for Information, Development and Education (PRIDE)* assessment process including the pre-service education sessions;
  - c) if a couple, have been in an established family-unit relationship for a minimum of **one (1) year**.

**PROCEDURES:****Application and Screening**

1. All persons interested in becoming approved Non-Relative Foster Parents shall complete and submit a *Foster Parent Application* form and a *CYFS Record Check Consent* form.
2. During the initial intake call, or when an application has been accepted for processing, the social worker shall discuss the following issues with the prospective foster parents:
  - a) motivation for applying;
  - b) applicants' attitudes and views towards birth parents and their willingness to assist a child/youth in his/her relationship with them;
  - c) applicants' views about working as part of a team with CYFS staff, other professionals, the child/youth, and the birth family to reach a desired outcome;

- d) applicants' preference regarding age, sex, and service needs of child/youth to be placed in their home.
3. The social worker shall check for previous CYFS involvement by the prospective applicant(s). Where there has been previous contact, the social worker shall explore the circumstances of that contact. Contact shall be made with any social worker previously involved, all relevant information shall be reviewed, and there shall be supervisory consultation before a decision is made to continue with the approval process. Applicants shall not be assessed to become foster parents where there are unresolved child protection concerns.
  4. If the applicant(s) indicates that they have, or have had a psychiatric and/or psychological illness, are undergoing treatment for substance abuse and/or are involved in counselling, the social worker shall carefully assess this to determine if their current circumstances would prohibit them from being able to provide care for a child/youth placed in their home.

If the applicant(s) is currently involved with a therapist/counsellor, the social worker shall obtain, with the consent of the applicant(s), a professional opinion from the therapist/counsellor as to the progress of the counselling and whether or not the current problems would affect the ability of the applicant(s) to fulfil the role of a foster parent(s). The social worker shall ensure that the therapist/counsellor is aware of the expectations for foster parents and the demands on the individual that fostering may entail.

5. All applications should be deferred **for 12 months** from the time of the occurrence of a major illness or traumatic event within the family or the personal life of the applicant(s) (e.g., death of a child, recent separation or divorce, serious illness). The purpose of this deferment is to allow the family time to cope with, and adjust to, their new situation.
6. If an application is not recommended for processing, the social worker shall explain the reason(s) why to the applicant(s). The supervisor must confirm the decision in writing to the applicant **within 30 days**.

### Assessment Process

7. *PRIDE* is a model used to develop and support foster parent families. It strengthens the quality of care provided to child/youth by providing a standardized, competency-based framework for preparing and assessing foster parent applicants. The *PRIDE* assessment process involves a mutual identification of strengths and needs pertaining to the past and current functioning of the applicant(s). The pre-service information sessions and the mutual assessment process enable the applicant(s) and the social worker to make a well-informed decision about the family's willingness and ability to meet the expectations of becoming foster parents. It is important that all applicants participate in the assessment process as a well-informed decision, based on understanding the complex needs of children, youth and families, can better prepare foster parents for their role and reduce placement disruptions for the children and youth.

8. All applicants who apply to become approved non-relative foster parents shall complete the *PRIDE* pre-service sessions and be assessed by a social worker using the *PRIDE* assessment model. Any child(ren)/youth or other adults residing in the home must be included in the assessment process.
9. In addition to compiling the home assessment information, the social worker shall obtain supporting documentation to identify strengths or concerns that may influence the ability of the applicant(s) to provide quality care to a child/youth, and which will help inform the assessment process. Supporting documentation such as medicals, references, and collateral contacts provide insight into how friends, co-workers and other professionals in the community view the applicant's ability to become a foster parent.
10. The social worker shall ensure all the supporting documentation and forms identified in the following sections are obtained as part of the approval process.

#### **Child, Youth and Family Services Record Check**

11. A *Child, Youth and Family Services Record Check* shall be completed for the applicant(s) including record checks from all areas of the province and other jurisdictions in which they may have previously resided. If there has been previous, or if there is current CYFS involvement, the circumstances and nature of the involvement shall be explored. All relevant file information shall be reviewed and there shall be supervisory consultation before a decision is made to continue with the approval process. Applicants shall not be approved if there are unresolved child protection concerns.

#### **Criminal Record Checks**

12. All persons residing in the home age 12 years old and over shall provide *Certificates of Conduct*:
  - a) applicants must make application to the police jurisdiction where they currently reside and give permission to have a criminal record check completed in all jurisdictions where they previously resided;
  - b) applicants must check the Vulnerable Sectors Check on the application as this check will identify if an individual has been pardoned for a sexual offence;
  - c) applicants residing in an RCMP jurisdiction shall also make application to the provincial court to have a check completed. Applications are available at RCMP detachments;
  - d) applicants who reside in a Royal Newfoundland Constabulary jurisdiction shall make application to the Provincial Court to have a check completed should it be likely that they have a record prior to 1980.
13. If a prospective foster parent(s), or other individual residing in the home, has been charged with a criminal offence, the social worker must carefully assess the relationship of any criminal activity to the safety of a child/youth placed in the home using the following criteria:

- a) time elapsed since past criminal activity;
  - b) number and type of charges/convictions;
  - c) conduct and circumstance of the individual since the offence;
  - d) relevance of criminal record activity to the provision of care for a child/youth; and
  - e) age and circumstances of individual at the time of the offence.
14. Applicants shall not be approved if there is a previous conviction of a child-related crime.

### **Medical Reports**

15. A *Medical Report* form shall be completed on the applicant(s). All children or other adults living in the home should be examined by the family doctor who should provide a letter outlining their general health and any significant findings or concerns. If concerns are documented by the physician, the social worker shall contact the physician directly to discuss how this may impact the ability of the applicant(s) to provide care to a child/youth placed in the home.

### **References**

16. *Letters of References* are to be obtained from three individuals who are not related to, and have known, the applicants(s) for at least **three (3) years**. In addition, there shall be a verbal reference from a collateral community contact (e.g., minister, community leader, teacher). If the applicant(s) have school age children, the teacher is the preferred collateral reference.

### **Financial Assessment**

17. The social worker shall review with the applicant(s) their current financial circumstances. The purpose of this is to ensure that the applicant(s) are not under financial stress and/or that they will not rely solely upon the remuneration they receive as foster parents to meet their own financial commitments. Applicants shall not be approved if there are financial mismanagement concerns.

### **Home Safety Check**

18. A thorough check of the home of the applicant(s) shall be completed by the social worker to determine that they have the physical space to accommodate a child/youth, and to ensure that the home meets all physical requirements outlined in the *Foster Parent Home Safety Checklist*. Social workers shall consult the local Government Services Center, Department of Government Services and/or appropriate community resources if questions are raised about the safety of the home.

### Birth and Marriage Certificates

19. The social worker shall obtain a certified copy of the marriage certificate as well as certified copies of birth certificates for all persons living in the home. The birth dates should be cross-referenced with the dates given on the *Certificates of Conduct*.

### Declaration of Confidentiality

20. The foster parents are required to sign a *Declaration of Confidentiality*. The social worker will discuss with the applicant(s) the importance of maintaining confidentiality, and shall outline the circumstances when it is appropriate to share information relating to children/youth in care or **custody** and their families.

### Foster Parent Agreement

21. A copy of the *Foster Parent Agreement* shall be signed by the social worker and the foster parent(s). A copy shall be given to the foster parent(s).

### Approval

22. All applicants must demonstrate in the assessment process that they can meet the five *PRIDE* competency categories.
23. When the social worker has completed the *PRIDE* assessment process, a copy of the home assessment shall be shared with the applicant(s) and be signed by the applicant(s) and the social worker.
24. The social worker shall submit the *PRIDE* assessment and the supporting documentation to the supervisor with their recommendation about whether the prospective applicant(s) should be approved.
25. The final decision regarding approval shall be made by the manager or designate. Approval **shall not** be granted if any person residing in the home has been charged or convicted of a crime against children/youth, or if the family is currently involved in a *Protective Intervention Program*.
26. If approval is granted, the foster parent(s) shall be notified in writing and the name(s) of the approved foster parent(s) shall be forwarded to the Newfoundland and Labrador Foster Families Association.
27. If the applicant(s) is not approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicants should also be advised in writing as soon as possible after the meeting with the social worker.

28. The social worker shall ensure that all applicants who are approved receive a copy of the CYCP policies on *Monitoring Placement Resources: Discipline, Consents: Medical Consent, Planning: Child or Youth Absent Without Permission and Planning: Child or Youth Missing or Adducted.*
29. The social worker shall also ensure that approved foster parent(s) are given contact information for the Newfoundland and Labrador Foster Families Association and their local CYFS office including the number for after hour services.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Foster Parent Application*
- *Letter of Reference*
- *Child, Youth and Family Services Record Check*
- *Medical Report*
- *Foster Home Agreement*
- *Declaration of Confidentiality*
- *Foster Home Safety Checklist*

## PLACEMENT RESOURCES: INTERIM APPROVAL OF NON RELATIVE FOSTER HOMES

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**Policy no.: 4.5****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non-Relative Foster Home Approval Process**Legislative References:** s.62(3) Placement considerations; s.63(1) and s.63(3) Agreement for service

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**PURPOSE:** To outline the process for completing an [Interim Approval](#) for a non relative foster home. This policy replaces the *Emergency Approval* policy that was effective March 2007.

**POLICY:**

1. In situations where an alternate suitable foster home is not available for a [child](#) or [youth](#) in care, a [manager](#) may grant an [interim approval](#) of a prospective non relative foster home to facilitate a placement that is in the best interests of a child.
2. The full non relative foster home approval process must be completed **within 90 days** of the interim approval if the applicants completed the [PRIDE](#) pre-service sessions prior to the interim approval.
3. The full non relative foster home approval process must be completed **within 120 days** after the interim approval if the applicants did not complete the [PRIDE](#) pre-service sessions prior to the interim approval.

**PROCEDURES:****Interim Assessment**

1. The social worker, in consultation with a supervisor, shall assess the applicant(s) suitability to be processed for an *interim approval*. In determining suitability, the social worker must ensure applicants meet the screening requirements outlined in the policy for the *Placement Resources: Approval of Non Relative Foster Homes* and the following factors shall also be considered:
  - a) past or current parenting experience;
  - b) cultural and community connections;
  - c) experience working with children; and

- d) experience with either the foster care program or other CYFS programs.
2. The social worker shall ensure that the foster care applicant(s) understand the requirements of both the *interim approval* and full *PRIDE* approval process before starting an interim approval.
3. A social worker shall ensure the following documentation is obtained in accordance with the policy on the ***Placement Resources: Approval of Non Relative Foster Homes***;
  - a) *Foster Home Application Form*;
  - b) completed criminal record checks on all persons over 12 years of age in the home;
  - c) three verbal or written non-relative references and one community reference using the *Letter of Reference Form*;
  - d) completed *Child, Youth and Family Services Record Check*;
  - e) *Medical Report* must be completed on the applicant(s). All children or other adults living in the home should be examined by the family doctor who should provide a letter outlining their general health and any significant findings or concerns;
  - f) financial assessment;
  - g) completed home safety check;
  - h) signed *Foster Home Agreement*; and
  - i) signed *Declaration of Confidentiality*.
4. The social worker shall interview the applicants and any children or other persons residing in the home in accordance with the following:
  - a) minimum of three interviews must be held with applicants who apply as a couple: an individual interview with each applicant and a joint interview;
  - b) minimum of two interviews must be held with single applicants;
  - c) minimum of one interview with all other persons residing in the home; and
  - d) two of the interviews must occur in the home of the applicant(s).
5. The social worker shall complete a written interim assessment of the applicant(s) based on the five *PRIDE* competency areas. If the applicant(s) have not completed the *PRIDE* pre-service sessions the social worker should first discuss the five *PRIDE* competencies with them.
6. This interim assessment should include a summary of how applicants were protected and nurtured, how their family helped them meet their developmental needs, how disagreements were resolved, and how they were disciplined as a child. The social worker must also introduce the topic of loss for children in care, their family and the foster family. This should include a discussion of the role of a foster parent as a loss manager and the impact that children's losses can have on a foster family especially if they have significant unresolved losses. The assessment should also include the applicant(s) ability to meet the core competencies with their own children (if applicable) as well as any child or youth who may be placed with them.

**Approval process**

1. The written interim assessment with the social workers recommendation and the supporting documentation shall be forwarded to the supervisor.
2. The final decision regarding approval shall be made by the manager. Approval shall not be granted if any person residing in the home has been charged or convicted of a crime against children or if the family is currently involved in a *protective intervention program*.
3. When an *interim approval* is granted the applicants(s) shall be notified in writing in a timely manner. The approval letter should outline the duration of the *interim approval* as well as the remaining steps that have to be completed for a full non relative foster home approval.
4. If applicant(s) are not approved the social worker shall meet with them as soon as possible to discuss the reasons for the decision. The applicants shall also be advised in writing of the decision within a timely manner after the meeting with the social worker.
5. The social worker shall ensure that all foster parents who are given an interim approval receive a copy of the *CYCP* policies on ***Monitoring Placement Resources: Discipline, Consents: Medical Consent, Planning: Child or Youth Absent Without Permission and Planning: Child or Youth Missing or Abducted***. The social worker shall also ensure that approved foster parent(s) are given the contact information for the Newfoundland & Labrador Foster Families Association and their local CYFS office including after hour services.
6. The name(s) of approved foster parent(s) shall be forwarded to the Newfoundland and Labrador Foster Families Association.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- ***Foster Home Application***
- ***Letter of Reference***
- ***Child, Youth and Family Services Record Check***
- ***Medical Report***
- ***Foster Home Agreement***
- ***Declaration of Confidentiality***
- ***Foster Home Safety Checklist***

## PLACEMENT RESOURCES: RESPITE FOSTER HOME APPROVAL AND MONITORING PROCESS

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**Policy no.: 4.6****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non-Relative Foster Home Approval Process; Placement Resources: Relative/Significant Other Foster Home Approval Process**Legislative References:** s.62(1), s.62(2) and s.62(3)-Placement considerations; s.63(1) and s.63(3)-Agreement for service

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**PURPOSE:** To outline the requirements for assessing, approving and monitoring respite foster homes.**POLICY:**

1. Respite Foster Homes shall be assessed following the same policies and procedures as full time foster homes.
2. Full time Non Relative Foster Homes may provide respite if they have the capacity and ability and are not receiving respite services for that same period of time.

**PROCEDURES:**

1. When it is identified that a foster home requires out of home, overnight respite services, the social worker shall explore if a suitable relative or person significant to the **child** or **youth** may be available to provide respite.
2. A relative/significant other respite home shall be approved using the procedures outlined in the policy on the *Placement Resources: Approval of Relative/Significant Other Foster Homes*.
3. When it is identified that a foster home requires out of home, overnight respite support, and a suitable relative or person significant is not available the child or youth shall be a placed in a non relative respite or full time foster home that can accommodate a respite placement.
4. A non relative respite home must be approved using the procedures outlined in the policy on the *Placement Resources: Approval of a Non Relative Foster Home*.

5. If a foster family requires ongoing respite services every attempt shall be made to match the child or youth with a consistent respite home.
6. Foster homes that are designated as respite homes shall be monitored and supported using the same policies and procedures as full time foster homes.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Foster Home Application*
- *Letter of Reference*
- *Child, Youth and Family Services Record Check*
- *Medical Report*
- *Foster Home Agreement*
- *Declaration of Confidentiality*
- *Foster Home Safety Checklist*

## PLACEMENT RESOURCES: GROUP HOMES

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**Policy no.: 4.7****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement: Sharing of Information Relevant to the Care of a Child or Youth; Placement: Placement Procedures; Planning: In Care Progress Report**Legislative References:** s.62(3) Placement considerations; s.63(1) and s.63(3) Agreement for service.

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**PURPOSE:** To outline the process for the approving and monitoring the placement of a child or youth in care in a group home.

**POLICY:**

1. A social worker may place a child or youth in care between the ages of 11 and 18 years old in a group home setting if a family-based environment cannot meet his/her current service or treatment needs.
2. The Provincial Director of Protective Intervention and In Care is responsible for decisions regarding granting approval for the operation of a group home for children/youth in care.

**PROCEDURES:**

1. The social worker shall ensure that the group home is provided information about the child/youth as outlined in the *Placement: Sharing of Information Relevant to the Care of a Child or Youth* policy.
2. The child or youth's social worker shall ensure a group home staff person is designated to be part of the *In Care Planning Team*.
3. The social worker shall ensure that the child or youth's continued need to be placed in a group home setting is assessed as part of the planning for the child or youth in care and documented in the *In Care Progress Report (IPR)*.
4. The social worker shall follow the policies relating to the placement of children and youth in care when a child/youth is placed in a group home setting.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *In Care Progress Repot Template*

## PLACEMENT RESOURCES: PROVINCIAL/TERRITORIAL PROTOCOL ON CHILDREN AND FAMILIES MOVING BETWEEN PROVINCES AND TERRITORIES

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**Policy no.: 4.8****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non Relative Foster Home Approval; Placement Resources: Relative/Significant Other Foster Home Approval, Monitoring Placement Resources: Foster Parent Relocation**Legislative References:**

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**PURPOSE:** To outline the process for responding to or requesting the provision of services for children or youth in care, or youth who have signed a *Youth Services Agreement* (YSA) when moving between provinces or territories.

**POLICY:**

1. *The Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* shall be followed where children or youth in the care or custody of a manager or youth who have signed a YSA move between provinces or territories.

**PROCEDURES:**

1. Where a child or youth in the care or custody of a manager is moving to another province or territory, the social worker shall adhere to *Schedule B* of the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*. *Schedule B* outlines the responsibilities of both the originating and receiving province/territory.
2. *Schedule B* shall also be used where a youth who has signed a YSA is moving to another province or territory and is requesting that services continue to be provided.
3. The social worker shall contact the office responsible for interprovincial or territorial placements in the receiving province to discuss agency policies and expectations for supervision of the child or youth.
4. In consultation with the receiving province, the social worker shall develop a Case Transfer Agreement (Interprovincial Agreement) as outlined in Form B-1 of the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*.

5. The Case Transfer Agreement (Interprovincial Agreement) shall be signed by the social worker and the manager and shall be forwarded to the receiving province. The identified parties in the receiving province shall sign and return a copy of the agreement to the originating province. A copy of the signed agreement shall be placed on the child or youth's file.
6. Where a child or youth is placed in another province and a placement disruption occurs, the manager who has custody of the child or youth shall be notified as soon as possible.
7. Where a child or youth is placed in another province and a placement disruption occurs, it is the responsibility of the social worker in the originating province to make alternate arrangements for care of the child or youth. In assessing where the child or youth will live, the social worker shall consider:
  - a) the child or youth's preference;
  - b) the needs of the child or youth;
  - c) the length of time the child or youth has lived in the receiving province or territory;
  - d) the proximity of family or significant others to the child or youth's residence; and
  - e) the right for a child or youth to have access to their aboriginal community.
8. Where a request to transfer a child or youth to this province is received from another province or territory the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* shall apply.
9. Where a child or youth from another province is to be placed in a home that has not been approved in accordance with the foster home approval policies in this province, the home must be assessed and approved before a child or youth may be placed there.
10. Where a child or youth is moving to this province with a foster family approved in another province or territory, please refer to the *Foster Home Relocation* policy for information regarding approval of the home.

**EXCEPTIONS:** None

**RELEVANT DOCUMENTS:**

- *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*

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## MONITORING PLACEMENT RESOURCES: SOCIAL WORK CONTACT

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**Policy no.: 4.9****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placements: Sharing of Information Relevant to the Care of a Child or Youth; Placement Procedures: In Care Progress Report**Legislative References:** s.63(1) Agreement for service

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**PURPOSE:** To outline the process for maintaining contact with foster homes and other residential placements.

**POLICY:**

1. A social worker shall have, at minimum, **one (1) monthly** in person contact with the placement resource where a child or youth is residing.
2. The foster parent(s) or residential staff person shall be included as a member of the *In Care Planning Team*.

**PROCEDURES:****Foster Homes**

1. The social worker shall meet monthly with the foster parent to:
  - a) discuss and monitor the child or youth's ongoing progress and to review supports and services in place for the child using the *In Care Progress Report (IPR)* as a guide;
  - b) identify and address any outstanding issues impacting the child or youth or the placement itself;
  - c) to discuss and observe the foster families relationship with children or youth placed in the home and assess the match between the child and the home;
  - d) assess the foster parents strengths and needs using the *PRIDE* competencies as a guide;
  - e) identify supportive services that the foster family may require; and
  - f) identify any factors that may impact on the foster parent's ability to meet the needs of children or youth placed in their home and develop a plan with the foster family to address these factors.

**Residential Placements**

2. The social worker shall have monthly in person contact with a **group home** or other residential placement to:
  - a) monitor the ongoing progress and review supports and services in place for children or youth residing in the home using the *IPR* as guide;
  - b) meet with the staff to identify and address any outstanding issues impacting the child or youth or the placement itself;
  - c) monitor the quality of care being provided to children and/or youth; and
  - d) assess if continued placement in a residential setting best addresses a child or youth's placement needs.

**EXCEPTIONS TO POLICY:**

1. If a foster home does not have a placement and has asked to be placed on hold for a period of time that does not exceed one year, the monthly in person contact is not required. A home visit shall occur prior to placing a new child or youth in the home or if the on hold period exceeds six months.
2. If a child or youth is residing in an out of province placement, courtesy supervision and case management shall be negotiated with the receiving province using the "*Provincial Territorial Protocol on Children and Families Between Provinces and Territories.*"

**RELEVANT DOCUMENTS:**

- *In Care Progress Report Template*
- *Provincial Territorial Protocol on Children and Families Between Provinces and Territories*

## MONITORING PLACEMENT RESOURCES: MAXIMUM NUMBER OF CHILDREN/YOUTH PLACED IN A NON RELATIVE FOSTER HOME

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**Policy no.: 4.10****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non-Relative Foster Home Approval Process; Monitoring Placement Resources: Annual Review of a Non-Relative Foster Home**Legislative References:** s.62(3) Placement Considerations; s.63(1) Agreement for Service

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**PURPOSE:** To outline the number of children and/or youth that can be placed in a foster home.**POLICY:**

1. The number of children or youth that a non relative foster home may be approved to care for shall be determined using the PRIDE assessment and the *Annual Review* process up to a maximum of three.
2. A foster family may be temporarily approved by a manager to care for more than three children and/or youth in an exceptional circumstance to allow for the placement of a sibling group or a child who has a pre-existing relationship with the foster family.

**PROCEDURES:**

1. The social worker, as part of the PRIDE assessment process shall make a recommendation regarding the number of children and/or youth that may be placed in a foster home based on but not limited to the following:
  - a) time, experience, knowledge of prospective foster parents;
  - b) number and age of children already in the home; and
  - c) physical space.
2. Foster parents shall be notified in their approval letter of the number of children/youth that may be placed in their home.
3. The number of children that a foster home is approved to care for shall be reviewed as part of the annual review process.

4. The social worker, with the written approval of a manager, may place more than three children and/or youth in a foster home under an exceptional circumstance to accommodate a sibling group or the placement of a child who has a significant relationship with the foster family (i.e.: a relative or a child that reside there previously).
5. When a foster family is approved to care for more than three children this approval will only be in effect for the duration of the exceptional circumstance.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## MONITORING PLACEMENT RESOURCES: DISCIPLINE

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**Policy no.: 4.11****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:****Legislative References:**

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**PURPOSE:** To outline the Departments policy on discipline practices with children and youth in care and custody of a manager.

**POLICY:**

1. Discipline practices used in a foster home, group home or other residential setting shall be age and developmentally appropriate and comply with the procedures outlined in this policy.
2. Physical punishment shall not be used with a child or youth in the care and custody of a manager.
3. The use of physical restraint shall only be used as a **last resort** under two specific circumstances:
  - a) to protect a child from self injury or other people from physical harm; and
  - b) to ensure that a child receives immediate medical attention when a serious health condition exists.
4. When a foster parent or a residential staff person uses a physical restraint procedure, a written report documenting the incident must be submitted to the social worker **within one (1) day.**

**PROCEDURES:****Foster Homes**

1. The goal of placing children with a foster family is to provide a safe, nurturing environment where children and youth are able to experience physical and emotional growth because they feel safe and secure. The social worker must explain to foster parents that physical punishment is not acceptable. The use of physical or corporal

punishment increases a child's feelings of fear and avoidance and violates a child's right to feel safe.

2. It is important for foster parents to understand that children who are removed from their family have often experienced trauma and inconsistencies in their lives which can make it difficult for them to understand or accept rules and expectations. This coupled with behaviours associated with feelings of loss and anger at being separated from their family can make discipline a challenge. If foster parents are uncertain about the best strategies for approaching discipline with children/youth placed in their home, the social worker shall connect them with the appropriate resources and/or supports. If foster parents have not completed **PRIDE** as part of the approval process, the social worker shall provide them with a copy of session 6 (Meeting Developmental Needs-Discipline) from the Caregiver/Adopt PRIDEBook.
3. The social worker shall talk with foster parents about their approach to discipline with the children and youth placed in their home. The following are examples of acceptable forms of discipline:
  - a) positive reinforcement and praise, use of rewards for positive behaviors;
  - b) modeling;
  - c) establishing routines and limits;
  - d) establishing clear expectations and consistent follow through;
  - e) redirection/distraction;
  - f) withholding or granting privileges;
  - g) grounding;
  - h) age appropriate time out;
  - i) logical consequences which are directly related to the behavior;
  - j) negotiating, choices; and
  - k) removing the child from the situation.

The following are examples of non-acceptable forms of discipline:

- a) deliberately harsh or degrading responses that could result in the humiliation of a child or the undermining of a child's self-respect;
- b) punching, shaking, showing, or other forms of aggressive physical contact;
- c) requiring that a child maintain an uncomfortable position;
- d) forced repetition of physical movements;
- e) forced feeding;
- f) ignoring and/or failure to provide for the child's basic needs;
- g) placing or keeping a child in a closed or locked room;
- h) threatening the removal of a child in care from the foster home as a form of behavioral control;
- i) extensive and prolonged withholding of emotional response or stimulation after the undesirable behavior of the child has stopped;
- j) withholding family visits; and

- k) any action which impinges upon the basic rights of children to care, protection, safety, and security.
4. When a child or youth in care is supported by the services of a Behaviour Management Specialist (BMS) or a Developmental Behavioural Practitioner (DBP), the social worker shall invite them to be a member of the planning team. The social worker shall also review the behaviour management plan with the BMS/DBP and the foster parent(s) and monitor that the program is being implemented with that child.

#### **Group Home and other Residential Placements**

5. **Group home** and other **residential placement** options shall develop policies on discipline that are consistent with the Departments policy on discipline.

#### **Physical Restraint**

6. If physical restraint is utilized as part of a behaviour management program the foster parents or residential staff **must** be trained in Non Violent Crisis Intervention or Therapeutic Intervention.
7. If a physical restraint procedure is used, a written report shall be submitted to the social worker documenting the incident. This report must include efforts made to resolve the problem up to and including the final stage of implementing physical restraint. The social worker must also compile a written report on the incident. Both reports are to be submitted to a manager **within one (1) day** of the incident. The report shall be copied to the BMS/DBP.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## MONITORING PLACEMENT RESOURCES: ANNUAL REVIEW OF A NON RELATIVE FOSTER HOME

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**Policy no.: 4.12****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non Relative Foster Home Approval Process**Legislative References:** s.62(3) Placement considerations; s.63(3) Agreement for service.

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**PURPOSE:** To outline the annual review process for Non Relative Foster Homes.**POLICY:**

1. The approval of a Non Relative Foster Home shall be reviewed annually.
2. The Foster Home Safety Checklist shall be reviewed and a new *Declaration of Confidentiality* shall be signed as part of the annual review process.
3. A social worker may request updated medicals, references or other supporting documentations as part of the annual review process.
4. The Foster Home Agreement shall be reviewed with the foster parent(s) and resigned **every five (5) years**.
5. A Certificate of Conduct on every person in the home over 12 and a Child, Youth and Family Services Record Check will be required **every five (5) years** from the date of approval.

**PROCEDURES:**

1. The social worker shall interview all persons residing in the foster home as part of the annual review process.
2. The social worker must compile a written review of the competencies demonstrated by the foster family as part of the annual review process. This review should include the following:
  - a) the names of children/youth placed in the home and the dates when they entered or left the home since the previous review;
  - b) the families ability to meet the PRIDE competencies including their strengths and needs as well as the impact of fostering upon their own biological children;

- c) quality of care being provided including any concerns;
  - d) training/educational sessions the foster parent(s) have attended;
  - e) training opportunities offered to the foster parents that were not availed of and the reasons they were unable to attend;
  - f) support and services required, including training; and
  - g) a recommendation regarding the continued approval and/or closure of the home.
3. The annual review shall be completed in consultation with other social workers and/or professionals working with the foster family as part of the child or youth's team. If concerns arise during the review the social worker may request that any supporting documentation outlined in the approval process for non-relative homes be updated. Updated medicals, references, certificates of conduct, etc can assist the social worker in compiling a thorough review of the foster parents current strengths and needs and may identify issues impacting on the foster parent's ability to provide care to a child or youth.
  4. The written annual review with the social workers recommendations shall be submitted to the supervisor who shall decide if the foster home approval will be renewed for another year. If the annual review indicates that the foster home should be closed the social worker shall follow the policy **Monitoring Placement Resources: Closure of a Foster Home**.
  5. The social worker shall provide the foster parent(s) with a copy of the annual review and a letter notifying them of the outcome of their review within a timely manner of the supervisor making a final determination regarding their continued approval.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Letter of Reference*
- *Child, Youth and Family Services Record Check*
- *Medical Report*
- *Foster Home Agreement*
- *Declaration of Confidentiality*
- *Foster Home Safety Checklist*

## MONITORING PLACEMENT RESOURCES: FOSTER HOME INVESTIGATIONS

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**Policy no.: 4.13****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Non-Relative Foster Home Approval Process; Placement Resources: Relative/Significant Other Foster Home Approval Process; Monitoring Placement Resources: Annual Review of a Non-Relative Foster Home**Legislative References:** s.63(3) Agreement of service and s.65 Change of placement of a child or youth without notice.

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**PURPOSE:** To outline the process for investigating allegations of maltreatment in a Foster Home.**POLICY:**

1. All allegations of maltreatment in a foster home placement shall be assessed to determine if an investigation is required.
2. The investigating social worker that is assigned shall not be the social worker responsible for the foster home and the child/youth placed in the home.
3. The social worker conducting an investigation shall determine what action is necessary to ensure the safety and well being of all children or youth in the home.
4. The social worker shall immediately refer all allegations of physical and sexual abuse to the police.
5. The foster home investigation, including the final decision regarding the continued approval or closure of a foster home, shall be completed **within 60 days**.

**PROCEDURES:****Roles and Responsibilities**

1. The social worker assigned to complete the investigation shall:
  - a) plan and carry out the investigation in consultation with the supervisor for the

- investigation;
  - b) consult with police on physical and sexual abuse [referrals](#) prior to starting the investigation;
  - c) notify all relevant CYFS staff of the investigation and advise if there are restrictions on notifying the [foster parents](#) or birth parents of the investigation;
  - d) meet with the foster parents at the commencement, throughout the course of and at the conclusion of the investigation;
  - e) ensure the foster parents are familiar with the allegation support provided by the Newfoundland and Labrador Foster Families Association (NLFFA);
  - f) document investigation notes in the foster home file;
  - g) prepare the investigation report and submit it to the investigation supervisor for review and approval;
  - h) participate in a case conference to discuss the investigation report with CYFS supervisors and social workers who are involved in the investigation and who are responsible the child, youth and foster family;
  - i) provide copies of the final report to the social worker for the child or youth and foster family; and
  - j) notify the social worker for the parents of the child or youth of the outcome of the investigation.
2. The supervisor for the investigation shall:
- a) make the necessary arrangements within the office or zone to ensure the investigating social worker that is assigned is not the social worker responsible for the child or youth placed in the home and/or the foster home;
  - b) assign a social worker who is trained in risk management and preferably in [PRIDE](#);
  - c) provide consultation and direction to the investigating social worker;
  - d) monitor the investigation timelines;
  - e) review and approve the investigation report;
  - f) participate in a case conference to discuss the investigation report with CYFS supervisors and social workers who are involved in the investigation and who are responsible for the child, youth and foster family; and
  - g) make a recommendation to the [manager](#) regarding the continued approval or closure of the foster home.
3. The social worker responsible for the foster family, child or youth and birth parents shall be responsible for the following:
- a) meet with the foster parents at the commencement of the investigation unless the integrity of the investigation will be jeopardized;
  - b) provide the investigating social worker with relevant information about the foster home;
  - c) provide ongoing support to the foster parents by helping them understand the Department's responsibility to investigate, explaining the investigation process, answering questions, acknowledging their feelings and concerns in a way that

- does not interfere with the investigation and providing information about the allegation support provided by the NLFFA;
- d) in conjunction with the investigating social worker, meet with the foster parents at the conclusion of the investigation to discuss the outcome of the investigation and the impact on their foster home approval;
  - e) place a copy of the investigation report on the foster home file;
  - f) provide the foster family with written confirmation of the outcome of the investigation and the decision regarding the continued approval or closure of their home;
  - g) support the child or youth throughout the investigation;
  - h) make alternate placement arrangements for the child or youth if necessary and prepare and assist the child or youth with a placement change;
  - i) inform the parent's social worker or the parent(s) as quickly as possible about the investigation, placement plans and supports for the child or youth and the outcome of the investigation;
  - j) provide the investigating social worker with relevant information about the child;
  - k) consult and inform the child or youth where age and developmentally appropriate about the investigation (providing it does not interfere with the investigation) and decisions affecting their care; and
  - l) be responsible for consulting with his or her supervisor and the child or youth's planning team, to develop a placement plan for the child or youth's pending the outcome of the investigation and a decision regarding the continued approval of the foster home.
4. The supervisor for the social worker responsible for the foster home shall:
- a) review the investigation report;
  - b) participate in a case conference to discuss the report with relevant supervisors and social workers involved with the investigation, the child or youth and the foster family; and
  - c) make a recommendation to the manager regarding the continued approval or closure of the foster home.
5. The manager for the zone in which the foster family resides shall:
- a) review the Investigation Report and the recommendations of the two supervisors; and
  - b) make a final determination regarding the continued approval or closure of a foster home and provide this in writing to the foster home.

### **Referral on a Foster Home**

6. When a report is received that a child or youth in care is or may be at risk of maltreatment in a foster home the supervisor responsible for intake, in consultation with the supervisor responsible for the foster home, shall decide immediately if the matter will be referred for a foster home investigation.

7. When a report is received that the child of a foster parent is or may be at risk of maltreatment the social worker shall assess the information received under s.12(1) of the *CYCP Act* to determine whether a *protection investigation* is required. If a *protection investigation* is required the standards set out in the *risk management system* shall be followed.
8. When a report is received that indicates that the child of a foster parent and the child or youth in care in the home are or may be at risk in the home, there shall be a plan developed to coordinate the foster home investigation and the protection investigation to avoid any unnecessary duplication of interviews or other related work and to ensure the integrity of either investigation is not compromised.

### **Foster Home Investigation**

9. When there is an allegation of physical or sexual abuse the social worker shall refer this to the police immediately and in consultation with the police officer assigned make a joint decision regarding how to proceed with the investigation. If a joint forensic interview is necessary the Stepwise Interview Protocol outlined in the Collaborative Approach for the Investigation of Child Sexual Abuse shall be used.
10. The investigating social worker, in consultation with the supervisor shall decide whether a child or youth in care can safely remain in the home while the investigation is being completed. This decision shall be made in consultation with the social worker for the child and foster home and based on the nature of the referral, the reaction of the foster family to the referral and the safety and well being of the child.
11. A social worker shall notify the foster parents(s) **immediately** about the commencement of an investigation unless the safety of the child or the integrity of the investigation will be jeopardized.
12. A social worker shall notify the parents **immediately** of an investigation of a foster home and the placement plan for their child unless the integrity of the investigation will be jeopardized.
13. The investigating social worker, in consultation with the supervisor and the police (if involved in the investigation), shall identify who should be interviewed. This shall include the child or youth (where age and developmentally appropriate), the foster parents, relevant social workers and other persons who may have information which will assist in the completion of the investigation. This may include but is not limited to other children, youth and adults living in the home, children or youth in care who previously resided in the home, social workers who have been involved with the home in the past, the parents of the child or youth, and other professionals working with the child/youth.

14. The completed investigation report must include but may not be limited to:
- a) description of the referral and/or information precipitating an investigation;
    - i. background information on the foster parents;
    - ii. training completed (PRIDE or other);
    - iii. date and recommendations of last annual review (if applicable);
    - iv. any previous investigations or other concerns; and
    - v. children or youth who have resided in the home.
  - b) summary of interviews completed & findings;
  - c) summary of files reviewed to inform the investigation process;
  - d) assessment of information gathered pertaining to the identified concerns in accordance with the *Risk Assessment Instrument*;
  - e) ability of the foster home to continue to meet the five PRIDE competencies;
  - f) outcome of the Investigation including whether the allegations were confirmed and if charges were laid; and
  - g) recommendations regarding continued approval or closure of the home.
15. The completed investigation report must be approved by the investigation supervisor.
16. A case conference shall be held to review the outcome of the investigation and the recommendations regarding the continued approval of the foster home. This case conference shall include the social worker and supervisor involved with the investigation, the social worker and supervisor for the foster home, the child/youth in care and the family. A copy of the minutes of the case conference shall be placed on the foster home file.
17. A copy of the investigation report and the minutes from the case conference shall be forwarded to the manager.
18. The manager shall make the final decision regarding the continued approval of the foster home.
19. If the home is not closed but there is a conditional approval, the foster parent(s) shall agree to the conditions as part of the continued approval and the conditions shall be documented in the foster home file and monitored as part of the ongoing work with the foster family.
20. The foster parent(s) must be notified in person of the outcome of the investigation and the decision regarding the continued approval or closure of their home. The manager shall provide written confirmation of the decision to the foster parent(s) as soon as possible after the in person meeting.
21. The child and the child's parent(s) must be informed in person of the outcome of the investigation.

22. A copy of the referral and the investigation report must be placed on the foster home file.
23. A copy of the investigation report must be placed on the child or youth's file.
24. A case note shall be entered on the parent file documenting the outcome of the investigation.

#### **EXCEPTIONS TO POLICY:**

If there are extenuating circumstances that interfere with the completion of an investigation **within the 60 day** timeframe an extension may be granted with the approval of a manager. This extension must outline the reason for the extension and the anticipated timeframe for completion. The foster home shall be notified in writing of the extension, the rationale and the new timeframes for completion of the investigation. Exceptions may include, but are not limited to, delays as a result of a police investigation or locating a person(s) who formerly resided in the home who has critical information in relation to the investigation).

#### **RELEVANT DOCUMENTS:**

- *PRIDE Facilitators Manual*
- *Collaborative Approach for the Investigation of Child Sexual Abuse*
- *Risk Management System Manual*

## MONITORING PLACEMENT RESOURCES: CLOSURE OF A FOSTER HOME

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**Policy no.: 4.14****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Monitoring Placement Resources: Foster Home Investigations; Monitoring Placement Resources: Annual Review of a Non-Relative Foster Home**Legislative References:** s.63(1)-Agreement for service

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**PURPOSE:** To outline the process for Foster Home closure.**POLICY:**

1. The closure of a foster home shall be completed in accordance with the procedures related to the reason for closure.
2. The **foster parent(s)** and the Newfoundland and Labrador Foster Families Association shall be notified in writing of the foster home closure.

**PROCEDURES:****Reasons for Closure**

1. Closure of a foster home may occur for a number of reasons which include but are not limited to:
  - a) at the request of the foster parent;
  - b) inactivity for one year;
  - c) the foster home is a relative/significant other placement and the **child** or **youth** placed in the home no longer requires a placement;
  - d) criminal conviction of a child related crime;
  - e) concerns regarding **child maltreatment**;
  - f) failure to adhere to Departmental policy regarding the standards of care; and
  - g) illness or changes in family composition which affects their ability to care for a child or youth.

**At the Request of the Foster Parent(s)**

2. When a foster Parent indicates that they plan to close their home the social worker shall meet with them to:
  - a) discuss the reason for closure and note the reason(s) on the foster home file.
  - b) collect any documentation they may have in their possession in relation to a child or youth in care;
  - c) if deemed appropriate, advise them of the process to reapply at a later date which includes:
    - (i) foster homes may reopen **within one year** of closure without a reassessment pending a review of the file and with the approval of the supervisor.
    - (ii) foster homes that have been closed for **more than one year** will have to reapply.

**Inactivity of the Foster Home for a period exceeding one year:**

3. If a child or youth has not be placed in a foster home for a period **exceeding one year** the social worker shall meet with the foster parent to assess if they wish to continue fostering. If the foster parent(s) is unable to resume fostering the social worker shall close the home and follow the steps outlined in section 2 of this policy.

**Closure of a Relative /Significant Other Foster Home**

4. When a relative/significant foster home is closed because the child or youth that they have a significant connection with no longer require a placement, the social worker shall:
  - a) review the file and in consultation with the supervisor decide if the individual/couple should be approached about making an application to be assessed as a non relative foster parent; and
  - b) collect any documentation the foster parent(s) may have in their possession in relation to the child(ren)/youth in care.

**The **Manager** decides to close a Foster Home**

5. If a manager decides to close a foster home the social worker shall meet with the foster parent(s) to:
  - a) discuss the reason(s) for closure;
  - b) collect any documentation the foster parents may have in relation to a child or youth in care;
  - c) advise them they can contact the Newfoundland and Labrador Foster Families Association if they feel they need support regarding the closure of their home.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:** None

## MONITORING PLACEMENT RESOURCES: FOSTER HOME RELOCATION

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**Policy no.: 4.15****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Placement Resources: Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories; Placement Resources: Non-Relative Foster Home Approval Process; Placement Resources: Relative/Significant Other Foster Home Approval Process**Legislative References:** s.63(1) Agreement for service; s.63(3) Placement considerations

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**PURPOSE:** To outline the process for assessing foster homes that relocate from another jurisdiction.**POLICY:**

1. When foster care applicants have been approved in another Canadian jurisdiction, any relevant documentation associated with this approval may be incorporated into the applicant's assessment to become a **foster parent** in this province.
2. When a **child** or **youth** in care or **custody** of another jurisdiction is transferring with a foster family into the province the *Provincial/Territorial Protocol for Children and Families Moving Between Provinces and Territories* shall be followed.

**PROCEDURES:****Applicants approved in another jurisdiction applying to foster**

1. The social worker shall meet with the applicants to discuss:
  - a) the approval requirements in the jurisdiction where they fostered;
  - b) their fostering history including when they last fostered;
  - c) reason for moving;
  - d) the approval requirements in this province; and
  - e) the process for assessing if the approval in the originating jurisdiction meets some or all of the requirements for foster home approval in this province.

2. The social worker shall request that the applicant(s) sign a *Release of Information* so a copy of the applicant's foster home file can be requested and discussed with the originating province.
3. The social worker shall review the foster home file and in consultation with the supervisor determine if and how their application will be processed and whether the existing approval from the other jurisdiction meets some or all of the approval requirements in this province.
4. The social worker shall meet with the applicants to advise them of the foster home assessment and approval requirements which shall include at minimum an interview with all persons residing in the home, a completed foster home safety checklist and any other documentation to meet the approval requirements in this province.

**Approved foster parents transferring with a child or youth in care from another jurisdiction**

5. The social worker shall follow the *Provincial/Territorial Protocol for Children and Families Moving between Provinces and Territories* when a foster family is transferring with a child or youth from another Canadian jurisdiction.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*

## OVERVIEW: YOUTH SERVICES

The *Youth Services Program (YSP)* assists young people who have been determined to be in need of protective intervention in accordance with the definition of a **child** in need of protection as outlined in s.10 of the *CYCP Act*. In addition, the program is designed to assist **youth** during their transition to early adulthood by helping them make connections to supports and services available to them once they leave this program.

The *Youth Screening and Assessment Tool* is used in the assessment of a youth's need for services through this program. The program assists youth who are:

- At risk of maltreatment and can no longer reside with their parents;
- At risk of being asked to leave the family home;
- Transitioning to the *YSP* from the *In Care Program*; or
- Transitioning home from the *In Care Program* and requesting support to assist with the transition.

## YOUTH SERVICES AGREEMENTS

The *YSP* is designed to assist youth who voluntarily request support. By entering into a *Youth Services Agreement*, the program aims to help youth meet their basic needs and improve their quality of life. Support focuses on the areas of a youth's life that are known to improve quality of life, including financial support, housing stability, relationships, life skills, identity development, education and emotional well-being.

Given that life-long connections to family and community are crucial to future health and well-being, efforts are made where possible to: support a youth to remain with their family; facilitate a youth's return to live with his/her parents; or secure a living arrangement with relatives or significant others.

## ENGAGEMENT OF YOUTH

Youth engagement is critical to maximizing a youth's success. Although many youth enter the program seeking financial support only, it is hoped that every youth will take advantage of other supports available and utilize the *Youth Services Plan* to set goals for their future health and well-being.

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## ASSESSING SERVICE ELIGIBILITY AND DETERMINING A YOUTH'S NEED FOR PROTECTIVE INTERVENTION

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**Policy no.: 5.2****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Youth Services Agreements; Residential and Supportive Services for Youth; Planning: Transitioning to Youth Services from the In Care Program; Financial Maintenance**Legislative References:** s.67 Youth Services Agreements

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**PURPOSE:** To outline the process utilized to determine when a youth is in need of protective intervention.**POLICY:**

1. A youth who is transitioning from the *Children and Youth In Care Program* is automatically eligible for Residential and **Supportive Services** through the *Youth Services Program*. Completion of the *Youth Screening and Assessment Tool (YSAT)* is not required. Refer to the Children and Youth In Care policy, **Planning: Transitioning to Youth Services from the In Care Program** for direction on the transfer process.
2. Youth determined to be in need of protective intervention are eligible for residential and/or supportive services. To be eligible for service, a youth must be a voluntary participant and meet one of the following criteria:
  - a) at risk of maltreatment, or has been maltreated and can no longer reside at home;
  - b) residing at home but there is a substantial risk of family breakdown and other community services are not available, or are insufficient, to maintain the youth in the home;
  - c) transitioning home from the care/custody of a manager; or
  - d) a youth court has ordered a youth to reside outside the parental home and no alternative living arrangements have been made for the youth.
3. **Interim services** may be provided to youth, with supervisory approval, pending the completion of the *Youth Screening and Assessment Tool*.

**PROCEDURES:**

1. When a request for service has been received, a social worker shall engage with the youth to complete the *YSAT* to assess their present situation and determine their immediate and

long-term needs. The social worker shall also provide information to the youth regarding the *Youth Services Program (YSP)* including the services available and the limits of confidentiality.

### Intake

2. Requests for service shall be responded to as soon **as possible and within 14 days** of receiving the request.
3. Requests for service may be accepted, by phone or in person, from a youth or the parent(s) of a youth. Requests will also be accepted from professionals or extended family members, on behalf of a youth, if the youth is agreeable to the request.
4. A social worker shall complete an initial screening in accordance with the Intake portion of the *YSAT* to determine if the request meets one of the four eligibility criteria outlined in this policy. Upon consultation with a supervisor, if it is determined that a youth is ineligible for service, the youth shall be provided with information about other community resources that may assist him/her.
5. The youth shall be informed of the limits of confidentiality at the beginning of the intake process. The youth shall be advised that the limits of confidentiality include any disclosure of information that indicates an intention to harm oneself or another person, or an allegation of maltreatment against a **child**.
6. The intake process shall include the following:
  - a) a face to face meeting with the youth to explore their present situation and to obtain information supporting the identified reason for service;
  - b) advising the youth that his/her parent will be contacted and that their consent is not required;
  - c) in the event that a parent/guardian cannot be contacted or contact with youth's parent may endanger the youth, the social worker shall consult with a supervisor to determine what additional information may be required to make the determination;
  - d) a telephone or face to face meeting with the parent of the youth to obtain information to support or refute the youth's request for service and to assess if the youth can safely return to the parent's care on a short term basis;
  - e) a CYFS Records Check, including a brief discussion with the youth about their history of involvement;
  - f) documentation of demographic information regarding the youth, his/her family, and current support network;
  - g) obtaining proof of the youth's identity, preferably through obtaining copy of a birth certificate, MCP, SIN #, or other government identification;
  - h) requests for service shall be documented on the Intake section of the *YSAT*, and responded to **as soon as possible** but no later than **fourteen (14) days** after receiving the request.

7. If a parent(s) cannot be reached or a youth is unable to provide proof of their identity, interim services may still be provided to youth, with supervisory approval. Interim services shall only be provided until the *YSAT* has been completed (**within 45 days** of receiving the request for service from the youth).
8. Once the Intake Section of the *YSAT* has been completed and signed by both the social worker and the youth, interim services may be offered, with supervisory approval.

#### **Assessment of Youth's Need for Protective Intervention**

9. The assessment of a youth's need for protective intervention is completed on the *YSAT* to provide a comprehensive understanding of a youth's circumstances, including the reason for service, individual strengths, risk and protective factors and current supports. Given the importance of establishing and maintaining lifelong connections for youth to family and significant others, the social worker shall first explore whether the youth can safely return to live with his/her parents in the short or long term and what supports are necessary to achieve this outcome. If, based on the completion of the *YSAT*, it is determined that a youth cannot safely return home, residing with extended family or a significant other shall be explored as the preferred alternative.
10. During the assessment, a social worker shall:
  - a) arrange additional meeting(s) with the youth to obtain further information about the youth's family of origin, history of maltreatment or current risk of maltreatment as defined in s.10 of the *CYCP Act*, previous and current mental, physical and emotional health, support network and goals for the future;
  - b) meet with the parent(s) of the youth, if a meeting has not yet occurred, to explore the parent's view of the situation, their family history, and whether a plan can be implemented to prevent family breakdown or have the youth return home;
  - c) explain to the parent(s) that an assessment will be completed to determine the youth's need for protective intervention and that they may be asked to financially contribute to the costs of the youth's care if the youth is unable to return home. A social worker shall explain the philosophy of the *YSP* to ensure that parents are aware that CYFS is not in a custodial relationship with a youth who has signed a Youth Services Agreement;
  - d) contact a youth's formal and informal supports (i.e. counselor, doctor, aunt, or friend), with the youth's consent. If a youth does not provide consent, a social worker shall decide if the contact is required to determine the youth's need for protective intervention. If the information is required, the social worker shall advise the youth that the assessment cannot proceed.
  - e) review CYFS files, if a **record** exists; and
  - f) assess the parent's ability to contribute financially to the youth's care, if the youth is unable to return home. Refer to the policy ***Financial Maintenance*** for further information.

11. As part of the *YSAT*, the social worker shall complete a two generation genogram. In addition to its usefulness as a clinical tool, completing a genogram may help identify additional sources of support and residential options for the youth. Refer to <http://www.genopro.com/genogram/> for assistance.
12. Where a parent wants a youth to return home and a youth is refusing due to a reported risk of maltreatment, the social worker, in consultation with a supervisor, shall decide if the youth's request for service will be supported. The decision will be based on the information gathered in the *YSAT* to support the youth's risk of maltreatment.
13. The social worker's assessment of a youth's need for protective intervention shall be completed and documented on the *YSAT*. The final determination of a youth's need for protective intervention shall be made in consultation with a supervisor **within 45 days** of receiving the request.
14. Following the completion of the *YSAT*, if a social worker determines that a youth is in need of protective intervention, a *Youth Services Agreement* (YSA) shall be signed and a *Youth Services Plan* shall be developed with the youth. Refer to the ***Youth Services Agreement*** policy for additional information on signing a YSA.
15. If a social worker determines that a youth is in need of protective intervention, he/she shall refer to the ***Residential and Supportive Services for Youth*** policy for direction regarding services a youth is eligible to receive.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- ***Youth Screening and Assessment Tool (YSAT)*** Form 43-04
- ***Youth Services Agreement (YSA)*** Form 43-01
- ***Youth Services Plan*** Form 43-03

## YOUTH SERVICES AGREEMENTS

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**Policy no.: 5.3****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Residential and Supportive Services for Youth; Removal of Youth; Cancellation of a Youth Services Agreement**Legislative References:** s. 67 Youth services agreements; s. 68 Effect of an agreement; s.21 Removal of youth

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**PURPOSE:** To outline when a *Youth Services Agreement* (YSA) may be signed, the timeline for review, and the effect of an agreement.

**POLICY:**

1. The purpose of a *YSA* is to document the responsibilities of each party to the agreement related to the services to be provided to the [youth](#).
2. A *YSA* does not constitute a care or custodial relationship between the parties nor does it give a social worker authority to consent to services or medical care on the youth's behalf.
3. A *YSA* shall be completed where a youth, determined to be in need of protective intervention, requests and is approved for services.
4. A *YSA* may be signed and service provided until the youth's 18<sup>th</sup> birthday.
5. A *YSA* may be extended beyond the youth's 18<sup>th</sup> birthday and until the youth's completion of high school or an equivalent program or the youth's 19<sup>th</sup> birthday, whichever comes first.
6. A *YSA* may be extended until the youth's 21<sup>st</sup> birthday, where the youth has been in the care or [custody](#) of a [manager](#) on his/her 16<sup>th</sup> birthday and he/she is now attending an [educational or rehabilitation program](#).

## PROCEDURES:

### Youth Services Agreement

1. The YSA shall:
  - a) be signed by the youth, social worker and supervisor **within 45 days** of the youth's request for service;
  - b) include a *Youth Services Plan* that has been developed with the youth;
  - c) be reviewed and updated **every six months**;
  - d) be kept on the youth's file with a copy provided to the youth.
  
2. Before signing a *YSA*, a social worker shall:
  - a) explain the purpose of the *YSA* to the youth;
  - b) advise the youth that a *YSA* constitutes a legally binding and enforceable agreement notwithstanding he/she is less than 19 years of age (the age of majority in this province);
  - c) inform the youth that he/she may seek independent legal advice prior to signing the agreement. The social worker shall offer to facilitate a referral to Legal Aid for this purpose.
  
3. Where a *YSA* has been extended beyond the youth's 18<sup>th</sup> birthday, a social worker shall explain to a youth that:
  - a) he/she is required to participate in one of the required educational or rehabilitation programs as defined in the *Glossary*, and maintain an 80% attendance record;
  - b) he/she is expected to provide copies of his/her attendance records or consent to having the record sent directly to the social worker from the respective educational/rehabilitation program.

### Youth Services Plan

4. The *Youth Services Plan* shall be based on goals identified by the youth and supported by the social worker. The goals set may vary and will reflect one of the following circumstances:
  - a) a youth who is seeking financial supports only to meet his/her basic needs;
  - b) a youth who is seeking financial and **supportive services** to meet his/her basic needs and to improve the quality of his/her life;
  - c) a youth who has complex service needs and requires the development of an individualized service plan; or
  - d) a youth who requests supportive services to prevent family breakdown.

5. A social worker shall have contact with a youth at least monthly to review the goals outlined in the *Youth Services Plan*. The frequency of face-to-face contact will be agreed upon by the social worker and the youth and will be included in the *Youth Services Plan*.
6. For youth requesting financial support only, a social worker shall continually make efforts to engage the youth in goal setting to address other life areas such as, education, relationships and life skills.
7. If an *Individual Support Service Plan* (ISSP) is in place as of the effective date of this policy, a *Youth Service Plan* is not required, and the *ISSP* may be used in its place.

#### **Extending a Youth Services Agreement**

8. There are times when a youth, previously in the care or custody of a manager, has been accepted into an educational or rehabilitation program that does not commence prior to their 18<sup>th</sup> birthday, or a youth meets the academic qualifications for a post-secondary program but has been placed on a waitlist. In these situations, and with supervisory approval, a *YSA* may be extended or remain in effect for six (6) months beyond the youth's 18<sup>th</sup> birthday. Extensions beyond six (6) months may be considered on a case-by-case basis, with a manager's approval.

#### **EXCEPTIONS TO POLICY:**

1. Developing a *Youth Services Plan* when a youth lacks mental capacity:

Although a *YSA* shall **not** be signed with a youth in need of protective intervention who lacks mental capacity, services may still be provided to the youth and his/her family, if the services are required to prevent the removal of a youth. While a *YSA* is not signed in this situation a *Youth Services Plan* shall be developed, signed by and reviewed with the parent(s), in accordance with this policy. Information regarding services available to a family in this circumstance is included in the *Residential and Supportive Services for Youth* policy.

Further information regarding the decision to remove a youth is included in *Removal of Youth* policy.

#### **RELEVANT DOCUMENTS:**

- *Youth Services Agreement* Form 43-01
- *Youth Services Plan* Form 43-03

## CANCELLATION OF A YOUTH SERVICES AGREEMENT

**Policy no.: 5.4****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; Youth Services Agreements; Cohabiting Youth**Legislative References:** s.67 Youth services agreements; s.68 Effect of an agreement

**PURPOSE:** To outline when a *Youth Services Agreement* (YSA) may be cancelled and the process for cancellation.

**POLICY:**

1. A *Youth Services Agreement* (YSA) may be cancelled by a **youth** or a social worker at anytime using the *Youth Services Agreement Cancellation* form.
2. A social worker shall cancel a *YSA* in the following circumstances:
  - a) the youth is incarcerated for **more than 30 days**;
  - b) the youth has chosen to relocate outside of the province;
  - c) the youth returned to live with parents and does not want **supportive services**;
  - d) the youth is in a cohabitating relationship and is not requesting supportive services;
  - e) the youth has secured full-time employment and is not requesting the continuation of supportive services;
  - f) the youth did not follow the *Youth Services Plan*;
  - g) the youth no longer requests service;
  - h) the youth dies; or
  - i) other exceptional circumstances not listed above.

**PROCEDURES:**

1. Where a youth or social worker cancels a *YSA*:
  - a) termination of service shall take effect as soon as possible and **within 30 days** of the decision to cancel the agreement;
  - b) notice of, and reasons for, the cancellation shall be provided in writing to the youth, either in person or via registered mail, to the youth's last known mailing address.
2. Where a youth decides to cancel a *YSA*, a social worker shall document the reasons for cancellation in the youth's file. The youth shall be encouraged to complete and sign a

*Youth Services Agreement Cancellation* form; however, the youth's signature is not necessary for the cancellation to take effect.

3. Where a youth is returning to live with his/her parent(s), a social worker shall discuss with the youth whether supportive services may assist with the youth's transition home.
4. Where a youth has entered a cohabitating relationship, he/she no longer qualifies for *residential services* unless an exception is made in accordance with the *Cohabiting Youth* policy. *Supportive services* shall continue to be provided to a cohabitating youth who requests support.
5. Where a youth is not making progress toward the goals outlined in the *Youth Services Plan*, a social worker shall explore the reasons why with the youth and attempt to address any issues that may affect the youth's ability to achieve the goals before cancelling the *YSA*. This may involve rewriting the *Youth Services Plan* to reflect more attainable goals for the youth.
6. A youth who was not in the care or custody of a manager on his/her sixteenth (16<sup>th</sup>) birthday and their *YSA* has been cancelled, may reapply for service and is eligible for support until the completion of high school, or an equivalent program, or their 19<sup>th</sup> birthday whichever occurs first.
7. A youth who was in the care or custody of a manager on his/her sixteenth (16<sup>th</sup>) birthday and their *YSA* has been cancelled, may apply for service until their 21<sup>st</sup> birthday if they are attending, or have confirmation that they have been accepted to attend, an *educational or rehabilitation program*.
8. If a youth relocates to another area of the province and requests service, the youth's file shall transfer to the appropriate CYFS office as soon as possible and **within 30 days** of the request for a file transfer.
9. Notwithstanding a youth's or social worker's decision to cancel a *YSA*, a youth may reapply for service provided they meet the age and eligibility requirements for the program. A re-assessment of the youth's circumstances is required to determine if the youth is still in need of protective intervention. If a youth reapplies for service, the *Youth Screening and Assessment Tool (YSAT)* shall be reviewed and updated to reflect the youth's current circumstances.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Youth Services Agreement Cancellation* Form 43-02
- *Youth Screening and Assessment Tool* Form 43-04
- *Youth Services Plan* Form 43-03

## RESIDENTIAL AND SUPPORTIVE SERVICES FOR YOUTH

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**Policy no.: 5.5****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention, Youth Services Agreements, Removal of Youth**Legislative References:** s.67 Youth services agreements

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**PURPOSE:** To outline the supports available to youth approved for residential and/or supportive services.**POLICY:**

1. All youth determined to be in need of protective intervention shall be approved for supportive and/or residential services.
2. Supportive services shall be approved for a youth who:
  - a) resides at home or is transitioning home;
  - b) resides in a cohabitating relationship and is requesting support; or
  - c) is working full-time and requesting support.
3. Where a youth living at home is approved for supportive services, funding may be provided, with supervisory approval, to cover all or part of the cost of services that **cannot be obtained** from another source, and are required to prevent the youth from needing residential services.
4. Residential services are only approved for youth who are living outside the parental home.
5. Where a youth is approved for residential services, the financial support provided to youth shall include:
  - a) a monthly housing allowance;
  - b) a monthly personal allowance;
  - c) a monthly grocery allowance, if meals are not included in the accommodation arrangement;
  - d) basic medical, dental and vision care services;
  - e) an annual Christmas allowance;
  - f) an annual clothing allowance;

- g) a school supply allowance;
  - h) a high school graduation allowance; and
  - i) other financial supports approved by a supervisor on a case-by-case basis.
6. The monthly housing allowance shall be provided to cover the costs of accommodations including:
- a) board and lodging;
  - b) bedsitters;
  - c) emergency shelters; and
  - d) apartments.
7. Funding may only be approved to cover the costs of an apartment for pregnant youth or youth with children. If a youth has arranged to share an apartment with friends, the bed-sitting or board and lodging rates apply.
8. Pregnant youth or youth with children approved for services under the *Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention* policy shall be provided with monthly financial support equivalent to the Income Support rates, established by the Department of Human Resources Labor and Employment (HRLE), for single adults with dependents. This rate will replace the monthly allowances. Information regarding current HRLE rates may be obtained online at: <http://www.hrle.gov.nl.ca/hrle/default.htm>.
9. Funding may be provided for child care costs where a youth is enrolled in an educational program, working full-time or who must attend other scheduled appointments. Child care costs may be approved for a licensed child care centre or a private arrangement.
10. Youth are responsible for securing accommodations. A social worker may help a youth find appropriate housing but is not responsible for approving the suitability of the accommodations.

**PROCEDURES:****Financial Supports for Youth Approved for Residential Services**

1. The following table outlines the allowances for youth approved for residential services. The housing rates may vary depending on the type of accommodation secured by a youth.

<b>Type of Financial Support</b>	<b>Allowance provided</b>	<b>Frequency of allowance</b>
<b>Housing allowance:</b> Board and Lodging	Actual cost up to \$500	Monthly
Bedsitting	Actual cost up to \$500	Monthly
Shelter	Shelter per diem	Emergency funding
Hotel or Bed and Breakfast	Most economical rate available in the youth's community	Emergency funding
Apartments	HRLE rates for single youth with dependents	Monthly
<b>Personal allowance</b>	\$180	Monthly
<b>Grocery allowance</b>	\$200	Monthly
<b>Christmas allowance</b>	\$400	Annually
<b>Clothing allowance</b>	\$300	Annually
<b>School supplies allowance</b>	\$300	Annually
<b>High School Graduation allowance</b>	up to \$500	Once

**Securing Accommodations**

2. A board and lodging arrangement is the preferred type of accommodation for youth as meals are included and additional support may be provided, particularly if a youth is residing with a relative or significant other.
3. Where a youth is approved for residential services, a social worker shall:
  - a) advise the youth to provide the name and address of the prospective board and lodging or bedsitting provider;
  - b) **promptly** complete a CYFS Records Check on the prospective board and lodging or bedsitting provider; and

- c) **immediately** notify the Protective Intervention (PI) social worker of the youth's plans to move into the home if the board and lodging or bedsitting provider has an open Protective Intervention Program (PIP). Notification is provided to ensure that the PI social worker may determine if the youth moving into the home impacts the current *Family Centered Action Plan* or *Safety Plan* currently in place with a family.
4. Although youth are responsible for finding accommodations, a social worker may help the youth find housing and may make arrangements to pay the housing provider directly in an effort to reduce or prevent evictions due to non-payment of rent.
5. Where a social worker becomes aware that a youth is residing, or planning to reside, in a board and lodging or bedsitting arrangement with an individual whose children currently require an out-of-home placement (due to a **removal**, *CWA*, *PCA*, *YSA* or an *Order to Reside*), the social worker shall:
  - a) advise the youth that the monthly housing allowance will not be approved;
  - b) **promptly** notify the PI social worker about the youth's plans to reside in the home; and
  - c) provide assistance to the youth to find alternate housing.

Youth will continue to receive all other monthly allowances and supports even if the monthly housing allowance is declined.

6. Where a social worker becomes aware that a youth is residing, or planning to reside, in a board and lodging or bedsitting arrangement with an individual where there are **reasonable grounds** to believe the youth will be at significant risk of harm (i.e. living with a known sex offender or drug dealer) the social worker shall consult with a supervisor to determine if the monthly housing allowance shall be declined. Youth will continue to receive all other monthly allowances and supports even if the monthly housing allowance is declined.
7. Emergency funding to pay for a shelter, hotel or a bed and breakfast stay may be approved for a **maximum of two (2) weeks** for a youth who is homeless. A social worker shall assist the youth to determine the most appropriate and economical accommodation available in the youth's community.
8. A social worker shall apply for the Children's Special Allowances for youth receiving residential services and use the funds to offset the monthly costs of providing services to the youth. Information regarding this application can be found online at [http://www.cra-arc.gc.ca/bnfts/chldrn\\_spcl\\_llwncs-eng.html](http://www.cra-arc.gc.ca/bnfts/chldrn_spcl_llwncs-eng.html).

### Personal Allowance

9. A \$180 personal allowance shall be provided monthly to cover the costs of personal hygiene items, entertainment, and transportation.

**Grocery Allowance**

10. A \$200 grocery allowance shall be provided monthly if the youth's accommodations do not include daily meals.

**Other Allowances**

11. Youth are eligible to receive other allowances in addition to those listed above. Youth shall be asked to provide the social worker with receipts for their purchases using these allowances. If the youth does not provide receipts, the social worker shall consult with a supervisor to determine an appropriate response. Other allowances include:
  - a) a \$400 Christmas allowance provided to youth in December of each year;
  - b) a \$300 clothing allowance provided annually;
  - c) a \$300 school supplies allowance issued annually to youth enrolled in high school, a post-secondary program, or a GED/ABE program to purchase school supplies and additional clothing. The allowance should be issued before studies begin to allow the youth to purchase supplies in advance;
  - d) the costs of graduation tickets will be covered and additional funds to a maximum of \$500 will be provided to cover other costs associated with graduation, including the purchase or rental of formal attire, hair/make-up appointments, school pictures, graduation book and school ring.

**Basic Medical Services**

12. Youth are eligible to receive coverage for prescription drugs through the Newfoundland and Labrador Prescription Drug Program (NLPDP). The youth's social worker is responsible for submitting the application. Additional information regarding the NLPDP may be obtained online at:  
<http://www.health.gov.nl.ca/health/index.html>.
13. A supervisor may approve funds to cover all or part of the cost of medications not covered by the NLPDP.
14. The costs of medical equipment shall be covered if it is prescribed by a physician and is not covered by the Provincial Health Plan (MCP).
15. Youth may be eligible for medical equipment and/or supplies provided through the Special Assistance Program of the Department of Health and Community Services and administered by the Regional Health Authority. The social work shall explore funding under this program before recommending funding approval by CYFS.
16. First Nations and Inuit youth, who are eligible for Health Canada's Non-Insured Health Benefits (NIHB), may be able to receive partial or full coverage for a specified range of health benefits, including drug benefits (prescription and over-the-counter); dental care;

vision and eye care; medical supplies and equipment; short-term crisis intervention; mental health counselling; and medical transportation when these services are not provided by MCP, NLPDP or a third party insurance.

17. Other medical services (i.e., ambulance service) may also be provided, with supervisory approval.

18. Youth may continue to access their parents' medical insurance.

### **Dental Services**

19. The costs of basic dental services shall be covered including:

- a) an examination and cleaning **every 12 months**;
- b) routine fillings and extractions;
- c) emergency examinations.

20. The costs of other services may be covered, with supervisory approval, if the services are deemed medically necessary by a **qualified health practitioner**. For example, a youth who received specialized orthodontic treatment as a Child or Youth In Care may be approved to have the costs of continued treatment covered.

### **Vision Care**

21. Youth are eligible to have the costs of an **annual** eye examination covered and the costs of eye glasses or contact lenses up to a maximum of \$200 per year.

### **Other Financial Supports**

22. Other financial supports may be provided, with supervisory approval, on a case-by-case basis. These financial supports may include, transportation; mental health services; social/recreational activities; burial expenses; child care for youth with children; moving expenses; and driving school costs.

### **Transportation**

23. The costs of a bus pass or other transportation shall be covered for youth to attend high school or an educational/rehabilitation program when it is not provided by the particular program. Transportation costs for other health-related appointments may be provided, with supervisory approval.

### **Mental Health Services**

24. Youth shall be referred to community-based mental health and addictions services where available. Funding for private mental health or addictions services may be approved by a supervisor when community resources are not available.

**Social/Recreational**

25. Social/recreational activities may be covered, to a maximum of \$500 annually, if the activity is outlined in the *Youth Services Plan*. Community subsidies shall first be explored, such as the Jump Start Program or the YMCA.

**Burial Expenses**

26. The costs of burial expenses for a deceased youth may be covered in accordance with the rates set by the HRLE - *Income Support Program*.

**Child Care for Youth with Children**

27. A child care subsidy, administered by Child Care Services, shall be explored first if the child is attending a licensed child care centre. The social worker shall assist the youth in completing the application required for this program.
28. A youth who chooses to employ an individual privately to provide child care shall be informed to follow Revenue Canada's guidelines. These guidelines can be found online at <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>.
29. Funding for child care may also be provided, on a case-by-case basis with supervisory approval, when the youth must attend medical or other appointments as outlined in his/her *Youth Services Plan*.

**Driving School**

30. Up to 100% of the cost of a driving school program may be covered if it is included as a goal in the *Youth Services Plan*, and the youth intends to pursue post-secondary education in a field where a driver's license is a requirement (i.e. truck driver).

**Moving Costs**

31. All or part of the costs associated with moving a youth's personal items to a new accommodation may be approved to maximum of \$150 annually. Community assistance or the support of family and friends shall be explored first. The youth shall be advised to explore the most inexpensive mode of transportation.

**Damage Deposits**

32. The cost of a damage or security deposit will be provided annually, if required. Subsequent damage deposits may be paid with supervisory approval. The young person will be expected to repay the entire amount of a subsequent damage deposit through deductions from their monthly allowance. The repayment rate will be set at 5% of the youth's monthly personal allowance.

**EXCEPTIONS TO POLICY:**

1. Due to a shortage of affordable housing, a youth may not be able to find accommodations within the monthly housing allowance limit. In these circumstances, a higher rate may be provided with supervisory approval.
2. Youth living with complex service needs may require an individualized support plan which exceeds the financial supports outlined in this policy. These situations usually involve youth who require an out-of-province placement or treatment facility, or youth residing in an independent living arrangement with 24 hour supports. Approval of the [manager](#) is required to develop an individualized support plan.
3. A youth who is receiving a rate higher than that which is outlined in this policy (when this policy comes into effect) may continue to receive the higher rate until their *YSA* is terminated.

**RELEVANT DOCUMENTS:**

- *First Nations, Inuit and Aboriginal Health, Health Canada* <http://www.hc-sc.gc.ca/fniah-spnia/nihb-ssna/benefit-prestation/index-eng.php>
- *Income and Employment Support Act*
- *Medical Care Plan (MCP)* <http://www.health.gov.nl.ca/health/mcp/index.html>
- *Newfoundland and Labrador Prescription Drug Program* <http://www.health.gov.nl.ca/health/index.html>
- *Revenue Canada Employer's Guide* <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/rc4110-10e.pdf>
- *Department of Human Resources, Labour and Employment* <http://www.hrle.gov.nl.ca/hrle/default.htm>.

## FINANCIAL MAINTENANCE

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**Policy no.: 5.6****Effective Date:** March 2007**Date Revised:** June 30, 2011**Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; Youth Services Agreements, Residential and Supportive Services for Youth**Legislative References:** s.67 Youth services agreement

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**PURPOSE:** To outline the manner in which the cost of services provided to a youth under a Youth Services Agreement may be recovered by CYFS.**POLICY:**

1. Where a youth is provided with services under a Youth Services Agreement, the cost of the services may be recovered by CYFS.

**PROCEDURES:**

1. When completing the *Youth Screening and Assessment Tool*, the social worker shall assess a parent's ability to contribute financially to the youth's care if the youth is unable to return home.
2. An application may be made to the court to recover the costs associated with providing services to the youth. A social worker will consult with a CYFS solicitor regarding this process.
3. Where it is determined that a parent is unable to contribute financially to the care of the youth, the social worker shall explore other methods of support the parent may offer to the youth.

**EXCEPTIONS:** None**RELEVANT DOCUMENTS:***Youth Screening and Assessment Tool* Form 43-04

## YOUTH WITH INCOME

**Policy no.:** 5.7

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:** Residential and Supportive Services for Youth

**Legislative References:** s.67 Youth services agreements

**PURPOSE:** To outline when deductions from a [youth's income](#) shall be made.

### **POLICY:**

1. Youth approved for *Residential Services* shall be advised that where their monthly income exceeds the \$200 basic monthly exemption, their monthly allowances will be reduced.
2. Providing a basic exemption to youth who earn income provides an incentive to seek employment opportunities by encouraging a youth to develop financial independence.

### **PROCEDURES:**

#### **Providing a Basic Exemption**

1. A basic exemption of \$200 will applied to a youth's net income. The remaining monthly net earnings will be deducted dollar for dollar from the youth's monthly allowances.
2. *Unearned income* will be deducted, dollar for dollar, from the youth's monthly allowances. Refer to examples outlined below for direction on applying the basic exemption formula. These exemptions will be calculated prior to the completion of the financial request.
3. A social worker shall request a monthly copy of a youth's pay stubs to calculate the deductions to the youth's monthly allowance.

#### **Summer Employment**

4. A social worker shall advise the youth that he/she may be expected to demonstrate that they are saving for post-secondary education. The social worker may request to view a youth's bank statement to confirm that the youth is saving money from their employment.

**The following deduction examples are included as a guide for staff:**

### **Example #1**

Jane resides in a board and lodging arrangement with her aunt and receives a monthly housing and personal allowance totaling \$680. Jane works part-time and her monthly **net pay** is \$425. The deduction formula is as follows:

**Step 1** – Apply \$200 exemption and deduct remaining amount from monthly allowances.

$\$425 - \$200 = \$225$  is the deduction amount.

**Step 2** – Determine Jane's monthly allowances and deduct \$225.

$\$680 - \$225 = \$455$

**Step 3** - Determine and advise Jane of monthly allowance remaining once deductions are made.

\$455 monthly allowance paid to Jane to supplement \$ 425 employment earnings.

### **Example #2**

John resides in a board and lodging arrangement with his aunt and receives a monthly housing and personal allowance totaling \$680. John receives a \$200 dependent's pension monthly.

**Step 1** – deduct pension amount, dollar for dollar, from the monthly allowance amount

$\$680 - \$200 = \$480$  is the remaining amount

**Step 2**- Determine and advise John of monthly allowance remaining once deductions are made.

\$480 monthly allowance paid to John to supplement his \$200 pension income.

### **EXCEPTIONS TO POLICY:**

1. *Summer employment* will be exempt from deductions if the youth is returning to high school or is enrolled in a post-secondary program beginning in the fall.
2. Scholarships awarded to a youth will be exempt from deductions.

**RELEVANT DOCUMENTS:** None

## COHABITATING YOUTH

**Policy no.: 5.8****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Residential and Supportive Services for Youth**Legislative References:** s.67 Youth services agreements, s.68 Effect of an agreement

**PURPOSE:** To outline the services available to youth who enter into a cohabitating relationship.

**POLICY:**

1. A youth who has entered, or is planning to enter, into a cohabitating relationship is eligible for supportive services only.
2. Where a cohabitating youth is requesting monthly financial support (residential services), he/she shall be referred to the *Income Support Program* administered by the Department of Human Resources, Labour and Employment (HRLE). The youth's written consent to allow CYFS to share his/her information with HRLE must be obtained to assist with the referral process.
3. A youth who is residing with a partner's family may be eligible for residential services. This decision will be made on a case-by-case basis and in consultation with a supervisor.
4. Where a youth in receipt of supportive services leaves a cohabiting relationship, he/she shall be immediately assessed for residential services.
5. Providing immediate financial support to a youth who is transitioning from a cohabitating relationship is particularly important if the youth is leaving an abusive relationship, has children or limited supports to rely upon.

**PROCEDURES:****Supportive Services**

1. Although a cohabitating youth does not qualify for residential services, it is important to offer supportive services to a youth who may benefit from ongoing guidance and support. Emergency funding may also be provided, with supervisory approval, to cover items or services that cannot be obtained from another source.

### Youth Residing with a Partner's Family

2. A youth residing with a partner's family may not be considered a cohabitating youth and would be eligible for residential services if the following factors are present:
  - a) the cohabitating youth have separate bedrooms;
  - b) the youth's partner has not sought support from the *Youth Services Program*;
  - c) the youth seeking residential services is engaged in a Youth Services Plan to make a successful transition to early adulthood (i.e., seeking more than income support);
  - d) the partner's parents' do not have a history of verified **child maltreatment** (i.e., a file may have been opened but child maltreatment was not verified);
  - e) the partner's parents' are a source of support for the youth, and are willing to help the youth achieve the goals outlined in the Youth Services Plan; and
  - f) other service providers involved with youth support the relationship and/or report that the support provided by the partner's family is instrumental to the youth's success.

### Referring to HRLE – Income Support Program

3. A cohabitating youth who is seeking monthly financial support (i.e., residential services) shall be referred to HRLE for an assessment of eligibility in accordance with the *Income and Employment Support Act* and accompanying regulations. HRLE may contact the youth's social worker for additional information.
4. Following an assessment, HRLE may request that CYFS remain involved to provide supportive services to a youth in order for him/her to qualify for income support. In this situation, CYFS will collaborate with HRLE and the youth to determine his/her eligibility for various departmental programs, to maximize service to meet the youth's needs, and to determine what is expected of the youth to receive such support. Additional information about HRLE services may be obtained online at <http://www.hrle.gov.nl.ca/hrle/default.htm>.

### Leaving a Cohabiting Relationship

5. Where a youth who is in receipt of supportive services advises a social worker that he/she plans to leave, or has left, a cohabitating partner, he/she shall be immediately reassessed for residential services.
6. If a social worker is concerned that a youth may not follow through with the plan to leave a cohabitating relationship, the social worker may, with supervisory approval, provide emergency funding to assist with the planned transition to independent living. The youth will be approved for residential services once the transition is confirmed to have taken place.

7. The social worker shall notify HRLE when the youth has been approved for residential services to avoid duplication of financial supports. This may be done verbally or in writing.

**EXCEPTIONS TO POLICY:**

1. Residential services may be provided to a cohabitating youth who is 18 years of age or over and enrolled in a post-secondary education program. Youth over the age of 18 typically possess the emotional maturity to understand the meaning of a cohabitating relationship.
2. Declining a youth residential supports while they are pursuing a post-secondary education may negatively affect their successful transition to early adulthood. The decision to support youth in this situation will be made on a case-by-case basis and in consultation with a supervisor.

**RELEVANT DOCUMENTS:**

- *Income and Employment Support Act*
- *HRLE - Cohabiting Youth policy*

## REMOVAL OF YOUTH

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**Policy no.: 5.9****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Youth Services Agreements; Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; Application for Protective Intervention When a Child Has Been Removed; Removal of Child with a Warrant; Removal of Child with a Telewarrant; Planning: A Youth's Request to Have a Continuous Custody Order Set Aside; Placement: Placement Procedures**Legislative References:** s.21 Removal of youth; s.23 Notice of removal of child

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**PURPOSE:** To identify when the **removal** of a **youth** shall be considered and to outline the process for removal of a youth with a **warrant**.**POLICY:**

1. The decision to remove a youth shall be made in consultation with a supervisor when it is determined that:
  - a) a youth is in need of protective intervention in accordance with s.10 of the *CYCP Act*;
  - b) the youth is unable to protect himself or herself due to a lack of mental capacity; and
  - c) a less intrusive course of action that will adequately protect the youth is not available.
2. An assessment of a youth for the purposes of this policy is **not** a medical or legal declaration of a youth's mental capacity. It is completed for the sole purpose of ensuring the safety and well-being of the youth and to determine the necessity of his/her removal.
3. This policy is **not** meant to include a youth who engages in drug and/or alcohol use, which **temporarily** alters his/her mental capacity, or a youth who experiences a brief period of mental health instability. These situations likely reflect a youth who has the ability to understand and appreciate the consequences of his/her decision but continues to act in a way that may compromise his/her safety and well-being.
4. Where a youth lacks the mental capacity to enter into a *Youth Services Agreement (YSA)*, efforts shall be made to develop a Youth Services Plan that will adequately protect the youth while remaining in the care of his/her parent.

5. Arrangements **cannot** be made to have an extended family member or a significant other sign the *YSA* on behalf of a youth who lacks mental capacity.
6. The removal of youth provision shall **not** be used when a youth, in the **continuous custody** of a manager, makes a written request to have an order set aside and where there are concerns regarding his/her mental capacity. In this situation, a social worker shall refer to the ***Planning: A Youth's Request to Have a Continuous Order Set Aside*** policy.

## PROCEDURES:

### Assessing a Youth's Mental Capacity

1. The assessment of a youth's mental capacity shall be based on a variety of factors specific to a particular youth. The information required to complete an assessment may be drawn from a variety of sources, such as, school reports, psychological and/or psychiatric reports, medical reports, and information provided during interviews with the youth, his/her parent(s) and formal and informal supports.
2. When assessing a youth's mental capacity the social worker shall consider:
  - a) whether the youth has limitations in the area of self care, life skills and/or communication/social relationships which affect the youth's ability to understand and appreciate the consequences of decisions that may impact their immediate safety and well-being;
  - b) whether the limitations are: permanent; experienced by the youth over the course of his/her life; or experienced for a prolonged period of time; and
  - c) whether the youth has a disability that has been diagnosed in childhood, such as Fetal Alcohol Spectrum Disorder; an acquired brain injury; or severe and persistent symptoms indicative of a mental illness, with little or no period of stabilization.
3. Examples of limitations may include the following:
  - a) **Self care** - cannot complete one or more of the six basic activities of daily living (feeding/eating, bathing, dressing, toileting, walking and continence); does not have the ability to secure food and shelter, maintain basic personal hygiene or manage one's basic physical and mental health;
  - b) **Life skills** - has not acquired and does not have the capacity to acquire important life skills such as preparing basic meals, taking public transportation, doing laundry, cleaning a home, or managing one's money;
  - c) **Communication/social interaction** - cannot communicate and/or engage socially with others including, the ability to express one's thoughts, to comprehend what others are saying, to understand basic written instructions (for reasons other than illiteracy) or to relate socially with individuals.

### Exploring Least Intrusive Course of Action

4. Where a youth lacks the mental capacity to enter into a *YSA*, efforts shall be made to develop a plan to adequately protect the youth while remaining in the care of his/her parent(s). Although a *YSA* can only be signed with a youth, a *Youth Services Plan* may be developed with the parent(s) of a youth to provide [supportive services](#) while the youth lives at home. Refer to the *Youth Services Agreements* policy for further direction on service planning with parents in this exceptional circumstance.

### Process for Removal of a Youth

5. Where a less intrusive course of action is not available, the option to remove a youth shall be explored.
6. Where a decision has been made to remove a youth, a [warrant](#) or [telewarrant](#) shall be sought. A youth cannot be removed without a warrant or telewarrant.
7. A warrant or telewarrant for removal shall be obtained prior to the removal of a youth. Social workers shall refer to the *Removal of Child with a Warrant* policy or *Removal of Child with a Telewarrant* policy for direction regarding applying for a warrant or telewarrant.
8. Where a warrant or telewarrant to remove a youth has been obtained, all provisions of the *Act* that pertain to the removal of a child shall apply to the removal of a youth, except s.33 (*Time Limits for Temporary Custody Orders*). Social workers shall refer to the Court Proceedings section of the policy manual for direction.
9. Given that there is no ability to remove a youth without a warrant, a social worker shall immediately consult with a supervisor and a CYFS solicitor when a [judge](#) has not issued a warrant. The social worker, supervisor and CYFS solicitor shall discuss the reasons provided by the judge and decide if a subsequent attempt to obtain a warrant shall be made.

### Where a Youth has been Removed

10. The removal of a youth represents a significant event in the life of a youth and his/her family. The social worker shall explain to the youth, in a developmentally appropriate manner, the reasons for the removal, where he/she will be placed, and what steps/actions will be taken in the near future relating to the removal.
11. Support shall also be considered for the parents following the removal. This may include providing contact information for a counselling/mental health support in the community or contacting a support person on behalf of the parent(s), with the parent's consent.
12. Where a youth has been removed, he/she shall be in the [interim care](#) of a manager and all policies and procedures pertaining to the placement of children and youth in care shall be

followed. Refer to the ***Placement: Placement Procedures*** policy for further direction. Placements with extended family and significant others shall be explored prior to placement in a non-relative foster home or a [residential placement](#).

13. Where a youth has been removed, an order for temporary or continuous custody may be sought. An order for temporary custody shall be sought if there is a possibility that the youth may be reunited with his/her parent. If an order for temporary custody is sought and a reunification plan cannot be achieved during the temporary custody period, an order for continuous custody shall be sought.
14. In situations where a parent is deceased, is not involved in the youth's life, is involved but does not wish for the youth to return to their care, or has continually expressed resistance to developing a reunification plan, an order for continuous custody shall be sought.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- ***Information to obtain a Warrant to Remove*** Form 47-07
- ***Information to obtain a Telewarrant to Remove*** Form 47-09
- ***Warrant to Remove*** Form 47-08
- ***Telewarrant to Remove*** Form 47-10
- ***Notice of Removal to Parent*** Form 47-11
- ***Notice of Removal to Child*** Form 47-12
- ***Affidavit of Service*** Form 47-42

## YOUTH WHO ARE MISSING OR HAVE BEEN ABDUCTED

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**Policy no.: 5.10****Effective Date:** June 30, 2011**Date Revised:** December 1, 2011**Policy Cross-References:** Planning: A Child or Youth Missing or Abducted; Youth Services Agreements**Legislative References:**

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**PURPOSE:** To outline the process for responding when a youth who has signed a Youth Services Agreement and is residing independently in the community is missing or has been abducted.

**POLICY:**

1. Where a youth who has signed a *Youth Services Agreement* (YSA) and is living independently in the community is missing, or has been abducted, a social worker shall ensure that:
  - a) all appropriate parties are notified including: the supervisor, police, manager and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services;
  - b) efforts are undertaken to locate the youth; and
  - c) support is provided to the youth following his/her return.

**PROCEDURES:****Consultation with a Supervisor**

1. The social worker shall **immediately** consult with a supervisor when notified that a youth is **missing** as defined in the *Glossary*, or has been abducted, to share all known information and to discuss what efforts shall be taken to locate the youth. Updates shall be provided to the supervisor, at minimum, **on a daily basis** during the youth's absence.

**Police**

2. A social worker shall **immediately** contact the police when a youth is missing, or has been abducted, to file a missing persons report. The following information shall be provided:

- a) youth's full name, date of birth, language and ethnicity;
- b) youth's cell phone number, if applicable;
- c) name, address and phone number of board and lodging or bed sitting provider, if applicable;
- d) CYFS social worker's name and phone number;
- e) youth's home community;
- f) physical description of the youth, including height, weight, hair style and color, eye color, unique body markings and clothing worn when last seen;
- g) a picture of the youth (digital picture is preferred), if available;
- h) any known risk factors unique to the youth, including physical, mental health or medical issues;
- i) youth's state of mind at the time of absence, if known;
- j) when the youth was last seen, by whom and if the youth left with someone;
- k) known associates and hang out locations;
- l) names and contact information for family, significant others and friends;
- m) contact person(s) if the youth is located;
- n) where to transport the youth once located if the police are willing to do so;
- o) any other information requested by the police; and
- p) any other information assessed as being relevant by the social worker.

### **Media Releases**

3. Media releases regarding missing persons are conducted by the RCMP/RNC, on a case- by-case basis. A manager's approval is required prior to making a request for a media release. At times, differences of opinion may arise between CYFS and the RCMP/RNC about issuing a media release. Further discussions between the CYFS manager and the RCMP/RNC may be required to attempt to resolve the matter.
4. The RCMP/RNC may also advise a social worker that they plan to issue a media release even if CYFS has not made such a request. A manager shall be **immediately** notified in these situations to determine if further discussion with the RCMP/RNC is required.
5. When a media release is planned, a social worker shall advise the RCMP/RNC that information regarding the youth's involvement with CYFS shall not be publicly released.

### **Amber Alerts**

6. Amber Alerts can only be released by a policing agency (RCMP/RNC). If a youth has been abducted, the RCMP/RNC may decide to issue an Amber Alert to provide the public with immediate and up-to-date information about the youth through widespread media broadcasts, and to solicit the public's help in the safe and swift return of the youth.

7. A social worker shall **immediately** consult with a manager if the RCMP/RNC is planning to issue an Amber Alert. The RCMP/RNC requires the written permission of the parent before an Amber Alert can be issued. A social worker shall not provide written permission in lieu of a parent/legal guardian because CYFS is not in a custodial relationship with a youth who has signed a YSA. Additional information regarding Amber Alerts can be found at [www.rcmp-grc.gc.ca](http://www.rcmp-grc.gc.ca).
8. When an Amber Alert is planned, a social worker shall advise the police that information regarding the youth's involvement with CYFS shall not be publicly released.

### **Collaborating with Other Parties**

9. A social worker shall collaborate with additional parties to help locate a youth, including:
  - a) the youth's parent(s);
  - b) the bed sitting or board and lodging provider;
  - c) extended family, friends or significant others; and/or
  - d) professionals currently providing services to the youth.
10. Contact shall be attempted with additional parties as soon as possible and **within 24 hours** of the social worker's notification of the youth's absence. The focus shall be on obtaining information that may help locate the youth. A social worker shall also request that the parties contact CYFS immediately if he/she receives updated information regarding the youth's whereabouts.

### **Responsibility of Supervisor**

11. The supervisor shall **immediately** notify the manager and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services when a youth has been abducted or has been missing **for 24 hours**.
12. Where a child or youth is missing for **24 hours** on a weekend or statutory holiday, the supervisor will normally notify the manager and Provincial Office as outlined in procedure 12. However, if there is a threat to life or other exceptional circumstance, the manager shall ensure that personal contact has been made with a member of the executive (Assistant Deputy Minister of Service Delivery and Regional Operations, Assistant Deputy Minister of Policies and Programs, or the Deputy Minister).

### **Reviewing our Efforts to Locate a Missing or Abducted Youth**

13. The youth's social worker shall review with a supervisor the actions taken to locate a missing or abducted youth on a daily basis. There shall also be **daily** contact with all parties who have participated in response efforts.

### **Sharing Information between On-Call and Day Staff Regarding a Missing or Abducted Youth**

14. The sharing of information between the on-call social worker and the youth's social worker is crucial to ensuring that those persons involved in making decisions regarding a missing or abducted youth have pertinent and up-to-date information.
15. The youth's social worker shall update the on-call social worker each day when a youth is missing, or has been abducted, by using the *On-Call Notification* form.
16. Follow-up provided by the on-call social worker regarding a missing or abducted youth, including new notifications received during the on-call shift, shall be documented in a case note and forwarded to the youth's social worker at the beginning of the next working day. Managers shall ensure that processes and/or protocols are in place in their respective zones to facilitate the sharing of information between on-call and day social work staff.

### **Return of a Missing or Abducted Youth**

17. Notifying parties and supporting a youth following his/her return is essential. The support provided will vary depending on the impact of the absence on the youth and his/her acceptance of support offered.
18. Once advised that a youth has been located, or has returned to his/her residence, a social worker shall **immediately** notify the supervisor, the manager, the police and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services of the youth's return. Other parties with whom the social worker collaborated shall also be informed **as soon as possible**.
19. Once advised that a youth has been located or has returned to his/her residence, the youth's social worker shall contact the youth **within 24 hours** to offer support. If the youth's immediate safety was or is identified as a concern, a social worker shall meet with the youth (unless the youth refuses to meet) **as soon as possible and within 24 hours**. At a minimum, the social worker shall:
  - a) attend to the youth's urgent needs and arrange additional support if needed (i.e., medical attention, crisis counselling, interview with the police, if the youth has been assaulted);
  - b) discuss with the youth what happened during his/her absence;
  - c) determine what supports are needed in the short term; and
  - d) discuss how future absences may be prevented.

### **EXCEPTIONS TO POLICY:**

1. This policy does not apply to a youth who is in the **continuous custody** of a manager or

is residing in a foster home, or residential placement (including out-of-province placements) through a *Youth Services Agreement*. The *Planning: A Child or Youth Missing or Abducted* policy applies to youth in these circumstances.

**RELEVANT DOCUMENTS:**

- *On-Call Notification* Form 42-06

## OVERVIEW: DISCLOSURE OF INFORMATION

Part VIII, Confidentiality and Disclosure of Information, of the *CYCP Act* outlines the parameters as to when information is permitted to be disclosed and to whom. Section 56 of the *CYCP Act* authorizes disclosure to parties in *CYCP court* matters. Neither the *Access to Information and Protection of Privacy Act (ATIPP)* or the *Personal Health Information Act (PHIA)* applies to *records* created under the *CYCP Act*.

It should be noted that statutory offices have legislation which governs access to *government records* contained within public bodies, such as the *Child and Youth Advocate Act*, the *Auditor General Act* and *Citizen's Representative Act*. All requests for disclosure received from statutory offices will be coordinated through Provincial Office. Policy relating to these requests is contained in the *Information Management and Protection Policies and Procedures Manual*.

### RIGHT TO INFORMATION

Section 74 of the *CYCP Act* provides the authority to permit public bodies and/or persons to provide information to a *manager* or social worker that is necessary to enable the manager or social worker to exercise their powers or perform their duties or functions under the *CYCP Act*.

It identifies the responsibilities of public bodies or a person to provide all necessary information that is in the custody or control of a person or *public body* regarding a *child, youth* or a parent to a social worker or manager.

### INFORMATION NOT TO BE DISCLOSED

The *CYCP Act* outlines when the disclosure of information in records obtained under the *CYCP Act* is prohibited. There are some exceptions which will be outlined in policy.

### DISCLOSURE WITHOUT CONSENT

Section 73 of the *CYCP Act* sets out exceptional circumstances whereby information contained in a *client file* or a CYFS record may be disclosed without consent. There are four circumstances whereby disclosure of information may be provided without consent and these will be outlined in policy.

### PERSONS WHO MAY OBTAIN INFORMATION

The *CYCP Act* sets out eligibility requirements to determine who is authorized to receive information contained in client files and CYFS records. Section 56 outlines the disclosure requirements to parties who are named in a court *proceeding* under the *CYCP Act*. Section 71 outlines eligibility requirements for persons who may obtain information including persons over the age of twelve and persons who have or has had custody of a child.

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## **DISCLOSURE FOR CYCP COURT PROCEEDINGS**

Section 56 of the *CYCPA* provides the authority to disclose **relevant information** in a **timely manner** to parties involved in CYCP court proceedings. “Timely manner” means “a reasonable amount of time so as to allow the solicitor(s) representing the parent(s), or the parent(s) themselves if they are not represented by legal counsel, to review the disclosure and be able to prepare for the court proceeding.”

## **DISCLOSURE OF CLIENT INITIATED REQUESTS**

Section 71 of the *CYCPA* contains provisions outlining who is eligible to receive information from **client files** and CYFS records. Persons over the age of twelve who have been in receipt of services from the Department are authorized to receive information. The legislation outlines the type of information that can be provided to such persons including information relating to their birth family that is determined appropriate to release; the reasons why he or she was removed from their parent; information relating to the continuation of a court order; and the identity of **foster parents** or **residential placements**. In addition, there are specific requirements regarding a person’s right to obtain information about his/her child for the period they had custody of the child.

## **DISCLOSURE OF INFORMATION FOR CUSTODY/ACCESS PROCEEDINGS**

On occasion, information contained in client files is required by a court for a custody/ access proceeding. Client files often contain information regarding parenting and this information may be requested when determining custody of children. A manager, or a designate for a manager, may be subpoenaed to court to provide testimony on the information contained in the CYFS file. As well, a party to the proceeding may request a copy of their client file.

## **DISCLOSURE OF INFORMATION FOR CRIMINAL MATTERS**

There may be information contained in client files that is required for criminal proceedings, such as when a sexual assault charge has been laid against an individual charged with a crime against a child. The manager, or designate for the manager, may be required to testify in court regarding information contained in the CYFS client file. As well, documents contained in a CYFS client file, such as investigative notes taken by a social worker who interviewed the child, may need to be made available to the court. CYFS client files may be subpoenaed in criminal matters.

## **NON-DISCLOSURE OF INFORMATION REVIEW PROCESS**

Section 75 of the *CYCP Act* permits a person who has requested and been refused information from a CYFS record the right to a review of why they were refused information. The Minister shall appoint a person to perform the review and the results of the review shall be provided to the person who requested the review.

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## RIGHT TO INFORMATION AND INFORMATION SHARING

**Policy no: 6.2**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Memorandum of Understanding on Information Sharing

**Legislative References:** s.74 Right to Information and Information Sharing

**PURPOSE:** To enable a [manager](#) or a social worker to access [information](#) from public bodies or persons necessary to enable the manager/social worker to exercise his/her powers or to perform his/her duties or functions under the *CYCP Act*.

### **POLICY:**

1. A manager or social worker has the right to information regarding a [child](#) or [youth](#) that is necessary to enable them to perform their duties under the *CYCP Act*. When requested, a [public body](#) or a person shall disclose such information to the social worker or manager.
2. Information that is subject to [solicitor-client privilege](#) is not required to be disclosed unless the information is required to be disclosed under section 11 of the *CYCP Act*.
3. A [peace officer](#) may refuse to disclose information where the disclosure would be an offence under an Act of Parliament, or could be harmful to law enforcement, or could reasonably be expected to interfere with public safety, unless the information is required to be disclosed under s.11 of the *CYCP Act*.

### **PROCEDURES:**

1. A social worker who is seeking information with regard to a child or youth shall advise the person or public body of the legislative authority to obtain the requested information.
2. Although a social worker is not required under this section to first obtain the person's consent to whom the information is about, if possible, the social worker may wish to seek the person's consent in situations where obtaining such consent would not jeopardize their investigation.
3. If a person or public body refuses to provide information, the social worker shall immediately consult with the supervisor and/or CYFS solicitor to determine next steps., subpoena the person.

4. The information obtained from a person or public body will be documented in the client file in accordance with *Documentation Guidelines*.
5. CYFS staff shall refer to the *Memorandum of Understanding on Information Sharing* to determine information that may be disclosed between the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, and the Department of Child, Youth and Family Services.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Memorandum of Understanding on Information Sharing*
- *Documentation Guidelines*
- *Access to Information and Protection of Privacy Policy and Procedures Manual, 2008*
- *Canadian Association of Social Workers Code of Ethics, 2005*
- *Child Protection Report*

**INFORMATION NOT TO BE DISCLOSED**

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**Policy no: 6.3**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Disclosure of Information for Criminal Matters

**Legislative References:** s.72 Information Not To Be Disclosed; s.11 Duty to Report

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**PURPOSE:** To identify [information](#) that shall not be released when assessing requests for disclosure of information from CYFS files or [records](#).

**POLICY:**

1. Where a [manager](#) is requested to disclose information, a manager shall advise the provincial director immediately prior to disclosure of any information.
2. If information is contained in a [client file](#) that was collected under the *Adoption Act*, consultation shall occur with supervisor to determine what information is excepted from release.
3. Disclosure of information from a client file is prohibited if there are [reasonable grounds](#) to believe that the disclosure might result in physical or emotional harm to that person or another person.
4. The identity of a [referral source](#) under s.11 of the *CYCP Act* shall not be disclosed unless the person consents or a [judge](#) orders its release.
5. Information shall not be disclosed if the disclosure could reasonably be expected to jeopardize an investigation under the *CYCP Act*.
6. Information shall not be disclosed if the disclosure could reasonably be expected to jeopardize a criminal investigation.
7. The provincial director or manager may refuse to disclose information that is a [transitory record](#).
8. If information is contained in the client file that was collected under the *Youth Criminal Justice Act*, consultation shall occur with designated staff in the program area to determine what information is excepted from release.

**PROCEDURES:**

1. When an adopted person is requesting information in their birth family file, the person shall provide a copy of the original birth certificate by the Registrar of Vital Statistics prior to the release of any information. If the birth certificate is not able to be provided, a disclosure veto was filed by the birth parent prohibiting the release of information.
2. To determine if a disclosure of information might result in physical or emotional harm to a person, the definition of reasonable grounds may be applied. If a determination is made to withhold information, the reasons shall be documented in the [client disclosure file](#).
3. Prior to disclosure, all documents in a client file shall be reviewed to remove all references that may identify a referral source. If a referral source provides any information that may lead to their identity (e.g., phone number, address, work location), the information shall **not** be released. Pronouns (e.g., I, he, she, him, her) shall be removed as well.
4. If a referral source is anonymous, any documentation indicating such can be released.
5. If a social worker receives a request to disclose information about a [child](#) who is a subject of an investigation under the *CYCP Act*, and the social worker believes the disclosure may jeopardize their investigation, consultation shall occur with a supervisor to determine next steps prior to any disclosure of information.
6. A social worker shall consult with a [peace officer](#) prior to release of any information in a client file that may interfere with a criminal investigation or public safety and develop a mutually agreed upon plan prior to any disclosure of information.
7. If a transitory record is the only documentation of a particular intervention, the transitory record shall be returned to the social worker who is the author of the transitory record to be transcribed into a permanent record. The permanent record shall be returned to the client file for [severing](#) prior to release for disclosure.
8. If a transitory record is the only documentation of a particular intervention, and the author is unknown or unavailable, consultation shall occur with the supervisor to determine the appropriate action.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- Adoptions Standards and Policy Manual
- *Adoptions Act* (<http://www.assembly.nl.ca/Legislation/sr/statutes/a02-1.htm>)
- *Youth Criminal Justice Act* (<http://laws.justice.gc.ca/en/Y-1.5/index.html>)
- *Management of Information Act*  
(<http://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.htm>)

## DISCLOSURE WITHOUT CONSENT

**Policy no:** 6.4

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:** Information Not To Be Disclosed; Placement of Children and Youth: Sharing of Information

**Legislative References:** s.73 Disclosure without consent

**PURPOSE:** To identify when [information](#) obtained under the *CYCP Act* may be disclosed without consent and to whom it may be released.

### **POLICY:**

1. The provincial director or a [manager](#) may, without the consent of another person, authorize the disclosure of information obtained under the *CYCP Act* if the disclosure is necessary to ensure the safety, health and well being of a [child](#).
2. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the *CYCP Act* if the disclosure is necessary to be provided to persons with whom a child or [youth](#) has been placed for care.
3. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the *CYCP Act* if the disclosure is necessary for the administration of the *CYCP Act*. For example, the purpose may be for quality control or for development of policy.
4. The provincial director or manager may, without the consent of another person may authorize the disclosure of information obtained under the *CYCP Act* for research or evaluation purposes and the person to whom that information is disclosed has signed an agreement to comply with conditions set by the minister.

### **PROCEDURES:**

1. If there are [reasonable grounds](#) to believe there is a potential for risk of maltreatment for an identified child after assessing the information provided, the social worker shall provide the information to a person providing care for the child and consent to release the information is not required. Please refer to the definition for reasonable grounds in [Risk Management System](#). Consultation is required with a supervisor prior to release of any information.

2. A social worker is not required to obtain consent from a person who is the subject of an investigation in order to access information, however, may obtain consent if it would not jeopardize the investigation.
3. A social worker shall refer to *Placement of Children and Youth: Sharing of Information* policy to determine what information is relevant to provide to a person providing care for a child.
4. When a request is received for information obtained under the *CYCP Act* for the purpose of research or evaluation, the request shall be routed to the Director of Quality Assurance for follow up.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Placement of Children and Youth: Sharing of Information Policy*
- *Disclosure Without Consent for the Purpose of Research and Evaluation Policy*

## PERSONS WHO MAY OBTAIN INFORMATION

**Policy no: 6.5**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Disclosure for CYCP Court Proceedings; Disclosure Without Consent.

**Legislative References:** s.71 Persons who may obtain information; s.56 Disclosure to parties in court proceedings

**PURPOSE:** To identify who may obtain [information](#) contained in a CYFS file.

### **POLICY:**

1. CYFS shall disclose [relevant information](#) in their possession to parties to a proceeding under the *CYCP Act*.
2. Information contained in a [client file](#) shall be disclosed to a person over 12 years of age relating to himself or herself.
3. Designated staff shall provide information to a person over 12 years of age who is, or has been, in the care or custody of a [manager](#) relating to himself or herself including:
  - a) information relating to his or her birth family that the Minister determines appropriate to release. Personal information about the birth parents not related to why the [child](#) came into care shall not be released unless exceptional circumstances exist for priority medical health information. Consultation is required with a medical professional to make such a determination and the Provincial Director shall approve such information to be released.
  - b) the reasons why he or she was removed from his or her parent and information relating to the continuation of a court order. The definition for “[reasonable grounds](#)” may be applied when assessing whether any physical or emotional harm may result in the release of information.
  - c) the identity of former foster parents or the name of a former residential placement. This includes only the name, address and phone number known at the time of the creation of the [record](#).

4. Designated staff shall provide information to a person who has [custody](#) of a child about himself or herself and the child only for the period of time that the person had custody of the child. Verification of custody is required prior to disclosure being provided.
5. A person who has or had access to a child, but no custodial rights, will only receive disclosure information about himself/herself. The person will not receive any information pertaining to the child.

## PROCEDURES:

1. Requests for disclosure of information received from parties to a proceeding under the *CYCP Act* shall be processed pursuant to the ***Disclosure for CYCP Court Proceedings Policy***.
2. Upon receipt of a written request for disclosure of information the *Information Disclosure Request* application will be completed to determine the information being requested (e.g. period of time the child was in care, name of foster parent(s), etc.) and will be forwarded to the designated staff for processing.
3. In order to access information in a client file, a copy of the person's original birth certificate by the Registrar of Vital Statistics shall be obtained to verify his/her birth name and birth parent information. Refer to ***Disclosure without Consent Policy*** and the *Adoptions Act* when the person requesting information has been adopted.
4. When a person is requesting disclosure regarding his/her child, they shall produce documents to verify their custody of the child unless documents verifying custody are already contained in the client file.
5. A person providing care for a child within a [Child Welfare Allowance](#) placement does not have custody of the child and is not entitled to receive information regarding the child from the child's CYFS file.

## EXCEPTIONS TO POLICY: None

## RELEVANT DOCUMENTS:

- *Adoptions Standards and Policy Manual 2003*
- *CRMS User Guide*
- *Information Disclosure Request Form # 51-08-06-41-01-2011-06-30*

## DISCLOSURE FOR CYCP COURT PROCEEDINGS

**Policy no:** 6.6

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:** Information Not To Be Disclosed; Non-Disclosure of Information Review Process

**Legislative References:** s.56 Disclosure to parties in court proceedings

**PURPOSE:** To identify the [information](#) that shall be disclosed to parties involved in a CYCP court proceeding.

### **POLICY:**

1. A [party](#) to a CYFS proceeding shall disclose information when requested to do so by another party.
2. [Relevant information](#) in the possession of CYFS shall be disclosed to all parties named in the court proceeding, but does not include disclosure information under s.11 of the *Act* received from another party.
3. Disclosure shall be provided in a [timely manner](#) to all parties named in a court proceeding to allow sufficient time to prepare for court and avoid any delays in permanency planning for children.
4. Information identifying a person who has provided information to a [manager](#) or social worker with respect to a [child](#) shall **not** be disclosed unless the person who provided the information consents or a [judge](#) orders its disclosure.
5. Information identifying parties in a CYCP court proceeding shall be disclosed. In a situation where the parties are parents of a child, any information reported by one parent about the other parent may be disclosed. A determination shall be made prior to the release of the information that there are no [reasonable grounds](#) that the release of the information may result in physical or emotional harm to a person. If a determination is made that potential risk of harm exists, the CYFS solicitor shall be made aware that the information is being excepted from disclosure.
6. Original documents shall never be altered and [severing](#) shall only be done on photocopies of client documents. Unauthorized alteration of an official [government record](#) may be interpreted as an offence in accordance with subsection 8(1) of the *Management of Information Act*.

7. Information and consultations received from, or discussed with, the CYFS solicitor, is considered privileged as it contains confidential information/advice intended only for CYFS and shall **not** be disclosed to other parties. External letters or correspondence between a CYFS solicitor, social worker and the solicitor(s) for the parents(s) shall be disclosed.
8. Identifying information regarding **foster parents** and or **residential placements** shall be disclosed to parties to a court proceeding including names of foster parents or caregivers and the address of the foster parent or caregiver unless there are safety issues pertaining to either the child and/or foster parents or caregivers if the information is released. Personal information shall **not** be released.
9. Names of all children, other than the child(ren) who is the subject(s) of CYFS involvement and their siblings or step siblings, will be removed from the disclosed **client files**.
10. Names of the parent's present partner, along with any of his/her personal information relevant to a CYFS court proceeding will be disclosed.
11. Names of the parent's ex-partner who is not the subject matter to a proceeding will be disclosed. However, his or her personal information will not be disclosed unless it is relevant to a proceeding.
12. Supervised access and parent coach reports are released in disclosure. Identifying information about a foster parent may be removed if safety concerns have been identified regarding the release of such information.
13. The names of service providers (e.g., public health nurse, developmental behavioral practitioner, supervised access workers, etc.) will be disclosed including any reports they prepared as part of their service and consent is not required. Any personal information about the service provider shall be excepted from disclosure.
14. Disclosure of information to parties shall be suspended upon the conclusion of the **protective intervention hearing** and shall only resume when a new application for a court proceeding has been filed with the court.
15. Documents containing statements by the solicitor who attends a case conference will be released as they are on the record and there is no expectation of privilege. CYFS staff completing severing will review the case conference report and remove any privileged information that may have been incorrectly recorded.
16. Names of visitors to a client's home shall be severed from documents unless it is determined that the person may pose a potential risk to the child.

17. Child protection documents from other jurisdictions will be released in disclosure with the exception of **referral source** identity.
18. After severing excepted information from a client file, the remaining information shall be provided to a person who is permitted to receive the information. If the remaining information is meaningless, the remaining information shall **not** be released.

## **PROCEDURES:**

1. Priority for severing of a client file shall be based upon the date set for the court proceeding or as directed by the CYFS solicitor.
2. Consultation shall occur with the CYFS solicitor to determine the number of copies required and the requirements for frequency of disclosure.
3. All client documentation (e.g., service notes, supervised access reports, out of hour reports, etc.) shall be included in the client file prior to disclosure. If there are multiple volumes to a file, when a volume has been prepared for disclosure this portion may be released while updated information is being completed in the most recent volume of the file.
4. If a misfiled document is located in a client file during the severing process, the document will be removed and forwarded to the appropriate social worker or supervisor.
5. Any documents filed with the court and included in the client file shall be disclosed to parties named in the court proceeding.
6. Financial information (e.g., taxi request slips, invoices from respite workers, etc.) will **not** be released in the disclosure process unless it is determined relevant to a court proceeding.
7. Consultation shall occur with the CYFS solicitor for a legal opinion if there are any questions whether a document shall be disclosed.
8. Consultation is required with the appropriate staff responsible for youth corrections to determine if information in the client file is excepted from release.
9. Consultation is required with the appropriate staff responsible for adoptions to determine if information in the client file is excepted from release.
10. The disclosure shall be separated into the following sections for CYFS court matters – service notes, parent coach reports, professional reports and reports regarding the child’s progress. The sections shall be arranged in chronological order from oldest date to most recent date.

11. A copy of the client file will be provided to the CYFS solicitor with **excepted information** removed. If the CYFS solicitor requires the excepted information for litigation purposes but not for disclosure, the information will be forwarded to the solicitor by the person who prepared the file for the solicitor.
12. Only a photocopy of the severed client file is released and an exact copy of the released disclosure shall be kept in the **client disclosure file** for future reference if required.
13. Disclosure requests will be documented in the Disclosure of Information Program held within the designated information system (e.g., Client Referral Management System).
14. Information not permitted to be released in disclosure and the reasons why shall be documented in the client disclosure file.
15. The disclosure package shall be sealed in a water-proof, tamper-resistant envelop and sent via courier to the intended recipient (signature required for receipt of package).

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Documentation Guidelines*
- *Information Management and Protection Guidelines File Management*

## DISCLOSURE FOR CLIENT-INITIATED REQUESTS

**Policy no:** 6.7

**Effective Date:** June 30, 2011

**Date Revised:**

**Policy Cross References:** Persons Who May Obtain Information

**Legislative References:** s.71 Persons who may obtain information

**PURPOSE:** To outline the process for disclosing [information](#) for client-initiated requests.

### **POLICY:**

1. Persons eligible to receive information from a [client file](#) (refer to *Persons Who May Obtain Information Policy*) shall be provided with the information requested excluding [excepted information](#).
2. Information that is [solicitor-client privileged](#), contains confidential information/advice intended only for CYFS and shall **not** be disclosed.
3. Documents containing statements by a solicitor who attends a case conference will be released as these statements are not solicitor-client privileged. CYFS staff completing [severing](#) will review the case conference report to ensure no solicitor-client privileged consultation has been recorded. If any privileged consultation has been included, it shall be severed before disclosure.
4. Identifying information regarding [foster parents](#) and/or [residential placements](#) shall be disclosed including names of foster parents or caregivers, names of children of foster parents with whom the [child](#) was acquainted, and the address of the foster parent or caregiver unless there are safety issues pertaining to either the child and/or foster parents or caregivers if the information is released. The definition of [reasonable grounds](#) may be applied in assessing potential harm.
5. Original documents shall never be altered and severing shall only be done on photocopies of client documents.
6. After severing excepted information from a client file, the remaining information shall be provided to a person who is permitted to receive the information. If the remaining information would be deemed meaningless, than disclosure of the information may not be appropriate.

7. The names of service providers (e.g., public health nurse, developmental behavioral practitioner, parent coach, etc.) shall be disclosed as well as any reports they prepare as part of their service but no other personal information about the service provider shall be released.

## PROCEDURES:

1. All disclosure requests pertaining to client files that are active, or have been closed within one calendar year will be processed by the designated staff in the region.
2. All disclosure requests for information pertaining to client files closed for more than one calendar year will be processed at Provincial Office.
3. A written request for disclosure shall be received from the client outlining the nature of the request and the information being requested.
4. Upon receipt of the written request for disclosure, the *Information Disclosure Request* form shall be completed and any missing information not included in the written request shall be obtained. The completed form will be forwarded to the designated staff processing the disclosure request.
5. A search for the client file shall include accessing the following; the designated information system (e.g., Client Referral Management System), the child welfare history, CYFS Storage for archived files, and making contact with CYFS offices in known communities of residence for the child, youth or family.
6. For active files, a social worker shall ensure all client documentation is included in a client file prior to the commencement of the disclosure process.
7. Severing information shall be completed in accordance with the Protocol for Severing Records for Disclosure Requests which is contained in the Information Management Policy and Procedures Manual.
8. Consultation with a CYFS solicitor shall occur for a legal opinion if questions arise regarding the disclosure of information.
9. All actions completed relating to the disclosure request shall be documented **within 48 hours**.
10. If there is any information regarding youth corrections or adoptions in a client file, consultation is required with a supervisor for the designated program area to determine if such information is excepted from release.
11. Information not permitted to be released and the reasons why shall be documented in the disclosure client file.

12. Where a client is eligible to receive information, such information may be disclosed to his or her solicitor as long as CYFS has been provided with the client's written consent.
13. A photocopy of the severed client file is released and an exact copy of the released disclosure shall be kept in the client disclosure file.
14. Only one copy of a document in the client file is released and any exact duplicates shall be removed from the client file as a **transitory record** (subsections 2(h) and 5.4 (3) of the *Management of Information Act*).
15. When a Protective Intervention Plan is being disclosed to a child through the disclosure process, a social worker shall facilitate the release of the document and support the child in processing the information contained in the plan.
16. Depending on the sensitivity of the information being disclosed, it may be necessary for a social worker to review the contents of the disclosure with the person.
17. The disclosure package shall be prepared and arranged in chronological order from the oldest date to most recent date.
18. The identity of the client shall be confirmed (e.g. photo identification) prior to the release of the disclosure package.
19. Every separate page to be released shall contain the date of disclosure and the client's signature. If the client is not able to personally pick up the disclosure package, it must be sent to the client via courier in a sealed, water-proof, tamper-resistant envelope with the date of release stamped on each page.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Information Disclosure Request Form*
- *Documentation Guidelines*
- *Guidelines for Severing Records for Disclosure of Information Requests*

## DISCLOSURE FOR CUSTODY/ACCESS PROCEEDINGS

**Policy no: 6.8**

**Effective Date: June 30, 2011**

**Date Revised:**

**Policy Cross References:** Disclosure for Client-Initiated Requests

**Legislative References:** s.71 Persons who may obtain information

**PURPOSE:** To outline the process for the release of information contained in a CYFS [client file](#) for a private custody and access proceeding.

### **POLICY:**

1. [Information](#) contained in a [client file](#) shall only be released for the purposes of a [custody/access](#) proceeding or during testimony in [court](#) after being subpoenaed or if ordered by a [judge](#). [Excepted information](#) shall not be released unless ordered by a judge.

### **PROCEDURES:**

1. When a subpoena has been served on the social worker or other designate for the [manager](#), he/she will release the requested information at the proceeding by giving sworn evidence. A subpoena does not require that the information be disclosed in advance of the court hearing.
2. The original client file shall be brought to court and remain with the social worker or designate for the manager at all times when he/she is scheduled to give evidence. It shall be transported in a locked briefcase. The client file shall be returned to the information management staff in the same condition he/she received it.

**EXCEPTIONS TO POLICY:** None

### **RELEVANT DOCUMENTS:**

- *Documentation Guidelines*
- *Children's Law Act* (<http://www.assembly.nl.ca/legislation/sr/statutes/c13.htm>)
- *Management of Information Act* (<http://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.htm>)

## DISCLOSURE OF INFORMATION FOR CRIMINAL MATTERS

**Policy no: 6.9****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:** Information Not To Be Disclosed; Right to Information and Information Sharing**Legislative References:** s.72 Information not to be disclosed; s.74 Right to information and information sharing

**PURPOSE:** To outline the process for the release of [information](#) contained in [client files](#) in criminal matters.

**POLICY:**

1. Information contained in a client file shall be released for the purposes of a criminal proceeding subpoenaed to testify in [court](#), or if ordered by a judge through issuance of a warrant, or application sought by parties to a criminal proceeding to produce a CYFS file. Excepted information shall be severed from the released documents.
2. Consultation shall occur with a [peace officer](#) prior to the release of any information in a client file that may interfere with a criminal investigation or public safety.

**PROCEDURES:**

1. When a social worker or other designate for a [manager](#) is subpoenaed to testify at a criminal court proceeding, the original client file shall be brought to court and remain with the person at all times when he/she is giving evidence. The file shall be transported in a locked briefcase. A copy of the subpoena or court order shall be placed on the client file.
2. CYFS staff shall refer to the *Memorandum of Understanding on Information Sharing* to determine information that may be disclosed between the Royal Newfoundland Constabulary, Royal Canadian Mounted Police and officials with the Department of Child, Youth and Family Services.
3. CYFS will allow a peace officer to view a client file as part of a criminal investigation and release photocopies of relevant documents required for the investigation. Names of [referral sources](#) are exempted from release. The viewing shall occur at a CYFS work site. The file must remain secure at all times and not be altered in any way from its original state. If copies of documents are required for release, it must be recorded what

information was released. A photocopy is a copy of convenience and the true copy rests with CYFS.

4. Disclosure requests will be documented in the Disclosure of Information Program held within the designated information system (e.g., CRMS).

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Memorandum of Understanding on Information Sharing*
- *Management of Information Act*  
(<http://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.htm>)
- *Access to Information Privacy and Protection Act*  
(<http://www.assembly.nl.ca/Legislation/sr/statutes/a01-1.htm>)
- *Adoptions Act* (<http://www.assembly.nl.ca/Legislation/sr/statutes/a02-1.htm>)
- *Youth Criminal Justice Act* (<http://laws.justice.gc.ca/en/Y-1.5/index.html>)
- *Criminal Code of Canada* (<http://www.efc.ca/pages/law/cc/cc.html>)

## NON-DISCLOSURE OF INFORMATION REVIEW PROCESS

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**Policy no: 6.10****Effective Date:** June 30, 2011**Date Revised:****Policy Cross References:****Legislative References:** s.75 Internal review

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**PURPOSE:** Outline the process for an internal review within CYFS when a person is refused [information](#) that is requested from a CYFS file.**POLICY:**

1. An internal review process shall be completed if requested by a person who was refused information from a CYFS file and the Minister of CYFS will appoint a person to perform the review.

**PROCEDURES:**

1. CYFS staff designated to disclose information contained in a CYFS file shall advise the person requesting the information of their right to an internal review if the information they requested is not provided to them.
2. A written application is required requesting a review of a refusal to provide information.
3. The Minister of CYFS shall be notified immediately if a request is received for a review of a refusal to provide information from a CYFS file.
4. An exact copy of the documents that were released and the information that was refused from release shall be maintained in the [client disclosure file](#) to be made available only to the person completing the review. Measures must be taken to ensure the pages are not altered, removed or changed in any way.
5. An internal review shall be performed **within 30 days** of the receipt of the written application.
6. The results of an internal review shall be provided to the person who requested the review, in writing, **within five (5) business days** of being decided.

7. If the person refused information is not satisfied with the results of the internal review, the may appeal to a [judge](#) of the Trial Division.
8. If a client file is not able to be located, the requestor of the information shall be advised immediately in writing of all efforts to locate the [record](#) and their right to a review. Quarterly searches for the file may occur for a one year period, at which time if the file or information is not located, the requestor shall be notified in writing that the request is being closed. The results of the quarterly searches shall be recorded on the *Information Disclosure Request* form.

**EXCEPTIONS TO POLICY:** None

**RELEVANT DOCUMENTS:**

- *Information Disclosure Request Form*

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## **APPENDIX A**

### **Memorandum of Understanding on Information Sharing**

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**Attached is the Memorandum of Understanding between:**

1. Department of Social Services
2. Department of Justice
3. Royal Canadian Mounted Police
4. Royal Newfoundland Constabulary

on Information Sharing: A Coordinated Response to Child Abuse

**Statement of Understanding****Contextual Statement**

Although the signing of this agreement involves a formalization of relations between our agencies, this is not intended to impede other informal processes that occur on a daily basis. Such processes are exemplified through telephone contacts, unannounced visits and all other types of informal discussions and information sharing activities. Informal inter-agency cooperation is an essential adjunct to the formalized process.

WHEREAS the Department of Social Services has a legal duty to protect children from abuse and neglect and work in conjunction with other agencies to support families and to protect children;

AND WHEREAS the Department of Justice is responsible for the administration of justice in the Province;

AND WHEREAS the Royal Canadian Mounted Police and the Royal Newfoundland Constabulary are accountable to the Minister of Justice and are responsible for the prompt and thorough investigation of alleged mistreatment of children with a view of initiating prosecutions under the Criminal Code of Canada and provincial status;

AND in the interests of inter-agency cooperation for furthering the effectiveness and efficiency of the response to child abuse within the Province of Newfoundland, the Department of Social Services (DOSS), the Department of Justice (DOJ), the Royal Canadian Mounted Police (RCMP) and the Royal Newfoundland Constabulary (RNC) agree as follows:

**A. Objectives:**

1. To provide for inter-agency sharing of information and the gathering of statistical data respecting child abuse in the Province, subject to such reasonable reservations that may properly be raised regarding client confidentiality and the requirements of security as it relates to the effective prosecution of offenders; and
2. To assist each other so as to ensure the prompt identification of children at risk of abuse and to facilitate the effective and timely investigation and prosecution of offenders.

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## B. Authority:

1. In the Report of the Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice System to Complaints, the Honourable Samuel Hughes, QC, Commissioner, acknowledged that inter-agency cooperation was an essential element in maximizing an effective response to child abuse and in particular, in Recommendations 14 and 15 of his Report recommended the reciprocal exchange of information between the police and the Director of Child Welfare subjects to such reservations that may properly be based upon the requirements of security to ensure privacy and the effective prosecution of offenders.
2. Section 8(2) of the Privacy Act, RSC 1985, c.P-21 permits disclosure by the RCMP of personal information under their control for the purpose for which the information was obtained or compiled or for a use consistent with that purpose.
3. Section 38 of the Child Welfare Act provides in subsection (1) that where a person has information that a child has been, is or may be at risk of abuse, the person shall immediately report the matter to the Director of Child Welfare, a social worker or a peace officer. Subsection (2) of s.38 provides that where a person makes a report under subsection (1), the person shall report all the information in his or her possession. Subsection (3) of s.38 provides that where a report is made to a peace officer under subsection (1), the peace officer shall, as soon as possible after receiving the report, inform the Director or a social worker.

## C. Organization:

1. Senior Management Group consisting of:

	Justice	Director of Public Prosecutions
	DOSS	Director of Child Welfare
	RNC	Officer in Charge of CID
	RCMP	Criminal Operations Officer, RCMP
2. Working Management Group:

	DOSS	District Manager, Child Protection Services
	RNC	NCO in Charge of Major Crime Section
	RCMP	Criminal Operations Chief Reader

## D. Responsibilities:

1. Senior Management Group
  - a. To resolve any issues relating to the Memorandum of Understanding.
  - b. To resolve any issues referred to it by the Working Management Group.
  - c. To attend any meetings of the Working Management Group upon request.
2. Working Management Group
  - a. To ensure that directives effecting the spirit and intent of this Memorandum of Understanding are implemented and acted upon accordingly.

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- b. To respond to issues as they arise from time to time respecting interpretations and application of the Memorandum of Understanding to specific instances of inter-agency information sharing.
- c. To refer to the Senior Management Group any concerns or issues not resolved.

E. Cooperation and Dispute Resolutions:

1. It is recognized that a close cooperation exists on an individual basis at various levels.
  - a. This is sanctioned and encouraged.
  - b. DOSS and RCMP/RNC will nevertheless meet in relation to this MOU at all levels, within each of the respective levels, as follows:
    - Level 1 at least twice per year
    - Level 2 at least twice per year
    - Level 3 at least twice per year
    - Level 4 at least once per year
    - i. These dates must be recorded for audit.
  - c. Disputes/issues should be resolved at the lowest level. Unresolved disputes will be directed upwards.

		DOSS	RCMP	RNC
Level	1	Senior Management Group		
	2	Working Management Group		
	3	Regional Director	OC Sub/Division	Divisional Commander
	4	District Manager	Detachment/ Commander	NCO I/C Sexual Offence Unit or Operational Commander

F. Information Sharing:

1. Statistics
  - a. RNC/RCMP to DOSS (see Appendix A<sub>1</sub>)
  - b. DOSS to RNC/RCMP (see Appendix A<sub>2</sub>)
2. File Information
  - a. Generally the following will be released:
    - i. RNC/RCMP to DOSS – Appendix A<sub>3</sub>
    - ii. DOSS to RNC/RCMP – Appendix A<sub>4</sub>
  - b. Police information, not subject to section 38 of the Child Welfare Act, will not be released, including the following:
    - i. Protected and classified material at a high level of reliability clearance
    - ii. Confidential human sources
    - iii. Third party information (except by third party rule)
    - iv. Information contained in administrative and financial files.

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## 3. Referrals

- a. It is agreed between the parties that in order to facilitate the information gathering and sharing process the “Child Protection Report Form” (See Appendix C) will constitute in all cases the formal record of referral and disposition.
- b. The “Child Protection Report Form” will be utilized by the RNC/RCMP in every child abuse investigation.
- c. For DOSS, the “Child Protection Report Form” will be utilized to initiate formal contact with the appropriate RNC/RCMP Detachment.
- d. Where there is a referral from DOSS to the RNC/RCMP or from the RNC/RCMP to DOSS, the “Child Protection Report Form” must be completed to the extent then possible and forwarded to the reciprocating agency within 3 working days.
- e. The disposition portion of the “Child Protection Report Form” will be completed by the RNC/RCMP and forwarded to DOSS upon the decision to charge or not to charge.
- f. The disposition portion of the “Child Protection Report Form” will be completed by DOSS and forwarded to the RNC/RCMP upon the decision regarding case disposition.

## G. Miscellaneous:

1. The DOSS, the DOJ, the RCMP and the RNC shall provide copies of this Memorandum in a policy statement to all members of their respective agencies who may be called upon to act under the provisions of this Memorandum.
2. This Memorandum of Understanding may be audited and evaluated by reviewers of either party to ensure that it is meeting the objectives set out in paragraph A above and continues to be necessary and satisfactory.
3. The policy, terms and conditions set forth in this Memorandum of Understanding may be amended at the Senior Management Group level at any time by the mutual consent of the parties.
4. appendices A<sub>1</sub>, A<sub>2</sub>, B<sub>1</sub>, B<sub>2</sub> and C attached to this Memorandum of Understanding and forming part hereof may be modified and amended at the Working Management Group level at any time by the mutual consent of the parties. The Senior Management Group will be advised of any modification or amendment of the Appendices.
5. This Memorandum of Understanding may be terminated by either party after giving ninety days notice to that effect to the other parties.
6. This Memorandum of Understanding is to be effective on the date of signing.

DATED at St. John's in the Province of Newfoundland this 12th day of March AD 1993.

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L. Spracklin, QC  
Deputy Minister and  
Deputy Attorney General

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Bruce Peckford  
Deputy Minister  
Department of Social Services

June 30, 2011

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
EJ Coady  
Chief of Police  
Royal Newfoundland Constabulary

\_\_\_\_\_  
GA Butt  
Chief Superintendent  
CO "B" Division  
Royal Canadian Mounted Police

\_\_\_\_\_  
Witness

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Witness

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**APPENDIX A<sub>1</sub>**

**Information Sharing**

**Statistical Information**

- a. RNC/RCMP to DOSS
  - 1. Number of referrals to RNC/RCMP from DOSS
  - 2. Number of prosecutions in relation to referrals from DOSS
  - 3. Number of persons charged
  - 4. Number of young offenders charged
  - 5. Number of cases under Section 38 of the Child Welfare Act
  - 6. Number of prosecutions under Section 38 of the Child Welfare Act

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**APPENDIX A<sub>2</sub>**

**Information Sharing**

**Statistical Information**

- b. DOSS to RNC/RCMP
  - 1. Number of referrals per year per district office
  - 2. Number of child sexual abuse cases
  - 3. Number of child physical abuse cases

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### **APPENDIX A<sub>3</sub>**

#### **Information Sharing**

#### **General Information**

1. RNC/RCMP to DOSS
  - a. All the information contained in the “Child Protection Report Form”
  - b. Age and sex of victim (case by case)
  - c. Information on charge laid (case by case)
  - d. If no charge laid, reason therefore
  - e. Prior child abuse charges/investigations (case by case)
  - f. Review Police file; specifically, review offender’s statement and review witnesses statements
  - g. Provide a copy of victims statements where victim under 16 years of age

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#### **APPENDIX A<sub>4</sub>**

#### **Information Sharing**

#### **General Information**

#### 2. DOSS to RNC/RCMP

- a. All information contained in the “Child Protection Report Form”
- b. Information respecting previous investigations
- c. Copy of out of hours reports, home visit reports (case by case)
- d. Other family information available in DOSS files (case by case)
- e. Statement from victims/witnesses (case by case)
- f. Review of Social Service files generally where not otherwise restricted, including on a case by case basis, the following:
  - i. Foster home file
  - ii. Foster child file
  - iii. Social assistance file
  - iv. Institutional/residential file
  - v. Child Welfare file on other possible victims/witnesses

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# **APPENDIX B**

**Provincial/Territorial Protocol**

**On**

**Children and Families**

**Moving**

**Between Provinces and Territories**

***Consolidation as of December 15, 2006***

June 30, 2011

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**Case Transfer Agreement  
Schedule B – Children in Care  
Provincial/Territorial Protocol on Children and Families  
Moving Between Provinces and Territories**

**INSTRUCTIONS:**

This agreement is used when a child in care or young person receiving services is moving with a foster family to a receiving province (see subsection B2.1) or to a foster home in a receiving province (see subsection B2.2). *Originating province* refers to the province or territory requesting a transfer. *Receiving province* refers to the province or territory to which the child or young person may be moving.

An agreement is required for each child or young person moving to a receiving province under subsection B2.1 or B2.2 of Schedule B. Completion and use of this form involves the following steps:

1. The local authority (agency or regional office) in the originating province initiates contact with the appropriate local authority in the receiving province.
2. Once plans are finalized between the originating and receiving provinces, the local authority in the originating province completes this form and sends two signed copies to the local authority in the receiving province.
3. The local authority in the receiving province signs both copies of the signed forms, returning one copy to the local authority in the originating province.
4. The local authority in each province sends copies of this form and related documentation to its central authority and others as may be required.

**LOCAL AUTHORITY (AGENCY OR REGIONAL OFFICE):**

(Enter name and address, phone and fax numbers, e-mail addresses, contact persons etc.)

ORIGINATING PROVINCE:

RECEIVING PROVINCE:

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**INFORMATION ON CHILD OR YOUNG PERSON:**

(Complete an agreement for each child or young person)

**Full Name:****Also Known As:****Date of Birth:****Gender:**

(When applicable, indicate if child is transgender)

**Legal Status:****Aboriginal Status:**

(Indicate whether status Indian, non-status Indian, Metis, or not applicable)

**CURRENT PLACEMENT OR LIVING ARRANGEMENT:**

(Enter name, address, phone, and e-mail if available. Note type of resource: family, foster home, residential care facility)

**FINANCIAL INFORMATION:**

(Indicate current child maintenance amounts and whether the province or Indian and Northern Affairs Canada is funding)

**RESPONSIBILITIES UNDER SCHEDULE B OF THE PROTOCOL**

(Provide brief information pertaining to relevant provisions in Schedule B)

SECTION B2 – NOTIFICATION AND NEGOTIATION:

SECTION B3 – CASE PLANNING AND MANAGEMENT:

SECTION B4 – DOCUMENTATION:

SECTION B5 – PLACEMENT DISRUPTION:

SECTION B6 – FINANCIAL ARRANGEMENTS:

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**SIGNATURES:**

(Print name of signing person above signature line)

LOCAL AUTHORITY IN ORIGINATING PROVINCE:

\_\_\_\_\_  
Name of Signing Authority

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CENTRAL AUTHORITY IN ORIGINATING PROVINCE:

(Complete only if required by the central authority in the originating province)

\_\_\_\_\_  
Name of Signing Authority

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

LOCAL AUTHORITY IN RECEIVING PROVINCE:

\_\_\_\_\_  
Name of Signing Authority

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CENTRAL AUTHORITY IN RECEIVING PROVINCE:

(Complete only if required by the central authority in the receiving province)

\_\_\_\_\_  
Name of Signing Authority

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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## Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories

### *Introduction*

This Protocol provides a framework for consistent, quality services to children and families moving between provinces. The intent is that children and families should experience smooth transitions and receive emergency responses with minimal service disruption.

The Protocol exemplifies the desire of provinces and territories to co-operate and share responsibility for mutual clients. It is based on the principle that the protection and best interests of children are the primary considerations in all decisions and services.

### **General Provisions**

#### **1. Definitions**

**adoptive applicant** – a person or persons who have applied to adopt a child in care, but who have not received a child for purposes of adoption.

**adoptive parent** – depending on the context, a person or persons who have received a child in care for purposes of adoption or who have been granted an order of adoption of a child.

**child** – a person who is under 18 years of age.

**child in care** – a child who has been apprehended by a child welfare authority or who is in the care, custody or guardianship of a child welfare authority by a court order or voluntary agreement or adoption consent.

**child welfare** – legislated programs in provinces and territories in Canada relating to child protection services, services to children in care, and adoption and post-adoption services.

**foster family** – a family, other than a parent or guardian of a child, approved by a child welfare authority to provide care and supervision of a child in care.

**local authority** – an agency, society, region or centre that has statutory responsibility for the delivery of child welfare services in a particular geographical area or for a specific group within a province.

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**originating province** – unless otherwise defined, the province, including the appropriate local authority, that requests child welfare services from a receiving province or agrees to the repatriation of a child from a receiving province.

**province** – a province or territory of Canada.

**provincial authority** – the central authority responsible for the administration of child welfare legislation for a province or territory.

**receiving province** – unless otherwise defined, the province, including the appropriate local authority, that agrees to provide child welfare services at the request of an originating province or repatriates a child to an originating province.

**residential care facility** – a staffed facility other than a foster home used for the placement of a child or young adult by a local authority.

**young adult** – a person who is 18 years of age or older and who is or was in care of, or who has entered into a support agreement with, a local authority in an originating province.

## 2. Protocol and Schedules

This Protocol applies to child welfare services provided to children and families moving between provinces. The nature and scope of the services are set out in schedules attached to this Protocol. Unless the context indicates otherwise, this Protocol includes the following schedules:

*Schedule A – Child Protection Services*

*Schedule B – Children in Care*

*Schedule C – Adoption and Post-Adoption Services*

## 3. Commitment to Protocol

Each province agrees to:

- a. work co-operatively with other provinces to facilitate continuity and minimize disruption in the delivery of services under this Protocol to the extent permitted by its legislation and policy; and
- b. as part of its ongoing review of legislation and policy, consider changes to its legislation and policy that will enhance the provision of services under this Protocol.

## 4. Co-ordination of Services

### 4.1 Information Sharing

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Each province agrees to facilitate the sharing of information with respect to persons needing or receiving services under this Protocol to the extent permitted by its legislation and policy. As a general rule, personal information is shared with the consent of the persons who are the subject of the information. To the extent permitted or required by legislation in each province, personal information may be shared without the person's consent in situations involving the protection of a child or services on behalf of a child in care.

#### 4.2 *Provincial and Local Authorities*

The provincial authority in each province agrees to facilitate the co-ordination of services included in this Protocol either directly or through the involvement of the appropriate local authority. The role of the provincial authority and the local authorities may vary according to the legislation and policy of each province.

#### 4.3 *Services to Aboriginal Children and Families*

When providing services to Aboriginal children and families under this Protocol, the receiving province agrees to follow legislative requirements and existing protocols of the originating province with respect to Aboriginal children and families to the extent possible under the receiving province's legislation and policy.

### **5. Financial Responsibilities**

#### 5.1 *Service Delivery Costs*

In providing services under this Protocol, a receiving province is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- a. services to families;
- b. child protection investigations;
- c. arranging for the signing or renewal of voluntary service or placement agreements;
- d. serving child welfare court documents;
- e. preparing social assessments or home studies;
- f. participation in case planning;
- g. monitoring and supervising the placement of children; and
- h. adoption and post-adoption services.

#### 5.2 *Maintenance and Service Expenditures – Originating Provinces*

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In requesting services from a receiving province, an originating province agrees to pay for:

- a. special foster care rates pursuant to paragraph B6.3.2 in Schedule B;
- b. financial assistance to young adults;
- c. psychological and psychiatric services not paid for by public health insurance or other publicly funded sources in a receiving province;
- d. residential care facility per diems and related costs;
- e. adoption subsidy payments; and
- f. children's special services not available through publicly funded programs in the receiving province.

### 5.3 *Maintenance and Service Expenditures – Receiving Provinces*

In providing services requested by an originating province, a receiving province agrees to pay for:

- a. expenses related to repatriating children pursuant to Schedule A;
- b. basic foster care at the rate normally provided by the receiving province and special foster care rates pursuant to B6.3.1 in Schedule B; and
- c. dental and optical services and prescribed drugs normally provided by the receiving province; and
- d. other expenditures as negotiated on a case by case basis between the originating and receiving provinces

## 6. **Implementation of Protocol**

### 6.1 *Provincial Contacts*

**Upon signing this Protocol, each province shall:**

- a. designate one or more provincial contacts responsible for facilitating and coordinating services included in this Protocol; and

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- b. provide all parties to this Protocol with a list of its provincial contacts and subsequent updates to the list, distributed on a timely basis.

## 6.2 *Local Authorities*

The provincial authority in each province shall:

- a. ensure that all local authorities in its jurisdiction are provided with a copy of this Protocol and any amendments;
- b. provide direction and advice as necessary to local authorities in its jurisdiction to promote compliance with this Protocol;
- c. provide all parties to this Protocol with a list of its local authorities and subsequent updates to the list, distributed on a timely basis; and
- d. facilitate communication between local authorities in its jurisdiction and other provincial or local authorities.

## 7. **Dispute Resolution**

### 7.1 *Disputes between Local Authorities*

In the event that a dispute between local authorities in an originating and receiving province cannot be resolved, the matter shall be referred to the provincial contact for each province with a view to facilitating a mutually satisfactory resolution of the matter.

### 7.2 *Involvement of Provincial Directors*

In the event that the dispute referred to in subsection 7.1 cannot be resolved with the help of provincial contacts for each province, the matter shall be referred to the provincial director responsible for the child welfare program in each province.

## 8. **Inclusion and Withdrawal**

### 8.1 *Opting into Protocol*

A province that has not signed the Protocol on or before the date it comes into force may opt into the Protocol by giving *30 days notice* in writing to all parties to the Protocol together with a copy of the Protocol executed by its proper authority.

### 8.2 *Opting out of Protocol*

A province may opt out of this Protocol by giving *90 days notice* in writing to all parties to this Protocol.

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## **9. Amendments to Protocol**

### *9.1 Review of the Protocol*

A formal review of the provisions in this Protocol may be undertaken at any time with the approval of a majority of the parties.

### *9.2 Amendments*

Amendments to this Protocol may be made upon the written consent of all the parties executed by their proper authorities.

### *9.3 Schedules*

Schedules may be added to or deleted from the Protocol upon the written consent of all the parties executed by their proper authorities.

## **10. Commencing of Protocol**

### *10.1 Effective Date*

This Protocol comes into force on March 1, 2001. It shall apply to those provinces that have signed the Protocol on or before the date it comes into force and any party that subsequently opts in pursuant to subsection 8.1. This Protocol shall not apply to a party that subsequently opts out pursuant to subsection 8.2.

### *10.2 Existing Protocol*

This Protocol replaces the *Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories* as of March 1, 2001.

### *10.3 Signing by Parties*

This Protocol may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of this Protocol and such counterparts together shall constitute but one and the same instrument.

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### **Signatories to Protocol**

The following provinces and territories are signatories to the Protocol as amended on December 15, 2006:

<b>Province/Territory</b>	<b>Date Signed</b>
Alberta	September 19, 2006
British Columbia	September 28, 2006
Manitoba	September 14, 2006
New Brunswick	August 23, 2006
Newfoundland and Labrador	October 13, 2006
Northwest Territories	November 3, 2006
Nova Scotia	October 3, 2006
Nunavut	December 15, 2006
Ontario (MCSS and CYS)	September 22, 2006
Prince Edward Island	October 24, 2006
Saskatchewan	August 21, 2006
Yukon	August 23, 2006

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**Schedule A**  
**Child Protection Services**

**A1. Schedule Application**

Schedule A applies to:

- a. child protection alerts issued to one or more receiving provinces;
- b. child protection requests and referrals; and
- c. repatriating children from a receiving province to an originating province.

**A2. Child Protection Alerts**

*A2.1 Criteria for Issuing Alerts*

An originating province may issue a child protection alert when a person or family is missing and a child is or may be in need of protection. Circumstances that may lead to the issuing of an inter-provincial alert include the following:

- a. a family or family member absconds prior to the conclusion of a child protection investigation;
- b. a family or family member receiving child protection services disappears prior to closing the case;
- c. a family under court-ordered supervision leaves the province without approval from the child welfare authority;
- d. a parent or guardian takes a child in care to another province without prior approval from the child welfare authority;
- e. a child in care has run from the child's placement;
- f. a high-risk expectant mother has or may have left the province; or
- g. a child is taken to another province for purposes of commercial sexual exploitation.

*A2.2 Issuing and Receiving Alerts*

Each province agrees to implement a process for ensuring that alerts are issued and received in a secure and timely manner. At a minimum, each province shall:

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- a. designate one or more provincial contacts responsible for issuing and receiving alerts; and
- b. provide direction to local authorities as to the information to be included in alerts and assist them as required in preparing the alerts.

### A2.3 *Content of Alerts*

When issuing an alert, the originating province shall distribute relevant and available information including:

- a. the name and birth date of each subject of the alert;
- b. the name, address and facsimile of local authority that issued the alert and date sent;
- c. the name of the worker and supervisor who issued the alert and how to contact them or their alternates;
- d. the reason for issuing the alert including details of child protection concerns and risk factors related to the child;
- e. possible destinations and other information that may assist a receiving province in locating the person or family;
- f. actions requested of local authorities and collateral agencies in the receiving provinces;
- g. known history or risk of violence toward authorities;
- h. expiry date if less than six months;
- i. if applicable, the name of the provincial contact who sent the alert and how to contact that person.

### A2.4 *Responding to Alerts*

Upon receiving an alert, provincial authorities in receiving provinces shall:

- a. request additional information from the originating province if required to initiate the alert or request local authorities to do so;
- b. distribute the alert to appropriate local authorities and collateral agencies or request local authorities to do so;
- c. request local authorities to inform designated contacts in the originating province when the missing person or family is located;

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- d. develop a plan of action in consultation with contacts in the originating province; and
- e. close the alert when it expires or extend it for a further period if requested by the originating province.

### **A3. Child Protection Requests and Referrals**

#### *A3.1 Request and Referral Procedures*

In child protection cases, the provincial or local authority in an originating province may request services from, or refer a family requiring services to, a local authority in a receiving province pursuant to this section. At the request of the provincial authority in the originating province, the provincial authority in the receiving province shall identify the appropriate local authority and assist the originating province in making the request or referral as may be required.

#### *A3.2 Child Protection Requests*

A3.2.1 An originating province may request a receiving province to provide services in a child protection case including:

- a. prior contact checks and record searches;
- b. interviews with alleged perpetrators or victims of abuse;
- c. serving court documents;
- d. supervising contacts or visits between children and family members; and
- e. other services agreed to by the receiving province.

A3.2.2 Upon receiving the request under paragraph A3.2.1, the receiving province agrees to provide services as they are provided to its own residents and based on a service plan developed in consultation with the originating province.

#### *A3.3 Child Protection Referrals*

A3.3.1 An originating province shall refer an individual or family moving to a receiving province for services when:

- a. the individual or family has requested the referral;
- b. the originating province is in the process of conducting a child protection investigation;
- c. there is an open child protection case;
- d. child protection court proceedings are pending or in process;
- e. there is an order of supervision; or

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- f. there is a need for ongoing services to prepare the family for the return of children.

A3.3.2 When making a child protection referral, the originating province shall:

- a. if possible, inform the individual or family of the decision to refer and, if appropriate, obtain consents to share information with the receiving province;
- b. if time and circumstances permit, consult with the receiving province prior to the family moving with the goal of reaching an agreement on the services to be provided by the receiving province; and
- c. send a summary of the case, including investigation reports and findings, risk assessments, case plans, and all relevant court documents to the appropriate local authority in the receiving province.

A3.3.3 Upon receiving a child protection referral, the receiving province shall:

- a. accept the referral as an intake using the same intake process as normally provided by local authorities;
- b. if necessary, advise the originating province as to which local child welfare authority will be responsible for accepting the referral;
- c. if the referral involves an open protection case, open a child protection case, as appropriate, under its legislation and policy; and
- d. if required by the originating province, send copies of documents and correspondence to the provincial authority in that province.

A3.3.4 Open child protection cases must be referred by a director or supervisor at the local authority in the originating province to the director or a supervisor of the local authority in the receiving province.

#### **A4. Repatriation Services**

##### *A4.1 Eligibility*

A4.1.1 Repatriation services may be considered for a child who has fled to or been abducted to a receiving province and who:

- a. is in care of an originating province; or
- b. is or may be in need of protection in a receiving province.

A4.1.2 On learning of a child who may need to be repatriated, a receiving province agrees to accommodate the concerns of an originating province and parents or guardians of a child to the extent possible under its legislation. For example, a receiving province would repatriate a sexually exploited child at the request of an originating province if

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possible under the receiving province's legislation and if the repatriation is for the protection and in the best interests of the child.

- A.4.1.3 When considering repatriation of a child to an originating province, a receiving province shall:
- a. check with police or justice officials in the receiving province to determine if there is a missing person report filed or if the child is under investigation, charged with or found guilty of an offence, on probation or otherwise involved with the law;
  - b. when applicable, obtain approval in writing from police or justice officials in the receiving province to repatriate the child; and
  - c. collaborate with the originating province and police and justice officials when necessary to arrange appropriate escort services.

#### A4.2 *Exclusions*

This Schedule does not apply to the return of children who have been abducted and who are the subjects of a custody or access dispute between parents when there are no child protection concerns.

#### A4.3 *Children in Care*

- A4.3.1 With respect to the repatriation of a child who is in care of an originating province, the receiving province shall:
- a. gather information on the child and his or her present situation;
  - b. notify the originating province as soon as a decision is made to repatriate the child;
  - c. provide necessary services pending repatriation of the child;
  - d. arrange for the most expedient form of travel appropriate to needs of the child and for any supervision required by the child while travelling;
  - e. contact the originating province as required to advise of the repatriation arrangements in a timely manner and to provide any follow-up that is indicated or recommended.
  - f. forward to the originating province a written summary of the services provided and any relevant comments, reports or recommendations.
- A4.3.2 To assist in repatriating a child under paragraph A4.3.1, the originating province shall:

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- a. provide any relevant information about the child to assist the receiving province in making appropriate repatriation arrangements;
  - b. when necessary, advise the receiving province as to which local authority will be responsible for providing services; and
  - c. immediately notify the receiving province if a child does not arrive as planned.
- A4.3.3 Subject to paragraph A4.3.4, the receiving province assumes all expenses related to the child's care and repatriation, including travel costs, unless otherwise negotiated with the originating province.
- A4.3.4 Notwithstanding A4.3.3 and pursuant to subsection B6.4 in Schedule B, the originating province assumes responsibility for all costs directly related to repatriating a child or young adult that the originating province places in a residential care facility in a receiving province. Pursuant to subsection 5.1 of the Protocol, these costs do not include salaries and operating costs normally incurred by a provincial or local authority in delivering child welfare services.

#### A4.4 *Other Eligible Children*

- A4.4.1 With respect to a child who is not in care of an originating province, but who is or may be in need of protection in a receiving province, the receiving province shall:
- a. gather information on the child and his or her present situation;
  - b. contact the parent or guardian, if available, to make arrangements for the child's return;
  - c. if necessary, contact the originating province:
    - i. to arrange for repatriation if the parent or guardian cannot be contacted within a reasonable period or refuses to accept responsibility for the child, and
    - ii. to alert the originating province to any child protection concerns or follow-up services that may be required;
  - d. provide necessary services pending repatriation of the child;
  - e. arrange for the most expedient form of travel appropriate to the child's needs and for any supervision required by the child while travelling;
  - f. contact the parent or guardian and, if necessary, the originating province as required to advise of the repatriation arrangements in a timely manner and of any follow-up that is indicated or recommended.

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- g. forward a written summary of the services provided and any relevant comments, reports or recommendations if requested by the originating province.

A4.4.2 If contacted to assist in repatriating a child who is not in care, the originating province shall:

- a. provide any relevant information about the child to assist the receiving province in making appropriate repatriation arrangements;
- b. when necessary, advise the receiving province as to which local authority will be responsible for providing services; and
- c. immediately notify the receiving province if a child does not arrive as planned.

A4.4.3 At the request of the receiving province, the originating province shall determine the amount the parent or guardian is capable of paying. If the parent or guardian is able to undertake the total cost of the repatriation, the parent is responsible for arranging and paying for the return ticket. If the parent or guardian cannot or will not cover the cost of the repatriation in full or in part, the receiving province assumes the full or remaining cost.

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## Schedule B

### Children in Care

#### B1. Schedule Application

Schedule B applies to:

- a. children who are in care of a child welfare authority or who have entered into a support agreement with a child welfare authority; and
- b. young adults who are or were in the care of, or who have entered into a support agreement with, a child welfare authority, and who continue to receive services from a child welfare authority.

#### B2. Notification and Negotiation

##### B2.1 *Child or Young Adult Moving with Family*

When planning for a child or young adult to move with a foster family or care provider to a receiving province, the originating province shall:

- a. notify the receiving province in writing as soon as details regarding the move are confirmed and, time permitting, *at least 30 days prior* to the move;
- b. obtain general information from the receiving province regarding its policies, rates and services;
- c. inform the foster family or care provider of the information received from the receiving province regarding its policies, rates and services, noting apparent differences to those in the originating province; and
- d. give the foster family or care provider information as to who to contact in the receiving province for continued services and, if known, the name, address and phone number of the local authority that will be providing services.

##### B2.2 *Child or Young Adult Moving to Family in Receiving Province*

- B2.2.1 When planning for a child or young adult to reside with a parent, relative or other interested person in a receiving province, the originating province shall consult with the receiving province and shall provide the receiving province with *60 days prior* written notice of the plan or such shorter period of time as negotiated between the originating and receiving provinces.

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- B2.2.2 Regarding a child in care, the receiving province shall complete a report on the home of the relative or interested person *within 60 days* of receiving notice in writing under paragraph B2.2.1 or such period of time as negotiated between the receiving and originating provinces. The report must include:
- a. an assessment of the home;
  - b. a statement as to the supervision and support services available; and
  - c. a recommendation concerning the placement.
- B2.2.3 Regarding a young adult, the receiving province shall complete a report similar to a report under paragraph B2.2.2 if requested by the originating province according to:
- a. the specific needs of the young adult; or
  - b. the legislative or policy requirements of the originating province.
- B2.2.4 If the receiving province, on completing an assessment, recommends that a child or young adult not reside with a parent, relative or interested person in the receiving province, the originating province agrees not to place the child or young adult unless and until the matter is resolved either through the receiving province's review process or the dispute resolution process set out in section 7 of the Protocol.
- B2.2.5 A decision under paragraph B2.2.4 must be based on the best interests of the child or young adult or on evidence of child protection concerns as documented by the receiving province.
- B2.3 *Placement in Residential Care Facility*
- B2.3.1 Prior to placing a child or young adult in a residential care facility in a receiving province, the originating province shall consult with the receiving province to determine:
- a. legislation and policy requirements in the receiving province;
  - b. whether the facility is licensed;
  - c. any concerns the receiving province has about the use of the facility by another province;
  - d. whether the treatment program is likely to meet the needs of the child or young adult in question;
  - e. the availability of appropriate community services and resources in the receiving province; and
  - f. the ability of the receiving province to adequately provide courtesy supervision.

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- B2.3.2 An originating province agrees not to place a child or young adult in a residential care facility in a receiving province if the receiving province confirms that:
- a. a facility must be licensed and the facility under consideration is not licensed or the licence has been suspended or revoked; or
  - b. the treatment program is inappropriate for the child or young adult.
- B2.3.3 When a child or young adult is placed in a residential care facility in a receiving province, the originating province shall notify the receiving province of the placement in writing *within seven (7) days* from the date of placement.
- B2.3.4 The originating province shall retain primary case management responsibility for a child or young adult placed in a residential care facility in a receiving province. However, the originating province may request the receiving province to assist in monitoring or supervising the placement.
- B2.3.5 On agreeing to assist the originating province in monitoring or supervising the placement of a child or young adult in a residential care facility pursuant to paragraph B2.3.4, the receiving province shall complete and forward progress reports to the originating province *at least once a year* or as otherwise negotiated with the originating province.
- B2.4 *Temporary Visits to a Receiving Province*
- B2.4.1 Subject to paragraph B2.4.2, when a child in care or young adult receiving services will be visiting a receiving province and the receiving province is being asked to assume some level of responsibility during the visit, the originating province shall request the required services *at least 30 days* prior to the visit or such shorter period of time as agreed to between the originating and receiving province. The originating province shall include, at a minimum, the following information:
- a. the name, address, birth date and legal status of the child;
  - b. the name, address and phone number of a contact person in the originating province;
  - c. an outline of the specific requests for services; and
  - d. particular circumstances or problems of which the receiving province should be made aware.
- B2.4.2 In the event of an emergency or for humanitarian reasons, an originating province may request services under paragraph B2.4.1 at the time a child or young adult will be visiting in the receiving province.

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**B3. Case Planning and Management****B3.1 *Developing Care or Service Plan***

- B3.1.1 Except for the placement of a child or young adult in a residential care facility, the originating province shall:
- a. consult with the receiving province in developing and implementing a comprehensive care or service plan for all children and young adults moving to a receiving province under this Schedule; and
  - b. enter into a Case Transfer Agreement (Form B-1) attached to this schedule prior the child or young adult moving to the receiving province.
- B3.1.2 The originating province shall advise the receiving province when a child or young adult is under investigation, has been charged with or found guilty of an offence, or is on probation or otherwise involved with the law. If the receiving province agrees to the child or young adult moving, the originating province shall obtain approval in writing from police or justice officials in the originating province when required for the child or young adult to move to the receiving province.
- B3.1.3 In agreeing to a care or service plan, the receiving province shall advise the originating province as to which local authority will be responsible for providing services and the process for transferring the case to that local authority.

**B3.2 *Implementing Care or Service Plan***

- B3.2.1 The care or service plan should identify the goals of the placement, any services to be provided, and the roles and responsibilities of the various parties.
- B3.2.2 In agreeing to a care or service plan, the receiving province shall provide, at a minimum, supervision and services as per the negotiated plan. The originating province retains case management responsibility for planning for the child or young adult and for ongoing contact with the family of the child or young adult unless otherwise negotiated between the originating and receiving provinces.
- B3.2.3 The originating and receiving province shall jointly review the care plans for a child or young adult *at least once a year* unless the parties agree that an annual review is not required.

**B3.3 *Long-term Planning***

- B3.3.1 If a parent or guardian is moving or has moved to the receiving province, the originating and receiving provinces may jointly agree to terminate a voluntary agreement or allow a voluntary agreement or temporary order to expire. Such decisions should normally be made with the appropriate involvement of the parent or guardian and the child. The receiving province may subsequently enter into a

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voluntary agreement with the parent or guardian or proceed to court for a new order if required.

- B3.3.2 If it is in the best interests of a child or young adult to remain in a receiving province on a long-term basis, the originating province may transfer its decision-making authority and responsibility for the child or young adult to the receiving province to the extent possible under its legislation and with the concurrence of the receiving province.

#### **B4. Documentation**

##### *B4.1 Information on Child in Care*

- B4.1.1 Except for the placement of a child in a residential care facility, when a child in care moves to a receiving province, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:
- a. a certified copy of the child's birth registration;
  - b. an original or certified copy of any orders or agreements with respect to the child's current legal status;
  - c. in the case of a child in care under a voluntary agreement, the written consent of the parent or guardian of the child to the placement;
  - d. information relevant to the child's cultural, racial, religious and linguistic heritage;
  - e. the child's life book, if available, or a copy of it;
  - f. in the case of an Aboriginal child, details with respect to the child's status under the *Indian Act* (Canada) and community of origin;
  - g. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
  - h. a social history including a summary of all services and assessments;
  - i. any relevant medical, psychological or educational assessments completed within the past two years;
  - j. up-to-date medical reports if the child is receiving treatment;
  - k. a current plan of care developed in consultation with the receiving province if available;

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- l. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province; and
  - m. additional documentation required by the receiving province if available.
- B4.1.2 When monitoring or supervising the placement of a child in a residential care facility, a receiving province may require some or all of the documentation required under paragraph B4.1.1.
- B4.1.3 When a young adult to whom this Schedule applies moves to a receiving province, the originating province, with the written consent of the young adult, shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:
- a. a copy of any agreements or orders with respect to continued maintenance and support from the child welfare authority;
  - b. information relevant to the young adult's cultural, racial, religious and linguistic heritage including a life book, if available, or a copy of it.
  - c. in the case of an Aboriginal person, details with respect to the young adult's status under the *Indian Act* (Canada) and community of origin;
  - d. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
  - e. a social history or assessment;
  - f. any relevant medical, psychological or educational assessments completed within the past two years;
  - g. a current service plan if available;
  - h. an outline of the services being requested; and
  - i. additional documentation required by the receiving province if available.

B4.2 *Information on Foster Family or Care Provider*

With the written consent of a foster family or care provider who is moving to a receiving province, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:

- a. copies of any applicable documentation relating to the approval or licensing of the home;
- b. any assessments or reviews of the home completed within the past 12 months; and

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- c. confirmation that the family has been informed of any differences in policy, rates and services in the receiving province.

#### B4.3 *Progress Reports*

- B4.3.1 Unless otherwise agreed to between the receiving and originating provinces, the receiving province shall complete and forward to the originating province:
  - a. all reports on the progress of a child in care (including a copy of all assessments and follow-up reports) completed according to standards in the receiving province or as otherwise negotiated;
  - b. progress reports on a young adult as agreed to by the originating and receiving provinces;
  - c. within a year of the move, an evaluation of the foster home or care provider as per the receiving province's legislation and policy; and
  - d. copies of ongoing licensing reviews of the foster home.
- B4.3.2 Upon agreeing to a long-term plan for a child pursuant to subsection B3.3, the originating and receiving provinces may agree to discontinue progress reports required under paragraph B4.3.1.

### **B5. Placement Disruptions**

#### B5.1 *Renegotiating Plan of Care*

- B5.1.1 This section applies to children and young adults placed in a foster home or in the home of a parent, relative or interested person in a receiving province. It does not apply to children and young adults placed in residential care facilities.
- B5.1.2 When the placement of a child or young adult is disrupted, the originating and receiving provinces agree to renegotiate a plan of care or service plan that is in the best interests of the child or young adult.

#### B5.2 *Placement Decisions*

- B5.2.1 The receiving and originating provinces agree to consider the following factors in determining whether a child or young adult should remain in the receiving province or be returned to the originating province:
  - a. length of time in the receiving province;
  - b. where parents, guardians or other significant family members reside;
  - c. preferences of the child or young adult;

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- d. needs of the child or young adult and the ability of each province to meet them;
- e. for an Aboriginal child or young adult, access to his or her cultural heritage; and
- f. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy.

B5.2.2 The receiving province agrees to make all non-emergency placement changes in consultation with the originating province and to notify the originating province of an emergency placement as soon as possible and *within seven (7) days*.

B5.2.3 At the request of the receiving province, the originating province shall facilitate the return of a child or young adult to the originating province. Such requests must be based on the best interests of the child or young adult and a review of the factors in paragraph B5.2.1.

## **B6. Financial Arrangements**

### *B6.1 Scope and Limitations*

Except for paragraph A4.3.4 pertaining to children placed in a residential care facility in a receiving province, section B6 does not apply to the repatriation of children under Schedule A.

### *B6.2 Foster Care Placements*

B6.2.1 The originating province shall pay for a child in foster care for the *first 60 days* from the date a child arrives in the receiving province.

B6.2.2 *Sixty (60) days* after the child's arrival, the receiving province assumes responsibility for basic foster care at the same rate normally provided by the receiving province. The receiving province shall not bill the originating province for the cost of basic foster care.

B6.2.3 The receiving province may apply to Canada Customs and Revenue Agency for the Children's Special Allowance if it assumes financial responsibility for the child.

B6.2.4 When the placement of a child in a foster home is disrupted and a decision has been made pursuant to subsection B5.2 to return the child to the originating province, the receiving province shall continue to pay for the care of the child in an alternate placement at the basic foster care rate and any special rate agreed to under subsection B6.3 for up to *60 days* following the placement disruption.

B6.2.5 Once a child reaches 18 years of age, the originating province shall assume financial responsibility for the young adult. The originating province shall consult with the

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receiving province to determine the financial needs of the young adult and to decide on the amount of maintenance and support to be provided to the young adult.

### B6.3 *Special Foster Care Rates*

- B6.3.1 If a child requires a special foster care rate, the receiving province shall pay for the increased rate up to \$10 per day above the basic rate.
- B6.3.2 If the receiving and originating provinces agree to a special foster care rate of more than \$10 over the basic rate, the originating province shall reimburse the receiving province for the amount over \$10.
- B6.3.3 The receiving province shall review the need for and amount of the special rate according to its legislation and policy. The originating and receiving provinces may agree to more frequent reviews than normally required by the receiving province.

### B6.4 *Residential Care Placements*

An originating province shall assume full financial responsibility for a child or young adult whom it places in a residential care facility in a receiving province, including all costs directly related to repatriating the child or young adult. Pursuant to subsection 5.1 of the Protocol, these costs do not include salaries and operating costs normally incurred by a provincial or local authority in delivering child welfare services.

### B6.5 *First Nation and Inuit Children and Young Adults*

- B6.5.1 When a child or young adult is First Nation or Inuit, the originating province shall advise the receiving province whether any maintenance and service expenditures for the child or young adult under subsections 5.2 and 5.3 of the Protocol are funded by the Department of Indian Affairs and Northern Development, Canada.
- B6.5.2 When applicable, the originating province shall determine whether the Department of Indian Affairs and Northern Development will continue to pay for maintenance and service expenditures for the child or young adult moving to the receiving province and advises the receiving province of financial arrangements for the child or young adult.

### B6.6 *Financial Resources of Children and Young Adults*

- B6.6.1 When applicable, the originating province shall inform the receiving province of the financial resources of a child or young adult as follows:
- a. income and assets including pension benefits, insurance benefits, trust funds, registered education savings plans and other savings plans; and
  - b. when applicable, account numbers and the names of financial institutions managing the accounts on behalf of the child or young adult.

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- B6.6.2 When funds from the financial resources of the child or young adult are available for maintenance and service expenditures listed in section 5.3 of the Protocol, the originating province shall advise the receiving province as to:
- a. what amount the originating province is receiving; and
  - b. what funds can be transferred to the receiving province for maintenance and service expenditures.

## **B7. Visitation**

### *B7.1 Temporary Return to Originating Province*

Arrangements for the temporary return of a child or young adult to an originating province shall be planned in advance as part of the plan of care or service plan. If time or circumstances do not permit advance planning as part of the plan of care or service plan, the receiving province shall provide in writing *30 days prior* notice or such shorter period of time as negotiated between the receiving and originating provinces of the temporary return of the child or young adult to the originating province.

### *B7.2 Visits to Third Province*

- B7.2.1 When a child or young adult under the supervision of a receiving province will be visiting in a third province and the third province is being asked to assume some level of responsibility during the visit, the receiving province shall request the required services in writing *at least 30 days* prior to the visit. The receiving province shall include, at a minimum, the following information:
- a. the name, address, birth date, and legal status of the child;
  - b. the name, address, and phone number of a contact person in the receiving province;
  - c. an outline of the specific request for services; and
  - d. particular circumstances or problems of which the third province should be made aware.
- B7.2.2 The receiving province shall send to the originating province a copy of correspondence and related documentation sent to the third province under paragraph B7.2.1 at the same time as this information is sent to the third province.
- B7.2.3 The originating province shall immediately notify the receiving province if it has concerns about the planned visit to a third province. The receiving province shall not authorize the planned visit unless and until the concerns raised by the originating province are addressed to the satisfaction of both provinces.

## **Schedule C**

### **Adoption and Post-Adoption Services**

#### **C1. Schedule Application and Administration**

##### *C1.1 Schedule Application*

Schedule C applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

##### *C1.2 Schedule Administration*

When providing services under this schedule to persons planning to move to a receiving province, the originating province shall:

- a. obtain general information from the receiving province regarding its policies and services;
- b. inform the person of the information received from the receiving province regarding its policies and services, noting apparent differences to those in the originating province; and
- c. give the person information as to who to contact in the receiving province for more information on its policies and services and, if known, the name, address and phone number of the local authority that will be providing services.

#### **C2. Adoption Inquiry and Application Services**

##### *C2.1 Originating and Receiving Provinces*

In section C2, the originating province is the province, including the appropriate local authority, where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving province is the province, including the appropriate local authority, to where an adoption inquiry is directed or an adoptive applicant is moving.

##### *C2.2 Adoption Inquiries*

- C2.2.1 Subsection C2.2 applies to people who are inquiring about adoption services and requirements in provinces other than the originating province and pertains to inquiries

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about all types of adoptions. The remainder of this schedule applies only to the adoption of children in care of a provincial or local authority.

C2.2.2 In response to an inquiry about interprovincial adoption services in another province, the originating province shall:

- a. provide information to the person about its legislative and policy requirements; and
- b. refer the person to the provincial authority or appropriate local authority in the receiving province for information about that province's legislative and policy requirements.

### C2.3 *Adoptive Applicant Referrals*

C2.3.1 Subsection C2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating province to a receiving province.

C2.3.2 With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating province and who is moving to a receiving province, the originating province shall forward the following to the receiving province within 30 days from the date the authorization is received:

- a. an original or copy of the applicant's adoption application;
- b. original or certified copies of all documents on file relating to an adoptive applicant's marital status or relationship to a partner including, but not limited to, a marriage certificate, declaration of commitment to a partner, divorce certificate or death certificate;
- c. any preliminary information or assessments on file with respect to the suitability of the adoptive applicant;
- d. if completed, a copy of the most recent home study and any home study updates conducted with respect to the adoptive applicant;
- e. supporting documentation on file including police and other applicable checks, medical reports and personal references; and
- f. other relevant information and documentation on the adoptive applicant's file.

C2.3.3 Upon receiving a referral from the originating province pursuant to paragraph C2.3.2, the receiving province shall:

- a. accept the adoption application as if it were made in the receiving province and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating province;

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- b. open an adoption file as may be required under its legislation and policy; and
- c. if the originating province has completed a home study on the adoptive applicant, accept the home study subject to any updates or further adoption preparation and assessments required under the receiving province's legislation and policy.

### **C3. Adoption Placement Services**

#### **C3.1 *Originating Province***

In section C3, the originating province is the province, including the appropriate local authority, that has the child in care. The receiving province is the province, including the local authority, where a prospective adoptive applicant resides or to where a child in care and adoptive applicant are moving.

#### **C3.2 *Adopting a Specific Child in Care***

- C3.2.1 When a prospective adoptive applicant in a receiving province inquires about adopting a specific child in care in an originating province, the originating province shall contact the receiving province *within 30 days* of receiving an inquiry to:
- a. advise if the child is available for adoption and may be considered for adoption placement with the prospective adoptive applicant;
  - b. advise if the prospective adoptive applicant may be eligible for an adoption subsidy with respect to the child; and
  - c. if the child is legally available for adoption, request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care.
- C3.2.2 When an originating province inquires about the possibility of placing a specific child in care with a prospective adoptive applicant who resides in a receiving province, the receiving province shall *within 30 days* of receiving an inquiry or such period of time as negotiated between the originating and receiving provinces:
- a. carry out a preliminary assessment to determine the interest and estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care; and
  - b. advise the originating province in writing if placement seems viable and if the receiving province will conduct a home study of the prospective adoptive applicant.
- C3.2.3 The receiving province shall complete a home study on the adoptive applicant and forward a copy to the originating province *within six (6) months* from the date the originating and receiving provinces agree to a tentative plan to place the child in care

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for adoption, or such period of time as negotiated between the originating and receiving provinces.

- C3.2.4 The originating province shall develop a written placement plan in collaboration with the receiving province upon:
- a. concluding that it is in the best interests of the child to be placed for adoption with the adoptive applicant in the receiving province; and
  - b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving province.
- C3.2.5 A written adoption placement plan developed pursuant to paragraph C3.2.4 shall include:
- a. arrangements for pre-placement visits;
  - b. provision for the receiving province to supervise the placement;
  - c. if applicable, provision for an openness agreement or agreements;
  - d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.2; and
  - e. a time frame for applying to court for an order of adoption and confirmation as to where the application will be made.
- C3.2.6 Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving province:
- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption placement plan; and
  - b. the receiving province shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.
- C3.2.7 The originating province shall advise the receiving province when the child is under investigation, has been charged with or found guilty of an offence, or is on probation or otherwise involved with the law. If the receiving province agrees to the adoption placement, the originating province shall obtain approval in writing from police or justice officials in the originating province when required for the child to move to the receiving province.
- C3.3 *Child in Care Moving with Adoptive Parent*
- C3.3.1 When it becomes known that a child in care and his or her adoptive parent are moving to a receiving province prior to a court granting an order of adoption, with the written

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consent of the adoptive parent, an originating province shall provide *30 days prior* written notice of the move to the receiving province if the circumstances permit.

- C3.3.2 At the request of the originating province, the receiving province shall as soon as reasonably possible after receiving the notice under paragraph C3.3.1:
- a. advise the originating province as to which local authority has responsibility for providing adoption services in the receiving province; and
  - b. forward the notice to the appropriate local authority in the receiving province.
- C3.3.3 The originating province shall develop a written plan for completion of the adoption in collaboration with the receiving province. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving province. The plan shall include:
- a. provision for the receiving province to supervise the placement;
  - b. a time frame for applying to court for an order of adoption and confirmation as to the province where the application will be made;
  - c. if applicable, information about any additional legal requirements relating to completion of the adoption identified by the receiving province;
  - d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.3.
- C3.3.4 Prior to the adoptive family moving to the receiving province, if possible:
- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption plan; and
  - b. the receiving province shall confirm in writing that it will provide the requested supervision.
- C3.3.5 The originating province shall forward information on the adoptive parent to the receiving province *within 30 days* of the adoptive applicant's move to the receiving province pursuant to paragraph C2.3.2.

#### C3.4 *Information on Child in Care*

When a child in care is placed for adoption in a receiving province pursuant to subsection C3.2 or moves with an adoptive parent to a receiving province pursuant to subsection C3.3, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the placement or move:

- a. a certified copy of the child's birth registration;

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- b. an original or certified copy of any orders or agreements with respect to the child's current legal status;
- c. information relevant to the child's cultural, racial, religious and linguistic heritage;
- d. the child's life book, if available, or a copy of it;
- e. in the case of an Aboriginal child, details with respect to the child's status under the *Indian Act* (Canada) and community of origin;
- f. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
- g. a social history including a summary of all services provided and assessments conducted with respect to the child;
- h. any medical, psychological or educational assessments completed within the past two years;
- i. up-to-date medical reports if the child is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving province;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province; and
- l. additional documentation required by the receiving province if available.

### C3.5 *Progress Reports*

With respect to a child in care who has been placed for adoption pursuant to subsection C3.2, or who has moved with an adoptive parent pursuant to subsection C3.3, the receiving province shall complete and forward to the originating province:

- a. all reports on the progress of the adoption placement, including a copy of all assessments and follow-up reports, completed according to standards and time frames required by the originating province or as otherwise negotiated between the receiving and originating provinces;
- b. a copy of the receiving province's final progress report with a recommendation regarding completion of the adoption; and
- c. if the application to court for an order of adoption will be made in the receiving province, a request that the originating province forward to the receiving province the required written consents to the adoption.

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### C3.6 *Placement Disruptions*

When an adoption placement of a child in care is disrupted prior to the granting of an order of adoption, the originating and receiving provinces agree, subject to applicable child welfare legislation in the receiving province, to renegotiate a plan of care that is in the best interests of the child and to make placement decisions according to subsection B5.2 in Schedule B.

### C3.7 *Application for Order of Adoption*

C3.7.1 Depending on where the application to court for an order of adoption is to be made, the receiving province or the originating province shall:

- a. forward the required written consents to the adoption to the province where the application to court is to be made; and
- b. provide a copy of the report to court with respect to the application for an order of adoption.

C3.7.2 As a general rule, the province that assumes responsibility for completion of the adoption shall proceed to court for an order of adoption *within one (1) year* from the date the child was placed for adoption or such period of time as negotiated between the originating and receiving provinces.

C3.7.3 The province where the order of adoption is granted shall notify the other province in writing *within 30 days* from the date the adoption order is received.

### C3.8 *Adoption of Child in Care in Originating Province*

At the request of a province that requires consent to adoption from a person who resides in another province to complete the adoption of a child in care, the province that receives the request shall assist in obtaining the required consents to adoption from the person.

## C4. **Subsidized Adoptions**

### C4.1 *Originating Province*

In section C4, the originating province is the province, including the appropriate local authority, that places the child in care for adoption and pays for an adoption subsidy. The receiving province is the province, including the appropriate local authority, that agrees to assist an originating province in providing subsidized adoption services.

### C4.2 *Child in Care Placed for Adoption in Receiving Province*

C4.2.1 In planning to place a child in care with an adoptive applicant who resides in a receiving province pursuant to subsection C3.2, the originating province shall:

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- a. advise the receiving province if the child has special needs or whether there are special circumstances that fall within the originating province's eligibility criteria for subsidized adoption;
- b. request that the receiving province explain the child's needs or circumstances to the adoptive applicant and ascertain whether the adoptive applicant intends to apply for an adoption subsidy; and
- c. at the request of the adoptive applicant, determine eligibility for an adoption subsidy and the type and amount of subsidy that will be available.

C4.2.2 In responding to the originating province's request for assistance pursuant to paragraph C4.2.1, the receiving province shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child in care of the originating province and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating province as to the availability of needed services in the receiving province and provide an estimate of the costs associated with the needed services; and
- c. assist as required in assessing the adoptive applicant's need and eligibility for an adoption subsidy and in negotiating a subsidy agreement on behalf of the originating province.

#### C4.3 *Child in Care or Adopted Child Moving with Adoptive Parent*

C4.3.1 When it is known that a child and his or her adoptive parent are moving to a receiving province pursuant to subsection C3.3, with the written consent of the adoptive parent, the originating province shall provide at least *30 days prior* notice in writing to the receiving province if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating province requires the assistance of the receiving province to:
  - i. secure needed services,
  - ii. assist in assessing an ongoing need and eligibility for subsidy, and
  - iii. assist as required in negotiating or renewing a subsidy agreement on behalf of the originating province.

C4.3.2 With the written authorization of the adoptive parent, the originating province agrees to forward to the receiving province *within 30 days* of the move the following information:

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- a. information about available subsidies from the originating province and the adoptive parent's eligibility;
- b. copies of all documents associated with the approval of the adoption subsidy; and
- c. the most current review of the need for an ongoing subsidy.

#### C4.4 *Services and Subsidies*

- C4.4.1 At the request of the originating province, the receiving province agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to forward reports to the originating province as may be required by the originating province.
- C4.4.2 The originating province agrees to continue to pay the adoption subsidy to the adoptive parent following the adoptive parent's move to the receiving province and to negotiate any changes to the subsidy in consultation with the receiving province.

### **C5. Post-Adoption Services**

#### C5.1 *Originating Province*

In section C5, the originating province is the province, including the appropriate local authority, where an order of adoption was granted. The receiving province is the province, including the appropriate local authority, that agrees to provide post-adoption services at the request of an originating province.

#### C5.2 *Registration*

- C5.2.1 When there is no alternative but to request the assistance of a receiving province to facilitate registering a person for a post-adoption search or reunion, an originating province may request a receiving province to:
- a. assist in obtaining a signed registration for a post-adoption search or reunion; or
  - b. provide information that will assist in the registration process.
- C5.2.2 In responding to the request under paragraph C5.2.1, the receiving province shall provide the requested service or information *within 60 days* of receiving the request or such period of time as negotiated between the receiving and originating provinces.

#### C5.3 *Searches*

- C5.3.1 When all available alternatives to locate a person have been exhausted and there is information to indicate that the person may have moved to a receiving province, an originating province may request a receiving province to check existing search mechanisms to assist in locating a person who is the subject of a search.

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- C5.3.2 Upon receiving a request under paragraph C5.3.1 together with a written consent to conduct a search if required, the receiving province shall advise the originating province of the results of the search *within 90 days* or such further period of time as negotiated between the originating and receiving provinces.

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**APPENDIX C**  
**Foster Home Safety Checklist**

The physical description of the applicant's home is important and must be included in the Home Study. This should include the number of rooms, especially the number and location of the bedrooms and those to be allocated to the child or children placed in the home.

A thorough inspection of the prospective foster parent's home must be completed by the social worker to ensure the following standards are met. The prospective foster home must meet all physical requirements and have adequate space for the family and the child in care who is to live there.

Social workers can consult with community resources if there are any questions raised during the home study or annual review about the safety of the foster parent's home.

***All costs associated with implementing and maintaining the safety guidelines are the responsibility of the applicants or foster parents.***

**1. FIRE SAFETY**

**a). FIRE EXTINGUISHERS**

- Foster parents must have suitable fire extinguishers accessible in the home.

**b). FIRE PLANNING/RESPONSE**

- Foster parents should have an accessible list of emergency telephone numbers clearly posted beside the telephone.
- The social worker must ensure that the foster parents have a fire evacuation plan. This plan must be reviewed and shared with the child in care (depending on age/ability).

**c). SMOKE DETECTORS**

- Foster parent homes are required to have an operative smoke detector with alarm device between the bedroom and common areas of the house. Smoke detectors should also be installed on each level of the dwelling.

**d). FLASHLIGHTS**

- The home should have a working flashlight that is stored in an accessible location.

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e). **BEDROOMS**

- Bedrooms with no windows must not be used for any child in the home. When basement bedrooms are used the bedroom must have a window that can be opened without the use of tools. Furniture should be placed to ensure a clear access to an exit.

If there is any concern or uncertainty about the fire safety standards in the home, the social worker must request that the applicant contact the local fire department to inspect the premises. Documentation stating that the premises present no fire safety concerns or recommended changes must be submitted to the social worker. The social worker and the applicant will discuss the recommendations and the time frame in which to meet the fire safety standards.

**2. HOUSING REQUIREMENTS**a). **STORAGE**

Storage of various materials should be carefully planned to ensure both accessibility and safety. Storage facilities must include:

- a space which is inaccessible to children to store hazardous products including locked storage for drugs and medications.

b). **BATHROOMS**

Bathrooms should be arranged in the following manner to ensure both accessibility and safety:

- friction stickers or a rubber mat should be affixed to tubs to avoid slipping;
- the maximum temperature of the hot water in the bathroom should be lowered to 54 degrees Celsius to avoid scalding accidents;
- each child should have area/space for toothbrush, towel and face cloth;

c). **BEDROOMS**

- a child in care is not permitted to sleep in an unfinished basement, unfinished attic, hallway, or a building detached from the home;
- each child in care must have his/her own bed appropriate for the child's age/size, a clean mattress and bedding appropriate for the weather and climate;
- children shall not share a bedroom with an adult or with children of the opposite sex;
- children over the age of twelve should, where possible, have their own room which affords privacy.

d). **HALLS**

- must not be used as sleeping areas and must be kept clear at all times in case of fire.

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e). **GARAGES**

- garages must not be used as sleeping accommodations. Tools, paints, and other dangerous items must be stored appropriately in cases where children have access to garages.

f). **KITCHENS**

- special care should be taken in kitchens to ensure that sharp implements and electrical appliances are inaccessible to young children;
- chemicals should not be stored in kitchens or in food containers;
- microwave ovens should be inaccessible to young children.

h). **FLOORING**

- homes should have appropriate floor covering.

i). **OTHER CONSIDERATIONS**

- is business or hobby conducted from the home or in the immediate vicinity that could be harmful to the health and safety of children?
- homes that have boarders must not be used as foster parent homes. The only exception to this would be if the boarder were there on a long term basis. The boarder would then be treated as a member of the foster parent family and be included in the home study process.
- is the indoor space adequate for children's play or recreation?
- does the home comply with the norms of the local community, band or neighborhood in maintenance and landscaping?

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### 3. GENERAL SAFETY

The following guidelines should be considered when determining the suitability of an applicant's home in relation to the age and developmental level of the child:

#### SAFETY FEATURES

- steps or railings are sturdy, appropriately spaced, and in good repair;
- balcony doors are secured;
- power tools should be inaccessible to children or if used by older children, only under the supervision of adults;
- electrical appliances and cords are out of children's reach;
- play equipment and materials should be safe, clean and in good repair;
- radiators, hot water pipes, fireplaces are covered;
- cords from blinds and drapes are inaccessible to young children;
- alcoholic beverages are inaccessible to minors;
- all firearms and weapons should be stored and locked separately from ammunition and in accordance with Provincial regulations;
- general housekeeping standards should be consistent with community norms;
- foster parent homes should be equipped with a first aid kit that includes: bandages, dressings (3x3, 4x4), gauze roller bandage, inch tape, scissors, gloves, cleansing solution and blunt nose tweezers (this is a minimum standard as suggested by St. John Ambulance);
- homes that use wells as a water supply should have them checked annually to ensure that they are free of contaminants. Wells must be appropriately covered and marked;
- all cribs, cradles, playpens, baby strollers, pacifiers, car seats, and high chairs must meet approval under the Hazardous Products Act and be in good condition;
- waterbeds should not be used for young children;
- when gates are necessary, examine them carefully to ensure that they are sturdy, reinforced and small enough so that a child's head will not get trapped;
- foster parents must not use baby walkers because they have been responsible for many serious or fatal accidents.

### 4. SAFETY IN APARTMENT BUILDINGS

Foster parents who are providing care in apartments should be aware of special safety considerations.

#### a). FIRE EMERGENCY PROCEDURE

- foster parents should check with the owner or manager of the building to see if there is a safety plan approved by the fire department.
- the plan should be reviewed with all children in the home (age appropriate).

**YOUTH WHO ARE MISSING OR HAVE BEEN ABDUCTED****Policy no.: 5.10****Effective Date:** June 30, 2011**Date Revised:** December 1, 2011**Policy Cross-References:** Planning: A Child or Youth Missing or Abducted; Youth Services Agreements**Legislative References:**

**PURPOSE:** To outline the process for responding when a youth who has signed a Youth Services Agreement and is residing independently in the community is missing or has been abducted.

**POLICY:**

1. Where a youth who has signed a *Youth Services Agreement* (YSA) and is living independently in the community is missing, or has been abducted, a social worker shall ensure that:
  - a) all appropriate parties are notified including: the supervisor, police, manager and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services;
  - b) efforts are undertaken to locate the youth; and
  - c) support is provided to the youth following his/her return.

**PROCEDURES:****Consultation with a Supervisor**

1. The social worker shall **immediately** consult with a supervisor when notified that a youth is missing as defined in the *Glossary*, or has been abducted, to share all known information and to discuss what efforts shall be taken to locate the youth. Updates shall be provided to the supervisor, at minimum, **on a daily basis** during the youth's absence.

**Police**

2. A social worker shall **immediately** contact the police when a youth is missing, or has been abducted, to file a missing persons report. The following information shall be provided:

- a) youth's full name, date of birth, language and ethnicity;
- b) youth's cell phone number, if applicable;
- c) name, address and phone number of board and lodging or bed sitting provider, if applicable;
- d) CYFS social worker's name and phone number;
- e) youth's home community;
- f) physical description of the youth, including height, weight, hair style and color, eye color, unique body markings and clothing worn when last seen;
- g) a picture of the youth (digital picture is preferred), if available;
- h) any known risk factors unique to the youth, including physical, mental health or medical issues;
- i) youth's state of mind at the time of absence, if known;
- j) when the youth was last seen, by whom and if the youth left with someone;
- k) known associates and hang out locations;
- l) names and contact information for family, significant others and friends;
- m) contact person(s) if the youth is located;
- n) where to transport the youth once located if the police are willing to do so;
- o) any other information requested by the police; and
- p) any other information assessed as being relevant by the social worker.

### **Media Releases**

3. Media releases regarding missing persons are conducted by the RCMP/RNC, on a case- by-case basis. A manager's approval is required prior to making a request for a media release. At times, differences of opinion may arise between CYFS and the RCMP/RNC about issuing a media release. Further discussions between the CYFS manager and the RCMP/RNC may be required to attempt to resolve the matter.
4. The RCMP/RNC may also advise a social worker that they plan to issue a media release even if CYFS has not made such a request. A manager shall be **immediately** notified in these situations to determine if further discussion with the RCMP/RNC is required.
5. When a media release is planned, a social worker shall advise the RCMP/RNC that information regarding the youth's involvement with CYFS shall not be publicly released.

### **Amber Alerts**

6. Amber Alerts can only be released by a policing agency (RCMP/RNC). If a youth has been abducted, the RCMP/RNC may decide to issue an Amber Alert to provide the public with immediate and up-to-date information about the youth through widespread media broadcasts, and to solicit the public's help in the safe and swift return of the youth.

7. A social worker shall **immediately** consult with a manager if the RCMP/RNC is planning to issue an Amber Alert. The RCMP/RNC requires the written permission of the parent before an Amber Alert can be issued. A social worker shall not provide written permission in lieu of a parent/legal guardian because CYFS is not in a custodial relationship with a youth who has signed a YSA. Additional information regarding Amber Alerts can be found at **www.rcmp-grc.gc.ca**.
8. When an Amber Alert is planned, a social worker shall advise the police that information regarding the youth's involvement with CYFS shall not be publicly released.

### **Collaborating with Other Parties**

9. A social worker shall collaborate with additional parties to help locate a youth, including:
  - a) the youth's parent(s);
  - b) the bed sitting or board and lodging provider;
  - c) extended family, friends or significant others; and/or
  - d) professionals currently providing services to the youth.
10. Contact shall be attempted with additional parties as soon as possible and **within 24 hours** of the social worker's notification of the youth's absence. The focus shall be on obtaining information that may help locate the youth. A social worker shall also request that the parties contact CYFS immediately if he/she receives updated information regarding the youth's whereabouts.

### **Responsibility of Supervisor**

11. The supervisor shall **immediately** notify the manager and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services when a youth has been abducted or has been missing **for 24 hours**.
12. Where a child or youth is missing for **24 hours** on a weekend or statutory holiday, the supervisor will normally notify the manager and Provincial Office as outlined in procedure 12. However, if there is a threat to life or other exceptional circumstance, the manager shall ensure that personal contact has been made with a member of the executive (Assistant Deputy Minister of Service Delivery and Regional Operations, Assistant Deputy Minister of Policies and Programs, or the Deputy Minister).

### **Reviewing our Efforts to Locate a Missing or Abducted Youth**

13. The youth's social worker shall review with a supervisor the actions taken to locate a missing or abducted youth on a daily basis. There shall also be **daily** contact with all parties who have participated in response efforts.

### **Sharing Information between On-Call and Day Staff Regarding a Missing or Abducted Youth**

14. The sharing of information between the on-call social worker and the youth's social worker is crucial to ensuring that those persons involved in making decisions regarding a missing or abducted youth have pertinent and up-to-date information.
15. The youth's social worker shall update the on-call social worker each day when a youth is missing, or has been abducted, by using the *On-Call Notification* form.
16. Follow-up provided by the on-call social worker regarding a missing or abducted youth, including new notifications received during the on-call shift, shall be documented in a case note and forwarded to the youth's social worker at the beginning of the next working day. Managers shall ensure that processes and/or protocols are in place in their respective zones to facilitate the sharing of information between on-call and day social work staff.

### **Return of a Missing or Abducted Youth**

17. Notifying parties and supporting a youth following his/her return is essential. The support provided will vary depending on the impact of the absence on the youth and his/her acceptance of support offered.
18. Once advised that a youth has been located, or has returned to his/her residence, a social worker shall **immediately** notify the supervisor, the manager, the police and the Provincial Office through the Provincial Director of Child Protection and In Care and the consultant for Youth Services of the youth's return. Other parties with whom the social worker collaborated shall also be informed **as soon as possible**.
19. Once advised that a youth has been located or has returned to his/her residence, the youth's social worker shall contact the youth **within 24 hours** to offer support. If the youth's immediate safety was or is identified as a concern, a social worker shall meet with the youth (unless the youth refuses to meet) **as soon as possible and within 24 hours**. At a minimum, the social worker shall:
  - a) attend to the youth's urgent needs and arrange additional support if needed (i.e., medical attention, crisis counselling, interview with the police, if the youth has been assaulted);
  - b) discuss with the youth what happened during his/her absence;
  - c) determine what supports are needed in the short term; and
  - d) discuss how future absences may be prevented.

### **EXCEPTIONS TO POLICY:**

1. This policy does not apply to a youth who is in the continuous custody of a manager or

is residing in a foster home, or residential placement (including out-of-province placements) through a *Youth Services Agreement*. The ***Planning: A Child or Youth Missing or Abducted*** policy applies to youth in these circumstances.

**RELEVANT DOCUMENTS:**

- ***On-Call Notification*** Form 42-06

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**b). ELEVATORS**

- young children should not be allowed to use elevators unattended. Children should not be allowed to play around elevators.

**c). BALCONIES AND WINDOWS**

- children must not be allowed to play on a balcony unsupervised. Windows, screens and sliding doors must be secured.

**d). LAUNDRY CHUTES AND GARBAGE CHUTES**

- Laundry chutes and garbage chutes are dangerous to children. Children must not be left unsupervised around chutes that do not have safety guards.

**5. COMMUNITY LIVING STANDARDS**

- Physical standards for the foster parent home shall be set according to individual living standards acceptable for the community in which the foster parent home is located.
- Those standards shall be sufficient to assure a degree of comfort which will provide for the safety and well being of the family and the child(ren) in care placed in the home.