

# Protection and In Care

## Policy and Procedure Manual

June 28, 2019

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- D Children, Seniors and Social Development (CSSD) Documentation Guide
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## Introduction

On June 28, 2019, the Children, Youth and Families Act (CYFA), SNL 2018, c.C-12.3 was proclaimed and replaced the Children, Youth Care and Protection Act. The new Act builds on the principles of the previous act and is child and youth-centered, family-focused and culturally responsive and includes significant updates aimed at:

- Improving information sharing;
- Enhancing the focus on preserving the family unit;
- Expanding permanency options for children and youth in foster care;
- Strengthening service delivery to Indigenous children, youth and their families;
- Identifying and supporting youth in need of protection; and
- Developing a licensing regime for out of home placements.

The CYFA is the legislative authority for the delivery of services to children, youth and families under the following programs;

- Protective Intervention Program;
- In Care Program;
- Placement Resources for Children and Youth In Care; and
- 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 by offering, where available and appropriate, services that are designed to maintain, support and preserve the family where it is in the best interests of children and youth.” All interventions are based on children and youth 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. 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.

### **The Highlights of the CYFA:**

Highlights of the new CYFA include:

- An enhanced focus on maintaining children and youth in their family homes by recognizing the role of family in promoting the safety and well-being of children and youth;
- Identifying and supporting youth in need of protection by increasing the scope of the duty to report to include youth, and by removing restrictions so that all youth under a youth services agreement can receive services until they reach the age of 21;
- Expanding permanency options for children and youth by establishing a process so that children and youth who are declared in need of protective intervention by a judge can be placed in the permanent custody of a person, such as a relative or other person significant to the child or youth;



- Improving information sharing to assist in the protection of children and youth;
- Establishing a licensing and regulatory framework for agencies, family-based placement providers and residential placement providers to increase accountability and provide options to increase the number of foster homes;
- Strengthening service delivery to Indigenous children, youth and their families by:
  - requiring that a cultural connection plan for an Indigenous child or Indigenous youth who is removed from their family be included in the plan that is filed with the court for the Indigenous child or Indigenous youth;
  - establishing the ability for Indigenous representatives of prescribed Indigenous governments or organizations to be heard in court;
  - requiring specific placement considerations for Indigenous children and Indigenous youth who are in the care or custody of a manager;
  - requiring that notice of hearings relating to the supervision and custody of an Indigenous child or Indigenous youth be served to Indigenous representatives; and
  - providing authority to delegate functions and services under the act to an Indigenous government or organization.

## **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 which includes:

1. the child or youth's safety, health and well-being;
2. the child or youth's physical, emotional and developmental needs;
3. the child or youth's relationship with family or a person significant to the child or youth;
4. the child or youth's opinion regarding his or her care and custody or the provision of services;
5. the child or youth's identity and cultural and community connections;
6. the importance of preserving an Indigenous child's or Indigenous youth's unique cultural identity;
7. the importance of stability and permanency in the context of the child or youth's care; and
8. the importance of family as the preferred environment for the care and upbringing of a child or youth.

## **Programs**

All protective intervention activities occur within the legal context of the programs that are mandated under the **Act**. In most 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.

## **Court Proceedings**

Legal proceedings under the **Act** are heard in the Supreme Court of Newfoundland and Labrador, Family Division 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.

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 the actions taken by the manager and their representatives are in accordance with the requirements of the **Act**.

## **Policy and Procedures Manual Format**

All policies in the **Protection and In Care Policy and Procedure Manual June 28, 2019**, (the Manual) are formatted in a consistent manner and will replace all existing program policy. 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. 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.

## **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 Child Protection and In Care Divisions.

## **Working with Indigenous Children, Youth and Families Policy**

### **Preamble**

This preamble was written by members of the Nunatsiavut Government, Mushuau Innu First Nation, Sheshatshiu Innu First Nation and Miawpukek First Nation. It is intended to provide an Indigenous lens through which policies, standards and procedures that impact Indigenous children, youth and families must be viewed. Our intent is to foster increased awareness about our unique cultures and the importance of understanding very different Indigenous worldviews about child welfare.

As Indigenous Peoples of Newfoundland and Labrador, we have had a long history of raising healthy children living within healthy families and groups. In our traditional ways, childrearing responsibilities were shared by the extended family and the larger group to ensure that all of the needs of a child were met from birth through adolescence. Children raised in this way became adults who were able to be healthy and competent parents.

Over the course of thousands of years, sophisticated Indigenous parenting practices evolved to become perfectly suited to our land-based cultures. Living in close relationship to the land that provided for our survival, we took our lessons from the natural world. Traditionally, our physical, mental, emotional and spiritual wellness depended on living in harmony and balance within ourselves, our family and our group. At the center of our social relationships were our children.

After Europeans came to our land, our time-tested ways of living were systematically eroded by successive government and church policies; policies which brought about traumatic changes and a breakdown of cultural competencies. Our parents and elders were forced into dependence on outsiders for guidance, assistance and even survival. Over time, this greatly damaged every aspect of our cultures. Most critically, it affected how we raised our children. This traumatic legacy of colonization resulted in the imposition of culturally inappropriate and ineffective government services to replace our once healthy ways of living.

Today, many Indigenous men and women struggle with the intergenerational impacts of trauma and have been disadvantaged on all of the social determinants of health. This often results in us being judged by non-Indigenous people as inferior and unfit to be parents. In turn, this has led to a disproportionate number of our children being removed from their parents' care and in all likelihood placed outside our communities and cultures with little or no prospect of returning home. We say this, to not take away from the strengths of our Indigenous families and groups, but to bring attention to losses brought about from outside, from non-traditional policies, standards and procedures. In spite of so much loss, we continue to have many Indigenous families in our communities today that are leaders in Indigenous child rearing practices.

Now more than ever, there is an acknowledgement of the traumatic legacy inflicted upon all Indigenous peoples by generations of culturally oppressive policies, practices, and attitudes. A clear example of this is the residential school system in Canada, which existed from 1831 to 1996. In 2008, the Truth and Reconciliation Commission (TRC) was established to examine the legacy of this system in depth. In 2015, the TRC published their report with 94 calls to action.

The first five calls to action focused specifically on the child welfare system and the need for profound change to a system that continues to result in poor outcomes for Indigenous children and families.

The Department of Children, Seniors and Social Development (CSSD) Newfoundland and Labrador, recognizes the need for change to the child protection system as it impacts Indigenous children and families. CSSD supports culturally appropriate and sensitive approaches to the delivery of Indigenous child welfare services through both new legislation and policy development. More importantly, there is a commitment between CSSD and Indigenous peoples that services impacting Indigenous peoples are to be delivered through a collaborative model. This means that immediate and extended families themselves are very important partners in the collaborative process, along with Indigenous Governments and Organizations.

A guide to this collaborative work is found in the **Touchstones of Hope**<sup>1</sup>, a reconciliation process for Indigenous child welfare work developed by the First Nations Child and Family Caring Society and Cindy Blackstock, MSW, PhD. This process brings a broad Indigenous lens to the work that is being done in Indigenous cultures across the country in order to reach the best outcomes for children and families. This way of looking at Indigenous child welfare also resonates for us, in our distinct cultures today.

The following principles underlie the **Touchstones of Hope** and should be applied to work in Indigenous child welfare in Newfoundland and Labrador:

- **Self-Determination:** Indigenous peoples make the decisions that affect their communities and lead the development of laws, policies, research and practice.
- **Culture and Language:** Indigenous cultures are ingrained in all theory, research, policy and practice that affect their communities.
- **Holistic Approach:** Approaches to working with Indigenous communities recognize and reflect the distinct realities of the whole community including culture (traditions, spirituality and social customs), language, environment and socioeconomic factors.
- **Structural Interventions:** We stand up to injustices to protect the rights of all Indigenous and non-Indigenous peoples, including children and youth.
- **Non-Discrimination:** Indigenous peoples are entitled to equal access to resources and services that are responsive to their needs and the unique cultural context of their experiences (The Caring Society, 2018).

Implementing the principles of Indigenous child welfare allows work in child protection to be undertaken in the following four connected phases:

- **Truth Telling:** The process of open exchange (listening and sharing) regarding the story of Indigenous Peoples in Canada.
- **Acknowledging:** Affirming and learning from the past and embracing new possibilities for the future.
- **Restoring:** Addressing the problems of the past and creating a better path for the future.

- **Relating:** Having recognized that Indigenous peoples are in the best position to make decisions about Indigenous peoples, we move forward together in a respectful way, along a new path, to achieve better outcomes for Indigenous and non-Indigenous peoples (The Caring Society, 2018).

We advocate that these principles and this way of working together be the shared vision for moving forward in a good way to support the increased well-being of Indigenous children, youth and their families in this province.

Reference:

The Caring Society. (2018). Touchstones of Hope - Background. [online] Available at: <https://fncaringsociety.com/touchstones-hope-background> [Accessed 5 Mar. 2018]

## Permanency Planning Overview

Permanency Planning is the systematic process of carrying out goal directed activities designed to help a child or youth live in a permanent family meant to last a lifetime. There are four dimensions of Permanency Planning for children and youth, which include:

- a) Physical permanence: a safe and stable living environment
- b) Relational permanence: a safe and stable enduring family or family-like relationships that are meant to last a lifetime
- c) Cultural permanence: the child or youth identifies with and is connected to their cultural community
- d) Legal permanence: a child or youth has a safe, caring, legally recognized family

Structured Decision Making® (SDM®) highlights that permanency planning begins at the first point of contact with a family and permanency is a key point in all critical decisions in working with children, youth and their families.

Permanency planning begins when a referral is screened in for investigation and a protection investigation commences. When assessing the immediate safety for a child and the risk of future harm, the social worker is engaged with the child and the family to gain an understanding of their strengths and needs including identifying kin, members of the community including an Indigenous representative, who might play a role in keeping the child safe and supporting the family.

Where possible, family preservation, with supports and services either under a safety plan or as part of a Family Centered Action Plan (FCAP), is the preferred permanency plan. A child or youth's physical, relational, cultural and legal permanence are promoted by supporting parents to care for the child or youth at home. This maintains a child or youth's important relationships, keeps them connected to their cultural communities, and can provide a safe, caring, legally recognized and continuous family into their future.

There are a number of tools that can assist social workers in identifying kin and members of the community, including an Indigenous representative if the child or youth is Indigenous, who may play a role in keeping the child or youth safe and supporting family preservation. These tools include, but are not limited to the Circles of Safety and Support Tool, the SDM® Family Strengths and Needs Assessment (FSNA) and the FCAP.

The Circles of Safety and Support Tool can be used to help parents identify a safety and support network consisting of family, friends, and involved professionals who can support them to develop and follow a safety plan for their children.

The FSNA specifically looks at a family's social support system and social relationships. The FSNA also allows a social worker to gain a better understanding of who is important and who can be a support to the child and their family. The FCAP provides an avenue for

the social worker and the family to work together to identify intervention strategies and services that can assist in the reduction and/or elimination of risk and increase the safety and well-being of the child. This includes assisting the family in identifying individuals or community partners who they see as a support to them and who they view as important participants in case planning and permanency planning for the child.

Permanency planning is further supported by regular case planning with families that reflects a respectful, transparent, planned and purposeful approach to working with families. Case conferences can also serve a critical function when working with families especially in relation to significant decisions in the life of a case (e.g., initial FCAP, case reviews, child entering or leaving care). They enable kin, community partners, and other professionals to come together with the child or youth (where age and developmentally appropriate) and the family to openly discuss concerns, identify strengths and to build the case plan and promote permanency for children and youth.

It is important that the contact information gathered about family, friends, and other professionals and community partners who can support permanency for a child be clearly documented in the parent's file. This information is significant from both a family preservation perspective but also can assist the social worker in identifying significant connections if a child requires an out of home placement.

## **Out of Home Placements**

When an assessment of safety and risk factors indicates that an out of home placement is required, the social worker shall clinically assess the best course of action that will adequately protect the child. The decision to pursue a kinship arrangement, sign a Protective Care Agreement or do a removal needs to be determined based on all relevant factors outlined in the CYFA that are used to determine a plan that is in a child's best interest including the importance of stability and permanency in the context of the child or youth's care.

The placement of a child needs to be conducted in a manner that is least disruptive and recognizes the importance of placement with siblings and supports contact with parents and kin. The social worker needs to first consider placement of a child with kin where it is determined to be in their best interest. Where placement with kin is not in a child's best interest, the child should be matched with a foster care placement that can best address their needs. For Indigenous children, there are also specific placement considerations including the importance of placing children with kin in their own community.

It is important that the social worker engage parents to the extent possible to identify kin who may be willing and able to provide care. This should also include individuals who may have already been identified as a support to the child and the family (e.g., through the safety and support tool, FSNA, FCAP, etc.). Wherever possible, the child should be placed with kin who are willing to work cooperatively with the child's parents toward reunification and who may also be willing to become the child's permanent family if reunification is not possible.

## **Selecting the Permanency Plan that is in a Child or Youth's best interest**

The preferred permanency plan for a child who is placed in a kinship home or in care arrangement is usually reunification with their parent(s) when the risk has been reduced and it is deemed safe for the child to return home. The social worker needs to engage with the parent(s), the child, where age and developmentally appropriate, the placement provider and other identified members involved in planning to provide support and evaluate progress in achieving goals and objectives outlined in the respective case plan or care agreement (e.g., FCAP, Kinship Care Agreement, Plan for the Child). Achieving permanency for every child and youth is integral to their future health and well-being so it is important to continually assess whether a child or youth can reunite with their family or if an alternate permanency plan is required.

Where an Indigenous child is removed from a parent's care and child belongs to an Indigenous Government or organization prescribed in Schedule A under the CYFA, a social worker shall make contact with the respective Indigenous representative to request that they participate in the development of a cultural connection plan including assisting the social worker in identifying kin or community partners who may be included in developing a plan to support the child or youth's cultural connections and cultural permanency.

## **Developing an Alternate Permanency Plan**

At the time of the first formal review and all subsequent reviews following a child being placed in a kinship arrangement or in care, it is important to consider the likelihood of family reunification. If the issues and needs are significant, the family has made little or no progress in achieving its goals/objectives during the previous 12 months and the SDM® Reunification Assessment indicates that reunification is unlikely, an alternate permanency plan should be developed with the family. A Reunification Assessment guides this decision.

It is important that the social worker, when developing an alternate permanency plan, to the extent possible, involve the child or youth, the parents, the placement provider, kin, the respective Indigenous representative if the child or youth is an Indigenous child or youth in care or other family support persons who potentiality may become the child or youth's permanent care provider.

There are a number of alternate permanency plans that may be explored for a child a youth. The possibility of adoption by kin or a family based placement provider who has an established, stable, nurturing relationship with the child or youth shall be given priority when exploring an alternate permanency plan. An alternate permanency plan may include:

- a) adoption by kin, foster parents, a family based caregiver or an individual or couple from the approved adoption list;



- b) where a child or youth is in kinship, the kinship caregiver seeking custody through the Children's Law Act;
- c) where a child in the temporary custody of kin under the supervision of a manager, Permanent Transfer of Custody to kin under the CYFA;
- d) where the child or youth is in the care or custody of a manager, Permanent Transfer of Custody to kin or a foster parent;
- e) continuation of an existing placement; or
- f) transitioning older youth to independent living and/or adult supportive services.

When considering the alternate permanency plan that is in a child or youth's best interest the social worker shall take the following into consideration:

- a) the child or youth's safety, health and well-being
- b) the child or youth's emotional and developmental needs
- c) the child or youth's continued relationship with siblings and kin
- d) the child or youth's cultural and community connections
- e) the importance of preserving an Indigenous child or youth's unique cultural identity and connections to their culture;
- f) how the plan can address the four dimensions of permanency
- g) the child or youth's age;
- h) the child or youth's views and wishes;
- i) where a child is 12 or older, their ability/willingness to consent to the plan; and
- j) the view and wishes of the parent regarding an alternate placement.

Where the alternate plan includes considering adoption by or the Permanent Transfer of Custody to kin or a foster parent already caring for the child or youth, the social worker shall also take into consideration the following:

- a) The motivation and ability of the kin or foster parent to make a lifelong parenting commitment including completing any assessment requirements;
- b) The child or youth's length of placement in the home;
- c) The quality of the relationship between the placement provider and the child or youth; and,
- d) The ability of the person providing care to address the future emotional, developmental and cultural needs of the child or youth independent of departmental monitoring and ongoing regular support.

### **Permanency for Youth Transitioning to Young Adulthood**

When working with older youth where the focus is transitioning the youth into young adulthood including a transition to adult services, it is important for the social worker to collaborate with the youth and support permanency planning by:

- a) supporting the youth to nurture, identify and develop lifelong relationships including relationships with their parents or kin when it is in the youth's best interest to do so;
- b) assisting the youth to establish a network of supports and resources;

- c) assisting the youth in accessing adult programs (e.g. Educational programs, Community Support Services Program, Income support, etc.).
- d) involving/connecting the youth to their cultural community; and
- e) assisting the youth with activities and support to prepare for their transition to young adulthood.

## **Summary**

The preferred permanency plan for a child who has been determined to be in need of protection is to provide the parents(s) with support and services to enable the child to safely remain in the family home. Where it is determined that a child cannot safely remain with their parent(s) and they are placed in an out of home placement, the preferred permanency plan is reunification with their parent(s) when the risk has been reduced and it is deemed safe for the child to return home.

When a reunification assessment recommends termination of reunification services with the parent(s), an alternate permanency plan shall be developed for a child. This should be developed in consultation with the child (based on age and development), the child's parents if they are involved and available, those caring for the child, and where appropriate other individuals who have been involved in planning for the child or (e.g. kin, Indigenous representative, other community partners).

When determining the alternate permanency plan that is in the child's best interest, the social worker shall take into consideration the factors to be considered in determining a child's best interests, the four dimensions of permanency as outlined above and case specific clinical considerations.

## **GLOSSARY OF TERMS**

<b>Abducted Child/Youth</b>	A child or youth who has been led away, in secret or by force, from their residence, school or community.
<b>Agency License</b>	A License issued under paragraph 71(1) of the CYFA.
<b>Alternate Dispute Resolution</b>	A process for resolving disputes, other than litigation that is approved by a provincial director.
<b>Bridging Provision</b>	Allows for an existing supervision or temporary custody order, granted pursuant to s.32(2) of the CYFA, 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.
<b>Care</b>	The physical daily care and nurturing of a child or youth.
<b>Caregiver:</b>	An individual recruited and assessed by a family-based licensee to provide a safe and stable family-based placement for children and youth in care.
<b>Child</b>	A person actually or apparently under 16 years of age.
<b>Child Maltreatment</b>	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, emotional abuse and/or neglect of a child.
<b>Child Protection Clearance Check</b>	refers to the search and review conducted by CSSD of <b>all</b> records that exist in the name(s) of the applicant excluding youth corrections and finalized adoption records. CPCCs are completed for: home assessments, CSSD hiring decisions, CSSD contracted service providers, and in some cases if required by another government department. Processes are carried out in accordance with the CPCC policy. Results and clearances are approved by a supervisor and provided directly to the applicant or included in the respective home assessment.
<b>Child Protection Referral</b>	Information received under s.11 of the CYFA that a child is, or may be, in need of protective intervention.
<b>Child Welfare History Check</b>	A check conducted for an out of home living arrangement as part of a safety plan in accordance with <b>policy 1.3.1</b> , a youth services board and lodge arrangement as per <b>policy 5.5</b> , or when a Child Protection Referral is being screened. Verbal consent is required when completing this check in accordance with policy 1.3.1 but is not required when completing a Child Protection Referral. To complete this check, the social worker

	electronically searches an individual's name in in ISM, completes a CRMS Child Welfare Check in ISM, sends an email to CSSD's Records Centre ( <a href="mailto:cssdstorage@gov.nl.ca">cssdstorage@gov.nl.ca</a> ) to determine if the individual has a closed CSSD file located at the CSSD Records Centre or Provincial Office, and checks regional child welfare index cards, where applicable.
<b>Child/Youth Absent Without Permission</b>	A child or youth who breaks curfew, leaves their placement without permission, or does not return to their placement at the expected time.
<b>Client Disclosure File</b>	A file created separate from the client file to maintain all correspondence and work completed regarding a request for information from a departmental record.
<b>Client File</b>	An electronic or hard copy of all client documentation and interventions.
<b>Cohabiting Youth</b>	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; 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.
<b>Collateral Source or Contact</b>	A person, professional or agency that is connected to the child, youth or family that may have information about the alleged maltreatment and/or about the family in general. The information can assist in clarifying and collaborating information about significant events or issues, which have been provided by parents and children.
<b>Continuous Custody</b>	A custodial arrangement in which a manager becomes the sole custodian of the child or youth and has the right to make all decisions regarding the child or youth including medical decisions. The manager or a social worker may consent to the provision of medical treatment for the child or youth, and the manager may consent to the adoption of the child or youth under the <b>Adoption Act, 2013</b> .
<b>Court</b>	The Supreme Court – Family Division or the Provincial Court.
<b>Criminal Record Check (also referred to as Certificate or CPIC check)</b>	a check which determines whether an individual has a criminal record. To obtain one, the person must apply at their local police office (or online). It is a name-based criminal record checks done against the National Repository of Criminal Records based on a person's name and date of birth. It may also include searches of other national and local databases.

<b>Critical Incident</b>	An incident of extraordinary or life-threatening nature that directly impacts the safety and well-being of a child or youth, such as violence, assault, injury and other serious criminal matters. A critical incident includes significant threats of self-injury, self-harm, or suicidal ideation requiring hospitalization beyond the initial assessment and treatment. A critical incident may also constitute a critical injury
<b>Critical Injury</b>	An injury, including a physical or psychological injury, which may result in the death of a child or youth or may cause serious long-term impairment of the health of a child or youth.
<b>Cultural Connection Plan</b>	A description of the arrangements made or being made to foster an Indigenous child's or Indigenous youth's connection with their culture, heritage, traditions, community, language and spirituality to preserve the Indigenous child's or Indigenous youth's cultural identity.
<b>Custody</b>	The rights and responsibilities of a parent in respect of a child or youth.
<b>Day:</b>	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.
<b>Department:</b>	The department of Children Seniors and Social Development.
<b>Emergency Placement Home (EPH)</b>	A residential placement that provides emergency care to children and youth while assessing a child or youth's placement needs and transitioning them to a long-term placement.
<b>Equivalency Program</b>	Includes Adult Basic Education (ABE) programming, General Education Development (GED) preparation programs and literacy programs to prepare for ABE or GED program enrollment.
<b>Excepted Information</b>	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 ( <b>Adoption Act, 2013</b> ), information under the <b>Youth Criminal Justice Act</b> , information that may interfere with a criminal investigation and/or third-party information.
<b>Facility</b>	A residence owned or operated by a licensee where a child or youth placed with the licensee resides.

<b>Facsimile</b>	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 another at the end of the conversation as prescribed in s.22(3) of the CYFA.
<b>Family-based Placement</b>	A placement option whereby a licensee establishes either short-term or long-term placements for children and youth in care using a family-based model, where it has been determined to be an extraordinary circumstance, and these children and youth cannot be placed in a foster home.
<b>Family-based Placement Provider License</b>	A License issued under paragraph 71(1)(b).
<b>Family Group Conference</b>	A formal planning and decision-making meeting, facilitated by an independent coordinator, which brings together the parent, family or other person significant to the child or youth, social workers and other service providers to develop a plan for a child or youth's safety, permanency and well-being.
<b>Foster Care Placement</b>	Placement of a child or youth who is in the care or custody of a manager with a foster parent, in a residential placement, with a family-based provider licensee, or with a residential placement provider licensee.
<b>Foster Parent</b>	A person with whom a child or youth, who is in the care or custody of a manager is placed and by agreement with a manager, has assumed responsibility for the daily care and supervision of the child or youth in a family environment, and includes kin but does not include the parent.
<b>Government Record</b>	Records created or received by a public body in the conduct of its affairs and include a cabinet record, transitory record or abandoned record in accordance with s.2(b)(1) of the <b>Management of Information Act</b> .
<b>Group Home</b>	A residential placement that provides group care for children and youth who cannot be cared for in a family- based setting.

<b>In Care Planning Team</b>	A team of individuals involved in planning for a child or youth in care. The team must include the social worker for the child or youth and the social worker for the child or youth's parents; the child or youth (where developmentally appropriate); the parents of the child or youth (if they are actively involved), the foster parents, caregivers/licensee or residential staff person; and may also include other professionals working with the child or youth, extended family, significant others, or other community partners. For an Indigenous child or youth in care who belongs to an Indigenous government or organization prescribed in Schedule A under the CYFA, the respective Indigenous representative will be invited to be part of the in care planning team.
<b>In Care Progress Report (IPR)</b>	A comprehensive written report developed for each child or youth in care/custody by the social worker in consultation with the child or youth's in care planning team. The IPR will document the child or youth's progress on a number of developmental dimensions, outline the supports and services the child or youth requires, identify who will be responsible for linking the child or youth to identified supports and services and monitor the goals and outcomes for the child or youth. The IPR will also monitor and document the implementation of the child or 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.
<b>Income</b>	<b>Earned income</b> is money paid to a youth in exchange for labor. <b>Unearned income</b> is money received by a youth that is not in exchange for labor, such as parental support (court or non-court ordered) paid directly to a youth, employment insurance benefits or stipends paid to youth to attend training.
<b>Indigenous Child</b>	An Inuit child, a Metis child, an Innu, Mi'kmaq or other First Nations child, a child who has a parent who considers the child to be Indigenous, or a person who is at least 12 years of age but under the age of 16 and who considers themselves to be Indigenous.
<b>Indigenous Government or Organization</b>	The entities prescribed in the Schedule.
<b>Indigenous Representative</b>	A person designated by an Indigenous government or organization.
<b>Indigenous Youth</b>	An Inuit youth, a Metis youth, an Innu, Mi'kmaq or other First Nations youth, or a youth who considers themselves to be Indigenous.

<b>Information</b>	Personal information obtained under the CYFA 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.
<b>Individual Living Arrangement (ILA)</b>	A residential placement for specific children and youth who have complex care needs and cannot be matched with a foster home, family-based placement, or group home.
<b>Interim Approval</b>	A one-time temporary approval of a regular foster home. The full regular foster parent PRIDE approval process must be completed within the time frames specified in the Regular Foster Home Approval Process policy.
<b>Interim Care</b>	A care arrangement for a child who is removed under s.20 of the CYFA. The manager has interim care of the child until the child is returned, under s.47 or 48, to the parent from whom the child was removed, or until a judge makes an order at a Presentation Hearing under s.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 in accordance with s.24 of the CYFA.
<b>Interim Custody</b>	An order issued by the court at a Presentation Hearing or in accordance with s.31(1)(e) of the CYFA where the child is placed in the custody of a manager until the conclusion of the Protective Intervention Hearing.
<b>Interim Services</b>	Residential and supportive services offered to meet the youth's basic needs (food, clothing, shelter, and physical safety) until assessment of the youth's need for protective intervention is completed.
<b>Interprovincial Foster Home</b>	A foster home that was approved in another province/territory, has moved to Newfoundland and Labrador and wishes to provide a foster home placement for a child or youth in the care or custody of a manager. To be considered an Interprovincial Foster Home, the foster home must have been closed for less than a year in the province/territory from which they moved.
<b>Investigation Plan</b>	The plan for conducting an investigation. It minimally identifies the social worker assigned to the investigation, who will conduct the interviews, when and where the interviews will be conducted, what collaterals may be relevant and required to complete the investigation, and whether police involvement will be required.
<b>Judge</b>	A judge of the court.



<b>Kin</b>	Family and other persons who are significant to a child or youth or with whom a child or youth has a connection.
<b>Kinship Care Agreement</b>	A written agreement that enables a parent to voluntarily transfer the care of their child to an approved kinship caregiver when the child is in need of protective intervention and requires an out of home living arrangement. The agreement is a voluntary arrangement unless there is a court order in effect pursuant to s.31(2)(d) or s.32(2)(b) of the Act transferring temporary care and/or custody to the kinship caregiver.
<b>Kinship Caregiver</b>	Kin (extended family and persons significant to the child) who are approved to care for a child or youth under a Kinship Service Program.
<b>Kinship Services</b>	A program available to provide supportive and financial services to approved kinship caregivers who are willing and capable of providing care to a child who is in need of protective intervention and requires an out of home living arrangement.
<b>Level 1</b>	The first level of the continuum of care which includes kinship homes, interim approved regular foster homes, and approved relative/significant other foster homes that have not completed PRIDE Pre-service sessions.
<b>Level 2</b>	The second level of the continuum of care, which consists of approved relative/significant other and regular foster homes that have completed PRIDE Pre-service sessions.
<b>Level 3</b>	The third level of the continuum of care, which consists of approved specialized foster homes.
<b>Level 4</b>	The forth level of the continuum of care which consists of staffed residential placements resources including Emergency Placement Homes, Group Homes, and Individualized Living Arrangements.
<b>License</b>	An agency License, a family-based placement provider License, or a residential placement provider License.
<b>Live-in-Model Staffing</b>	A residential placement staffing model where children and youth are cared for by staff who live with the children and youth and may be supported by rotating staff.
<b>Rotational Staff Model</b>	A residential placement staffing model where the child or youth is cared for by a rotating staff complement 24 hours a day.
<b>Manager</b>	A manager appointed under section 4 of the CYFA.

<b>Mediation</b>	A voluntary process in which a mediator assists the parent, family, other person significant to the child, social workers, lawyers and other service providers to discuss and resolve the referred issues.
<b>Missing Child/Youth</b>	A child or youth who is absent without permission and cannot be located for more five (5) hours, or has been absent without permission for less than five (5) hours and: <ul style="list-style-type: none"> <li>a) has suspected or known mental health issues;</li> <li>b) has a diagnosed mental illness;</li> <li>c) has a recent history of suicide attempts or suicidal ideation;</li> <li>d) has a recent history of self-harming behaviors;</li> <li>e) there are severe weather conditions (e.g. blizzard);</li> <li>f) has a medical condition that requires monitoring (e.g. diabetes and insulin dependent);</li> <li>g) is suspected of or is associating with individuals who pose an immediate safety threat to the child/youth (e.g. violent offenders, pimps); and</li> <li>h) any other risk factor that the social worker determines is likely to impact the child or youth's immediate safety.</li> </ul>
<b>Missing Youth</b>	A youth who has signed a Youth Services Agreement and is living independently in the community is considered missing when: <ul style="list-style-type: none"> <li>a) an individual contacts the department to report they have not seen or heard from the youth for a specified period of time and the lack of contact is out of character for the youth;</li> <li>b) the youth does not arrive for a scheduled departmental appointment and, there is concern for the youth's safety and well-being, the youth's social worker designates the youth as missing; or</li> <li>c) the police contact the department to report that a missing person's report has been filed on the youth.</li> </ul>
<b>Minister</b>	The minister appointed under the Executive Council Act to administer the <b>CYFA</b> .
<b>Necessary Health Care</b>	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.
<b>Net Pay</b>	The remaining earnings after deductions from gross earnings are made.
<b>Non-Custodial Parent</b>	A non-custodial mother or non-custodial father of a child or youth who regularly exercises or attempts to exercise rights of access.

<b>Non-Offending Parent</b>	A parent not alleged to be involved in the maltreatment of the child.
<b>Ongoing Protective Intervention Services</b>	Services and intervention provided by the Department to children and their families determined to be in need of protective intervention due to a risk of future maltreatment.
<b>Out of Province Placement (OPP)</b>	An approved placement for a child or youth in care in a residential program located in a province or territory outside of Newfoundland and Labrador. These placements provide specialized care and/or treatment for a child or youth. This specialized care may be provided in a residential group home setting or a foster home setting overseen by a treatment agency.
<b>Parent</b>	The custodial mother of a child or youth; The custodial father of a child or youth; A custodial step-mother of a child or youth; A custodial step-father of a child or youth; A non-custodial mother of a child or youth who regularly exercises, or attempts to exercise, rights of access; A non-custodial father of a child or youth who regularly exercises, or attempts to exercise, rights of access; A person to whom custody of a child or youth has been granted by a written agreement or by a court order, or A person who is responsible for the child or youth's care and with whom the child or youth resides, except a foster parent.
<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, a member of the Royal Canadian Mounted Police, and in a person approved by the Attorney General to perform the duties of a peace officer.
<b>Permanent Transfer of Custody Order</b>	An order issued by the court under s.32(2)(e) or s.43(1) of the CYFA permanently transferring custody of a child or youth to a person other than the parents from whom the child or youth was removed. Where a judge makes an order permanently transferring custody of a child, the person to whom custody is transferred becomes the sole custodian and guardian of the child and has the right to make all decisions regarding the child.
<b>Personal Service</b>	The person who is being served should personally receive the documents.
<b>Placement</b>	An approved foster home, family-based placement, group home, EPH, ILA or an out-of-province residential treatment program in which a child or youth is residing.

<b>Placement Card</b>	A template containing specific information about a child or youth that is given to a foster parent, caregiver or residential placement provider at the time of placement.
<b>Plan for the Child</b>	The plan for the child in accordance with s.29 of the CYFA 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 and family, the child protection concerns, and the recommended services and interventions to address these concerns. In cases where the child has been removed from their parent's 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 or where the child is an Indigenous child, a Cultural Connection Plan.
<b>Placement Condition</b>	A requirement that foster parent(s), caregiver(s), licensees must fulfil within an agreed upon timeframe to continue to meet the PRIDE competencies or other expectations of caring for a child or youth in care. Examples of conditions include: a home renovation, required training, or counselling. A condition may be identified as part of the approval process for foster homes or during ongoing monitoring of an approved foster home.
<b>Placement Restriction</b>	A restriction placed on the foster home approval when it is assessed that particular attributes of a child or youth would not be a good match for a foster home. Examples of a restriction could include: the age of a child or youth. Placement restrictions may be identified as part of the approval process or during ongoing monitoring of an approved home and may be mutually identified by the social worker and/or the foster parent(s).
<b>Preliminary Approval</b>	A short term, expedited approval of a relative/significant other foster home which enables a child or 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 Relative/Significant Other Foster Home Approval policy.

<b>Presentation Hearing</b>	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 in accordance with s.31(2) is appropriate until a more comprehensive hearing is held to determine whether the child is 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 s.32(2) of the CYFA, thus removing the necessity for a Protective Intervention Hearing.
<b>PRIDE</b>	Parent Resources for Information Development and Education (PRIDE) is 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.
<b>Proceeding</b>	Any appearance in court resulting from a court application.
<b>Protective Intervention Hearing</b>	A hearing held after a Presentation Hearing of the matter 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 s.32(2) of the CYFA, with respect to the application before the court.
<b>Protection Investigation</b>	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.
<b>Protective Care Agreement</b>	A written agreement that allows a parent(s) to transfer care and supervision of a child to a manager of the Department. A Protective Care Agreement does not transfer custody of the child to a manager.
<b>Provincial Director</b>	A provincial director appointed under s.6.
<b>Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories</b>	A framework for the provision of consistent quality services to children, youth and families moving between provinces and territories.
<b>Public Body</b>	A public body as defined in the Access to Information and Protection of Privacy Act, 2015.

<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 documental and other documentary material regardless of physical form or characteristic (s.2(f) of MI Act) Transitory records are not included.
<b>Referral Source</b>	Any individual who reports concerns of alleged abuse or maltreatment of a child to the department under s.11 of the CYFA. 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 or youth with whom a child or 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 or youth.
<b>Relevant Information</b>	All information pertinent to CYFA court proceedings including information generated by the department, 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 or youth, believed to be in need of protective intervention, has been removed from their parent's care and placed in the interim care of a manager until a judge makes an order at the Presentation Hearing.
<b>Repudiate</b>	To refuse to accept or support, to have nothing to do with, to renounce, or to reject.
<b>Residential Placement</b>	A residence for children and youth in the care or custody of a manager in which staff provide daily care and supervision. Youth who are over 16 who were previously in care and residing in a residential placement may remain in their residential placement under a Youth Services Agreement.
<b>Residential Services</b>	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.

<b>Residing Independently in the Community</b>	A youth who is residing outside the parental home in an apartment, board and lodging, or bedsitting arrangement and has signed a Youth Services Agreement with the Department.
<b>Screening Decision</b>	A decision made by a social worker and supervisor whether or not to conduct a protection investigation of a referral of alleged child maltreatment.
<b>Service Agreement</b>	A signed contract between the Department and a service provider which defines the services to be provided by the service provider and the terms and conditions under which these services are to be provided.
<b>Severing</b>	The process of reviewing the client file and removing information that is exempted from release in disclosure.
<b>Social Worker</b>	A person registered under the Social Workers Act, and employed by the department.
<b>Solicitor-Client Privilege</b>	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.
<b>Structured Decision Making® Model</b>	A model for child protection that assists agencies and workers in meeting their goals to promote the ongoing safety and well-being of children. This evidence- and research-based system identifies the key points in the life of a child welfare case and uses structured assessments to improve the consistency and validity of each decision. The SDM model additionally includes clearly defined service standards, mechanisms for timely reassessments, methods for measuring workload, and mechanisms for ensuring accountability and quality controls. The model consists of several assessments that help agencies work to reduce subsequent harm to children and to expedite permanency.
<b>Subsequent Order</b>	An order granted when an application pursuant to s.36 is filed with the court for another order under s.32(2) of the CYFA.
<b>Substituted Service</b>	A type of service, other than personal service, permitted by the Rules of the Supreme Court, 1986 or the rules of the Provincial Court.
<b>Summer Employment</b>	Income earned between the months of June and August as outlined in the Youth with Income policy.

<b>Supervision Order</b>	An order issued by the court at a Presentation Hearing in accordance with s.31(2)(b)(c) or (d) of the CYFA, or at a Protective Intervention Hearing in accordance with s.32(2)(a) or (b) of the CYFA.
<b>Supportive Services</b>	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.
<b>Telewarrant</b>	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.
<b>Temporary Custody</b>	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.
<b>Temporary Custody Order</b>	An order issued by the court at a Presentation Hearing or Protective Intervention Hearing in accordance with s.32(b) or s.32(c) of the CYFA.
<b>Third Party</b>	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 (s.2(t) of ATIPPA).
<b>Timely Manner</b>	Reasonable amount of time so as to allow the solicitor(s) representing the parent(s), or the parent(s) representing themselves if they are not represented by legal counsel, to review the disclosure and be able to prepare for the court proceeding.
<b>Transitory Record</b>	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 (s.2 (h) of MI Act). Transitory records include jot notes and draft documents.



<b>Vulnerable Sector Check</b>	a vulnerable sector check is a specific type of criminal record check required for situations where an applicant will be in a position of trust or authority over children or another vulnerable group. This check determines whether an individual has any record suspensions (formerly pardons) for sexual offences. To obtain one, the applicant applies for the Vulnerable Sector check at their local police office (or online). It involves a name-based search of the national repository of criminal convictions, a search of locally held records and a query of the pardoned sex-offender database. In some cases, applicants may be required to submit their fingerprints if there is a match based on a combination of their gender and date of birth to a pardoned sex offender record.
<b>Verbal Police Check or Written Police Check (also known as a police information check)</b>	a check completed by the police at a social worker's request. The results produced by the check may be limited to locally held records/databases and therefore is not a replacement for a Criminal Record Check and Vulnerable Sectors check.
<b>Warrant</b>	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.
<b>Youth</b>	A person who is at least 16 years of age but under 18 years of age.
<b>Youth Screening and Assessment</b>	A tool used by the social worker to complete an initial screening.
<b>Tool (YSAT): Intake Youth Screening and Assessment Tool (YSAT): Assessment</b>	A tool used by the social worker to complete an assessment of a youth's need for protective intervention.

## Overview: Protective Intervention Program

The Children, Youth and Families Act (CYFA) is a **child** centered, family focused and culturally responsive legislation. The purpose of the CYFA is to promote the safety and well-being of children and **youth** who are in need of protective intervention by offering, where available and appropriate, services that are designed to maintain, support, and preserve the family unit where it is in the best interests of children and youth. The **Department** provides some **supportive services** internally (e.g. Triple P Positive Parenting Program) and also connects families to supportive services in the community (e.g. counselling).

The CYFA 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 ensure child safety, the overriding principle and paramount consideration in any decision made under the CYFA is the best interests of the child or youth. There are several relevant factors to consider when determining the best interests of the child or youth. Please refer to s.9(2) of the CYFA, which outlines these factors.

The CYFA emphasizes family as the preferred environment for a child's **care** and upbringing. In accordance with this, the Protective Intervention Program (PIP) is designed to prevent further maltreatment and provide supports and services, where available and appropriate, to help strengthen families so they can protect and nurture their children. However, if there is a conflict between the child's safety, health, and well-being and the family unit, the child's safety, health and well-being takes precedence.

The PIP is a mandatory program that provides services to families whose children are, or who are at risk of, being maltreated either through omission or commission by the parent. The PIP promotes the safety and well-being of children and assists families in addressing issues that create risk to their children. Social workers work closely with families to determine child protection concerns, assess safety and risk to the child, identify family strengths and needs, and determine which least intrusive interventions will reduce risk. Where available and appropriate, families are connected with supports and services designed to maintain, support, and preserve the family unit when it is in the best interests of the child.

To guide social workers in carrying out the mandate of the PIP, **the Structured Decision Making® Model (SDM®)** was implemented in Newfoundland and Labrador in 2018. SDM® is a comprehensive assessment and case management framework for child protection that uses a series of tools to help social workers assess families and make critical decisions throughout the life of a case (e.g. case opening or case closing decisions). SDM® promotes a strength based approach to service delivery and encourages the engagement of the child, family and their support system in decision making and case planning. Inherent in SDM® is the importance of family preservation and maintaining children in their family home when it is safe to do so. All social work interventions with children and families are provided within the context of the standards established in SDM®.

SDM® uses a set of research and evidence based assessment tools during each important decision in the life of a case. These tools support social workers clinical decision making when working with children and families. The tools include:

- SDM® Screening and Response Time Assessment:
- SDM® Safety Assessment
- SDM® Family Risk Assessment
- SDM® Family Strengths and Needs Assessment
- SDM® Family Risk Reassessment
- SDM® Reunification Assessment

## **Duty to Report**

In accordance with s.11 of the CYFA, all persons in Newfoundland and Labrador have a duty to report information that a child or youth is, or may be, in need of protective intervention.

When information is received on a child who may be in need of protective intervention, a social worker will assess the information to determine if a **protection investigation** is required. When it is determined that a protection investigation is required, the information is assigned to a social worker to investigate. The Department uses SDM® to support the investigative process and ongoing interactions with families.

When information is received on a youth who may be in need of protective intervention, the Department will determine the youth's need for protective intervention in accordance with the Youth Services policies. Unlike a family's mandatory involvement in the PIP, the youth's participation in the Youth Services Program (YSP) is voluntary. The **Youth Services Agreements** policy outlines involvement with youth who lack mental capacity. Please refer to the Youth Services section (Section 5) of this policy manual for information on determining a youth's need for protective intervention. SDM® policy does not apply to investigations on a youth's need for protective intervention.

## **Investigation and Assessment**

The investigation of all referrals of **child maltreatment** is the primary responsibility of the social worker, in consultation with the supervisor. Clinical consultation between the social worker and supervisor is an integral component in the decision making process during the investigation and assessment phase. However, a comprehensive investigation can only be completed through collaboration with the police, other professionals, community resources, and the family's informal and formal support network.

A protection investigation involves gathering and analyzing information from a number of sources including:

- interviews with children, parents and siblings;
- child protection historical **records**;
- collaterals involved with the family including, but not limited to, police, counselor, school personnel, and formal and informal support network;
- a social worker's observations of the child, his/her siblings, and parents and their interactions with each other; and
- information obtained from extended family members and others who have knowledge of the family situation.

During the investigation and assessment phase, the social worker assesses the child's safety and risk of future maltreatment. If safety threats are identified on the SDM® Safety Assessment, the social worker works collaboratively with the parents to develop a plan that will keep their child safe. The Department will consider whether safety threats can be addressed and risk can be mitigated in the family home to support family preservation (e.g. completing a safety plan for a relative to reside in the home short term so the child can safely remain at home during the investigation).

The assessment of risk to a child involves some of the most critical decisions made in the PIP. During the risk assessment process, the social worker works with the parent(s), child, and collaterals to identify conditions that exist in the family which create risk to the child. The social worker uses this information to inform the SDM® Family Risk Assessment. Upon completion of the investigation, the social worker determines whether the alleged maltreatment is verified (e.g. whether the child was harmed or at risk of harm as a result of the child protection concerns reported or identified). This decision assists in determining if ongoing child protection involvement with the family is required to ensure the safety and well-being of the child.

If it is determined the child is safe and ongoing protection services are not required, the social worker explains to the family they no longer require intervention from the Department. The social worker recommends the file be closed and provides the family with information on available community resources.

### **Ongoing Protective Intervention Services**

During ongoing protective intervention work with children and families, clinical consultation between the social worker and supervisor occurs frequently and is a key component in the decision making process during this phase of work.

When a decision has been made that the file is to remain open for **ongoing protective intervention services**, the social worker uses the SDM® Family Strengths and Needs Assessment to discuss with the family their strengths and needs, concerns that need to be addressed, and explain the services required to address identified issues. Families shall be encouraged to participate in services that are designed to address their needs and focus on building upon their strengths. Case planning that focuses on preserving the family unit empowers families and encourages self-sufficiency

The social worker, together with the family, uses this information to develop the family's case plan, known as the Family Centered Action Plan (FCAP). The FCAP outlines the interventions and services that will be provided to support the family in their role to reduce and/or eliminate risk and increase safety and well-being for the child. By assisting the family in identifying their strengths and providing services that will build upon those strengths, the social worker helps to increase the family's ability to protect the child.

Supports, services, and interventions may be provided to families with children who have been determined to be in need of protective intervention in order to maintain, support and preserve the family, where it is in the best interests of the children. Supports and services targeted at promoting safety and reducing risk for children may include internal services such as, childcare, respite, transportation, and the Triple P Positive Parenting Program® as well as external services offered in the community such as counselling. Formal and informal supports can help families learn more effective coping skills, which assists them in providing safer environments for their children. Examples of informal support could include extended family, friends, and elders.

Collaborative case planning that occurs regularly and is transparent, planned and purposeful supports permanency planning for children. The joint development of the FCAP provides the social worker with the opportunity to support and engage the family in the development of their case plan. The social worker will also collaborate with the family to incorporate interventions into the FCAP that are reflective of the family's unique cultural identity and connections to their culture. The collaborative process also provides the family with the opportunity to experience active and meaningful participation in a plan that concerns their children's safety and well-being while also facilitating their engagement in the change process. When risk to the child is reduced so that child protection intervention is no longer required, the file will be closed.

Family is always the preferred environment for the care and upbringing of a child. Family preservation practices support the principle that, when it is safe to do so, the initial and most important investment of supportive services and interventions should be made based on the care and support of children in their family home. Supporting parents to care for their children at home supports permanency for children as they are able to maintain important relationships, connections to their culture, and are part of a safe, caring and legally recognized family. However, during the ongoing work with the family it may be determined that the child can no longer safely remain in the home. When this situation occurs, the social worker will assess available and appropriate options that will ensure the child's safety. Consideration is always given to family connections when determining appropriate options that will keep the child safe. Placing a child with a relative or another person significant to the child, when safe to do so, provides the child an opportunity to maintain family connections. When an **Indigenous child** cannot safely live with their parents, priority must be placed on keeping the child in their community and with **kin**, where possible, so the child maintains connections to culture and community. When determining options for a child who cannot safely remain at home, options may include:

- the child staying with a relative or significant other until the risk is reduced; or
- the social worker applying to the **court** for a **warrant** to remove the child from the parents care.

## Removal of Children

Removing a child is always considered the last option to keeping a child safe when other least intrusive options cannot adequately protect the child. When determining if a **removal** is required, the decision making process involves clinical consultation between the social worker, supervisor, and **manager**. When a child is removed from their parents care, they are placed in an approved **placement**.

When a child is removed, 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, a **cultural connection plan** if the child is Indigenous, 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 as to whether or not the child is in need of protective intervention.

If the Judge declares the child in need of protective intervention, the social worker works closely with the family on identified goals and/or conditions ordered by the judge (as recommended by the social worker) to address concerns and mitigate risk to the child so the child can safely return home. If it is determined the child cannot safely return home, a new permanency plan will be developed for the child (e.g. adoption, transfer of custody). If a relative or significant person is approved to care long-term for the child, a permanency plan such as adoption or the transfer of permanent **custody** may be recommended to achieve legal permanence for the child.

## Overview of the Structured Decision Making® Model

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**Policy no.:** 1.2

**Effective Date:** March 2007

**Date Revised:** October 1, 2013, June 28, 2019

**Policy Cross References:**

**Legislative References:**

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**Purpose:** To outline the Structured Decision Making® (SDM) Model policy and procedures within the SDM Policy and Procedures Manual.

### **Policy:**

1. The policies and procedures outlined in the SDM Manual, 2018, shall be followed for all new, reopened and active cases in the Protective Intervention Program.
2. SDM is a decision-making model used to assist social workers in identifying, assessing, responding to, and documenting the risk of child maltreatment throughout the life of a protective intervention case. SDM involves the use of specific assessment tools, policies, and procedures to be used along with a social worker's clinical judgment to guide decision making.

### **Procedures:**

1. SDM consists of six assessment tools. Please refer to the SDM Manual, 2018 for a detailed explanation of the SDM policy, procedures, and practice standards that shall be applied when working with children and families.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Determining the Need for Protective Intervention

**Policy no: 1.3**

**Effective Date: March 2007**

**Date Revised: June 28, 2019**

**Policy Cross References:** 1.10 Duty to Report; 1.7 Observing and Interviewing Children; 1.4.1 Services to Expectant Parent(s)

**Legislative References:** s.10 Definition of child in need of protective intervention; Duty to report; s.12 Determining 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 CYFA 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 Structured Decision Making® Model (SDM).
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. During the protection investigation, the social worker shall ask the parents about their (and their children's) ethno cultural orientation or Indigenous heritage (e.g to which Indigenous group they belong) and consider this information in their ongoing work with the family.
5. If, after a Protection Investigation, the social worker determines that a child is in need of protective intervention and subsequently completes the SDM® Family Strengths and Needs Assessment (FSNA) the social worker, in collaboration with the parent, shall develop and enter into a Family Centered Action Plan (FCAP) outlining the plan for the child as per s.12 (2) of the CYFA.
6. In situations where it is determined that a child's need for protective intervention **cannot** be met through the goals set out in the FCAP, the social worker shall consult with a supervisor to determine what further action under the CYFA may be required to protect the child.



7. 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 CYFA provides social workers with the legislative authority to assess and investigate information that a child is, or may be, at risk of maltreatment (physical abuse, sexual abuse, emotional abuse, or neglect) according to the standards set out in SDM® Model.
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 impact of the parent's behavior on the child
  - e) the factors that increase risk;
  - f) the child's vulnerability;
  - g) the family's strengths and needs; and ,
  - h) 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 Department's 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 maltreatment of a child by someone other than the parent, the responsibility or 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 maltreatment of 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 the applicable maltreatment category, as outlined in the Screening and Response Time Assessment (SRTA) in the SDM® Policy and Procedures Manual, for an investigation.
7. The social worker will use the SRTA, as outlined in SDM®, 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 the child has been physically or sexually abused, a joint decision will be made by the Department 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 agreed upon interviewing protocol between social workers and police.

### **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 SDM®.
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 (e.g., a counsellor). However, where possible, the social worker shall obtain consent for the release of information.
13. When interviewing the parents, the social worker shall ask the parents about their (and their children's) ethno cultural orientation or Indigenous heritage (e.g., to which Indigenous group they belong and their status). The social worker shall consider the family's heritage as they proceed to work with family (e.g. translation services, the family's formal and informal support network, placement considerations should an out of home placement be required during the family's involvement with child

protection services).

14. 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.
15. 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, the letter shall be vetted through a Departmental 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**

16. 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.
17. There are three possible outcomes to the investigation (that are discussed further in the SDM ® Policy and Procedures Manual) as follows:
  - a) alleged maltreatment type is not verified and the child is not in need of protective intervention;
  - b) alleged maltreatment type is verified but the child is not in need of protective intervention; or
  - c) alleged maltreatment type is verified and the child is in need of protective intervention.

### **Referral on an Active File**

18. 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.
19. When information is received alleging maltreatment 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 Expectant Parent(s)**

20. For information related to expectant parents, please refer to the **Services to Expectant Parent(s)** policy.

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

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

## **Exceptional Circumstances**

22. 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** for Child Protection and Youth Services.
23. 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 for Child Protection and Youth Services will make the decision whether or not to provide the requested service.
24. When a manager and the Provincial Director for Child Protection and Youth Services approve the provision of services in this exceptional circumstance the social worker shall open the Other CYCP Services - Exceptional Circumstances program in the Integrated Service Management (ISM) system. All involvement with the child or the child's parent shall be documented in this program.
25. 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 Departmental 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.
26. The provision of services to a child who is not in need of protective intervention does not carry the same legal requirements under the CYFA as does the provision of mandated protective intervention services. Protective Intervention services are provided according to the standards set out in SDM®.

## **Referral Screened-Out**

27. 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 the Department not to

- respond to the report;
- b) advise them that the information will be retained by the Department;
- c) advise them of any action taken by the Department, for example, referring the information on to the police.

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

- 28. 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 FSNA, shall collaborate with the parent(s) to develop and enter into a written agreement outlining the plan for the child. The written agreement is documented on the FCAP. The FCAP identifies the needs to be addressed, the family strengths, the changes required (objectives), the activities necessary to reach the required changes, and who will be responsible for the activities.
- 29. 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**

- 30. 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 CYFA 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:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual
- Child Protection Referral, **Form 14-704**
- Safety Assessment, **Form 14-628**
- Family Strengths and Needs Assessment
- Family Centered Action Plan (FCAP), **Form 14-858**
- Referral Investigated Letter Template
- Memorandum of Understanding on Information Sharing, Appendix A
- Collaborative Child Abuse Investigations Training Manual, 2016
- Family Violence Training Material, 2017
- Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories, Appendix B

## Out of Home Living Arrangements During Protection Investigations

**Policy no.: 1.3.1**

**Effective Date: December 18, 2015**

**Date Revised: August 12, 2021; June 8, 2020; June 28, 2019; August 12, 2021**

**Policy Cross References: 1.13** Kinship Services: Assessing Service Eligibility; **1.18**

Kinship: Financial Services

**Legislative References: s.19** Short term care in the home; **s.12** Determining the need for protective intervention

**Purpose:** To outline the process to assess and support an out of home living arrangement with a relative or significant other for a child as part of the safety plan during the protection investigation.

### **Policy:**

1. A social worker shall consider an out of home living arrangement for a child when it has been determined the child cannot remain safely at home during the protection investigation (30 days).
2. A social worker shall determine the safety and suitability of a proposed out of home living arrangement prior to a child moving into the arrangement.
3. A social worker shall support the out of home living arrangement during the protection investigation (30 days) as part of the Safety Plan.
4. Financial services provided to support an out of home living arrangement secured in accordance with this policy shall be approved in accordance with the **Kinship: Financial Services** policy.

### **Procedures:**

#### **Determining the out of home living arrangement**

1. A parent must consent to their child living outside of their home as part of a safety plan. The social worker cannot arrange an out of home living arrangement without the parent's consent as such would constitute a removal. The child remains in the custody of the parent(s).
2. When it is determined an out of home living arrangement is the least intrusive measure to keep the child safe during a protection investigation, the social worker shall:

- a) discuss with the parent(s) the child protection concerns and reason(s) why an out of home living arrangement is required for the child during the protection investigation;
- b) discuss with the parent(s) the most suitable out of home living arrangement available and if there may be any potential concerns with the proposed out of home living arrangement caregiver such as criminal history/activity and/or child protection involvement;
- c) obtain the parent's consent to share relevant information pertaining to the child's care and reasons for protective intervention with the proposed out of home living arrangement caregiver;
- d) have the out of home living arrangement caregiver sign the safety plan on the day the arrangement is made or as soon as possible.

### **Determining the suitability of the out of home living arrangement**

3. **Prior to the child moving into the out of home living arrangement**, the social worker shall discuss with the proposed caregiver(s) their current or prior child protection and criminal involvement and shall: \_

- a) Obtain verbal consent from the proposed caregiver(s) and all persons residing in the home, 16 years of age or older, to complete a search for a CSSD child welfare record.
- b) Complete a CSSD child welfare record check for each person 16 years of age or older by:
  - i. Searching the Integrated Service Management (ISM) system to determine if they have any child protection involvement.
  - ii. Emailing the CSSD Records Manager, at [cssdstorage@gov.nl.ca](mailto:cssdstorage@gov.nl.ca), to determine if they have a closed CSSD file located in the Records Centre or at Provincial Office. Include client's name, date of birth, and current address.
  - iii. Checking child welfare index cards in local offices, if applicable. If this cannot be done prior to placement, it must be done by next business day.

If the proposed caregiver has active child protection involvement, determine an alternate plan for the child. If any other person residing in the home has active child protection involvement or if the proposed caregiver has a closed child protection file, consultation must occur with a supervisor to determine next steps. A review of the file must be completed by a social worker who will make a recommendation regarding their assessment of any child protection concerns. A supervisor must make the final decision regarding the suitability of the arrangement.

- c) Request that the caregiver, and all other persons residing in the home 18 years of age or older complete the Self Declaration and Consent form. If this cannot be done prior to placement, it must be done by next business day.

- d) Advise the caregiver and all persons in the home 12 years of age or older to apply to the local police to have a criminal record check completed. All persons 18 years of age or older must also apply to have a vulnerable sector check completed. Upon receipt, the caregiver and all persons in the home 12 years of age or older must provide the results of the checks to the social worker. Given the urgent nature of implementing the Safety Plan, a verbal police check must be also completed for all persons 18 years of age or older. Every effort shall be made to complete this check prior to placement. If the check cannot be completed prior to placement, it must be completed by next business day.
    - i. As per the Memorandums of Understanding on Information Sharing (MOU) with the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police, a written request must be completed and sent to police when completing a verbal or written police check. The Request for Information form can be used to document the request. In situations where the form cannot be completed at the time of the verbal request (i.e. emergency out of home placement), this must be explained to the police and the Request for Information form must be sent during the next business day. If the proposed caregiver or any other person residing in the home has a criminal record that would pose risk to a child, an alternate plan must be developed for the child.
  - e) Prior to placement, complete a Provincial Court records check on all persons in the home 18 years of age or older. If this cannot be completed prior to placement, it must be completed by next business day.
  - f) Determine availability of suitable sleeping arrangements for the child; and;
  - g) Plan a home visit to view the physical arrangement, meet the caregiver and all other persons residing in the home in person as soon as possible or by next business day.
- 4. Supervisory consultation and approval is required when planning for an out of home living arrangement.
  - 5. If at any time the social worker determines the out of home living arrangement will not protect the child, the social worker shall consult with the parent(s) and supervisor to determine an alternate plan for the child.

### **Supporting the out of home living arrangement**

- 6. A social worker shall discuss with the parent the importance of supporting the arrangement including providing the child's belongings, advising of medical needs, any upcoming appointments, events or school activities, and assisting in the transition for the child where appropriate.
- 7. A social worker shall discuss with the parent and the caregiver the requirements for visits between the parent and the child and a supervisor must approve the visitation plan.



8. A social worker shall discuss with the parent the expectation they contribute financially to support their child in the out of home living arrangement.
9. If a financial need is identified beyond what the parent can contribute, the social worker shall assess the request in accordance with the **Kinship: Financial Services** policy.
10. All financial supports and/or services provided to the out of home living arrangement shall be approved for a maximum of 30 days during the period of a protection investigation.
11. Where a child is determined to be in need of protective intervention and it is unsafe for the child to return with the parent(s), the social worker shall explore with the parent(s) whether the child can remain in the out of home living arrangement or if another plan needs to be considered. As soon as it is determined the child will need to remain in the out of home living arrangement beyond 30 days, an assessment shall be completed for a Kinship Service. Please refer to the Kinship Services policies to determine eligibility and assessment criteria.

**Exceptions:** None

**Relevant Documents:**

- Self-Declaration and Consent, **Form # 14-1000a**
- Request for Information, **Form # 41-3001**
- Memorandum of Understanding on Information Sharing Between CYFS and the Royal Newfoundland Constabulary
- Memorandum of Understanding on Information Sharing Between CYFS and the Royal Canadian Mounted Police
- Kinship Home Assessment, **Form # 14-1001a**

## Definition of Child in Need of Protective Intervention

**Policy No.: 1.4**

**Effective Date: March 2007**

**Date Revised: June 28, 2019**

**Policy Cross References:**

**Legislative References:** s .10 Definition of child in need of protective intervention; s.12 Determining 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 CYFA.
2. The definitions of a child in need of protective intervention, as outlined in s.10 of the CYFA, are reflected in the Structured Decision Making® Screening and Response Time Assessment, which shall apply when making a screening decision.
3. The definitions of a child in need of protective intervention, as outlined in s.10 of the CYFA, shall apply in making applications to the court.
4. The SDM® model 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.10 of the CYFA 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 a parent who exercises access whose actions show a propensity to violence or who has allegedly killed or seriously injured another person;
- o) has been left without adequate supervision appropriate to the child's developmental level; or
- p) 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:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Services to Expectant Parent(s)

**Policy no:** 1.4.1

**Effective Date:** January 11, 2016

**Date Revised:** June 28, 2019; June 30, 2021

**Policy Cross References:** 1.3 Determining the Need for Protective Intervention

**Legislative References:** s.12 Determining need for protective intervention

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**Purpose:** To outline when the Department may work with an expectant parent(s) and the services provided.

### Policy:

1. The Department may work with an expectant parent(s) who **voluntarily** agrees to involvement where there are concerns identified that would meet the threshold for child protection involvement at birth. The purpose of voluntarily engaging the expectant parent is to provide supports and services to address potential child protection concerns and prevent the need for child protection involvement after birth. This can include circumstances where one or both expectant parents agree to receive service in advance of the baby's birth. The expectant parent's written consent is required to share information with other service providers prior to the baby's birth.
2. Where an Indigenous expectant parent is contacted by the Department, the social worker shall be familiar with and discuss with the expectant parent available supports and services offered by their Indigenous Government or Organization. The social worker will seek the consent to connect the expectant parent to their respective Indigenous Government and Organization who can provide information and benefits on available supports and services that can be offered throughout the pregnancy.
3. Where an expectant parent(s) voluntarily agrees to involvement with the Department and is a current client of the Protective Intervention (PIP), In Care (ICP), Kinship Services (KSP) or Youth Services (YSP) programs, services will be provided by the client's current social worker and documented in the corresponding program case file. Where the expectant parent's ICP, KSP or YSP social worker has identified child protection concerns that need to be reported following the child's birth, the social worker shall report the concerns to the relevant intake office for screening in accordance with the Structured Decision Making (SDM) Model.
4. Where an expectant parent(s) is a current client of the PIP, and information reported is considered a referral for service on an expectant parent, a social worker shall refer to the Structured Decision Making (SDM) ® Model to determine if information received constitutes a new **Child Protection Referral** (i.e. referral information relating to current children in the parent's care) and the screening decision.
5. Where expectant parent agrees it would be helpful to plan with hospital staff in

advance of the child's birth, a social worker will facilitate this planning with the parents active participation. The structure of the planning process may vary by and within each region.

6. Financial support may be provided to the expectant parent, to support them in attending supports and services to support healthy and safe parenting practices after birth.
7. Where an expectant parent(s) declines services from the Department, a social worker shall assess the child protection concerns and, in consultation with a supervisor, discuss options for planning, where required, if CSSD is notified of the baby's birth. The social worker **shall not** contact the hospital to inquire if the expectant parent has been admitted or if the baby has been born unless they have written consent from the parent to do so.
8. Where the social worker, in consultation with the supervisor, has determined there is a threat to CSSD staff safety if CSSD staff need to attend the hospital to assess the safety and well-being of a newborn (e.g. expectant parent has made a direct threat to harm the social worker), the social worker shall follow CSSD's Occupational Health and Safety Threat Response Protocol. Where appropriate, this will involve CSSD's Occupational Health and Safety personnel contacting the Regional Health Authority Occupational Health and Safety personnel to plan accordingly.
9. Information obtained about an expectant parent(s) who is not a current client (e.g. child and/or parent on a PIP file) of the PIP, ICP, KSP, or YSP shall be electronically documented in the Integrated Service Management system (ISM) under "Other CYCP Services – Expectant Parent" and printed for the master paperfile.

## **Procedures:**

### **Benefits of Working with an Expectant Parent(s)**

1. CSSD is committed to supporting expectant parents in situations where concerns have been identified to indicate a need for child protection involvement upon birth. Working with an expectant parent(s) may assist in:
  - a) Preventing the need for child protection involvement upon birth
  - b) Ensuring expectant parents who identify as Indigenous are aware of and connected to early intervention and prevention supports that are provided by their respective Indigenous Government or Organization.
  - c) Developing a working relationship with the family prior to the child's birth;
  - d) Arranging/referring the expectant parent to applicable supports and services to assist in supporting the expectant parent(s) and helping to support safe parenting practices and address identified protection concerns prior to the child's birth;
  - e) Obtaining comprehensive information about the expectant parent(s), beneficial for planning, including family relationships, strengths, safety, risk and protective factors, available family and cultural supports and collateral services involved (e.g.

- public health); and
- f) Preventing more intrusive measures, such as an out of home living arrangement, by providing an opportunity to assess and plan for the child's safe discharge from the hospital

## Engaging an Expectant Parent

2. Where information is received regarding an expectant parent(s) or when the expectant parent contacts the Department for support/service, the social worker shall contact the expectant parent(s) and:
  - a) Explain the Department has received information indicating a potential child protection concern upon birth.
  - b) Explain the Department's mandate (to ensure the safety and well-being of children in need of protection) with the expectant parent(s).
  - c) Explain that the purpose of providing them with this information is to let them know the reason as to why they are being contacted and that if they would like to work with the Department in advance of the baby's birth, their involvement is voluntary, and with their consent, they can be referred to and be actively involved in community supports and services.
  - d) Discuss any worries the expectant parent may have about working with the Department in advance of birth or any worries they may be experiencing about current challenges that may impact parenting (e.g. mental health concerns, family violence).
  - e) Explain that the Department offers this voluntary service to support expectant parents, in advance of the baby's birth, so we can work toward the goal of developing a safe and nurturing home environment upon birth.
  - f) Explain some of the support/services the Department can offer the expectant parent (e.g. referrals to community supports/programming, financial support to attend recommended supports/services, regular telephone/in person contact to support them as they work on addressing child protection concerns).
  - g) Ask the expectant parent about their ethno cultural orientation or Indigenous heritage. This provides the opportunity for the social worker to obtain information on the expectant parent's cultural supports, who may become involved in planning for the child's birth. **See Procedure statement #4 below for more information on engaging Indigenous expectant parents.**
  - h) Discuss their interest in working voluntarily with the Department on the identified concerns prior to birth of the child and encourage them to take some time to reflect on the discussion if they are uncertain, at the time of the call, about whether they would like to agree to service.
  - i) Explain they will be contacted again in a week to discuss if they would like to avail of supportive services in advance of the baby's birth. The social worker shall provide their contact information to the expectant parent and encourage them to call if they have any further questions they would like to ask before making their decision.
    - Within a week of the initial contact, the social worker shall contact the expectant parent again and offer to:

- further discuss and work through any concerns/worries/fears or uncertainties about availing of support from the Department; and
  - discuss the benefits of availing of support in advance of the baby's birth.
  - If contact cannot be made after multiple attempts, it is assumed the expectant parent is not interested in availing of support in advance of birth. Attempts to contact the expectant parent should be entered into ISM as a logged call under the Other CYCP Services – Expectant Parent program and immediately closed after the information is logged.
- j) If the expectant parent agrees to service, the social worker shall begin to work with the expectant parent on addressing identified child protection concerns. As part of this process, the social worker shall inquire about whether the expectant parent is connected to community groups and services (public health, pre-natal, family resource centers, income support, Indigenous or other cultural groups, mother-baby nutrition supplement). If, during the course of CSSD involvement, the expectant parent wishes to no longer avail of support, the Other-CYCP Services – Expectant Parent program will close.
- k) Inquire about the expectant parent's support network, including cultural supports, and seek written consent to speak with the expectant parent's formal and informal supports (e.g. family, professionals involved with the expectant parent, applicable Indigenous Government or Organization). Early engagement provides the opportunity for social workers to ensure supports and services are provided to expectant parent(s), where needed and determine the plan for the child following birth (e.g. discharged from the hospital to the parent's care or a family member/significant other's care) and enhance positive outcomes for children and families.
3. Frequency and duration of in-person support provided to the expectant parent(s) and discussions with collaterals will be based on the expectant parent's wishes and agreed upon by the social worker and supervisor.

### Engaging an Indigenous Expectant Parent

4. Where information is received regarding an Indigenous expectant parent(s) or when the Indigenous expectant parent contacts the Department for support/service, the social worker shall discuss with the Indigenous expectant parent(s) the factors outlined in Procedure statement #2 as well as:
- a) That the social worker will follow the Innu-CSSD Protocol to guide work with **Innu** expectant parents. This includes referring the **Innu** expectant parent, with their consent, to the Innu Prevention Services agency, offered by both Sheshatshiu Innu First Nation and Mushuau Innu First Nation, to support the **Innu** expectant parent in advance of the baby's birth.
  - b) Explaining, where the expectant parent identifies as **Inuit**, that the Department, with the **Inuit** expectant parent's consent, will refer them to services offered by the Nunatsiavut Government (NG) to support the **Inuit** expectant parent in advance of

the child's birth (e.g. Family Connections Program).

- c) Explaining that if the Indigenous expectant parent would also like to voluntarily work with the Department throughout the pregnancy, and with their consent, the social worker can connect with the relevant IGO to discuss supports and services available to assist the parent and collaboratively plan with the IGO to support safe parenting practices and for the child's birth, as required. The expectant parent is central to all planning and discussions and must always be included in the planning process.

### **Determining the Need for Protective Intervention Upon Birth**

5. When information is reported to the Department regarding concern for an expectant parent's unborn child, the social worker will explain to the referral source that, in accordance with the CYFA, involvement with an expectant parent is voluntary in nature, will only occur if the expectant parent agrees to service, and the Department's responsibility to ensure the safety and well-being of children is initiated only after a child is born. The social worker shall advise the referral source to contact the Department, in accordance with duty to report provisions, if concerns continue to be present once the child is born. If the Department receives information about the baby's birth, the Department has the legislative mandate to intervene, if determined necessary. The social worker shall also attempt to seek the referral source's name and contact information as future contact may be required if the Department becomes involved with the family when the child is born.
6. If a call is received indicating the expectant parent has given birth, a social worker's determination for protection involvement will be assessed at that time in accordance with SDM.
7. There may be times when the expectant parent voluntarily engages in service prior to the child's birth and child protection involvement is not required with the family following the child's birth. In these situations, the social worker will document all involvement with the family on the Other CYCP Services - Expectant Parent program in ISM and close the file.
8. Where child protection involvement is determined to be required after the child's birth, following an assessment of the information reported to the Department advising of the birth, the Other CYCP Services – Expectant Parent program will close in ISM and a protection case will open.

### **Financial Support**

9. The social worker shall discuss with the expectant parent what supports and services they feel they could benefit from in preparing them to nurture, support and safely care for their baby. The social worker shall also discuss, with the expectant parent, the services and supports available in the community that may be relevant to the needs reported by the expectant parent or by others involved with the expectant parent.



10. If necessary, to support the expectant parent participating in supports/services to which they have consented, financial support may be offered on a case-by-case basis (e.g. bus pass, taxi transportation).
11. Based on the assessment and recommendation of the social worker:
  - a) A social worker may approve up to \$300, per month, for the duration of the case opening, to support the expectant parent participating in services.
  - b) A supervisor may approve in excess of \$300, per month, for the duration of the case opening, to support the expectant parent participating in services.

### **In Care/Kinship/Youth Services Program Clients**

12. To reduce the number of social workers involved with the expectant parent, where an expectant parent(s) is a current client of the ICP, KSP, or YSP program, information and support for the expectant parent(s) will be provided, **if the expectant parent consents**, as part of that program's service and will be documented in the corresponding file.
13. Where the expectant parent's ICP, KSP or YSP social worker has identified child protection concerns once the baby is born, that information shall be reported in accordance with the duty to report provision.

### **Planning with Hospitals and the Expectant Parent(s)**

14. Where it has been determined child protection involvement is required following the child's birth and **with the consent of the expectant parent**, if it will be determined necessary to involve the hospital in the planning process, the social worker can notify the hospital of the Department's upcoming involvement following birth. The social worker shall involve the expectant parent in the planning process with the hospital. The process of who to contact at the hospital may vary and will need to be determined regionally.
15. As birth alert notifications to hospitals are no longer occurring and we are engaged with expectant parents in a voluntary and supportive relationship, social workers will no longer be contacting hospitals to check in on the expectant parent and newborn baby unless the expectant parent has provided consent for the social worker to do so. However, in situations where the expectant has consented to working voluntarily with the Department, the social worker should already be aware when the expectant parent has been admitted and/or when the baby is born and therefore calls to the hospital should not be required in the majority of cases.
16. In circumstances where only one expectant parent provides consent to plan with the hospital, planning with the hospital can occur, where agreed upon by the expectant parent, but the only information that can be shared with the hospital is information specific to the parent who has provided consent.

## **Information on Expectant Parents that does not Require Child Protection Involvement**

17. The Department may receive referrals or calls for support from expectant parents that would not meet the mandate for a child protection investigation following the child's birth. Although no child protection involvement is necessary, the social worker will provide the expectant parent(s) with information on services available in the community to meet the expectant parent(s) need for support. In these circumstances, a social worker shall document the reported information as a logged call under the "Other CYCP Services – Expectant Parent" program in ISM and then promptly close the program. The social worker shall notify the expectant parent of the information received.

## **Expectant Parent Declines Child Protection Services**

18. If the expectant advises they do not wish to avail of support from the Department in advance of the baby's birth but the information received indicates child protection involvement will be needed following the baby's birth, the social worker shall document the information as a logged call in the Other CYCP Services – Expectant Parent program in ISM and promptly close the program.
19. If additional information is received prior to the baby's birth, the information should be logged as a call under the Other CYCP Services – Expectant Parent program. The expectant parent shall be contacted to advise of information received and again offered support and services in advance of birth. If the expectant parent does not wish to avail of support from the Department, the Other CYCP Services – Expectant Parent program will close.
20. Any information received following the child's birth will be assessed in accordance with SDM.

## **When Expectant Parent Engaged in Service Moves to Another Zone**

21. Where an expectant parent, who has voluntarily agreed to avail of support in advance of birth, has moved to another zone, the social worker shall follow the Client File Transfer Policy (IMP-2013-001), which requires the expectant parent to provide written consent to transfer their file to another zone.
22. If the client provides written consent to transfer the file, the social worker shall ask the expectant parent if they would like to attend a call with the receiving zone's social worker and supervisor. The expectant parent can choose whether they would like to attend.
23. The receiving supervisor will assign a social worker to assume case management of the file.
24. If the expectant parent chooses not to attend the call with the receiving zone, the social

worker will update the expectant parent after the call, including providing the new social worker's name and contact information.

25. In accordance with the Client File Transfer Policy, the Other CYCP Services – Expectant Parent program will be transferred in ISM to the new social worker assigned and the master file will be sent using a secured means of transport.
26. If the expectant parent does not provide consent to transfer their file to the zone where they have moved, the file will continue to be case managed by the current social worker. In circumstances where face-to-face contact is required (e.g. consent form needs to be signed), the social worker can request this be done by a social worker in the zone where the expectant parent has moved.

### **Exceptions:**

1. Where information is received regarding an expectant parent(s) who is under the age of 16 years and is currently in need of protection (i.e. their parent has an open PIP file), the social worker, in consultation with a supervisor, shall determine if child protection concerns exist regarding the expectant parent(s) (given they meet the definition of a child as per the CYFA).
  - a) If there are child protection concerns regarding the expectant parent's parenting, an assessment of the needs and child protection involvement needed following birth shall be documented on the parent's open protective intervention file rather than opening an Other CYCP Services – Expectant Parent program. If the expectant parent requires child protection involvement following the child's birth, a new Protective Intervention Program will be opened on the parent and newborn child.

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual
- Innu – CSSD Protocol
- Client File Transfer Policy (IMP-2013-001)

## Police Involvement

**Policy no: 1.5**

**Effective Date: March 2007**

**Date Revised: June 5, 2015, June 28, 2019**

**Policy Cross References:** 1.10 Duty to Report; 1.3 Determining the Need for Protective Intervention; 1.7 Observing and Interviewing Children; Memorandum of Understanding on Information Sharing (Appendices A, A-1)

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

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**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 CYFA and when determining the level of risk to the child or the social worker.

### **Procedures:**

1. The social worker shall review each referral 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 are reasons 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 Referral (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:
  - a) Protection investigation only
  - b) Police investigation only
  - c) Parallel protection/police investigation
  - d) 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, jeopardizing the police investigation. The social worker shall endeavor 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 the Department on the Child and Youth Maltreatment Report form.
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 agreed upon interviewing protocol between social worker and police.
8. When required, the social worker shall request police assistance:
  - a) to enforce an Order issued under the CYFA;
  - b) when information indicates 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 behavior 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:** None

**Relevant Documents:**

- Child and Youth Maltreatment Report, **Form 43-152**
- Collaborative Approach for the Investigation of Child Sexual Abuse Training Manual

## **Memorandum of Understanding on Information Sharing (MOU)**

**Policy no.: 1.6**

**Effective Date: March 2007**

**Date Revised: July 7, 2015, June 28, 2019**

**Policy Cross References: 1.5 Police Involvement**

**Legislative References:**

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**Purpose:** To outline the process for the sharing of information between the Department and police agencies on matters relating to the protection of children.

### **Policy:**

1. The Memorandums of Understanding on Information Sharing (MOU) between the Department and the Royal Newfoundland Constabulary (RNC), and the Department and the Royal Canadian Mounted Police (RCMP) shall be followed for inter-agency information sharing, joint investigations and joint training.
2. The MOU is intended to enhance inter-agency cooperation and to further the effectiveness and efficiency of the response and investigation of child and youth maltreatment.

### **Procedures:**

1. The social worker shall follow the procedures outlined in the MOU when required to collaborate with policing agencies on matters related to the protection of children and youth.
2. The MOU between the Department and the RCMP is located in Appendix A of this manual.
3. The MOU between Department and the RNC is located in Appendix A-1 of this manual.

**Exceptions:** None

### **Relevant Documents:**

- Memorandum of Understanding on Information Sharing, **Appendices A, A-1**
- Information Sharing Agreement (2013)
- Child and Youth Maltreatment Report, **Form 43-152**
- Request for Information, **Form 41-300**

## Observing and Interviewing Children

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**Policy no.: 1.7**

**Effective Date: March 2007**

**Date Revised: June 5, 2015, November 23, 2023**

**Policy Cross References:** Overview of Structured Decision Making® Model

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

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**Purpose:** To outline the requirements for observing and interviewing a child when conducting a protection investigation or ongoing assessment of risk.

### **Policy:**

1. A social worker shall take all necessary steps to interview (or observe if an interview is not developmentally appropriate) a child who is, or may be, in need of protective intervention for the purposes of a protection investigation and for the ongoing assessment of risk.
2. The Structured Decision Making® Model (SDM) shall be followed when interviewing (or observing if an interview is not developmentally appropriate) a child.
3. A social worker shall interview (or observe if an interview is not developmentally appropriate) all siblings of a child defined to be in need of protective intervention as part of the protection investigation.
4. 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 agreed upon interviewing protocol between social worker and police.
5. The parent(s) shall be notified, before or after, of all interviews (or observations if an interview is not developmentally appropriate) with their child. If the interview or observation is in relation to a protection investigation, attempts shall be made to notify the parent(s) as soon as possible on the day of the interview or observation.
6. A social worker shall observe all children who may be or are in need of protective intervention during every home visit if they are present in the home at the time of the visit.
7. Where a child is home during the social worker's visit and is unable to be observed during the visit (e.g the child refuses to see the social worker and goes to their room or leaves the home), the social worker shall consult with a supervisor and document the reasons why the child was not able to be observed in the file.

## Procedures:

### General

1. The social worker shall follow the SDM standards and procedures when preparing for and interviewing (or observing if an interview is not developmentally appropriate) a child for the purposes of a protection investigation and for the ongoing assessment of risk. Ongoing assessment of risk means that a child has been determined to be in need of protective intervention and the file has transferred to Ongoing Protective Intervention Services.
2. The social worker shall review and become familiar with Appendix A of the Practice Standards section of the SDM Policy and Procedures manual, Interview and Observation Questions 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 a 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 interview (or observe if an interview is not developmentally appropriate) 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 identity 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.

The social worker shall advise the parent(s), before or after, of the interview (or observation if an interview is not developmentally appropriate) with the child if the child has been interviewed without their consent. The decision to notify a parent before or after the interview/observation with their child is to be made in consultation with a supervisor. If the interview or observation is in relation to a protection investigation, attempts shall be made to notify the parent(s) as soon as possible on the day of the interview or observation.

7. The nature and intent of interviews and observations with the child are dependent on a number of clinical factors including but not limited to:
  - a) Previous injury to the child
  - b) Child protection history
  - c) Current safety threats
  - d) Date of last contact with the child
  - e) Willingness of the child to engage
  - f) Risk of harm to the child
  - g) Age of the child
  - h) Vulnerability factors including child's visibility in the community, physical, emotional or developmental issues.



## Protection Investigation

8. The social worker shall consult with a supervisor regarding who will be interviewed, when and where the interviews will take place, and document the **Investigation Plan** on the Child Protection Referral or as a case note on the **client file**.
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 interview (or observe if an interview is not developmentally appropriate) the child at the place the child is located, as the child cannot be taken to another location without parental permission because doing so without permission would constitute a removal.
11. The social worker shall, if required during a protection investigation, interview (or observe if an interview is not developmentally appropriate) the child on more than one occasion.
12. The social worker shall interview (or observe if an interview is not developmentally appropriate) the child prior to the parent(s) being notified when it is determined necessary to ensure the safety of the child, and to assist with obtaining corroborating evidence necessary in the verification of maltreatment concerns.
13. When a child has been interviewed (or observed if an interview is not developmentally appropriate) prior to the parent(s) being notified, the investigating social worker shall notify the parent(s), with whom the child resides, of the interview (or observation if an interview was not developmentally appropriate) as soon as possible on the day of the interview/observation. If the parent(s) cannot be reached on the day of the interview/observation, continue to attempt contact with the parent(s) using all means necessary.
14. The social worker shall notify the **non-custodial parent** of the child, as defined in Section 2 of the CYFA, of the interview.
15. 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).
16. The social worker, following the interview (or observation if an interview is not developmentally appropriate) 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.
17. When required, the social worker shall participate in a joint forensic interview with the police following the agreed upon interviewing protocol between social worker and police when investigating alleged physical or sexual abuse of a child.
18. Throughout a protection investigation, the social worker shall observe all children if they are present in the home during every home visit.

19. Where a child is home during the social worker's visit and is unable to be observed (e.g. the child refuses to see the social worker and goes to their room or leaves the home), the social worker shall consult with a supervisor to determine the most appropriate plan for observing the child.

### **Ongoing Assessment of Risk – Ongoing Protective Intervention Services**

20. The social worker, in establishing a working relationship with the parent(s), shall explain the role of the Department in assessing ongoing risk to a child. The process for assessing ongoing risk includes interviews with the child and, depending on the circumstances; interviews (or observations) 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 (or observed if an interview is not developmentally appropriate) prior to the parent(s) being notified.
22. The social worker shall interview (or observe if an interview is not developmentally appropriate) the child in private, where it is appropriate to do so, at the place the child is located as the child cannot be taken to another location without parental permission because doing so without permission would constitute a removal.
23. The social worker shall notify the parent(s) of the interview (or observation if an interview is not developmentally appropriate) with the child. Attempts to notify should occur as soon as possible after the interview or observation of the child.
24. When a social worker is completing a home visit, the social worker shall observe all children if they are present in the home at the time of the visit.
25. Where a child is home during the social worker's visit and is unable to be observed (e.g. the child refuses to see the social worker and goes to their room or leaves the home), the social worker shall consult with a supervisor to determine the most appropriate plan for observing the child.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual
- Interview of a Child, **Form 41-02**
- A Collaborative Approach for the Investigation of Child Abuse Participant Manual, 2016

## Short Term Care in the Home

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**Policy no.: 1.8**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019**

**Policy Cross References:**

**Legislative References: s.19** Short term care in 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 enquiries 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 enquires 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 CYFA may be required to protect the child.

**Exceptions:** None

**Relevant Documents:** None

## Protective Care Agreements

**Policy no.: 1.9**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019, August 10, 2021, November 23 2023**

**Policy Cross References:** Removal of Child without a Warrant; Youth Services Agreements; Disclosure without Consent;

**Legislative References:** s.12 Determining 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(s) agree that out-of-home care is necessary to ensure the child's safety;
  - c) the parent(s) 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(s) 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(s), 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(s) 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) if the child is Indigenous, develop a plan with the parent(s) that shall include ways in which the child can continue to be connected to their culture while residing in the foster home or residential placement (as parents retain custody of their child under a PCA, a Cultural Connection Plan is not required for Indigenous children. However, it can be used as a guide when having discussions with parents about ways to foster the child's connection to their culture while in care via a PCA).

- d) explain the effects of a PCA to the parent(s) and child, where appropriate, and identify the ways in which the agreement may end;
- e) inform the parent that they may seek legal advice prior to entering into a PCA;
- f) determine an appropriate timeframe for the agreement. The time a child spends in a PCA shall **not exceed six (6) months**; and
- g) determine the ability of the parent(s) 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(s);
- 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 in which the parent has agreed to participate.

3. Where a parent(s) has custody of the child, they shall be involved in the PCA process and shall sign the PCA.

4. When determining if one or both parents are required to sign the PCA, the guiding rule is that the PCA is a voluntary and collaborative process that results in their child being in care, every parent of a child shall be invited to participate in the planning and decision-making that affects their child. However, there may be situations when one parent cannot be located or one parent is in agreement with a PCA and the other parent is not. A PCA shall still be considered in this situation as it a less intrusive option over a removal to ensure a child's safety.

5. When determining if one parent or both parents are required to sign the PCA, the following shall be used as guidance:

- a) In most cases there will not be a custody order or written custody or parenting agreement and it is the responsibility of the social worker to ask the parents about custody or parenting agreements. The social worker may also need to ask the child(ren) about a parent's visitation/access to determine the context of the parenting situation. All relevant information shall be documented in the case notes
- b) If one parent states there is a custody order in place and the other parent denies this, then a social worker shall consult with their supervisor and their solicitor prior to entering into a PCA with only one parent
- c) In situations where there is no indication of a custody order or written custody or parenting agreement and:
  - i. the child lives with both parents then both parents are required to sign the PCA.
  - ii. the child lives with only one parent, then only the primary parent who the child lives with is required to sign the PCA. In cases in which there is a parent who exercises access but the child does not live with that parent, that parent should be informed of the PCA and asked to participate in the process even though they are not required to sign the agreement. Visitation/access should also continue unless there are concerns for the child's safety or wellbeing.

- d) If there is either a custody order or custody or parenting agreement in place, social workers should ensure that they understand the custody and access provisions to ensure that the appropriate parent(s) sign the PCA. If necessary, they should consult with their solicitor. The general principles to follow regarding orders and agreements about custody are that:
  - i. if parents have shared legal custody, regardless of where the child resides, then both parents have to sign the agreement.
  - ii. if only one parent has sole legal custody then that parent is required to sign the agreement.
- 6. Upon signing the PCA, the care of the child transfers to the manager. The custody of the child remains with the parent(s).
- 7. A child in care under a PCA shall be placed in a foster home or **residential placement** that has been approved by a manager. Where the PCA pertains to an Indigenous child, placements shall be considered in accordance with s.65 of the CYFA.
- 8. Where a child is placed in care under a PCA, the social worker shall:
  - a) arrange for a placement medical to be completed by a physician or other qualified health practitioner;
  - 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) where required, make an application to the Newfoundland and Labrador Prescription Drug Program. 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.
- 9. Parental consent will be required for medical treatment. Arrangements for medical consent shall be made in advance, where a parent(s) will be unavailable for a period of time.
- 10. In cases where consent is obtained from the parent(s), a social worker may inform the appropriate **Indigenous Representative** that a child has come into the care of a manager through a PCA. Where consent cannot be obtained, a manager may authorize the social worker to share this information with the Indigenous Representative where it is required for case planning or integrated service delivery under s.94(c) of the CYFA. Please refer to the **Disclosure without Consent** policy when considering the disclosure of information without the parents' consent.

11. As part of ongoing work with the family or when requested to do so by the parent(s) 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).
12. 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.
13. 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(s), a transition plan shall be developed. Where it is determined that a child will not return to live with a parent(s), an alternate plan shall be identified.
14. A PCA ends when:
  - a) the child is removed, with or without a warrant, under the CYFA;
  - b) the parent(s) requests the agreement be terminated;
  - c) the social worker terminates the agreement and the child returns to the care of the parent(s); or
  - d) the child reaches sixteen (16) years of age.
15. Where a child is in the care of a manager through a PCA and the child turns 16, the custodial relationship ends. Prior to a youth's 16 birthday, a social worker, in consultation with their CPS should determine if a Continuous Custody Application is required or if the youth can return home. If a Continuous Custody Order is not in the youth's best interest, the youth may be eligible for the Youth Services Program. Please refer to the **Youth Services Agreement** policy (Policy #5.3) 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>



## Duty to Report

**Policy no.:** 1.10

**Effective Date:** March 2007

**Date Revised:** October 1, 2013, June 28, 2019

**Policy Cross References:**

**Legislative References:** **s.11** Duty to report; **s.12** Determining need for protective intervention; **s.93** Information not to be disclosed; **s.98** General offence; **s.101** Liability for offence

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**Purpose:** To outline the Department's response, under the duty to report, when an individual fails to report that a child or youth is, or may be, in need of protective intervention.

### Policy:

1. Failure to report that a child or youth is, or may be in need, of protective intervention constitutes an offence under s.11 of the CYFA 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 CYFA. The final decision on whether or not to investigate or lay charges shall rest with the police.
3. The social worker shall familiarize themselves with the relevant sections of the CYFA in order to determine when an offence may have occurred.

**Exceptions:** None

**Relevant Documents:** None

## **Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories – Protective Intervention**

**Policy no.: 1.11**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, October 1, 2013**

**Policy Cross References:**

**Legislative References:**

**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:** None

### **Relevant Documents:**

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

## Kinship Program: Overview

**Policy no.: 1.12**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019 Policy Cross References:**

**Legislative References: s.66** Persons who provide care; **s.67** Agreement for services

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Under a Kinship Services Program, support and financial services are available to kin who are willing and capable of providing care to a child who requires an out of home living arrangement as part of a protective intervention plan.

A Kinship Services arrangement is explored when a child is in need of protective intervention and an assessment of safety and risk factors indicates that it is necessary for the child to live temporarily away from their parent(s) and a less intrusive course of action that will adequately protect the child is not available.

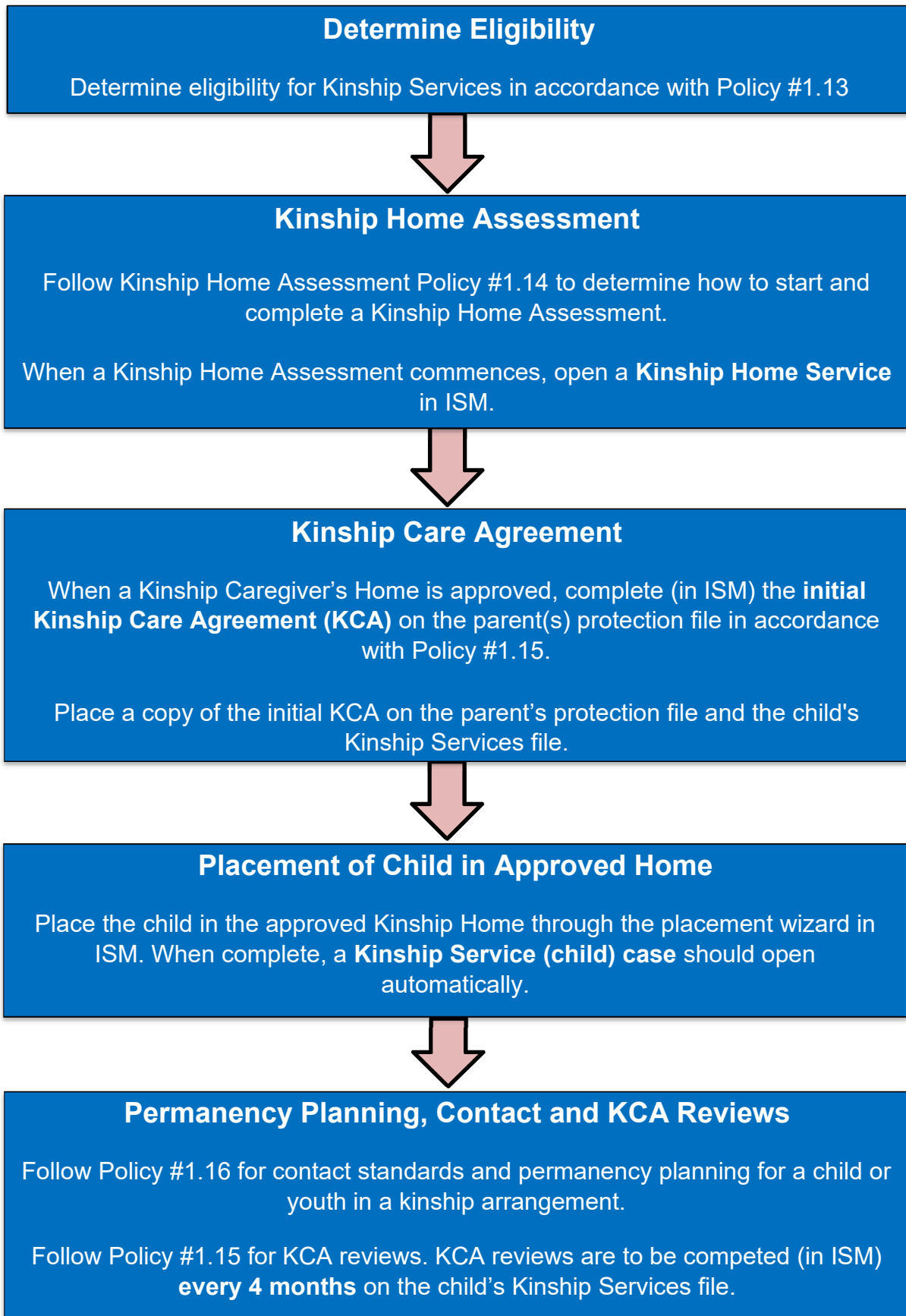
The Kinship Services Program is a voluntary and collaborative arrangement between the child's parent(s), the **kinship caregiver(s)** and the social worker unless there is an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA in effect. The **Kinship Care Agreement (KCA)** is a written agreement that enables the parent to retain custody while transferring the care of the child to the kinship caregiver. The KCA also outlines the responsibilities of all parties involved, enables the social worker to provide supports and services to the child and kinship home, and documents permanency planning for the child.

A potential kinship caregiver may be identified by the parent, the child, extended family or another person working with the child or family. In accordance with s.67(3) of the Act, a kinship caregiver has to be approved prior to entering into a KCA. Once approved, a kinship home has to be monitored by the social worker to ensure the child's needs are being addressed and the child is residing in a safe supportive environment.

The plan for a child in a kinship living arrangement is directed at achieving a safe permanent home for the child. The preferred permanency plan for a child is reunification with their parent(s) when the risk has been reduced and it is deemed safe for the child to return home. A social worker will work with the parent(s), the child where age and developmentally appropriate and the kinship caregiver to develop a reunification plan. The plan and the steps being taken to achieve reunification are documented on the Family Centered Action Plan (FCAP) and Kinship Care Agreement (KCA) form.

If it is determined that that reunification is not in the best interest of the child, or if reunification has not occurred within a 12 month period and is unlikely to occur in a further 3 or 4 month period, the social worker will explore an alternate permanency plan for the child with the parent(s) and the kinship caregiver(s). If the alternate permanency plan for the child is to remain in the kinship home it is preferable that the kinship caregiver(s) pursue the possibility of adoption or legal custody as this also creates legal permanence for the child.

## Kinship Program Workflow



## Kinship Services: Assessing Service Eligibility

**Policy no.: 1.13**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019**

**Policy Cross References:** Kinship Care Agreement; Kinship Home Assessment; Kinship Services: Planning and Monitoring; Kinship Financial Services; Jurisdictional Request; and Definition of Child in need of Protective Intervention; Structured Decision Making (SDM) Policy and Procedures.

**Legislative References:** **s.67** Agreement for services; **s.31** Presentation hearing; **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 purpose of Kinship Services and the eligibility requirements for opening and closing a Kinship Services Program.

### **Policy:**

1. When a social worker believes that a child is in need of protective intervention in accordance with s.10 of the CYFA, they shall explore a kinship services arrangement, in consultation with a supervisor where:
  - a) An assessment of safety and risk factors indicates that it is necessary for the child to live temporarily away from their parent(s) and a less intrusive course of action that would adequately protect the child is not available; or
  - b) A child is out of the home under a safety plan, and it is determined that the child is in need of protective intervention and cannot safely return to their parent's care.
2. Where a social worker applies for an order pursuant to s.32(2)(b) of the CYFA and the order is granted, kinship services may be considered. Refer to the following policy: **Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or Application for a Subsequent Order.**
3. A child or youth in a kinship arrangement **is not** in the care or custody of a manager. Either:
  - a) The parent(s) retains custody of the child while transferring the care of the child (via a Kinship Care Agreement) to the kinship caregiver(s). In these cases the Kinship Services Program is a voluntary and collaborative arrangement between the child's parent(s), kinship caregiver and a supervisor;
  - b) There is an order granted pursuant to s.32(2)(b) of the CYFA placing the child in the **temporary custody** of the kinship caregiver(s) **and** a social worker agrees to

- enter into a Kinship Caregiver Agreement (KCA) with the individual(s) to whom custody has been granted; or
- c) There is an order granted pursuant to s.31(2)(d) of the CYFA placing the child in the temporary care of the kinship caregiver(s) until the conclusion of the protective intervention hearing **and** a social worker agrees to enter into a Kinship Caregiver Agreement (KCA).
4. Kin who are approved to care for a child or youth under the Kinship Services Program are referred to as “kinship caregivers” and may include members of the extended family or a person significant to the child or with whom a child has a connection, but cannot be a custodial or non-custodial parent/step-parent.
  5. Where the proposed kinship caregiver lives outside the province, kinship services for the child **shall not** be approved. In these situations, the social worker has the option of exploring a voluntary Protective Care Agreement (PCA) with the parent(s) or to consider a removal. A child who comes into the care of a manager, either through a PCA or a removal, **may be** placed with kin who are approved **relative/significant other foster parents** outside the province through the **Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories** (April 2016).

## Procedures:

### Determining eligibility for Kinship Services

1. A social worker, in consultation with a supervisor, shall determine eligibility for Kinship Services by ensuring that all the following conditions are met:
  - a) The child, parent(s) and proposed kinship caregiver(s) live in this province and there is an **active Protective Intervention Program**;
  - b) An assessment of safety and risk factors indicates that it is necessary for the child to live temporarily away from their parent(s) as a less intrusive course of action that would adequately protect the child is not available;
  - c) If a kinship caregiver was not available, the child would have to come into care and be placed with a foster parent or other residential placement;
  - d) The parent(s) agrees to the out-of-home placement, or there is an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA in effect and a social worker agrees to enter into a Kinship Caregiver Agreement (KCA).
  - e) The parent(s) **does not** live in the same house as the kinship caregiver;
  - f) The parent(s) agrees to maintain contact with the child and work with the social worker to develop and follow a Family Centered Action Plan (FCAP) to reduce the risk that causes the child to be in need of protective intervention, or there is an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA in effect;
  - g) **Reunification** with the parent(s) is the plan for the child; **and**
  - h) The social worker believes an out-of-home living arrangement through a Kinship Care Agreement (KCA) to be in the **best interests** of the child.

2. If **all** the above-noted conditions are met, the social worker, with the approval of a supervisor, shall proceed with completing the Kinship Home Assessment (KHA) and KCA in accordance with a Kinship Home Assessment and Kinship Care Agreement policies.
3. A Kinship Services Program shall not be opened for a youth who is 16 years of age or older. Youth in need of protective intervention who cannot remain at home may reside with kin under another Departmental program. Either:
  - a) A youth determined to be in need of protective intervention who cannot remain at home is entitled to services under the Youth Services Program and may reside with kin through a board and lodging arrangement. Refer to Youth Services (section 5) of the Child Protection and In Care Policy Manual; or
  - b) If a youth lacks mental capacity and is removed pursuant to s.21 of the CYFA, the first consideration shall be to place the youth with a relative/significant other foster parent(s) following the Placement Resources: Relative/Significant Other Foster Home Approval policy.

### **Approval**

4. A supervisor may approve the opening of a Kinship Service for a child only **when**:
  - a) All the conditions outlined above in procedure #1 are met;
  - b) The kinship caregiver(s) is assessed and approved in accordance with the Kinship Home Assessment policy; and
  - c) The KCA is completed and signed in accordance with the Kinship Care Agreement policy.
5. When a Kinship Service is opened on the child, the social worker shall support the kinship caregiver(s) in caring for the child, and in supporting the child in maintaining their relationships with family members.

### **Termination of Services**

6. A social worker's decision to terminate kinship services shall be approved by a supervisor.
7. Kinship Services **shall be** terminated where either of the following occurs:
  - a) The child/youth returns to the care of the parent(s);
  - b) The child/youth leaves the home of the kinship caregiver(s);
  - c) The child/youth moves out of the province;
  - d) The child/youth is adopted by the kinship caregiver(s);
  - e) The kinship caregiver(s) moves out of the province;
  - f) The child/youth's parent(s) move into the same home as the kinship caregiver(s);
  - g) The child/youth enters into care;

- h) A youth enters into a Youth Services Program;
- i) The kinship caregiver(s) intends to pursue a plan for the child that is not consistent with the Department's plan for the child. For example, a case where the Department believes reunification with the child's parent(s) is the permanency plan for the child, however, the kinship caregiver(s) is not in agreement with reunification and wishes to pursue custody of the child;
- j) There are protection concerns or the home of the kinship caregiver(s) or family composition has changed since the KHA was completed whereby it is no longer a safe or appropriate living arrangement for the child/youth;
- k) The kinship caregiver(s) refuses the social worker access to the home or to the child/youth;
- l) The kinship caregiver has permanent custody of the child and is eligible for the Permanent Transfer of Custody Subsidy Program.
- m) The youth turns 18 years of age; or
- n) The parent(s), supervisor or kinship caregiver(s) refuses to renew a KCA.

### **Exceptions:**

1. The plan for reunification with the child's parent(s) is a condition that shall be met to open a Kinship Services Program unless:
  - a) The child is 15 years of age or older; or
  - b) The child has no living parent and if a Kinship Services Program is not approved, the child would be determined to be in need of protective intervention and would have to come into the care of a manager.
2. Where a child has no living parent, and kin are available but require financial assistance to care for the child, a manager may approve kinship services if the child would otherwise have to come into care if the kin were not available to care for them.
3. When a child in a kinship services arrangement turns 16 years of age, the consent of the parent(s) is no longer required for the youth to continue to stay in the kinship living arrangement.
4. If a youth is attending high school, a supervisor may continue to approve the Kinship Services Program until the completion of high school or the youth's 19<sup>th</sup> birthday, whichever comes first.
5. In exceptional circumstances, and with the written recommendation of a supervisor and a manager, the Assistant Deputy Minister of the Child and Youth Service Branch may approve Kinship Services to continue when the child's parent(s) resides in the same home as the kinship caregiver.

### **Relevant Documents:**

- Kinship Care Agreement, **Form 14-641a**



## Kinship Home Assessment

**Policy no.: 1.14**

**Effective Date: October 1, 2013**

**Date Revised: March 19, 2018; June 28, 2019; November 3, 2020;**

**September 6, 2022**

**Policy Cross References:** Kinship Services: Assessing Service Eligibility; Kinship Care Agreement; Child Protection Clearance Checks; Youth Corrections Records Management Policy; Disclosure without Consent Policy.

**Legislative References:** **s.65** Placement considerations; **s.66** Persons who provide care; **s.67** Agreement for services

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**Purpose:** To outline the process for completing a Kinship Home Assessment (KHA).

### **Policy:**

1. A proposed kinship caregiver may be identified by the parent, social worker or other person involved with the child and/or family.
2. Prior to beginning a KHA, a social worker shall consult with a supervisor to determine if the eligibility criteria for Kinship Services as outlined in procedure #1 of the Kinship Services Eligibility policy are met.
3. Where it is determined that the eligibility criteria for Kinship Services are met, the social worker shall complete a Kinship Home Assessment of the proposed kinship caregiver(s) to ensure the child's safety, well-being and protection in the kinship arrangement.
4. All kinship homes **shall be** approved by a supervisor as per s.66 & s.67(3) of the CYFA.
5. A fully approved kinship home requires a conditional approval **and** a final approval.
6. A final approval must be completed no later than **4 months** from the conditional approval.
7. While it is preferred that a kinship home have a final approval completed prior to a Kinship Services case opening on a child, in cases where an immediate placement is required before the final approval is complete, a Kinship Services case can be opened on the child if:
  - a) the kinship home is conditionally approved; and
  - b) a KCA is signed.

8. If at any time during the Kinship Home Assessment process it is determined that the arrangement will not adequately protect the child and meet the child's needs, the social worker shall consult with a supervisor to determine an alternate plan to ensure the safety and well-being of the child.

## **Procedures:**

### **Initial Steps - Discuss the program and obtain consents**

1. Prior to commencing a Kinship Home Assessment, the social worker shall discuss with the parent(s) the following:
  - a) The child protection concerns and reason(s) why an out of home arrangement is required for the child;
  - b) The Kinship Services Program. As part of this discussion the social worker shall inform the parent(s) that:
    - i. the Kinship Services Program is a voluntary and collaborative arrangement between the child's parent(s), kinship caregiver and the Department;
    - ii. a child in a kinship arrangement is not in the care or custody of the manager; and
    - iii. the parent(s) retains custody of the child while transferring the care of the child (via a Kinship Care Agreement) to the kinship caregiver(s);
  - c) The parent's agreement with the proposed kinship arrangement;
  - d) Whether the parent(s) is in agreement that the kinship home is a safe and suitable living arrangement for the child, and if they have any knowledge about whether the proposed kinship caregiver(s) has had any criminal and/or child protection involvement;
  - e) The Kinship Home Assessment (KHA) process;
  - f) The Kinship Care Agreement (KCA). As part of this discussion the social worker shall inform the parent(s) that:
    - i. the KCA is a signed agreement that transfers care of the child to the kinship caregiver; and
    - ii. is reviewed every 4 months after the initial KCA is approved.
  - g) The parent's responsibilities and obligations under the program to:
    - i. Keep in contact with the social worker and kinship caregiver and to notify the social worker and kinship caregiver of any change in contact information or extended absence;
    - ii. Work with the social worker towards a permanency plan for the child and participate in the development of Family Centered Action Plan (FCAP); and
    - iii. Provide the kinship caregiver with all information and items necessary to care

for the child, i.e. MCP, school information, immunization records, medical needs, prescription medication, clothing items, drug card/coverage for the child, and information pertaining to extended family, cultural and community connections, etc.

2. If the parent(s) is in agreement with a potential kinship arrangement, the social worker shall obtain the parent's written consent to share relevant information with the kinship caregiver pertaining to the child's care and the reason for the need for protection intervention. If the parent(s) is not in agreement, the process of approving the kinship home shall end and the social worker shall consult with a supervisor to determine an alternate plan to ensure the safety and well-being of the child.
3. When parental consent is obtained, a social worker shall contact the proposed kinship caregiver(s) and discuss:
  - a) Their relationship and connection to the parent and child.
  - b) The Kinship Services Program. As part of this discussion, the social worker shall inform the kinship caregiver that:
    - i. the Kinship Services Program is a voluntary and collaborative arrangement between the child's parent(s), kinship caregiver and the Department;
    - ii. a child in a kinship arrangement is not in the care or custody of the manager; and
    - iii. the parent(s) retains custody of the child while transferring the care of the child (via a Kinship Care Agreement) to the kinship caregiver(s);
  - c) The KHA process;
  - d) The KCA. As part of this discussion, the social worker shall inform the kinship caregiver that the KCA is signed by the parent, kinship caregiver and the Department and that it transfers care from the parent to the kinship caregiver. To have "care" of a child means the physical daily care and nurturing of a child;
  - e) Relevant information pertaining to the child's care and the reason for the need for protection intervention and an out of home placement;
  - f) Their willingness to be assessed as a kinship caregiver; and
  - g) The responsibilities and obligations as a kinship caregiver. These include but are not limited to:
    - i. Providing physical care and nurturing of the child;
    - ii. Keeping the parent(s) informed about their child;
    - iii. Allowing the parent(s) to visit with the child where the social worker has determined it is safe to do so; and
    - iv. Notifying the social worker of any changes that occur regarding the safety and well-being of the child/youth or change in circumstance in the kinship caregiver's home.
4. If the kinship caregiver does not wish to participate in the Kinship Home Assessment process, the social worker shall document this in the Protection File and follow up with the parent(s) to explore other possible kin.

If the proposed kinship caregiver(s) wishes to proceed with the Kinship Home Assessment process, the social worker shall set up a Kinship Home Service on the kin and proceed with procedure #5. All information regarding the home approval shall be documented on **Kinship Home Service**. All supporting documents required for the approval shall be placed in the physical file of the Kinship Home Service.

5. The social worker shall request that the kinship caregiver(s) and any other person living in the home over the age of 18 sign a **Self-declaration and Consent Form** if they have not already been completed as part of a safety plan.

The Self-declaration and Consent Form requires the person(s) living in the home to disclose whether they have been charged with or convicted of a criminal offence, have a criminal record, or have been involved with child protection. This also allows a social worker to do a Provincial Court Check and a verbal check with the local police if a child has to be placed immediately.

6. The social worker shall request that the kinship caregiver(s) and any other persons living in the home over the age of 16 sign a **Child Protection Clearance Check (CPCC)** Application form.

The CPCC form gives the social worker consent(s) to complete a review of all child protection records located within the Department.

## **Screening and Assessment process**

### **Conditional approval**

7. A conditional approval on a Kinship Home shall be completed before a final approval.
8. A social worker shall document the home assessment on the **Kinship Home Assessment (conditional approval) form**. A Kinship Home Assessment (conditional approval) shall include:
  - a) Where age and developmentally appropriate, an in-person interview with the child to determine their wishes, including the relationship that exists between the child and the proposed kinship caregiver(s).
  - b) An in-person interview with the proposed kinship caregiver(s) and a discussion to determine their:
    - i. Understanding of, and commitment to, meeting the child's cultural, developmental and emotional needs. Depending upon their existing relationship with the child, the kin may or may not be familiar with the child's needs;

- ii. Ability to keep the child safe and the understanding of, and commitment to, the child's need for protective intervention. There is potentially an increased risk to the child if the kinship caregiver(s) does not believe the allegations against the parent(s). In these situations, a social worker shall outline this in the assessment and shall discuss with a supervisor; and
    - iii. Role in supporting the child in maintaining their relationship with family members.
  - c) A **home visit** and assessment of the proposed kinship caregiver(s) and the physical space (e.g. suitable sleeping arrangements, etc.).
  - d) A description of the role of any other members in the household and where age and developmentally appropriate, an interview with each member. This should be documented in the Home Assessment section on the Kinship Home Assessment form.
  - e) A **Provincial Court Check** on the proposed kinship caregiver(s) and all other persons living in the home over the age of 18.
  - f) A **CPCC** on the proposed kinship caregiver(s) and their children, and all other persons living in the home over the age of 16.
    - i. A CPCC shall be completed in accordance with the Child Protection Clearance Check Policy. This check shall include all areas of the province and all other jurisdictions where they have previously resided;
    - ii. The social worker shall document findings of the CPCC on the Kinship Home Assessment (conditional approval) form. If a social worker or applicant is unable to obtain a CPCC from another jurisdiction, despite documented efforts to do so (e.g., letter from a child welfare agency indicating they do not provide checks or if a foreign jurisdiction does not respond to a request), the applicant shall be requested to sign the Affidavit as outlined in the policy for the Completion of Child Protection Clearance Checks before a decision is made regarding the record clearance.
    - iii. A **verbal Police Check(s)** on all persons residing in the home over the age of 18 if the formal Criminal Records/Vulnerable Sectors Checks have not been received by the time the conditional home assessment form is completed. **For final approval, a formal Criminal Records Check (Certificate of Conduct) is required on all persons residing in the in the home age 12 and older and a Vulnerable Sector Check is required on all persons 18 years of age and older.**
9. While it is preferred that the formal Criminal Records (Certificate of Conduct) and Vulnerable Sector checks be obtained prior to the placement of a child in the kinship caregiver(s) home under a conditional approval, there may be extenuating circumstances where a child may need to be placed prior to receipt of these checks. In these cases, the signed Self-declaration and Consent form provides the social worker with consent(s) to obtain a verbal police check from the local police. In some

regions, such as Metro Region, staff may also have to provide the Police with the **Right to Information form** in addition to the consent form in order to obtain a verbal police check.

The formal Criminal Record (Certificate of Conduct) and Vulnerable Sector Checks **shall be** obtained as quickly as possible after the child is placed in the kinship home. These checks shall be submitted to the supervisor for final approval no later than **4 months** of the conditional approval of the kinship home.

10. A social worker shall provide persons applying for a Criminal Records Check (Certificate of Conduct) with a Waiver of Certificate of Conduct Fees form, and inform them of the following:
  - a) All persons living in the home 12 years of age and older must make application to the police jurisdiction where they currently reside and give permission to have a records check completed in other jurisdictions where they previously resided.
  - b) All persons living in the home 18 years of age and older must check the Vulnerable Sector Check section on the application to identify a person who has been pardoned for a sexual offence.
  - c) All persons living in the home residing in a RCMP jurisdiction must also make application to the Provincial Court to have a check completed. Applications are available at RCMP detachments. In some areas this needs to be completed and attached to the Criminal Records Check application.
  - d) All persons living in the home who reside in a Royal Newfoundland Constabulary jurisdiction must make application to the Provincial Court to have a check completed if they had a criminal record prior to 1980.
11. The social worker may approve the cost for fingerprinting services for the prospective kinship caregiver or other person(s) residing in the home if required for a Vulnerable Sector Check.
12. The social worker shall forward the Kinship Home Assessment (Conditional Approval) form and supporting documentation (e.g. CPCC Form, Police Record Checks, Provincial Court check, Self-Declaration and Consent form(s)) to a supervisor with their recommendation about whether the kinship Caregiver(s) should be approved. The Kinship Home Assessment (Conditional Approval) form must be completed and sent to the supervisor for approval electronically.
13. The decision regarding approval of the kinship home shall be made by the supervisor.
14. Once the home is conditionally approved, the kinship caregiver shall be notified verbally but also in writing in a timely manner. The letter should outline the requirements for final approval.

## Final Approval

15. A **Kinship Home Assessment (Final approval) Form** shall be completed **within 4 months** of a conditional approval and sent to a supervisor for approval.
16. In order to complete the Kinship Home Assessment (Final Approval) Form the following are required:
  - a) The Kinship home has already been conditionally approved, **and**
  - b) The social worker has been provided with a formal Criminal Record Check(s) on all persons residing in the home 12 years of age and older and a Vulnerable Sector Check(s) on all members residing in the home 18 years or older.
17. The decision regarding final approval of the kinship home shall be made by the supervisor.
18. Once the kinship home is fully approved the kinship caregiver shall be notified verbally and also in writing in a timely manner.

## Child Protection Record and/or Criminal Record Identified

19. If upon an initial screening of a proposed kinship caregiver(s) it is revealed that there is an open or closed child protection file or if the kinship caregiver(s) has a criminal record, a social worker shall consult with a supervisor before continuing with the KHA.
20. The assessment **shall not** continue if the proposed kinship caregiver(s) has an active protective intervention file.
21. If a prospective kinship caregiver(s) or other persons residing in the home have been charged with or convicted of a criminal offence, the social worker must carefully assess the relationship of any criminal activity to the safety of a child or 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 person since the offence;
  - d) Relevance of criminal activity to the provision of care for a child or youth; and
  - e) Age and circumstances of the person at the time of the offence.
22. The social worker shall consult with the supervisor regarding their assessment of any previous child protection concerns and the nature of any criminal charges or offences.
23. If a kinship caregiver(s) or other person living in the home has had previous child protection involvement or has been charged with or convicted of a criminal offence,

the supervisor shall take into consideration the length of the child protection involvement, the reason for and the resolution of the protection concerns, the type of criminal history, if applicable and all other aspects of the kinship home assessment. To inform their decision whether to approve a kinship caregiver(s), a supervisor may request verbal or written references from non-relatives and/or collateral references (e.g. personnel from the child/youth's school, etc.).

24. A proposed kinship caregiver **shall not** be approved if:
  - a) They have an active protective intervention file;
  - b) There were previous child protection concerns that may place the child at risk; or
  - c) A police check or reference check indicates that any person residing in the home has a history that may place the child at risk.
25. If a Criminal Records Check indicates that a child or youth has a pending criminal charge(s) or a previous criminal conviction(s), the social worker shall stamp the Criminal Records Check with the non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

#### **Declining to support a kinship caregiver arrangement and enter into a Kinship Care Agreement**

26. If the assessment process ceases before a Kinship Home Assessment is finalized (e.g. kinship caregiver is screened out or they request to withdraw from the process) the social worker shall:
  - a) Document all information obtained up to that point on the applicable Kinship Home Assessment form including the reason why the assessment ceased and why the home cannot be approved; and
  - b) Send the electronic Kinship Home Assessment form, which includes the reason for discontinuation of the assessment and the recommendation not to approve the home, to a supervisor for review and approval of the recommendation.
27. If the outcome of the Kinship Home Assessment is that a home cannot be conditionally or fully approved, a social worker shall:
  - a) Notify the proposed kinship caregiver(s) verbally, and also in writing in a timely manner;
  - b) Notify the child's parent(s);
  - c) Place a copy of the Kinship Home Assessment form on the Kinship Home's file;
  - d) Close the Kinship Home service with the appropriate closure code, and
  - e) Complete a service note on the parent's protective intervention file indicating that the prospective kinship caregiver was not approved.



28. If the outcome of the Kinship Home Assessment indicates that a proposed kinship caregiver(s) would not provide a safe place for a child **and** the parent(s) allows the unsuitable kinship caregiver to care for the child, the social worker shall:
- a) Not enter into an agreement to contribute financially to the child's care;
  - b) Not enter into a Kinship Care Agreement; and
  - c) Advise the parent(s) that an assessment and possible investigation of the child's need for protective intervention may occur.
29. If a social worker has information pertaining to the kinship caregiver(s) that the parent needs to make a decision to keep their child safe, the social worker shall discuss this with a supervisor in order to determine appropriate next steps. It should be noted that a manager may, without the consent of another person, authorize the disclosure of information in accordance with **s.94(a)** of the CYFA, if it is in the best interests of a child or youth. **Refer to policy 6.4: Disclosure without Consent.**

#### **Subsequent Approvals (for additional children after final approval)**

30. Where a kinship home has already received a final approval for the child(ren) currently residing in the home and there is a need to assess the home for an additional child(ren), a subsequent approval is required before the child or youth can be placed.
31. In exploring the placement of an additional child, the social worker shall determine if the kinship caregiver has the physical space and the ability to care for an additional child.
32. The social worker shall document the subsequent approval process using the Kinship Home Assessment Subsequent Approval for another Child (Conditional Approval) form and Kinship Home Assessment Subsequent Approval for another Child (Final Approval) form.
33. If the kinship caregiver home had received a final approval within one year prior of starting the subsequent assessment process, the social worker can use the same formal Criminal and Vulnerable Sectors checks for members in the household providing these checks are not older than a year.

If the formal Criminal record and Vulnerable Sector checks are older than a year, new ones must be obtained.

34. The social worker shall send the Kinship Home Assessment Subsequent Approval for another Child (Conditional Approval) form and Kinship Home Assessment Subsequent Approval for another Child (Final Approval) form including their recommendation and any required supporting documentation to a supervisor for review.
35. A supervisor shall make the final decision regarding approval.

36. Where the subsequent approval is not granted, the social worker shall meet with the kinship caregiver and the parent(s) to discuss the reasons for not granting approval and complete a service note on the parent's protective intervention file indicating that the prospective kinship caregiver was not approved.

**Exceptions:** None

**Relevant Documents:**

- Self-declaration and Consent **Form 14-1000a**
- Child Protection Clearance Check Application **Form 14-999a**
- Kinship Home Assessment (Conditional Approval) **Form 42-346**
- Kinship Home Assessment (Final Approval) **Form 42-347**
- Kinship Home Assessment Subsequent Approval for another Child (Conditional Approval) **Form 42-347**
- Kinship Home Assessment Subsequent Approval for another Child (Final Approval), **Form 42-350**
- Waiver - Certificate of Conduct Fee for Child of Foster Parent or Kinship Applicants, **Form 42-322**
- Waiver - Certificate of Conduct Fee for Foster Parent/Kinship Applicant, **Form 42-323**
- Right to Information, **Form 14-3001**

## Kinship Home Investigation

**Policy no: 1.14.1**

**Effective Date: March 19, 2018**

**Date Revised: June 28, 2019**

**Policy Cross References:** Kinship Home Assessment; Determining the Need for Protective Intervention; Observing and Interviewing Children; Police Involvement; Memorandum of Understanding on Information Sharing(MOU); Disclosure without Consent; Structured Decision Making Policies and Procedures. **Legislative References:** **s.10** Definition of child in need of protection; **s.12** Determining the Need for Protective Intervention; **s.14** Interview of Child; **s.94** Disclosure without consent

**Purpose:** To outline the process for assessing and investigating allegations of maltreatment and quality of care concerns regarding a child placed in a kinship home.

### **Policy:**

1. All allegations of maltreatment and quality of care concerns relating to a child placed in a kinship home **shall be assessed** to determine if an investigation is required.
2. When an allegation of maltreatment or quality of care is received on a child in a kinship home the social worker will either: (1) add a Referral on a Placement Resource on the kinship home, **or** (2) add a Child Protection Referral on the kinship caregiver(s). The decision is based upon whether **reunification** is the plan and will fall into one of the following categories:
  - a) In the case where a child is in a kinship arrangement and the parent(s) maintains custody of the child, and the plan is to work towards reunification, the social worker shall add a **Referral on a Placement Resource form** on the kinship home and follow the Kinship Home Investigation policy.
  - b) In the case where a child is in a kinship arrangement and the caregiver has custody of the child **or** the arrangement is long term with no plan for reunification with the parent(s) **and this is documented on the KCA as a permanency plan for the child**, the social worker shall add a Child Protection Referral on the kinship caregiver(s) and follow the Structured Decision Making policies and procedures for a Protection Investigation and **not the procedures under this policy**.
3. The screening decision on the Referral on a Placement Resource form shall be completed within **24 hours** of receiving the information.

4. In order to assign a Referral on a Placement Resource for investigation, the allegations of maltreatment/quality of care concerns must meet the Definition of child in need of protective intervention under s.10 of the CYFA.
5. A Referral on a Placement Resource assigned for investigation is considered a **same day** response time referral which means the child and kinship caregiver should be seen on that day.
6. The child's safety shall be assessed using the SDM® Alternate Care Provider Safety Assessment (ACPSA) policy and procedures. The SDM® ACPSA is completed during the first face-to-face contact with the child and kinship caregiver.
7. The investigation, including the final decision regarding the continued placement of the child in the kinship arrangement, shall be completed within **30 days** of receiving the referral information.

## **Definitions:**

**Maltreatment** includes physical, sexual or emotional harm of a child or youth that is non-accidental and is as a result of an action, inaction or lack of appropriate action by a kinship caregiver. Examples include, but are not limited to, the following:

1. deliberately using force against a child or youth in such a way that the child/youth is injured or at risk of being injured;
2. hitting, shaking, pushing, kicking and dangerous or harmful use of an approved restraint,(the use of a restraint in a kinship home can only occur where such behavior management strategies has been requested by a behavior management specialist(bms) and approved by a bms regional manager, as part of formal Behavior Support Plan. The kinship caregiver(s) must be trained in Non-Violent Crisis Intervention® prior to engaging in physical restraints);
3. unexplained injury;
4. verbal threats, social isolation, intimidation, exploitation, and unreasonable demands;
5. family violence; and
6. sexual assault including kissing, touching, intercourse, exposure to or involvement in pornography, etc.

**Quality of Care** refers to the provision of a level of daily care which ensures that a child's basic and developmental needs are addressed by the kinship caregiver in a safe and supportive environment. Examples of quality of care concerns include, but are not limited to, the following:

1. lack of age and developmentally appropriate supervision;
2. absence of an adequate and healthy diet (including nutritious meals, snacks and school lunches, etc.);

3. lack of adequate and seasonally appropriate clothing;
4. insufficient or unexplained delays in access to education, health and medical services;
5. absence or lack of support for the child to maintain family, community, social and cultural connections; and
6. absence/lack of support for the child to participate in age/developmentally appropriate activities.

**For the purposes of a Kinship Home Investigation, only allegations of maltreatment or quality of care concerns that meet the Definition of child in need of protective intervention under s.10 of the CYFA can be assigned for investigation. Please refer to procedure #6.**

## **Procedures:**

### **Roles and Responsibilities**

1. The social worker completing a kinship home investigation shall:
  - a) plan and carry out the investigation in consultation with a supervisor;
  - b) consult with police on physical and sexual abuse referrals prior to starting the investigation;
  - c) send the police the Referral on a Placement Resource for allegations of physical or sexual abuse;
  - d) notify the parent(s) and the kinship caregiver(s) of the allegations in accordance with procedures #8, 9 and 10;
  - e) discuss with the parent(s) their wishes regarding continuation of the kinship arrangement during the investigation;
  - f) notify all relevant staff of the investigation;
  - g) assess the immediate safety of the child by completing the SDM@ACPSA;
  - h) interview the child, parent(s), kinship caregiver(s), any other individuals residing in the home and any **collateral sources**;
  - i) determine in consultation with a supervisor, what action is necessary to ensure the safety and well-being of all children or youth in the home;
  - j) review all relevant file information contained in the child's Kinship Services file, the Kinship Home file, the parent's Protective Intervention file and any prior Kinship Home Investigation files;
  - k) complete the Investigation Report on a Placement Resource and submit it to a supervisor for review;
  - l) discuss with the parent(s) the outcome of the investigation and the continuation of placement of the child in the kinship home;
  - m) meet with the kinship caregivers to inform them of the outcome of the investigation and if any change in the child's living arrangement is required; and
  - n) inform all relevant staff of the outcome of the investigation.

The social worker for the child and/or kinship home would be the same worker completing

the investigation. However, the supervisor has the discretion to assign the investigation to another worker if there is a conflict.

2. The supervisor shall:

- a) ensure the social worker is trained in using the SDM®ACPSA;
- b) provide consultation and direction to the social worker;
- c) monitor the investigation timelines;
- d) review the Investigation Report on a Placement Resource form; and
- e) make a recommendation to the manager regarding the continued approval of the kinship home.

3. The manager for the zone in which the kinship caregiver(s) resides shall:

- a) review the Investigation Report on a Placement Resource form and the recommendations; and
- b) make the final determination regarding the continued approval or closure of the kinship home and placement of the child in the home and provide written notification of the decision to the kinship caregiver(s).

### **Referral on a Kinship Home**

4. When there is an allegation of maltreatment or quality of care concern relating to a child placed in a kinship home **and** the plan is to work towards reunification, a social worker shall document the information on a Referral on a Placement Resource form and follow the Kinship Home Investigation policy. If this is not the case, please refer to policy statement #2(b).

5. When a report is received that a **kinship caregiver's own child** is, or may be in need of protective intervention, the social worker shall assess the information received under **s.11** of the CYFA to determine whether a protection investigation is also required. If a protection investigation is required, the standards set out in the SDM shall be followed.

If there is a protection investigation and a kinship home investigation occurring at the same time, there shall be a plan developed to coordinate the investigation to avoid any unnecessary duplication of interviews or other related work and to ensure the integrity of either investigation is not compromised.

6. A supervisor shall screen the referral information within **24 hours** of receiving the information and make one of the following decisions on the **Referral on a Placement Resource form**:

- a) **No Action Required**- If no action is required, the social worker responsible for the kinship home shall document the decision in the case notes in the kinship home file and place a hard copy of the referral on the paper file. The parent(s) and the

kinship caregivers shall be notified of the information received. An example of no action required may include, but is not limited to situations where:

- i. it is a duplicate referral and the information will be included with referral assigned for investigation;
- ii. the referral is already investigated and there are no new allegations; or
- iii. the referral information is without merit or without reasonable grounds.

b) **No investigation required. Follow up by a social worker only-** A supervisor may choose this screening decision when it is determined that the information received does not meet the definition of a child in need or protective intervention in accordance with s.10 of the CYFA. In these circumstances an investigation is not required and a Kinship Home Investigation Service is not opened, however the social worker responsible for the kinship home shall:

- i. document the decision in the kinship home file and place a hard copy of the referral on the paper file;
- ii. advise the parent(s) of the concerns and meet with the kinship caregiver(s) and child within 7 days of the screening decision to discuss the information received;
- iii. discuss with the kinship caregiver(s) and parent(s) possible options to resolve the issues or concerns to support the child's placement with the kinship caregiver(s); and
- iv. document the outcome of the meetings and discussions, including any required follow up, in the kinship home file.

If the social worker receives additional information as a result of meeting with the kinship caregiver(s), child or parent(s) and this information indicates that an investigation may be necessary, the social worker shall discuss the additional information with a supervisor and, where necessary, complete a new referral form and screen the information received.

c) **Investigation Required** - Where it has been determined that the information received indicates that the child may be in need of protective intervention in accordance with s.10 of the CYFA, an investigation is required. The assigned social worker shall:

- i. ensure that a Kinship Home Investigation Service is opened;
- ii. document the decision in the case notes in the Kinship Home file and place a hard copy of the referral on the paper file of the Kinship Home Service and Kinship Home Investigation Service; and
- iii. follow the Kinship Home Investigation policy in carrying out the investigation.

### **Kinship Home Investigation**

7. When there is an allegation of physical or sexual abuse, the social worker shall complete and send the **Referral on a Placement Resource form** to the police immediately and in consultation with the assigned police officer make a joint decision

regarding how to proceed with the investigation. If a joint forensic interview is necessary the interview shall follow the agreed upon interviewing protocol between the social worker and the police in accordance with policy #1.5.

8. The social worker shall advise the parent(s) as soon as possible about the commencement of the investigation unless the safety of the child or the integrity of the investigation will be jeopardized.
9. The social worker shall discuss with the parent(s) of the child, their wishes regarding continuation of the kinship arrangement during the investigation.
10. The social worker shall notify the kinship caregiver(s) of the commencement of investigation unless the safety of the child or the integrity of the investigation will be jeopardized.
11. The 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 (where age and developmentally appropriate), the kinship caregiver, and any other relevant persons who may have information, that may assist in the completion of the investigation. This may include but is not limited to other children, youth or adults living in the home, children who previously resided in the home, social workers who have been involved with the home in the past, the parent(s) of the child, and other professionals working with the child.
12. A Referral on a Placement Resource assigned for investigation is considered a **same day** response time referral.
13. The social worker shall assess the child's safety in accordance with the SDM® ACPSA policy and procedures **on the same day** that the referral is assigned for investigation.
14. The social worker, in consultation with the supervisor, shall decide if the child can safely remain in the kinship home while the investigation is being completed.
15. If the child is found to be 'unsafe' the arrangement of an alternate placement for the child is the only protective intervention possible. A safety plan is not put in place with the kinship caregiver.
16. An alternate placement may include placement in another kinship home or may involve a PCA, removal or other.

If a kinship placement is being explored or a warrant to remove is being sought, there may be situations in which the social worker has to explore if the child can return to a parent while an alternate placement is being secured. In these situations a social worker in consultation with their supervisor, shall determine if supervision in the parent's home is required during the length of time it would take a social worker



to lay an Information to Obtain a Warrant to Remove, sign a PCA or conditionally approve another kinship caregiver. If the child left the parent's home under a safety plan and is returning to the parent's home and there are still safety threats unresolved, the safety plan should be updated.

17. The social worker shall complete the SDM ® ACPSA form by the end of the **next business day** following the first **face-to-face contact** with the child/family.
18. Throughout the investigation process, the social worker shall document the interviews completed for the investigation, consultations and other contacts, in the Kinship Home Investigation Service.
19. The social worker shall complete the investigation and the **Investigation Report on a Placement Resource form** within **30 days** from receipt of referral.
20. The completed Investigation Report on a Placement Resource form must include but may not be limited to:
  - a) summary of referral information;
  - b) length of time child has been residing with the kinship caregiver(s);
  - c) previous investigations or other concerns;
  - d) list of persons in the home, including all other children in the home;
  - e) list of persons interviewed;
  - f) summary of interviews completed;
  - g) nature of police involvement;
  - h) summary of files reviewed;
  - i) clinical assessment and analysis of the information gathered related to the referral information;
  - j) whether the referral was verified; and
  - k) a recommendation regarding continued approval or closure of the home.
21. A copy of the Investigation Report on a Placement Resource form shall be forwarded to the supervisor for review.
22. Once the supervisor has reviewed and entered their name and date on the Investigation Report on a Placement Resource form, it shall be forwarded to the manager with a recommendation. **The manager will make the final decision regarding the continued approval of the kinship home and the placement of the child in the home.**
23. The kinship caregivers must be notified verbally, and also in writing in a timely manner, of the outcome of the investigation and the decision regarding the continued approval or closure of the kinship home/placement for the child.
24. The child, where age and developmentally appropriate, and the child's parent(s) must be informed in person of the outcome of the investigation.

25. In the case where a court has granted an order of temporary care or custody of the child to the kinship caregiver(s) under a manager's supervision (s.31(2)(d) or s.32(2)(b) of the CYFA) the social worker and the supervisor must notify their solicitor to determine the next steps if the continued arrangement cannot be supported.
26. A copy of the Investigation Report on a Placement Resource form and the SDM® ACPSA form must be placed on the Kinship Home Investigation file and the child's kinship services file.
27. If a social worker has information pertaining to the kinship caregiver(s) that the parent(s) need to make a decision to keep the child safe, the social worker shall discuss this with a supervisor. It should be noted that a manager may, without the consent of another person, authorize the disclosure of information in accordance with s. 94(a) of the CYFA, if it is in the child or youth's best interests. **Please refer to policy 6.4 Disclosure without Consent.**

### **Outcome of Investigation**

28. When the outcome of the kinship home investigation or a protection investigation indicates that the kinship home is not a safe place for the childthe:
  - a) kinship home shall be closed; and
  - b) social worker shall take whatever action is necessary to ensure the safety and well-being of all children in the home.

### **Youth in Kinship Homes**

29. When allegations of maltreatment or quality of care concerns are received about a youth in a kinship home under a KCA:
  - a) The information shall be documented on a Referral on Placement Resource form and screened for follow up and not for investigation;
  - b) A Kinship Home Investigation service is not opened as the youth does not meet the definition of a child in need of protective intervention as per s.10 of the CYFA. A social worker shall assess a youth's need for protective intervention in accordance with the youth services policy 5.2;
  - c) The social worker shall advise the parent(s) of the concerns and meet with the kinship caregiver(s) and youth within 7 days of the screening decision to discuss the information received; and
  - d) The social worker shall discuss with the kinship caregiver(s) and the parent(s) possible options to resolve the issues or concerns in order to support the youth's placement with the kinship caregiver(s) and document the outcome of these discussions, including any required follow up, in the kinship home file and the youth's file.

30. In circumstances where the social worker can no longer support the home as an approved kinship home, the social worker shall explore youth services for the youth.

### **Exceptions:**

1. Screening of information - In exceptional circumstances, the supervisor may need additional time to obtain information to make a screening decision. In these cases, the screening decision may be extended to 72 hours of receipt of referral.

### **Relevant Documents:**

- Referral on a Placement Resource, **Form 42-305**
- Investigation Report on a Placement Resource, **Form 42-329**
- Alternate Care Provider Safety Assessment (ACPSA), **Form 42-343**
- Child Protection Referral, **Form 42-319**

## Kinship Care Agreement

**Policy no.: 1.15**

**Effective Date: October 1, 2013**

**Date Revised: July 4, 2019**

**Policy Cross References:** Kinship Services: Assessing Service Eligibility; Kinship Home Assessment; Kinship Services: Planning and Monitoring; Structured Decision Making (SDM) Policies, Procedures and Practice Standards

**Legislative References:** **s.66** Persons who provide care; **s.67** Agreement for services

**Purpose:** To outline the purpose of a Kinship Care Agreement (KCA) and the process for completing and reviewing a KCA.

### Policy:

1. In accordance with s.67(1) of the CYFA a manager or social worker may make an agreement for services, including financial support, with a person with whom a child or youth has been placed for care.
2. A KCA should only be entered into when:
  - a) A social worker in consultation with a supervisor has determined that the eligibility criteria for Kinship Services as outlined in **procedure #1** of the Kinship Services Eligibility policy are met; and
  - b) The kinship home is conditionally or fully approved.

**In accordance with s.66 and s.67(3) of the Act, a kinship home has to be approved prior to entering into an KCA with the kinship caregiver(s).**

3. A KCA is a written agreement that:
  - a) Enables the parent(s) to transfer the care of their child to a kinship caregiver(s) (unless an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA is in effect and the temporary care and/or custody is already transferred to the kinship caregiver); and
  - b) Outlines:
    - i. Reasons why an out-of-home arrangement is required for the child;
    - ii. Parental/family visitation and contact;
    - iii. Financial contributions by the parent(s) and other sources of income for a child (if applicable);
    - iv. Kinship caregiver's ability to meet the safety, cultural and developmental needs of the child;

- v. Information about the child;
  - vi. The permanency plan for the child;
  - vii. The obligations of the manager, parent(s) and kinship caregiver; and
  - viii. The reasons for the termination of a KCA and ending Kinship Services.
4. A social worker **shall** ensure a KCA is completed and signed prior to a child being placed in an approved Kinship Home.
  5. A social worker **shall not** provide financial benefits under a Kinship Services Program (such as the Kinship Home Basic Rate) until a KCA has been approved and signed.
  6. A KCA review shall be completed every **four months** using the KCA form.
  7. If reunification with the parent(s) has not occurred within 12 months, the social worker shall assess if reunification may be possible within a short time period (not to exceed 4 months). If reunification is not a realistic plan, the social worker, in consultation with the supervisor, shall work with the parent(s) and the kinship caregiver(s) to develop an alternate permanency plan. The alternate permanency plan shall be developed prior to signing the subsequent KCA. Please refer to the **Kinship Services Planning and Monitoring Policy**.

## Procedures:

### Kinship Care Agreements

1. After a social worker has completed a Kinship Home Assessment (KHA) on a prospective kinship caregiver and the KHA is approved, a social worker shall complete a written KCA with the parent(s) and kinship caregiver(s). A parent's consent and signature is not required if an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA is in effect.
2. The **initial** KCA form is completed on the parent's protection file in ISM. All subsequent KCA review/renewals are completed on the child's Kinship Services file in ISM.
3. The social worker shall inform the parent(s) and the kinship caregiver(s) that:
  - a) The agreement is voluntary;
  - b) The responsibility of the child's care is transferred from the parent(s) to the kinship caregiver, not from the parent(s) to the manager;
  - c) The parent(s) retains custody of the child and is responsible for providing consent where required;
  - d) The initial permanency plan is reunification with the child's parent(s); and
  - e) The parent(s) is responsible for providing the kinship caregiver(s) with all information and items necessary to care for the child (e.g. school information, information pertaining to extended family, cultural and community connections, etc.).
4. The social worker shall advise the kinship caregiver of their entitlement to:

- a) Apply for the Canada Child Benefit (CCB). Additional information regarding the CCB may be obtained online at:  
<https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview.html>
  - b) In addition to the CCB, if the child has a disability the caregiver may be eligible for the Child Disability Benefit (CDB). The CDB is a tax-free benefit available to families who care for a child under age 18 with a severe and prolonged impairment in physical or mental functions, and is paid monthly to individuals who are eligible for the Canada Child Benefit (CCB). Additional information may be obtained online at:  
<https://www.canada.ca/en/revenue-agency/services/child-family-benefits/child-disability-benefit.html>
  - c) Pursue other sources of income for which the child may be eligible (e.g., Worker's Compensation, Veteran's Allowance, insurance policies). Income from these sources shall be deducted from the Kinship Home Basicrate.
5. In the case where a Child Support Order is paid on behalf of the child, the kinship caregiver should pursue having the order transferred to them during the period of time the child is in their care. The amount may be deducted from the kinship caregiver basic rate once the support payments have been transferred to the kinship caregiver.
  6. The social worker shall advise the kinship caregiver(s) that the CCB, CDB and if applicable the Canada Pension Survivor's Benefit, **will not** be deducted from the kinship caregiver basic rate.
  7. Once the KCA is approved and signed, a social worker can link/place the child with the approved Kinship Home in the electronic case management system(ISM).
  8. A final copy of the KCA (which is approved and signed by all parties) **shall be** given to the parent(s) and kinship caregiver(s) who are signatories to theKCA.

A copy of the signed initial KCA must also be placed on the parent's Protective Intervention file and the child's Kinship Services file. The social worker shall also place copies of the following on the child's file:

- a) Child's birth certificate and the MCP;
- b) Child Support Agreement (if such an agreement is in place);
- c) Child's Certificate of Indian Status (Status Card), if applicable;
- d) Nunatsiavut Health Services Benefits registration number, if applicable; and
- e) Family Centered Action Plan (FCAP) if completed.

### **Review of the Kinship Care Agreement**

9. KCA reviews shall be completed every **four months** on the child's Kinship Services file using the KCA form.
10. The purpose of the KCA review is to:
  - a) Renew the care agreement;

- b) Assess whether the kinship arrangement is meeting the child's needs, and
  - c) Discuss and review the permanency plan for the child and the steps to be taken to achieve this plan. If reunification is no longer the plan then the alternate permanency plan shall be discussed and documented on the KCA.
11. The social worker shall interview the child **every 4 months** when the KCA review is completed. This contact shall be in person and in private. Child is to be observed where an interview is not age or developmentally appropriate.
  12. The social worker shall have an **in person** contact with the kinship caregiver(s) and visit the kinship home **every 4 months** as part of the KCA review process.
  13. The KCA **shall not** be approved by a supervisor for renewal if:
    - a) A private in person interview has not occurred with the child (observation where an interview is not age or developmentally appropriate);
    - b) A parent(s) refuses to sign the KCA (unless it meets the criteria outlined in the exceptions);
    - c) The formal Criminal Record and Vulnerable Sector Checks have not been obtained;
    - d) An FCAP is not developed and reunification is the permanency plan; or
    - e) The parent(s) is not willing to avail of, or participate in, the recommended services and interventions outlined in the FCAP to attempt to reduce risk of harm to the child **when** reunification is the permanency plan.
  14. Preserving family attachments is the preferred outcome of a kinship care arrangement. When the parent(s) no longer has custody of the child, and where it is believed to be in the child's best interests, the parent(s) shall be encouraged to participate in the planning and decision-making process that affects them and their child.
  15. A final copy of the KCA (which is approved and signed by all parties) shall be given to the parent(s) and kinship caregiver(s) who are signatories to the KCA. A copy of the signed KCA must also be placed on the child's and the parent's Protective Intervention file, if the PIP file is still opened.

#### **Parent(s) involvement in the initial KCA or KCA review**

16. Where a parent(s) has custody of the child, they shall be involved in the KCA process and shall sign the KCA including renewals.
17. When determining if one or both parents are required to sign a KCA, the guiding rule is that the KCA is a voluntary and collaborative process and where possible, every parent of a child shall be invited to participate in the planning and decision making that affects their child. That being said, there may be situations when one parent cannot be located or one parent is in agreement with a kinship arrangement and the other parent is not.

18. When determining if one parent or both parents are required to sign the KCA the following shall be used as guidance:
- a) In most cases there will not be a custody order or written custody or parenting agreement and it is the responsibility of the social worker to ask the parents about custody or parenting agreements. The social worker may also need to ask the child(ren) about a parent's visitation/access to determine the context of the parenting situation. All relevant information shall be documented in the case notes.
  - b) If one parent states there is a custody order in place and the other parent denies this, then a social worker shall consult with their supervisor and their solicitor prior to entering into a KCA with only one parent.
  - c) In situations where there is no indication of a custody order or written custody or parenting agreement and:
    - i. the child lives with both parents, then both parents are required to sign the agreement.
    - ii. the child lives with only one parent, then only the primary parent who the child lives with is required to sign the agreement.

In cases in which there is a parent who exercises access but the child does not live with that parent, that parent should be informed of the KCA and asked to participate in the process even though they are not required to sign the agreement. Visitation/access should also continue unless there are concerns for the child's safety or wellbeing.

- d) If there is either a custody order or custody or parenting agreement in place, social workers should ensure that they understand the custody and access provisions to ensure that the appropriate parent(s) sign the KCA. If necessary, they should consult with their solicitor. The general principles to follow regarding orders and agreements about custody are that:
  - i. if parents have shared legal custody, regardless of where the child resides, then both parents have to sign the agreement.
  - ii. if only one parent has sole legal custody then that parent is required to sign the agreement.

## **Exceptions:**

- 1. A parent's signature is required on the KCA review/renewal unless:
  - a) There is no living parent;
  - b) The Kinship Services Program started prior to January 1, 2013 (i.e. the former Child Welfare Allowance Program) and the parent has not been involved with the child in the current kinship arrangement;
  - c) Upon renewal of a KCA, the parent cannot be located after multiple attempts **and** the supervisor approves the renewal;
  - d) The kinship caregiver(s) has custody of the child pursuant to a court order or agreement;
  - e) There is an order pursuant to s.31(2)(d) or s.32(2)(b) of the CYFA ineffect;



- f) Reunification efforts with the parent(s) has ceased and the parent(s) have signed a previous KCA stating that the plan for the child is a long term kinship services arrangement; or
- g) The child turned 16 years of age.

**Relevant Documents:**

- Kinship Care Agreement, **Form 14-641a**
- Family Centered Action Plan (FCAP) **Form 14-858**

## Kinship Services: Planning and Monitoring

**Policy no.: 1.16**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019**

**Policy Cross References:** Kinship Care Agreement; Kinship Home Assessment; Kinship Services: Assessing Service Eligibility; Kinship Financial Services; Structured Decision Making (SDM) Policies, Procedures and Practice Standards; Types of Supervision and Custody Orders requested on an Application for a Protective Intervention Hearing or Application for a Subsequent Order; Permanent Transfer of Custody.

**Legislative References:**

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**Purpose:** To outline the planning and monitoring processes for a child or youth in a Kinship Services Program.

### **Policy:**

1. A social worker's plan for a child in a kinship living arrangement shall be directed at achieving a safe permanent living arrangement for the child:
  - a) "Planned" means the arrangement is intended, designed, or deliberate.
  - b) "Permanent" means enduring, lasting, or stable.
  - c) "Living arrangement" includes the physical placement of the child and the quality of care, supervision, and nurturing the child will receive.
2. The preferred permanency plan for a child in an approved kinship living arrangement is reunification with their parent(s) when the risk has been reduced and it is deemed safe for the child to return home.
3. The permanency plan for the child or youth and the steps being taken to achieve this plan shall be documented on the Kinship Care Agreement (KCA) form.
4. A social worker shall ensure the KCA is reviewed as outlined in the KCA policy.
5. A social worker shall monitor the kinship living arrangement to ensure the child or youth's needs are being addressed and the child or youth is residing in a safe supportive environment.
6. A social worker shall have contact with the child in a kinship arrangement and the kinship caregiver. The **contact standards** are as follows:
  - a) A social worker shall see the child **every month** if there is a Protective Intervention case still open on the parent(s). Contact with the child(ren) may occur in the kinship home, family home or a different setting (e.g. school, daycare) as determined by the social worker and supervisor.

The location of the contact and whether it is in private or not, is a clinical decision that must be determined between the social worker and the clinical program supervisor. Where an interview is not age or developmentally appropriate, the child shall be observed.

- b) If there is no PIP case open on the parent(s), then the social worker shall interview the child **every 4 months** when the KCA review is completed. This contact shall be in person and in private. Where an interview is not age or developmentally appropriate, the child shall be observed.
  - c) The social worker shall have an **in person** contact with the kinship caregiver(s) and shall visit the kinship home **every 4 months** as part of the KCA review.
- 7. The social worker shall ensure that a child or youth in a kinship living arrangement, where age and developmentally appropriate, is informed and consulted regarding significant decisions affecting their care.
  - 8. Where it has been determined by a social worker and a supervisor that reunification is not in the best interest of the child, or where reunification has not occurred within 12 months of entering a KCA, the social worker shall pursue an alternate permanency plan for the child.
  - 9. Where a social worker requests that temporary custody to be transfer to the kinship caregiver pursuant to s.32(2)(b) of the CYFA, kinship services may continue to be provided on behalf of the child or youth.
  - 10. Where a social worker requests a permanent transfer of custody granted under s.32(2)(e) and a judge grants the **permanent transfer of custody order** under s.32(2)(e) or s.35 of the CYFA, kinship services shall end and the existing kinship caregivers shall be eligibility under the **Permanent Transfer of Custody Subsidy Program**.
  - 11. Where an existing kinship caregiver is granted custody through the Children's Law Act as part of the permanency plan for the child, kinship services may continue to be provided on behalf of the child or youth.
  - 12. In situations where the kinship caregiver(s) intends to pursue a plan for the child that is not consistent with the Department's plan for the child, the social worker **shall** terminate the Kinship Services Program which includes all the financial supports. For example, a case where the social worker is working with the parent(s) towards reunification as the permanency plan for the child; however the kinship caregiver(s) is not in agreement with the reunification plan and decides to pursue custody of the child.
  - 13. A social worker shall close the Kinship Services child's file if the kinship caregiver(s) adopts the child. The Kinship Home's file shall also be closed if there are no other children in the home under a kinship arrangement.

## Procedures:

### Achieving Permanency – Reunification

1. The initial and preferred permanency plan for a child who enters into an approved kinship living arrangement is reunification with their parent(s).
2. When reunification is the plan for the child, a social worker shall:
  - a) Develop the plan with the parent(s), the child where age and developmentally appropriate and the kinship caregiver(s); and
  - b) Document the plan and the steps being taken to achieve reunification on the KCA form and the Family Centered Action Plan (FCAP).
3. A social worker shall use the SDM® Reunification Assessment to guide decision making pertaining to reunification. This includes the decision to return a child home, continue the kinship arrangement and/or terminate reunification services and develop an alternate permanency plan for the child.
4. If reunification has not occurred within 12 months, the social worker shall assess if reunification may be possible within a short time period (not to exceed 4 months). If reunification is not a realistic plan, the social worker, in consultation with the supervisor, shall work with the parent(s) and the kinship caregiver(s) to develop an **alternate permanency plan** for the child which may include:
  - a) Adoption by the kinship caregiver
  - b) Legal custody by the kinship caregiver; or
  - c) Long term kinship arrangement with the kinship caregiver (without custody).
5. The alternate permanency plan, and the steps being taken to achieve this plan, shall be documented on the KCA review form and documented in the Protective Intervention file (i.e. case note or FCAP).

### Achieving Permanency - Adoption

6. Adoption is the preferred alternate permanency plan for a child when reunification is no longer the plan.
7. Under the Adoption Act, "relative" means a parent, grandparent, aunt, uncle or sibling of a child by birth or adoption. When a parent(s) is in agreement with an adoption plan, relatives (parent, grandparent, aunt, uncle, or sibling of a child by birth or adoption) may apply to adopt a child using the step-parent/relative self- help kit at <https://www.cssd.gov.nl.ca/adoption/selfhelp.html>. The kit assists in explaining:
  - a) How adoption happens;
  - b) Who may adopt;
  - c) Who must consent;

- d) What is the legal effect of an adoption order; and
  - e) General instructions for completing the court application.
8. A social worker shall discuss the possibility of the kinship caregiver(s) adopting the child and inform the kinship caregiver(s) that if they adopt their grandchild, niece or nephew that:
- a) They will become the child's legal parent; and
  - b) The rights of the parent(s) has been terminated. This means that contact between the child and the parent(s) would be the adoptive parent's decision.
9. The Kinship Services (child) Program, including financial support shall end when the adoption order is finalized.

### **Achieving Permanency – Kinship Services with Legal Custody**

10. Where adoption is not a viable alternate permanency plan for the child, the social worker shall explore the possibility of the kinship caregiver(s) obtaining legal custody of the child and discuss the following with the kinship caregiver(s):
- a) If they obtain legal custody of the child, they have the rights and responsibilities of a parent and can make day to day decisions for the child, such as enrolling the child in school, taking the child to the doctor, etc.;
  - b) The parent(s) can petition the court if they wish to regain custody. This means they must prove to the court that they are willing and able to care for their child and that it is in the best interests of the child; and
  - c) Applications for legal custody can be found on the Provincial Court of Newfoundland website: /application seeking an order for custody <https://court.nl.ca/provincial/courts/family/forms.html>.
11. Where a kinship caregiver(s) obtains permanent custody of the child:
- a) through the Children's Law Act **or** in cases where a social worker did not request permanent transfer of custody order under s.32(2)(e) of the CYFA but the Judge granted this order, **and**
  - b) The kinship caregiver(w) requests continued support for the child the department **may** continue to support the child in the kinship living arrangement if requested by the kinship caregiver(s) and if the custodial arrangement is in the child's **best interests** and in line with the permanency plan for the child. Continued support would include:
    - i. financial support as outlined in the Kinship Services Financial policy, and
    - ii. the social worker continuing to review the KCA **every 4 months** and having contact with the child and kinship caregiver in accordance with the contact standards.

Where the department continues to support a kinship caregiver who obtained custody through either a) or b) above, the social worker in consultation with their supervisor, should assess the family for eligibility under the Permanent Transfer of

Custody subsidy program if the social worker and supervisor believe that the Kin having permanent custody of the child is in best interests of the child. In making this decision, the social worker **shall assess** and determine that the kinship arrangement **can be maintained with reduced intervention from the department as contact under the subsidy program is only yearly.**

12. In accordance with Policy statement #11, if the kinship caregiver(s) obtained custody of the child and this was not consistent with the Department's plan for the child and is not in the best interests of the child, the social worker shall terminate the Kinship Services Program which includes all the financial supports.
13. The Kinship Services Program will only be terminated if the program is required to be closed in accordance with the termination of services guidelines outlined in the **Kinship Services Eligibility** policy.

### **Long Term Kinship Arrangement without Custody**

14. When reunification is no longer the permanency plan for a child and the social worker has discussed with the kinship caregiver alternate permanency plans for the child such as Adoption and obtaining legal custody **and** the kinship caregiver is not willing to pursue either plan but is committed to caring for the child until they turn 18, a social worker **may** consider a Long Term Kinship Arrangement without Custody. This is the **least preferred** option as it does not establish "legal permanence" for the child. For example, in this alternate plan the parent(s) retains custody and challenges may arise in obtaining medical and/or other necessary consents for the child if the parent(s) are no longer available.
15. If a Long Term Kinship Arrangement without Custody is being considered as the plan for a child, a social worker shall assess whether the living arrangement is planned and permanent in nature. In doing this, the social worker shall consider the following:
  - a) Whether the parent is in agreement with the plan;
  - b) Whether this plan can adequately protect the child;
  - c) The views and wishes of the child where age and developmentally appropriate;
  - d) The ability of the kinship caregiver(s) to provide an enduring and stable home for the child; and
  - e) The quality of care, supervision, and nurturing the child will receive.
16. A child's parent(s) **must be** in agreement with this placement as a long term option as they will continue to have custody of the child. If the parent is currently in agreement with the living arrangement but has a pattern of threatening to take the child out of the kinship living arrangement, the social worker shall take this into consideration when assessing if a long term kinship arrangement is a suitable alternate plan for the child. If the child's custodial parent(s) is not in agreement with this being a long term option then this cannot be the permanency plan for the child.
17. The plan for the child and the parent's agreement with the plan **shall be** documented on the KCA review and in the PIP file.

18. Where the plan for the child is a Long Term Kinship Arrangement without Custody, the Department shall continue to support the child in this arrangement. The social worker shall also continue to review the KCA **every 4 months** and have contact with the child and kinship caregiver in accordance with the contact standards.
19. The Kinship Services Program will only be terminated if the program is required to be closed in accordance with the termination of services guidelines outlined in the **Kinship Services Eligibility** policy.

**When an alternate permanency plan is not a viable plan for the child.**

20. If the social worker has explored all of the permanency plans for the child and:

- a) reunification, adoption or the kinship caregiver obtaining custody of the child under the Children's Law Act is not a viable plan for the child; and
- b) the parent(s) will not agree to, and sign a KCA indicating that the permanency plan for the child is a Long Term Kinship Arrangement without Custody

The social worker **shall** consult with a supervisor and take the necessary steps to ensure the child's safety, well-being and permanency. This may include taking another action under the CYFA Act such as, but not limited to:

- c) Filing an application for a Protective Intervention Hearing (pursuant to s.25) seeking either:
  - i. a **Temporary Custody Order** with Supervision under s.32(2)(b) for the child be placed in the temporary custody of the kinship caregiver under a manager's supervision, or
  - ii. a Permanent Transfer of Custody Order s.32(2)(e) for a permanent transfer of custody from the parent to the kinship caregiver;
- d) Removal and filing an application for a Protective Intervention Hearing (pursuant to s.26) for either a temporary custody order s.32(2)(c), or **continuous custody** order s.32(2)(d) and approving the kinship caregiver as a Relative Significant Other Foster Home; or
- e) Removal and filing an application for a Protective Intervention Hearing (pursuant to s.26) for either:
  - i. a Temporary Custody Order with Supervision under s.32(2)(b) for the child be placed in the temporary custody of the kinship caregiver under a manager's supervision, or
  - ii. a Permanent Transfer of Custody Order s.32(2)(e) for a permanent transfer of custody from the parent to the kinship caregiver.

20. The social worker shall review and follow the policy: **Types of Supervision and Custody Orders requested on an Application for a Protective Intervention Hearing or Application for a Subsequent Order** prior to filing an application to transfer temporary or permanent custody to a kin.

21. In situations where the child is already with an approved kinship caregiver and an application is made seeking an order under s.32(2)(b), a re-approval of the kinship caregiver is not required. Refer to the policy on **Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order**.

### **Exceptions:**

1. In cases in which the PIP case is still open on the parent(s) however reunification is no longer the permanency plan for the child in a kinship arrangement **and** a permanency plan other than reunification is selected:
  - a) in the permanency plan section on the KCA, and
  - b) under the permanency plan section on the child's kinship services case, then the social worker is only required to interview the child every **4 months** when the KCA review is completed as opposed to monthly contact.

### **Relevant Documents:**

- Kinship Care Agreement, **Form 14-641a**
- Family Centered Action Plan (FCAP), **Form 14-858**



## Kinship Services: Other Jurisdictional Requests

**Policy no.:** 1.17

**Effective Date:** October 1, 2013

**Date Revised:** June 28, 2019

**Policy Cross References:** The Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories

**Legislative References:**

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**Purpose:** To outline the process for responding to or requesting the provision of Kinship Services from another province or territory (PT).

### Policy:

1. Kinship Services shall not be approved for a child or youth to live with kin outside the province.
2. If a child protection agency from another province or territory requests a home assessment on kin residing in this province for a child in need of protective intervention that is not in their care or custody, a manager may agree to complete an assessment under **Section 9: of the Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories (PTProtocol)**.
3. Where requested, a manager may agree to provide courtesy monitoring and supervision of a child from another PT who is placed with kin in an out of care arrangement on behalf of the originating PT for a period of time up to 3 months. A written **Interprovincial Placement Agreement (IPPA)** between the originating and receiving province shall be developed and agreed upon **in advance** of the child coming to this province.

### Procedures:

1. A social worker, supervisor or Manager **shall not** explore or approve Kinship Services for a child or youth to reside with a kinship caregiver outside the province because:
  - a) Reunification with the parent(s) has to be the goal when a child enters into a kinship services program. If a child resides in a different province or territory than their parents, reunification planning will be limited. (Please refer to the **Kinship Services Eligibility** policy for further details); and
  - b) Some PTs do not have the legislative authority to provide services to children or youth in out of care placements.

2. Where a child welfare authority in another PT contacts this province to make a request regarding completing a home assessment on kin residing in this province and/or providing courtesy supervision of a child who may be placed with kin, for a child who is not in their care or custody, they shall direct their request to the **Interprovincial Coordinator** in this province.
3. The originating PT shall be advised that the request to complete a home assessment shall be documented on the **Interprovincial Request for Services Form** and forwarded to the Interprovincial Coordinator.
4. The Interprovincial Coordinator shall review the request, advise the originating PT of the Department's policy regarding this type of out of care request as this may impact their case plan and shall then forward the request to the applicable Manager in the region for review and follow up.
5. A manager may agree to complete a home assessment on behalf of the originating PT following the Kinship Home Approval policy.
6. The social worker, in consultation with the supervisor, shall make a recommendation to the originating PT about the suitability of the home however, it is the originating PTs responsibility to approve the placement of the child or youth.
7. Where the placement is approved based on the recommendation of this province, the child's parent is in agreement with the placement and the originating province requests courtesy monitoring and supervision of the child or youth, a manager may enter into an **Interprovincial Placement Agreement (IPPA)** with the originating province under Section 9 of the PT Protocol.
8. If a manager agrees to do courtesy work for a child protection agency from another PT under Section 9 of the PT Protocol the following shall be adhered to:
  - a) an IPPA using the IPPA form shall be developed between the originating province and this province and finalized in advance of the child moving to this province.
  - b) the IPPA shall:
    - i include case planning and documentation requirements;
    - ii outline that **all financial services shall be the responsibility of the originating PT** as outlined in the PT Protocol. CSSD is not responsible for financially supporting the child as the family is not eligible for Kinship Services and there is no In Care or Protective Intervention Program open in this province; and
    - iii include timelines for involvement as a manager can only enter into the IPPA to provide courtesy monitoring and supervision for a period of time up to **3 months**. In exceptional circumstances this may be extended up to 6 months.
9. The social worker shall ensure that the kin with whom the child will be placed is aware of the roles and responsibilities of both PTs as outlined in the IPPA including timelines for involvement and that the originating PT retains financial responsibility.

10. A social worker **shall not** open a Kinship Home or a Kinship Services (child) case in ISM. A CSSD – Other Jurisdictional Request and case would be opened and the courtesy home assessment and short-term courtesy monitoring, if agreed to in the IPPA would be documented in that case.
11. At the end of 3 (or 6) months, the IPPA will no longer be in effect and the social worker shall end their involvement with the child and the kin and the service will be closed.
12. The originating province or territory shall be advised that they will retain future responsibility of any financial support and reunification plans with parents.

### **Exceptions:**

1. Where a child from another PT is placed with kin in this province by a court in another PT under the supervisor of the child welfare authority in that PT a manager may enter into an IPPA for courtesy monitoring and supervisor of the placement until the conclusion of the **supervision order**. In these cases a CSSD – Other Jurisdictional Request and case would be opened, and the courtesy monitoring as agreed to in the IPPA, would be documented in that case.

### **Relevant Documents:**

- Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories
- Interprovincial Request for Services Form
- Interprovincial Placement Agreement (IPPA)

## Kinship: Financial Services

**Policy no.: 1.18**

**Effective Date: October 1, 2013**

**Date Revised: October 9, 2019; September 6, 2022**

**Policy Cross References:** Kinship Care Agreement; Kinship Home Assessment; Kinship Services: Planning and Monitoring

**Legislative References:** s.67 Agreement for services

**Purpose:** To outline the process for assessing and/or approving financial services available under a Kinship Services Program and to outline the applicable rates.

### Policy:

1. Kinship caregivers shall be provided with the Kinship Home Basic Rate for each child or youth placed in their home under a Kinship Services Agreement (KCA).
2. Parents are required under the Family Law Act to financially support their children. The social worker shall assess the parent(s)' ability to pay for the care of their child using the child support guidelines, and any financial contribution towards the cost of care of the child shall be deducted from the Kinship Home Basic Rate.
3. The social worker shall advise the kinship caregiver of their entitlement to apply for the Canada Child Benefit (CCB) and if applicable, can also apply for the Child Disability Benefit (CDB) on behalf of a child or youth and that this amount will not be deducted from the Kinship Home Basic Rate.
4. The social worker shall advise the kinship caregiver that other income sources a kinship caregiver may receive on behalf of the child or youth (e.g.: Child Support, Worker's Compensation, Veteran's Allowance, proceeds from insurance policies, estate benefits, etc.) shall be deducted from the Kinship Home Basic Rate. Income from the Canada Pension Survivor's Benefit is not deducted.
5. Where required, a one-time placement clothing allowance may be provided to the kinship caregiver to ensure a child has adequate and appropriate clothing.
6. Child care costs may be provided to kinship caregivers who require child care for employment or educational/training purposes or for a child that requires child care to meet an identified special need as assessed by a qualified health practitioner and supported by the social worker.
7. Babysitting costs may be provided to kinship caregivers outside the Kinship Home

Basic Rate to attend to matters related to the child (e.g.: school appointment, medical appointment, case conference, training, court, etc.), or to attend to matters for another child or youth who resides in the kinship home under a Kinship Care Agreement.

8. Health and medical services may be provided to a child or youth in a kinship home if assessed as necessary to meet the needs of the child or youth.
9. Funding for respite services may be approved for a kinship home in exceptional circumstances.
10. The cost of counselling may be provided for a child or youth in kinship care if assessed as necessary to meet the needs of the child or youth.
11. The cost of tutoring may be provided for children and youth in kinship care if assessed as necessary to meet the needs of the child or youth.
12. The cost of household items/furniture for a child or youth may be provided to facilitate or maintain a kinship placement.
13. Funding for social recreational costs is included in the Kinship Home Basic Rate. The cost of a social recreational program that replaces child care and is required by the kinship caregiver for employment/training purposes may be approved by a supervisor.

## **Procedures:**

1. All financial requests shall be submitted for approval on the Financial Benefit Request in ISM and a copy shall be placed in the child or youth's paperfile.
2. Financial payments on behalf of a child or youth in an approved Kinship Home Program shall be paid from the child/youth's financial file in ISM.

## **Kinship Home Basic Rate**

3. The Kinship Home Basic 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 (e.g. friend's house, community center);
  - g) Fees for lessons and programming (e.g. swimming, art, music, etc.);
  - h) Regular family activities (e.g. movie night);
  - i) Routine babysitting (e.g. kinship providers going to a movie or their own medical appointment);

- j) Non-prescription medications;
- k) School supplies;
- l) Regular field trips;
- m) Haircuts; and
- n) Birthday parties and gifts.

4. The monthly Kinship Home Basic Rates that a supervisor can approve are as follows:

Age	Kinship Home Basic Rates		
	Island	Labrador	Remote* Labrador
<b>Birth up to age 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>

\*Distinct rates are established for Labrador in recognition of their higher cost of living. 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 BlackTickle

### **Canada Child Benefit and Other Income Sources**

5. The social worker shall advise the Kinship Caregiver of their entitlement to:

- a) Apply for the Canada Child Benefit (CCB). Additional information regarding the CCB may be obtained online at [Apply - Canada child benefit \(CCB\) - Canada.ca](http://www.cra-arc.gc.ca/bnfts/dsblty-eng.html)
- b) In addition to the CCB, if the child has a disability the caregiver may be eligible for the Child Disability Benefit (CDB). The CDB is a tax-free benefit available to families who care for a child under age 18 with a severe and prolonged impairment in physical or mental functions, and is paid monthly to individuals who are eligible for the Canada Child Benefit (CCB). Additional information may be obtained online at: <http://www.cra-arc.gc.ca/bnfts/dsblty-eng.html>
- c) Pursue other sources of income for which the child may be eligible (i.e., Child Support, Worker's Compensation, Veteran's Allowance, insurance policies). Income from these sources shall be deducted from the Kinship Home Basic rate.

6. The CCB, CDB and Canada Pension Survivor's Benefit shall not be deducted from the Kinship Home Basic Rate.

## **Placement Clothing**

7. When a child or youth is placed with a kinship caregiver, 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.
8. Where required, a one-time placement clothing allowance up to a maximum of \$300.00 may be provided to a kinship caregiver upon placement to purchase needed clothes for the child or youth.
9. The Kinship Home Basic Rate includes money to maintain an adequate standard of clothing for the child or youth in a kinship care arrangement.

## **Child Care**

10. Child care is a regularly scheduled arrangement to provide care to a child under the age of 13 years, or in exceptional circumstances for a child 13-15 years of age, who is unable to be left unattended due to a special need. The social worker shall assess the need for child care services on a case by case basis and funding may be approved for child care services for a kinship caregiver where:
  - a) The kinship caregiver requires child care for employment or educational (e.g. attending University) purposes; or
  - b) A qualified health care practitioner has recommended the child attend a child care facility to meet an identified special need, and the recommendation is supported by the social worker.
11. Based on the assessment and recommendation of the social worker, a supervisor may approve funding for up to maximum of 45 hours of child care per week up to a maximum of 6 months. A manager may approve funding for child care that exceeds 45 hours per week up to a maximum of 6 months if necessary.
12. Child care costs may be approved up to a period of six months at which time the request for child care shall be reassessed.
13. Where full-time child care is approved, the social worker shall work with the kinship caregiver to secure a placement for the child in a regulated child care center or regulated family child care home that can best meet the needs of the child and the kinship family, with consideration of the child care rates and any potential transportation costs that may apply. Where possible, siblings shall be cared for by the same child care provider. If the kinship provider's own child(ren) is already being cared for by a non-regulated child care provider and the kinship provider prefers to have all the children be cared for by the same provider, or if there is no space available in a regulated child care center or regulated child care home, a non-regulated child care provider may be used.

14. The social worker shall first explore available child care spaces at regulated child care centers or family child care homes **in receipt of the Operating Grant Program (OGP)** offered by the Department of Education. The cost of child care in a regulated child care center or family child care home in receipt of the OGP is covered in full by the Child Care Subsidy Program. When child care is arranged in a child care center or family child care home in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which time, the Department of Education will assume full payment for the requested duration of the service.
15. If there are no available or appropriate child care spaces in a regulated child care center or family child care home that is in receipt of the OGP, the social worker shall explore available child care spaces in regulated child care centers or family child care homes **not in receipt of the OGP**. When child care is arranged in a child care center or family child care home not in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which the Department of Education will assume payment for the subsidy rate and CSSD will pay any required top up fees for the requested duration of the service.
16. If there is no space available in a regulated child care center or family child care home, the social worker shall explore non-regulated child care providers. As these child care spaces are not eligible for the OGP or for the Child Care Subsidy Program, CSSD will pay the full cost of child care for non-regulated child care providers.
17. Where it is determined that a child requires additional support in a regulated child care center, the social worker shall discuss the need with the care provider to determine next steps (i.e. Child Care Inclusion Program).
18. Where a placement is not available in a regulated child care center or regulated family child care home, and the kinship caregiver(s) hires or uses a non-regulated child care provider, the social worker shall advise the kinship caregiver(s) that it is their responsibility to:
  - a) Ensure the child care provider is at least 16 years of age;
  - b) Obtain a criminal record check and a vulnerable sector check from the potential child care provider;
  - c) Obtain two references from non-relatives, if possible from references that can speak to the potential child care provider's child care knowledge, skills and experience;
  - d) Ensure the child care provider is in compliance with legislative requirements (e.g. is caring only for the number of children allowable by law); and
  - e) Comply with Canada Revenue Agency's (CRA) guidelines which may be found online at:  
<http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/clcltng/spclstns/crgvr-eng.html>.
19. Where a placement is not available in a regulated child care center or regulated family child care home, and the kinship caregiver hires or uses a non-regulated child care provider, the social worker shall:



- a) Ensure that a Provincial Court Check is completed; and
  - b) Complete a Child Protection Clearance Check from any areas of the province and any other jurisdictions in which the identified child care provider has previously resided.
20. Where a kinship caregiver proposes to use a child care provider who has been charged with, or convicted of a criminal offence and/or has child protection involvement, and the social worker in consultation with the supervisor, determines that this individual may place a child at risk, the social worker shall advise the caregiver **not to** use the proposed child care provider.
21. Maximum daily child care rates for OGP and non-OGP child care providers are set by the Department of Education. These are outlined in accordance with age ranges and part-time/full-time attendance in the Child Care Subsidy Policy Manual: [Child Care Subsidy Program - Education \(gov.nl.ca\)](http://gov.nl.ca/child-care-subsidy-program).
22. The rates for payment, as established by the Provincial Office, for child care where the kinship caregiver is the employer are as follows:

Number of Children	Rate
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

### **Babysitting**

23. Babysitting is short term care of a child to provide the kinship caregiver(s) an ability to attend to personal affairs or matters related to the child. The social worker shall advise the kinship caregiver to use their discretion in identifying an appropriate babysitter. A kinship caregiver may hire a babysitter whom they have known for at least one year who they deem, based on the person's age, maturity and skill's, (e.g. babysitting course, etc.) will meet the needs of the child and provide quality care for the duration that babysitting is required. If the kinship caregiver has not known the person for at least one year, they are required to obtain two references from non-relatives who have known the potential babysitter for at least one year.

24. Funding to cover the cost of routine babysitting (e.g.: for the kinship caregiver to go on a personal outing such as to dinner or a movie, grocery shopping, their own medical appointment, etc.) is included in the Kinship Home Basic Rate. The social worker shall assess the need for additional hourly babysitting on a case by case basis and may recommend approval of funding to the supervisor for babysitting for a kinship caregiver to attend to matters related to the child or youth (e.g.: school appointment, medical appointment, case conference, training, court, etc.), or to attend to matters for another child or youth who resides in the kinship home as part of a protective intervention plan.

25. Based on the assessment and recommendation of the social worker:

- a) a social worker may approve up to a maximum of 10 hours of babysitting per week;
- b) a supervisor may approve up to a maximum of 20 hours of babysitting per week; and
- c) a manager may approve more than 20 hours of babysitting per week if necessary.

Approval of funding for babysitting may be approved up to a **maximum period of 6 months**, at which time the need for babysitting services shall be reassessed before any further approval is granted.

26. The babysitting rates, where the kinship caregiver is considered the employer are as follows:

Number of Children	Rate
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

## Health and Medical

27. Prior to recommending approval of any medical, or vision services, a social worker shall first explore with the kinship caregiver if the child or youth's medical or drug costs can be covered under one of the following programs:

- a) Newfoundland and Labrador Prescription Drug Program (NLPDP)  
<http://www.health.gov.nl.ca/health/prescription>
- b) Parent's private insurance
- c) Kinship provider's private insurance
- d) If the child has status and is eligible for Health Canada's Non-Insured Health Benefits (NIHB) through Indian and Northern Affairs Canada (INAC)
- e) Nunatsiavut Health Services
- f) Medical Transportation Assistance Program  
<http://www.health.gov.nl.ca/health/mcp/travelassistance.html>
- g) Special Assistance Program
- h) Special Child Welfare Allowance Program

28. A child or youth in a kinship arrangement is eligible to receive coverage for prescription drugs through the Newfoundland and Labrador Prescription Drug Program (NLPDP). When making application to the NLPDP the social worker shall use the NLPDP Eligibility Confirmation form.
29. If a child or youth requires medical equipment or supplies, the social worker shall advise the kinship caregiver to first contact the Regional Health Authority in their area to explore what services are available through the Special Assistance Program or the Special Child Welfare Allowance Program if the child has a physical or cognitive disability. Information may be obtained online at: [http://www.health.gov.nl.ca/health/personsdisabilities/fundingprograms\\_hcs.html#sa](http://www.health.gov.nl.ca/health/personsdisabilities/fundingprograms_hcs.html#sa)
30. Prescription medication, special items or equipment to meet an identified medical or special need if these costs are not covered by another external source (e.g. MCP, NLPDP, the Department of Health and Community Services or a Regional Health Authority program, etc.) may be approved as follows:
  - a) Up to a maximum of \$500 per month by a social worker;
  - b) Costs exceeding \$500 per month by a supervisor.

### **Other Health Services**

31. If other medical services (e.g. physiotherapy) are necessary to meet the needs of the child or youth, and these services are not available in the community through the Regional Health Authorities, or are not sufficient to meet the child or youth's needs, funding may be approved for private services if the child or youth is not covered under private insurance. These services can be approved as follows:
  - a) Supervisor up to \$400 per month;
  - b) Manager for services exceeding \$400 per month

### **Vision Care**

32. Where the cost of vision care is not covered by another program or private insurance, a social worker may approve the following services:
  - a) the cost of an annual eye examination, at the most economical rate available in the child/youth's area;
  - b) the cost of glasses or contact lenses up to \$350.00 per year; and
  - c) the cost to repair glasses. Repairs to glasses should not exceed the cost of new glasses.
33. Additional vision care costs may be approved by a manager, where upon the recommendation of a health professional, a child or youth requires:
  - a) more than one eye exam in a year;
  - b) glasses or contact lenses that cost more than the rate listed above; or
  - c) any other products or services related to vision care.

## Dental Services

34. Prior to recommending approval of any dental service, a social worker shall first explore with the kinship caregiver if the child or youth's dental costs can be covered under one of the following programs:
- a) Parent's or Kinship provider's private insurance
  - b) Provincial Government's Dental Health Plans:
    - i. The NL Universal Children's Dental Health program
    - ii. NLPDP Low Income (Access) Program, Youth 13-17

35. The social worker or kinship caregiver can confirm eligibility for certain dental coverage through the Provincial Government's Dental Health Plans by providing the child's or youth's MCP and DOB to the dental office.

All children 12 or under are eligible for certain dental services through the NL Universal Children's Dental Health program. Refer to the program site for current services [http://www.health.gov.nl.ca/health/dentalservices/general\\_info.html](http://www.health.gov.nl.ca/health/dentalservices/general_info.html).

Services may include:

- a) Examinations at six month intervals
- b) Cleanings at 12 month intervals
- c) Fluoride applications for children aged six to twelve years at 12 month intervals (except where the School Rinse Program is in place)
- d) Routine fillings and extractions
- e) Sealants

Youth aged 13 – 17 years, who are eligible for Prescription Drug Program (NLPDP) may also be eligible for basic dental coverage.

- a) Examinations at two year intervals
- b) Routine fillings and extractions

36. Where basic dental is not covered by another program or private insurance a social worker may approve:
- a) An annual examination and cleaning;
  - b) Routine fillings, extractions and procedures; and
  - c) Emergency examinations and treatment.
37. If the permanency plan for the child or youth is to remain in a kinship arrangement, the cost of braces may be approved by a manager based on a recommendation from an orthodontist.

## Respite

38. In exceptional circumstances where respite is required to meet the complex needs of a child or youth or to maintain a kinship placement, upon recommendation by a social worker a supervisor may approve up to 5 hours of respite, or an overnight respite, per week. Where required, a manager may approve additional funding for respite services.
39. When assessing the need for respite, the social worker shall consider the:
- a) Age and developmental abilities/needs of the child or youth;
  - b) Number of persons with complex needs placed within a home;
  - c) The rationale for the number of respite hours the kinship caregiver(s) is requesting;
  - d) Medical considerations of the child or youth;
  - e) Dependency of the child or youth in the area of self-help;
  - f) Requirement of the child or youth for constant or intensive supervision;
  - g) Behavioral difficulties exhibited by the child or youth (i.e.: self-abusive, destructive, or aggressive behavior);
  - h) Recommendations of health care/school/other professionals; and
  - i) Reason why a kinship caregiver is requesting respite (e.g. for employment travel or to attend an out-of-town medical appointment, etc.).
40. The social worker shall discuss the requirements for respite providers with the kinship caregiver(s) and shall ensure that prior to being hired the respite provider:
- a) provides a Criminal Records Check and Vulnerable Sectors Check to the kinship caregiver by:
    - i. Making an 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. Agrees to a Vulnerable Sectors Check area on the application to identify an individual who has been pardoned for a sexual offence;
    - iii. If residing in an RCMP jurisdiction, making an application to the provincial court to have a check completed. Applications are available at RCMP detachments;
    - iv. If residing in a Royal Newfoundland Constabulary jurisdiction, making an application to the Provincial Court to have a check completed to determine if there is a record prior to 1980.
  - b) Has a current Child Protection Clearance Check completed from any areas of the province and from any other jurisdictions in which they have previously resided.
41. The social worker shall advise the kinship caregiver(s) that they are considered to be the employers of the hourly respite worker and the kinship caregiver must contact CRA to open an account for submitting remittances of income source deductions. Information regarding contributions and deductions can be obtained directly from the Canada Revenue Canada Agency online at:  
<http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/clcltng/spclsttns/crgvr-eng.html>.

## Respite Rates

42. The maximum rates for payment of hourly and overnight respite are as follows:

**Table 1: Hourly (Out-of-Home) Respite Rate**

Respite rate for 1 child or youth or for 2 children/youth, where respite is provided to both children/youth together, by the same respite provider	\$15.55
Respite rate for 3 or more children/youth where respite is provided to all children/youth together by the same respite provider	\$19.44

**Table 2: Hourly (In-Home) Respite Rate**

Respite rate for 1 child or youth or for 2 children/youth, where respite is provided to both children/youth together, by the same respite provider	\$15.55
Respite rate for 3 or more children/youth where respite is provided to all children/youth together by the same respite provider	\$19.44

**Table 3: Overnight (Out-of-Home) Respite Rate**

Duration of Respite	Rate per child/youth
Overnight (single day and night only)	\$87.50
2 nights	\$175
3 nights	\$220
4 nights	\$258.75
5 nights	\$297.50
6 nights	\$336.25
Weekly	\$375

**Table 4: Overnight (In-Home) Respite**

<b>Duration of Respite</b>	<b>Rate for 1 child/youth</b>	<b>Rate for each additional child/youth in the kinship home</b>
Overnight (single day and night only)	\$87.50	\$43.75
2 nights	\$175	\$87.50
3 nights	\$220	\$110
4 nights	\$258.75	\$129.38
5 nights	\$297.50	\$148.75
6 nights	\$336.25	\$168.13
Weekly	\$375	\$187.50

### **Counseling**

43. If a child or youth requires counseling services, the social worker shall advise the kinship caregiver to utilize publicly funded counseling services whenever possible (e.g.: Mental Health or Addiction counseling services offered through the Regional Health Authority), an Employee Assistance Program (EAP), or refer the child or youth to a service offered by the Department.

If public counselling services have been explored but are either unavailable or have a waitlist that would prevent the child or youth from getting required services in a timely fashion, a supervisor may approve up to a maximum of \$400 per month, and a manager may approve costs exceeding \$400 per month, for private counselling services.

## **Educational Expenses**

44. Where tutoring is recommended by a child or youth's school, the social worker shall advise the kinship caregiver to explore whether or not there are informal educational supports or services offered by the kinship caregiver, the school or another community program/service that could meet the child or youth's needs.
45. If no other tutoring services that can meet the child or youth's needs are available, a supervisor may approve funding up to a maximum of \$125 per week for tutoring services from a qualified tutor. This does not cover the cost of the tutor's preparation time, which is the tutor's own responsibility.
46. In exceptional circumstances where a child or youth requires more than the maximum amount of \$125 per week of tutoring, the manager may approve additional tutoring hours.

## **Employer Source Deductions and Payroll Administration Fees**

47. The maximum hourly rates for respite, childcare, babysitting or tutoring services in this policy do not include employer source deductions.

Where the kinship caregiver is considered the employer and is approved for hourly respite, child care, babysitting or tutoring services, the cost of associated employer benefits shall be approved by the individual approving the original request (e.g. if a manager has the authority to approve respite they would also approve the associated employer benefits).

48. If a kinship caregiver requests the support of an agency to assist with payroll administration, the cost of payroll administration fees may also be approved.

## **Transportation**

49. Local transportation for the child or youth is included in the basic Kinship Caregiver rate.
50. A supervisor may approve excessive school transportation if the plan for the child or youth is to remain in their neighborhood school and as a result the child or youth must be transported daily outside the school zone where the kinship caregiver resides, and the school is not close in proximity or enroute to the kinship caregiver's employment site. Please note that children or youth with physical or cognitive disabilities, or who live outside of a bus zone and not in walking distance, who require special transportation may qualify for assistance from the Department of Education. Social workers shall consult with the school district regarding services for these children and youth prior to requesting approval for these transportation costs.



51. A supervisor may approve excessive child care transportation when a kinship caregiver requires child care for employment or to attend an education/training program and the child care provider is not located in route to or in close proximity to the kinship caregiver's work place or training location.
52. A supervisor may approve medical transportation based on frequency and distance traveled if a child or youth has to travel outside their local area for a medical service that is required and not available in the local area and is not covered by another program or private insurance.
53. Where transportation costs are approved for the kinship caregiver in addition to the Kinship Basic Rate, they shall be reimbursed at the same rate as foster parents.
54. The FCAP will outline the family access plan as access is an integral part of the reunification plan. This may include supervised or unsupervised access.
55. Parents are responsible to cover the costs of visits with their child and should arrange their own transportation through their own vehicle or through a friend or family member.
56. If it is determined by the social worker in consultation with a supervisor that a parent requires financial assistance for transportation to maintain visiting outside their community or neighborhood (if in larger center), the social worker shall explore with the parent the most cost-effective means of transportation available (e.g. a bus pass versus taxi; mileage for a friend instead of taxi). Reimbursement for parental travel for visiting using a private vehicle can be issued at \$0.30 per km provided if it is considered a more cost-effective option than public transportation.
57. A supervisor may approve the most cost-effective means of transportation for family access or visitation up to a maximum of \$400 per month which includes the total cost of taxis and private mileage.
58. A manager may approve costs exceeding \$400 per month for the most cost-effective means of transportation for family access or visitation.

### **Household Items/Furniture**

59. A social worker may approve the cost of additional furniture/items where it has been determined that a kinship caregiver requires the basic furniture/household items in order to facilitate and/or maintain a placement for a child. The following table provides the maximum cost that a social worker may approve for such items:

Item	Maximum Cost
Bed	\$1000
Bunk Bed	\$1200
Crib	\$750
Booster seat	\$200
Car seat	\$300
Stroller	\$300
Dresser	\$500

60. Manager approval is required to approve costs exceeding the rates identified in the table above.

### **Social Recreation**

61. All social/recreational costs for a child or youth are included in the Kinship Home Basic Rate.

62. The cost of a social/recreational program that replaces child care and is required by a kinship caregiver for employment purposes may be approved by a supervisor.

### **Exceptional Circumstances**

63. Upon written recommendation from a manager, the regional director may approve a benefit request, not already covered in this policy, where a social worker has assessed the benefit as being necessary to:

- a) meet the needs of a child or youth **or** to prevent a disruption to their kinship placement; **and**
- b) the benefit or service is not available through another government program or department.

### **Exceptions:**

1. If local transportation costs have been approved for an existing kinship caregiver on behalf of a child or youth residing in their home prior to the effective date of this new policy, these costs can continue to be approved for that kinship caregiver on behalf of that particular child or youth if necessary while they reside in the kinship home. If the child or youth moves to a new kinship home, local transportation will be included in the Kinship Home Basic rate.

**Relevant Documents:**

- CSSD Financial Request Form
- Child Protection Clearance Check
- NLPDP Eligibility Confirmation form

**Child Support Guidelines**

- <http://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.asp>  
<https://laws-lois.justice.gc.ca/eng/regulations/sor-97-175/page-15.html#docCont>

## Financial Services for Families: Child Care

**Policy no: 1.19**

**Effective Date: November 24, 2015**

**Date Revised: June 28, 2019; September 6, 2022**

**Policy Cross References: 1.29 Payroll Administration Fees**

**Legislative References: s.12 Determining need for protective intervention**

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Child care costs may be approved for parent(s) whose children require child care as a risk mitigating intervention as outlined in the family's Safety Plan, FCAP, or Plan for the Child.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Child care is a regularly scheduled arrangement to provide care to a child up to their 13<sup>th</sup> birthday. The social worker shall explore all options for child care, including the Operating Grant Program and the Child Care Subsidy Program.
2. The social worker may assess the need for child care services on a case by case basis. Funding may be approved in cases where, due to the child's age and/or vulnerability (e.g. young child not visible in the community), child care is required as part of a plan to reduce risk and enhance safety or to promote child development and growth and is outlined in the family's Safety Plan, FCAP, and/or Plan for the Child. Where applicable, the request for child care services may be supported by other professionals working with the family.
3. Based on the assessment and recommendation of the social worker:
  - a) A supervisor may approve up to 20 hours of child care per week for a maximum of 4 months;
  - b) A manager may approve funding requests exceeding 20 hours of child care per week for a maximum of 4 months.

4. When it has been determined that child care is a recommended service in accordance with the family's safety plan, FCAP, and/or Plan for the Child, the social worker shall work with the parent to secure a placement for the child in a regulated child care center or family child care home that can best meet the needs of the child and family, with consideration of child care rates and any potential transportation costs that may apply. The social worker shall facilitate the child's placement with a child care provider and assist with the application for coverage under the Child Care Subsidy Program.
5. The social worker shall first explore available child care spaces at regulated child care centers or family child care homes **in receipt of the Operating Grant Program (OGP)** offered by the Department of Education. The cost of child care in a regulated child care center or family child care home in receipt of the OGP is covered in full by the Child Care Subsidy Program. When child care is arranged in a child care center or family child care home in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which time, the Department of Education will assume full payment for the requested duration of the service.
6. If there are no available or appropriate child care spaces in a regulated child care center or family child care home that is in receipt of the OGP, the social worker shall explore available child care spaces in regulated child care centers or family child care homes **not in receipt of the OGP**. When child care is arranged in a child care center or family child care home not in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which the Department of Education will assume payment for the subsidy rate and CSSD will pay any required top up fees for the requested duration of the service.
7. If there is no space available in a regulated child care center or family child care home, the social worker shall explore non-regulated child care providers. As these child care spaces are not eligible for the OGP or for the Child Care Subsidy Program, CSSD will pay the full cost of child care for non-regulated child care providers.
8. Where it is determined that a child may require additional support in a regulated child care center, the social worker shall discuss the need with the child care center provider and determine next steps (i.e. Child Care Inclusion Program).
9. Maximum daily child care rates for OGP and non-OGP child care providers are set by the Department of Education. These are outlined in accordance with age ranges and part-time/full-time attendance in the Child Care Subsidy Policy Manual: [Child Care Subsidy Program - Education \(gov.nl.ca\)](#).

**Exceptions:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Babysitting

**Policy no.: 1.20**

**Effective Date: November 24, 2015**

**Date Revised: April 19, 2017**

**Policy Cross References: 1.29** Payroll Administration Fees

**Legislative References: s.12** Determining need for protective intervention

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Babysitting costs may be approved for parent(s) who require babysitting for their children in order to attend recommended services as outlined in their Safety Plan, FCAP, or Plan for the Child.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Babysitting refers to short-term care for children for the purpose of providing parent(s) with an ability to attend recommended services as outlined in their Safety Plan, FCAP or Plan for the Child.
2. The social worker shall advise the parent(s) to use their discretion in identifying an appropriate babysitter. The parent(s) may hire a babysitter whom, based on that person's age, maturity and skills, will meet the needs of the child and provide quality care for the duration that babysitting is required.
3. Based on the assessment and recommendation of the social worker:
  - a) A social worker may approve up to a maximum of 5 hours of babysitting per week;
  - b) A supervisor may approve babysitting above 5 hours per week to a maximum of 10 hours per week;
  - c) A manager may approve requests for funding for babysitting that exceed 10 hours per week.

## **Babysitting: Triple P Positive Parenting Program®**

4. If it is determined by a social worker, in consultation with a supervisor, that a parent(s) requires financial assistance for babysitting to attend the Triple P Positive Parenting Program®, as part of the family's case plan, the following may be approved:
  - a) A social worker may approve up to a maximum of 5 hours of babysitting per week;
  - b) A supervisor may approve babysitting above 5 hours per week to a maximum of 10 hours per week;
  - c) A manager may approve requests for funding for babysitting that exceed 10 hours per week.

## **Rates**

5. The rates for payment for babysitting are as follows:

<b>Number of Children</b>	<b>Rate</b>
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

6. As the parent(s) is considered the employer of an hourly babysitter, the employer benefits are in addition to the hourly babysitting rates outlined in this policy. Associated employer benefits and/or payroll administration fees may be approved by the individual approving the original request (e.g. if a supervisor has the authority to approve babysitting hours, they would also approve the associated administration fees).

**Exceptions:** None

## **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Day Camp

**Policy no.:** 1.21

**Effective Date:** June 28, 2019

**Date Revised:** February 6, 2017

**Policy Cross References:** N/A

**Legislative References:** s.12 Determining need of protective intervention

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Costs for day camp and/or an after-school program maybe approved in cases where children would normally be approved for daily care outside the home as a risk mitigating intervention as outlined in the family's Safety Plan, FCAP, or Plan for the Child.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Day camps and/or after-school programs may be considered in cases where child care would otherwise be approved as a risk mitigating intervention as outlined in the family's Safety Plan, FCAP, or Plan for the Child.
2. Based on the assessment and recommendation of the social worker:
  - a) A supervisor may approve funding for day/summer camp and/or an after-school program up to a maximum of \$200.00 per week; and
  - b) The manager may approve requests for funding that exceed \$200.00 perweek.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual



## Financial Services for Families: Respite

**Policy no.: 1.22**

**Effective Date: November 24, 2015**

**Date Revised: February 6, 2017; June 28, 2019; September 6, 2022**

**Policy Cross References: 1.18** Kinship: Financial Services; **1.9** Protective Care Agreement; **1.29** Payroll Administration Fees

**Legislative References: s.12** Determining need for protective intervention

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### Policy:

1. Respite costs may be approved for parents:
  - a) when a child(ren) is returning home to their parents from the custody of a manager and respite will support the transition; or
  - b) who require temporary relief from parenting in order to reduce stress levels when caring for their child(ren)
2. A financial review will be conducted annually to monitor spending.

### Procedures:

1. Respite refers to temporary short term relief (hourly/daily/overnight/weekend) for parents. Respite may be provided when it has been determined that the service is necessary to enhance the child's safety, reduce risk of maltreatment, and/or maintain the child's living arrangements in the family home, and when it is outlined in the family's Safety Plan, FCAP, and/or Plan for the Child.
2. Respite may be provided when the parent(s) requires temporary relief from parenting in order to reduce stress levels when caring for their child(ren) or to support a child's transition home from an out of home living arrangement.
3. When assessing the need for respite, the social worker shall consider the following clinical factors:
  - a) Risk factors in the home;
  - b) Age and developmental abilities/needs of the child or youth;
  - c) Medical considerations of the child or youth;

- d) Dependency of the child or youth in the area of self-help;
  - e) Requirement of the child or youth for intensive supervision;
  - f) Behavioral difficulties exhibited by the child or youth (e.g. self-abusive, destructive, or aggressive behavior);
  - g) Recommendations of health care/school/other professionals; and
  - h) Reason why a parent(s) is requesting respite (e.g. to attend an emergency or out-of-town medical appointment and there is no family/friend available to care for the child, etc.).
4. The most appropriate respite provider option for the family shall be decided between the social worker and supervisor. Respite providers include:
- a) Foster homes (only for children transitioning home from being in care);
  - b) Relatives/Significant Others; or
  - c) Agencies
5. Where it has been determined that respite is required:
- a) A supervisor may approve up to 8 hours of respite per week;
  - b) A manager may approve over 8 hours per week, up to 3 days per month;
  - c) A regional director may approve any requests exceeding 3 days per month.
6. The social worker shall discuss the requirements for respite providers with the parent and shall complete the following checks on the potential respite provider:
- a) Criminal Records Check
  - b) Child Protection Clearance Check completed from any areas of the province and from any other jurisdictions in which the potential respite worker may have previously resided.

## Respite Rates

7. The maximum rates for hourly and overnight respite services, as established by the Department, are as follows:

**Table 1: Hourly Respite Rates:**

Respite rate for 1 child/youth or for 2 children/youth, where respite is provided to both children/youth together, by the same respite provider	\$15.55
Respite rate for 3 or more children/youth where respite is provided to all children/youth together by the same respite provider	\$19.44

**Table 2: Overnight Respite Rates:**

Duration of Respite	Rate per child/youth
Overnight (i.e. 24 hours)	\$87.50
2 days	\$175.00
3 days	\$220.00

8. The maximum hourly respite rate does not include employer source deductions. Where the parent(s) is approved for hourly respite and is considered the employer, the source deduction costs may be approved by the individual approving the original request (e.g. if the supervisor has the authority to approve the respite hours, they would also approve the associated source deduction costs).
9. If a parent(s) requests the support of an agency to assist with payroll administration and if it is assessed as necessary and recommended by the region, the cost of payroll administration fees may be approved by the individual approving the original request (e.g. if the supervisor has the authority to approve the respite hours, they would also approve the associated payroll administration fees).

### **Exceptions:**

1. In **exceptional and emergency situations**, the manager may approve a higher hourly respite rate if an agency is required.

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Behavioural Aide

**Policy no.:** 1.23

**Effective Date:** November 24, 2015, June 28, 2019

**Date Revised:** February 6, 2017

**Policy Cross References:** 1.29 Payroll Administration Fees

**Legislative References:** s.12 Determining need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### Policy:

1. Behavioural aide services may be approved for families who require the service to enhance the safety of their children, reduce risk of maltreatment, and support permanency planning.
2. Behavioural aide services shall be approved only upon the recommendation of the behavioral management specialist (BMS) and as required to assist in the implementation of a Behaviour Support Plan.
3. Behavioural aide services may be approved where a Behaviour Support Plan has been developed and the parent requires:
  - a) Physical assistance to implement situational management;
  - b) Assistance to deliver intensive behavioural programming;
  - c) Additional teaching and support to acquire necessary skills.
4. A financial review will be conducted annually to monitor spending.

### Procedures:

1. Behavioural aides work under the guidance of the BMS to assist in the implementation of the Behaviour Support Plan.
2. Behavioural aides shall only be engaged upon the recommendation of the BMS and the BMS supervisor and approval from the clinical programs supervisor.
3. Behavioural aides shall possess the following qualifications:

- a) At least 2 years post-secondary education in psychology, special education or a related field;
  - b) Experience working with children and families, particularly children with challenging behaviours; and/or
  - c) Crisis management training is considered an asset
4. The behavioural aide is employed by the family. The social worker and the BMS shall assist the family to secure a behavioural aide who meets the qualifications outlined above. Payroll administration fees may be approved to assist the family as necessary and in accordance with the **Payroll Administration Fees** policy.
5. When securing behavioural aide services, the social worker, in consultation with the BMS, shall confirm with the agency/employer that the individual has the training and skill set necessary to provide behavioural aide services.
6. Where behavioural aide services have been recommended:
- a) A supervisor can approve up to 30 hours per month for a maximum of 4 months; and
  - b) The manager may approve over 30 hours per month for a maximum of 4 months, if required.

**Exceptions:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Child Safety

**Policy no.:** 1.24

**Effective Date:** November 24, 2015, June 28, 2019

**Date Revised:** February 6, 2017; September 6, 2022 **Policy Cross References:** N/A

**Legislative References:** s.12 Determining need for protective intervention

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Funding for child safety expenses may be approved for families when considered necessary to enhance the child's safety, reduce risk of maltreatment, and/or maintain the child's living arrangement in the family home.
2. Costs associated with child safety may be approved for families as required in accordance with the family's Safety Plan, FCAP, or Plan for the Child.
3. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Child safety expenses (e.g. baby gate) may be approved for families only when it has been determined by a social worker that a parent requires the item in order to enhance the child's safety, reduce the child's risk of maltreatment, maintain the child's living arrangement in the family home, and/or facilitate the child's return home.
2. Funding related to child safety shall only be approved in cases where the parent and social worker have demonstrated that financial requests through all other government departments and/or community organizations have been exhausted or would not meet an immediate need.
3. A supervisor may approve up to \$500 per year (plus shipping costs) for child safety expenses.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Transportation

**Policy no.: 1.25**

**Effective Date: November 24, 2015**

**Date Revised: April 19, 2017; September 6, 2022 Policy Cross References: N/A**

**Legislative References: s.12** Determining the need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy: Policy:**

1. Transportation costs may be approved for families to attend recommended services/activities as outlined in their Safety Plan, FCAP, or Plan for the Child. Approval of transportation costs will only be provided if families are attending the recommended services/activities.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Parent(s) are responsible to cover the cost of transportation to services as recommended in the Safety Plan, FCAP, or Plan for the Child, and should arrange their own transportation whenever possible. The Department may assist if alternate arrangements cannot be made.
2. Where transportation is approved, the social worker shall explore with the parent(s) the most cost-effective means of transportation available in the community (e.g. bus pass vs. taxi; mileage for a relative vs. taxi).
3. For parents who are attending recommended services such as counselling, parenting classes, etc., as outlined in their Safety Plan, FCAP, or Plan for the Child and where transportation is not provided through the particular service, the cost of a bus pass or other cost effective means of transportation may be approved.
4. Where mileage costs are paid to a **third party** for transportation of the parent(s)/child(ren) to recommended services, meetings, court appearances, or other pre-approved services as outlined in their Safety Plan, FCAP, or Plan for the Child, reimbursement shall be calculated using a rate of \$0.30 per kilometer (km).

## **Child Care Travel**

5. If it is determined that a parent requires transportation assistance to ensure their child's attendance at child care, and child care is a recommended service in the Safety Plan, FCAP, or Plan for the Child, consultation shall occur with the government department responsible for child care to determine if a client is eligible to receive transportation through that department.
6. If assistance is unable to be provided through the government department responsible for child care, and it is determined that this Department will provide assistance, transportation for child care may be approved as follows:
  - a) A social worker may approve up to \$500 per month
  - b) A supervisor may approve up amounts between \$500 and \$1000 per month
  - c) The manager may approve amounts exceeding \$1000 per month

## **Counseling Travel**

7. If it is determined that the parent(s) requires transportation assistance for counseling, the following may be approved:
  - a) A social worker may approve up to \$150 per month
  - b) A supervisor may approve amounts between \$150 and \$300 per month
  - c) A manager may approve amounts between \$300 and \$500 per month
  - d) The regional director may approve amounts exceeding \$500 per month

## **Court Travel**

8. If it is determined by a social worker, in consultation with a supervisor, that a parent(s) requires financial assistance for transportation for court appearances pertaining to child protection matters, the following may be approved:
  - a) A social worker may approve up to \$300 per month
  - b) A supervisor may approve amounts exceeding \$300 per month

## **Family Visitation Travel**

9. If it is determined by a social worker, in consultation with a supervisor, that a parent(s) requires financial assistance for transportation to maintain visiting, the following may be approved:
  - a) When a child(ren) is in an out of home placement and living in the same community as their parent(s);
    - i) A supervisor may approve up to a maximum of \$350 per month, which includes the total cost of taxis and private mileage.



- b) When a child is in out of placement care and living outside of their community but within the same region;
  - i) A supervisor may approve up to a maximum of \$600 per month.
- c) Transportation costs for family visitation that exceed \$600 per month require approval of a manager.

### **In Province Client Travel**

- 10. If a parent(s) is required to travel outside the local area but within the province in accordance with the family's Safety Plan, FCAP, or Plan for the Child the cost of in province client travel may be assessed on a case by case basis. If it is determined that transportation for in province client travel will be approved:
  - a) A supervisor may approve up to \$700 per year
  - b) A manager may approve amounts exceeding \$700 per year

### **Out of Province Client Travel**

- 11. If a parent(s) is required to travel out of province in accordance with the family's Safety Plan, FCAP, or Plan for the Child, the cost of out of province client travel may be assessed on a case by case basis. A manager shall approve all requests for out of province client travel.

### **Accommodations**

- 12. The cost of accommodations, outside the local area, for parents and children may be assessed on a case by case basis, as it relates to the Safety Plan, FCAP, or Plan for the Child. The most cost-effective means shall be considered when accommodations are being approved.
- 13. The following shall be considered when assessing requests to cover the cost of accommodations for parents and children travelling outside of their local area:
  - a) Purpose of travel;
  - b) Frequency of travel;
  - c) Duration of travel and location;
  - d) Departure time;
  - e) Return time; and
  - f) Number of people required to travel.
- 14. If it is determined that accommodations will be approved:
  - a) A supervisor may approve up to \$500 per month
  - b) A manager may approve amounts exceeding \$500 per month

## Meals

15. The cost of meals for parents and children may be assessed on a case by case basis when the family is required to travel outside the local area for services outlined in the Safety Plan, FCAP, or Plan for the Child, and may be approved by a supervisor.
16. The following shall be considered when assessing requests to cover the cost of meals for parents and children travelling outside of their local area:
  - a) Purpose of travel;
  - b) Frequency of travel;
  - c) Departure time;
  - d) Return time; and
  - e) Number of people required to travel.
17. Where parents are approved to be reimbursed for meals, the following are the maximum allowable per diem rates:

Age	Rate
0 – 11 years	\$15 per day
12 – adult	\$20 per day

## Medical Travel

18. Parent(s) are responsible to cover the cost of their own medical transportation, as well as their children's, when it is unrelated to their involvement with child protection. Transportation for medical services/appointments unrelated to the Safety Plan, FCAP, or Plan for the Child, will not be approved.
19. If it is determined that a parent(s) requires financial assistance for transportation to medical appointments in relation to the Safety Plan, FCAP, or Plan for the Child, and transportation coverage is not available through another government department (e.g. Advanced Education Skills and Labour or Health and Community Services), the following may be approved:
  - a) A social worker may approve up to \$150 per month
  - b) A supervisor may approve amounts between \$150 and \$300 per month
  - c) The manager may approve amounts between \$300 and \$500 per month
  - d) The regional director may approve amounts exceeding \$500 per month

## Triple P Positive Parenting Program®

20. If it is determined by a social worker, in consultation with a supervisor, that a parent(s) requires financial assistance for transportation to attend the Triple P Positive Parenting Program®, as part of the family's case plan, the following may be approved:

- a) A social worker may approve up to \$200 per month
- b) A supervisor may approve amounts between \$200 and \$400 per month
- c) A manager may approve amounts exceeding \$400 per month

### **Other**

21. Funds may be approved for the family to attend to other matters in relation to child protection involvement but **not outlined above**. Transportation costs for these services may be approved as follows:

- a) A social worker may approve up to \$100 per month
- b) A supervisor may approve amounts between \$100 and \$200 per month
- c) A manager may approve amounts between \$200 and \$400 per month
- d) The regional director may approve amounts exceeding \$400 per month

**Exceptions:** None

### **Relevant Documents:**

Structured Decision Making® Policy and Procedures Manual

## Taxi Transportation for Children in the Protective Intervention or Kinship Services Program

**Policy no.: 1.25.1**

**Effective Date: August 1, 2016**

**Date Revised: June 28, 2019, September 6, 2022**

**Policy Cross References: 1.25** Transportation; **1.18** Kinship Services: Financial Services **Legislative References:**

**Purpose:** To outline expectations regarding taxi transportation for children in the Protective Intervention Program or Kinship Services Program.

### **Policy:**

1. When a child is in need of protective intervention and the social worker identifies that the child requires transportation to attend recommended services, as outlined in the case plan, taxi transportation will be considered only as a last alternative after other means of transportation have been determined to be unavailable or inappropriate.
2. If taxi transportation is approved, all children involved in the Protective Intervention Program or Kinship Services Program, who are under 16 years of age, shall be accompanied by an adult.
3. Taxi costs for clients of the Protective Intervention Program shall be approved in accordance with the **Transportation** policy. For children in the Kinship Services Program, taxi costs shall be approved in accordance with the **Kinship Services: Financial Services** policy.

### **Procedures:**

1. When a decision has been made by the social worker, in consultation with the supervisor, that it is necessary to transport a child involved in the Protective Intervention Program or Kinship Services Program in a taxi, the social worker shall, in consultation with the child's parent or kinship caregiver, ensure:
  - a) all children under 16 years of age are accompanied by an appropriate adult; and
  - b) the person entrusted with putting the child in a taxi (e.g., parent, kinship caregiver) is knowledgeable of current regulations regarding the use of child restraints in vehicles as well as the requirement that, where necessary, the child is to be in an approved, properly installed safety or booster seat.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Physician Expenses

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**Policy no.: 1.26**

**Effective Date: November 24, 2015**

**Date Revised: June 28, 2019; September 6, 2022 Policy Cross References: N/A**

**Legislative References: s.12** Determining need for protective intervention, **s.96** Right to information

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment

### **Policy:**

1. Physician expenses that are not covered by Medical Care Plan (MCP) may be approved if required to enhance the child's safety, reduce risk of maltreatment, and/or maintain family preservation and when it is outlined in the family's Safety Plan, FCAP, and/or Plan for the Child.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Most medical services in Newfoundland and Labrador are covered under the MCP. These services are completed at no cost to the patient or to a third party, however; the Department may request services from a physician that are not covered by MCP. These may include:
  - a) Telephone consultations;
  - b) Preparation of records, reports or certificates; or
  - c) Testimony given in a court.
2. The social worker shall consult with the supervisor to determine the necessity of contacting the physician as part of the assessment of risk to the child and to inform the family's Safety Plan, FCAP and/or Plan for the Child.
3. The cost of physician services may be approved as follows:
  - a) A social worker may approve up to \$200 per year
  - b) A supervisor may approve amounts exceeding \$200 per year

**Exceptions:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Parenting Capacity Assessments

**Policy no.: 1.27**

**Effective Date: November 24, 2015**

**Date Revised: June 28, 2019; September 6, 2022 Policy Cross References: N/A**

**Legislative References: s.12** Determining the need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Parenting capacity assessment costs may be approved in cases where an assessment of a parent's capacity to parent their child(ren) is required to inform case management decisions and/or as recommended in the family's Safety Plan, FCAP, or Plan for the Child.
2. The social worker, in consultation with a supervisor, shall determine the reasons why a Parenting Capacity Assessment (PCA) is required and advise the assessor of the identified issues prior to the commencement of the PCA.
3. A financial review will be conducted annually to monitor spending.

### **Procedures:**

#### **General**

1. Parenting capacity refers to a parent's capability to safely parent their child long-term. It is different from the term "parenting ability" as an individual may have the skill to parent for a short period of time in specific circumstances (e.g. supervised visits), but not the parenting capacity to parent effectively over the long-term.
2. Parenting capacity assessments are required in exceptional and highly complex cases when additional information is required to determine whether a parent has the capacity to parent their child. In these cases, PCAs provide relevant information for case planning and decision-making purposes (e.g. maintaining the child's living arrangement in the family home and/or returning the childhome).

## **Professional Qualifications of Assessor**

3. Parenting capacity assessments shall be completed by a qualified practitioner external to the Department (i.e. a registered social worker at the Masters level who shall contract with a registered psychologist to complete the psychometric testing or a registered psychologist with experience in psychological evaluations in child protection matters).
4. Departmental staff shall ensure registered psychologists complete PCAs in accordance with the American Psychological Association Guidelines for Psychological Evaluations in Child Protection Matters. These guidelines can be viewed at <http://www.apa.org/practice/guidelines/child-protection.aspx>

## **Guidelines and Parameters for Completing Parenting Capacity Assessments**

5. The social worker shall meet with the parent(s) being assessed and inform them of the plan to have a PCA completed.
6. The social worker shall ask the parent(s) to provide written consent, using the Consent to Release or Obtain Client Information form, for the release of child protection file information to the assessor.
7. Once the assessor has been identified, the social worker, in consultation with the supervisor, shall meet with the assessor to determine the assessment plan and outline and confirm expectations of the Department for the assessment, including (but not limited to):
  - a) Clear and specific referral question(s)
  - b) Review of child welfare file history
  - c) Observations of child-parent interactions
  - d) Observations of parent-child interactions
  - e) Interviews with parents, interviews/observations of children
  - f) Collaterals (e.g. informal support system, mental health/addictions professionals)
  - g) Psychometric testing (e.g. MMPI, PSI)
8. The timeline for completion of the PCA shall be negotiated between the social worker and the assessor but shall not exceed three months. If it is determined that a PCA cannot be completed within three months, a supervisor shall approve a timeline within an additional 30 days.
9. A parenting capacity assessment shall include:
  - a) A review of child protection file information, including external reports on file;
  - b) Interviews with relevant parties (e.g. parents, children, family members, collateral contacts). Multiple interviews with parents and children are recommended as this allows the assessor to observe the parent/child in varying presentations;



- c) Observation of parent-child interactions, when possible, and when it does not impact safety of the child. Multiple observations are recommended as this allows the assessor to observe a range of parent-child interactions under various conditions;
  - d) Psychological component (i.e. psychological testing), if necessary;
  - e) Summary of report;
  - f) Conclusions and recommendations; and
  - g) Other information as necessary
10. Upon receipt of the completed PCA, the social worker shall review and advise the supervisor and manager of the assessor's recommendations.
11. The social worker shall consider the recommendations made by the assessor in the context of the case plan.

### **Financial and Administrative**

12. The social worker shall review the PCA to ensure Departmental requirements of the PCA were met before final payment to the assessor is rendered.
13. A copy of the report shall be placed on the parent and child files.
14. The cost of parenting capacity assessments may be approved as follows:
- a) A manager may approve up to a maximum of \$8000.
  - b) A regional director may approve requests for funding exceeding \$8000.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Transitional Support

**Policy no.: 1.28**

**Effective Date: November 24, 2015**

**Date Revised: February 6, 2017; June 28, 2019; September 6, 2022**

**Policy Cross References: N/A**

**Legislative References: s.12** Determining need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Support may be provided to families to assist in the transition home of children who have been placed out of home for care through either the In Care Program or Kinship Services Program.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. When a decision has been made to return a child to the care of their parent(s), the social worker shall assess the supports and services required to assist in the transition.
2. Where necessary, additional costs associated with previously approved services may be provided as the child transitions home to a natural service termination point (e.g. end of school year) or for a maximum of 6 weeks, whichever occurs first. Funding may be approved as follows:
  - a) A supervisor may approve up to \$600 total for a maximum duration of 6 weeks
  - b) A manager may approve amounts exceeding \$600 for a maximum duration of 6 weeks
  - c) The regional director may approve requests exceeding 6 weeks in duration.
3. A supervisor may approve up to \$250 for a bed or \$500 for a crib where it is required to support the child's transition home. If a crib or bed was purchased for the child while in care, this furniture shall return home with the child.

4. Where a child has been prescribed medications while in care that are not covered under the Newfoundland and Labrador Prescription Drug Program, including through special authorization, the social worker shall support the parent to consult with the prescribing physician to determine whether another medication is available. The Department may continue to pay for a child's medication for a maximum period of 6 weeks following the child's return home.
  - a) A supervisor may approve up to \$300 for a maximum duration of 6 weeks
  - b) A manager may approve amounts exceeding \$300 for a maximum duration of 6 weeks
5. The Department recognizes the financial strain families may experience when children return home, particularly while waiting for the reinstatement of the Canada Child Benefit (CCB). In these cases, the Department may provide financial assistance directly to the family while the parent is waiting for the reinstatement of the CCB.
6. In planning for a child to return home, the social worker shall support the parent(s) in completing the application for the CCB and encourage the parent to submit the application immediately upon the child's return home.
7. Families in receipt of Income Support shall be referred to the Income Support program to request financial assistance through the Child Benefit Adjustment while waiting for the CCB to be reinstated.
8. Where financial assistance is being provided by the Department, the social worker shall consider the number of children in the family and any other sources of financial support available to the family (including the Child Benefit Adjustment).
9. Where financial support is found to be necessary, the following may be approved for a maximum of four months or until the CCB is reinstated, whichever occurs first:
  - a) A supervisor may approve the monthly CCB amount, as set by the Canada Revenue Agency (CRA), up to a maximum of 2 months
  - b) A manager may approve the monthly CCB amount, as set by CRA, up to a maximum of 4 months

**Exceptions:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Payroll Administration Fees

**Policy no.:** 1.29

**Effective Date:** November 24, 2015

**Date Revised:** June 28, 2019

**Policy Cross References:** 1.19 Child Care; 1.20 Babysitting; 1.22 Respite; 1.23 Behavioural Aide

**Legislative References:** s.12 Determining need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### Policy:

1. Where assessed as necessary, payroll administration fees may be approved to assist a parent in self-managing protective intervention services in the home (e.g. babysitting, hourly respite).
2. A financial review will be conducted annually to monitor spending.

### Procedures:

1. In situations where the parent is considered the employer for a service (e.g. babysitting or hourly respite) and the parent requires the support of an agency to assist with payroll administration, the cost of payroll administration may be approved by the individual approving the original request for service (e.g. if a supervisor has the authority to approve babysitting hours they would also approve the associated employer benefits and administration fees).
2. The parent(s), or an individual/agency they have hired to keep payroll records, shall be reimbursed for the approved benefit rate, including employer contributions. All earnings must be reported to the Canada Revenue Agency and a T4 is required at the end of the calendar year.
3. The parents shall ensure that when hiring individuals/agencies to keep payroll records the service provider is not placed on the agency's/individual's payroll. The service provider is employed by the parent(s) and all records shall be in the parent's name.

**Exceptions:** None

### Relevant Documents:

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Exceptional Circumstances

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**Policy no.: 1.30**

**Effective Date: November 24, 2015**

**Date Revised: February 6, 2017, June 28, 2019 Policy Cross References: N/A**

**Legislative References: s.12** Determining need for protective intervention

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**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### **Policy:**

1. Funding for services required in exceptional circumstances (i.e. benefits not identified in the Financial Services for Families policies) may be approved for families if the support or service is considered necessary to enhance the child's safety, reduce risk of maltreatment, and/or maintain the child's living arrangement in the family home.
2. A financial review will be conducted annually to monitor spending.

### **Procedures:**

1. Funding for services in exceptional circumstances (i.e. benefits not identified in the Financial Services for Families policies) may be approved for families only when it has been determined by a social worker that a parent requires the item in order to enhance the child's safety, reduce the child's risk of maltreatment, maintain the child's living arrangement in the family home, and/or facilitate the child's return home.
2. Funding for services in exceptional circumstances shall only be approved in cases where the parent and social worker have demonstrated that financial requests through all other government departments and/or community organizations have been exhausted or would not meet an immediate need.
3. Where funding is required in an exceptional circumstance, the following may be approved:
  - a) The supervisor may approve up to \$350 per year
  - b) The manager may approve between \$350 and \$450 per year
  - c) The regional director may approve requests exceeding \$450 per year

4. The Assistant Deputy Minister for Service Delivery and Operations may also approve a one-time only request for services in exceptional circumstances if deemed necessary to complete an assessment, enhance the child's safety, reduce the child's risk of maltreatment, and/or maintain the child's living arrangement in the family home.

**Exceptions:** None

**Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual

## Financial Services for Families: Counselling

**Policy no.: 1.30.1**

**Effective Date: December 5, 2023**

**Date Revised:**

**Policy Cross References: N/A**

**Legislative References: s.12** Determining need for protective intervention

**Purpose:** To outline the process for assessing and approving funding for financial supports and services available to families involved in the Protective Intervention Program (PIP) and to outline applicable rates. Financial supports and services may only be approved/renewed when they are connected to enhancing a child's safety and/or reducing risk of maltreatment.

### Policy:

1. Counselling may be approved for parent(s) and/or children to improve family relationships and family functioning, helping to address concerns that contribute to safety and risk to the child as recommended in the family's Family Centered Action Plan (FCAP).
2. Availability and accessibility of counselling services appropriate to the client's needs shall be explored with the family in the following order:
  - a.) through insured counselling services (e.g. Employee Assistance Program);
  - b.) through CSSD's internal Family Services Program;
  - c.) through publicly funded counselling services (e.g. NL Health Services); and
  - d.) through private counselling if insured, internal, and publically funded counselling services have been explored but are not readily available or accessible.
3. The social worker shall work with the parent(s) and/or children to identify areas of focus for counselling that would address identified protection concerns.
4. In consultation with the supervisor, counselling costs shall be approved in accordance with the financial delegation outlined in Procedure statement # 7.

### Procedures:

#### General

1. The social worker, in consultation with the supervisor, can approve counselling services for parent(s) and/or children, when it has been determined the parent(s) and/or children are ready and willing to participate in counselling, in the following circumstances:

- a) To address issues that contribute to safety threats and/or risk of maltreatment; and/or
  - b) To assist with improving family dynamics, relationships, interpersonal coping, and overall health and functioning
2. When it has been determined counselling services are required/recommended, the child and/or parent(s) shall first explore insured counselling services options (e.g. Employee Assistance Program, programs and services offered by Indigenous Governments and Organizations). If insured counselling services are not an option, the child and/or parent(s) will be referred to counselling through CSSD's internal Family Services Program. If the Family Services Program is not located in the child and/or parent(s) area, or is not considered sufficient to meet the child and/or parent's needs (e.g. addictions treatment is primary referral reason), the child and/or parent(s) will be referred to publically funded counselling services (e.g. Provincial Health Authority) that would appropriately meet the counselling needs.
3. When counselling is not available through an insured body, internal CSSD program, or through a publically funded body, or those services are not considered sufficient to meet the needs of the child or the parent(s) (e.g., client has been waitlisted for a long period of time lengthy waitlist, specialized need, geographic accessibility) funding may be approved for private counselling. The social worker, in consultation with their supervisor, will determine whether the clinical need for private counselling outweighs the reason(s) for why publicly funded counselling is not sufficient.

### **Professional Qualifications of Counsellor**

4. Counselling services are to be offered by a registered social worker, registered psychologist, or other related qualified practitioners.

### **Guidelines and Parameters for Counselling Services**

5. The social worker shall obtain written consent from the parents, using the *Consent to Release or Obtain Client Information* form, to facilitate information sharing between CSSD and the counsellor.
6. The social worker, in collaboration with the parent, shall discuss CSSD expectations for counselling.
7. Once the counsellor has been identified and client consent has been obtained, the social worker and parent(s) shall discuss with the counsellor the proposed plan for counselling. The social worker must outline and confirm CSSD's expectations for counselling services, including (but not limited to):
- a) Purpose of counselling referral
  - b) CSSD case plan
  - c) Involvement in case conferencing and case planning
  - d) Completion of written reports, if required



- e) Possibility of counsellor providing evidence in court, including written reports (as needed)
- 8. The social worker shall consider the recommendations made by the counsellor when developing case plans with the family.
- 9. Based on the counselling plan discussed with parent(s) and counsellor, the social worker, when preparing to submit financial approval for private counselling, will confirm with the counsellor their recommendation on the number of sessions needed for the child/parent(s).

### **Financial and Administrative**

- 10. The cost of private counselling for parents and/or children may be approved as follows:
  - a) A supervisor may approve up to \$400 per month
  - b) A manager can approve costs exceeding \$400 per month.
- 11. The cost of telephone consults, written reports, and/or testimony provided by the counsellor may be approved as follows:
  - a) A supervisor may approve up to \$200 per year
  - b) A manager may approve amounts exceeding \$200 per year
- 12. Transportation costs for parents and/or children to attend counselling may be approved as follows:
  - a) A social worker may approve up to \$150 per month
  - b) A supervisor may approve amounts between \$150 and \$300 per month
  - c) A manager may approve amounts between \$300 and \$500 per month
  - d) The regional director may approve amounts exceeding \$500 per month
- 13. If the child is in care or kinship services, the cost of private counselling for the child shall be paid off the child's in care or kinship file and not the protective intervention file.

**Exceptions:** None

### **Relevant Documents:**

- Structured Decision Making® Policy and Procedures Manual
- Internal CSSD Referral Counselling Services

## Supervised Access: Approval of Supervised Access

**Policy no.:** 1.31

**Effective Date:** October 3, 2016

**Date Revised:** August 12, 2021; June 28, 2019; August 12, 2021

**Policy Cross References:** 1.32 Supervised Access: Referral; 1.33 Supervised Access: Planning and Monitoring

**Legislative References:**

**Purpose:** To outline the process for approving supervised access provided to families involved in the Protective Intervention Program (PIP) and In Care Program.

### Policy:

1. Supervised access services delivered by individuals or Home Care Agencies may be approved for families involved in the PIP as outlined in their Safety Plan, FCAP, or Plan for the Child.
2. Once it has been determined that supervised access is necessary, the social worker, in consultation with the supervisor, shall develop a supervised access plan based on the best interests and the permanency plan for the child and complete a Referral for Supervised Access form.
3. Once a social worker has received approval from their supervisor for supervised access through an individual or Home Care Agency, the social worker shall request the parents sign the Consent to Release or Obtain Client Information form for the provision of supervised access.
4. The Referral for Supervised Access form shall be approved by a supervisor prior to providing it to the Home Care Agency or individual providing supervised access (including Social Work Assistants) and placed on the PIP file.
5. When considering hiring an external individual to provide supervised access, that individual shall have relevant knowledge and/or experience in a related field (e.g. social sciences degree, social worker degree, child and youth care program, previous experience working with children and families).
6. The social worker shall notify the parents of all pertinent information related to their supervised access plan.

### Procedures:

1. Supervised access may be required for children as outlined in their Safety Plan, FCAP or Plan for the Child. Supervised access promotes family contact and must be child centered, based on the best interests of the child and linked to a child's permanency

plan. The paramount consideration of supervised access is the safety of a child during visitation with their family.

2. Once supervisory approval for supervised access has been received, a social worker in consultation with their supervisor shall develop the supervised access plan and document the plan on the Referral for Supervised Access form.
3. The Referral for Supervised Access form shall include the following:
  - a) Date of request
  - b) Referring social worker name/contact number
  - c) Parent and/or caregiver contact information
  - d) Date, time, location of supervised access
  - e) Duration of visits
  - f) Child(ren)'s date of birth
  - g) Reasons for supervised access
  - h) Individuals approved to attend visits
  - i) Issues of violence and safety concerns
  - j) Any behavioral issues related to children
  - k) Any behaviors relating to the parent
  - l) Any other pertinent information the social worker deems necessary
4. The social worker shall ask the parent(s) to provide written consent, using the Consent to Release or Obtain Client Information form, for the release of file information to the Home Care Agency or individual providing supervised access (including Social Work Assistants). The Consent to Release or Obtain Client Information form shall only contain information relevant for supervised access.
5. The Referral for Supervised Access form shall be approved by a supervisor prior to providing it to the Home Care Agency or individual providing supervised access and placed on the PIP file.
6. The social worker shall obtain supervisory approval for the plan for supervised access and any related financial costs for this service.

**Exceptions:** None

**Relevant Documents:**

- Consent to Release or Obtain Client Information, **Form 301**
- Referral for Supervised Access, **Form 42\_364**

## Supervised Access: Referral

**Policy no.: 1.32**

**Effective Date: October 3, 2016**

**Date Revised: August 12, 2021, June 28, 2019**

**Policy Cross References: 1.31** Supervised Access: Approval of Supervised Access;  
**1.33** Supervised Access: Planning and Monitoring **Legislative References:**

**Purpose:** To outline the referral process for Home Care Agencies or individuals to provide supervised access services to families involved in the Protective Intervention Program (PIP) and In Care Program.

### Policy:

1. The social worker shall contact available home care agencies or individuals approved to supervise access to arrange for supervised access.
2. The social worker shall provide the Home Care Agency or individual approved to supervise access (including Social Work Assistants) with the Referral for Supervised Access form and the Consent to Release or Obtain Client Information form.
3. Once an individual (including an agency worker) has been identified, the social worker shall confirm verbally that the individual worker assigned to the case has the following minimum hiring requirements. These minimum requirements are necessary to provide supervised access to clients to ensure their safety during supervised access visits and shall be documented in the file:
  - a) Clear Child Protection Clearance Check
  - b) Clear Certificate of Conduct including a Vulnerable Sectors Check
  - c) Signed Oath of Confidentiality
4. The social worker shall advise the Home Care Agency or the individual approved to provide supervised access of the requirement to review roles and responsibilities with the supervised access worker and sign the Oath of Confidentiality form.

### Procedures:

1. The social worker shall contact the individual approved to supervise access, including Social Work Assistants, or available Home Care Agencies and review the Referral for Supervised Access form, which will outline all pertinent information relating to supervised visitation.
2. The social worker shall provide the individual approved to supervise access, including Social Work Assistants, or Home Care Agency with a written copy of the Referral for Supervised Access form. **Upon reviewing the form and clarifying any information,**

**individuals providing supervised access who are not employed by a Home Care Agency must return the Referral for Supervised Access form to the social worker who will place it on the client's file.**

3. The social worker shall provide the individual approved to supervise access or Home Care Agency with copies of the parent(s) Consent to Release or Obtain Client Information form.
4. The social worker shall advise the individual approved to supervise access or Home Care Agency of the requirement to review roles and responsibilities as outlined in the Referral for Supervised Access form with the supervised access worker and sign the Oath of Confidentiality form.

**Exceptions:** None

**Relevant Documents:**

- Consent to Release or Obtain Client Information, **Form 301**
- Referral for Supervised Access, **Form 42\_364**
- Oath of Confidentiality, **Form 42\_365**

## Supervised Access: Planning and Monitoring

**Policy no.: 1.33**

**Effective Date: October 3, 2016**

**Date Revised: August 12, 2021, June 28, 2019**

**Policy Cross References: 1.31** Supervised Access: Approval; **1.32** Supervised Access: Referral

**Legislative References: s.11** Duty to report

**Purpose:** To outline the process for planning and monitoring of supervised access services to families involved in the Protective Intervention Program (PIP) and In Care Program.

### **Policy:**

1. The social worker shall confirm with the Home Care Agency or individual providing supervised access that they are aware of their roles and responsibilities and expectations during visits.
2. The social worker shall advise the supervised access worker of the expectation to complete the Supervised Visitation Report as soon as possible, or within an agreed upon time frame, and submit it to the social worker.
3. The social worker shall advise the agency or individual providing supervised access of the expectation for immediate reporting of incidents during supervised access and the documentation of these incidents on the Supervised Access Incident Report Form.
4. The social worker shall advise the agency or individual providing supervised access of the supervised access worker's duty to report child and youth maltreatment concerns under s.11 of the CYFA.
5. The social worker shall review the Supervised Visitation Report upon receipt of the report to determine if any follow up or change is required to the supervised access schedule.
6. The social worker shall review the Supervised Access Incident Report upon receipt of the report to determine if any follow up is required to the supervised access schedule.
7. The social worker shall review the Supervised Access Cancellation Report upon receipt of the report to determine if any follow up is required to the supervised access schedule.
8. All reports shall be kept in the PIP file.
9. The social worker shall notify the Home Care Agency or individual providing supervised access immediately if supervised access is no longer required.

## **Roles and Responsibilities of Social Workers**

- a) Monitoring and coordinating of supervised access visits.
- b) Ensuring the supervised access worker is aware of child protection concerns that would impact the child during visits.
- c) Ensuring the supervised access worker is aware of any issues that would impact their personal safety during visits.
- d) Ensuring the supervised access worker is aware of their duty to report under s.11 of the CYFA.
- e) Ensuring the supervised access worker is aware of documentation requirements relating to supervised access reports, incident reports and cancellation reports.
- f) Ensuring the supervised access worker has documents required for reporting purposes.
- g) Reviewing all supervised access reports to determine if any changes are required to the supervised access schedule.
- h) Ensuring the supervised access worker has contact information for on call services.
- i) Reviewing referral form with the supervised access worker.
- j) Ensuring the Home Care Agency or individual providing supervised access is made aware of any changes to the supervised access plan.

## **Roles and Responsibilities of Assigned Agency/Supervised Access Workers**

- a) Observing and recording of supervised visits, incident reports and cancellation reports.
- b) Supervising parent(s) with their children.
- c) Immediately reporting incidents and child maltreatment concerns.
- d) Intervening when the immediate safety of a child is at risk.
- e) Terminating visits when a child's safety is at risk
- f) Ongoing follow up with the social worker

## **Procedures:**

1. Prior to the commencement of visits, the social worker shall confirm that the assigned worker is aware of their roles and responsibilities, and ensure the worker has all required recording documents. The social worker shall consider reviewing the following with the agency or individual providing supervised access:
  - a) Discussing the details of the Referral for Supervised Access form.
  - b) Clarifying the purpose of the visitation and the supervised access worker's role.
  - c) Providing contact information for on call services in case visits occur after regular office hours.
  - d) Reviewing documentation and incident report expectations.
  - e) Advising that reports can be shared with parents and court.
  - f) Discussing the possibility of being called as a witness in court proceedings
  - g) Discussing confidentiality.

- h) Location of visits; and
  - i) Any other important information deemed necessary by the social worker for the supervised visits.
2. If there are any changes to the supervised visits, the social worker shall notify the Home Care Agency or individual providing supervised access immediately. A new Referral for Supervised Access form shall be completed when there have been significant changes to the supervised access plan (e.g., changes in the location, day and duration of visits, changes in the individuals approved to attend visits).

### **Documentation Requirements Supervised Visitation Report**

3. A Supervised Visitation Report shall be completed by the supervised access worker after every supervised visit.
4. The Supervised Visitation Report shall be completed as soon as possible, or within an agreed upon timeframe, and submitted to the social worker within a and will include the following information:
- a) Names of all individuals present during the visit
  - b) Date, time, location of visit
  - c) Name of person providing the supervision
  - d) Summary of specific activities that occurred during supervised visit
  - e) Summary of visit
  - f) Observations of the physical care of the child during the visit
  - g) Details of any discipline that occurred during the visit
  - h) Description of how the visit ended
  - i) Termination of visits
  - j) Cancellation of visits
  - k) Other relevant information
5. The social worker shall review the Supervised Access Visitation Report on an ongoing basis to determine if any follow up relating to the visitation is required.

### **Incident Reporting**

6. The supervised access worker shall document all incidents on the Supervised Access Incident Report form and report the information immediately to the social worker. This may include contacting on call services if the visitation occurs outside of regular office hours. The supervised access worker shall provide the social worker with the report as soon as possible. Examples of incidents include, but are not limited to, parents presenting as under the influence of drugs and alcohol, inappropriate discipline during a visit and family violence during a visit.
7. Any disclosure of child maltreatment that occurs during supervised access shall be reported to a social worker immediately as per s.11 of the CYFA. This may include contacting on call services if visits are occurring after hours.



## **Cancellation of Visits**

8. Cancellation of supervised access may occur for a number of different reasons. The cancellation of visits shall be documented on the Supervised Access Cancellation Report
9. Social workers shall review the visit cancellation report upon receipt of the report to determine if a parent demonstrates a pattern of unexplained absences or explanations that are not acceptable.
10. All reports shall be kept in the PIP file.

## **Termination of visits**

11. Circumstances under which a visit may be terminated include, but are not limited to, the following:
  - a) There are immediate safety concerns for the child or supervised accessworker.
  - b) The parent appears to be under the influence of alcohol/drugs.
  - c) The parent becomes verbally or physically aggressive, violent or makes threats of harm.
  - d) The parent demonstrates behavior that is frightening/distressing to the child.
  - e) The parent is not attentive to the child's needs.
12. The social worker shall discuss the conditions of termination/cancellation of visits with the parent(s) and agency or individual providing supervise access prior to the visit commencement.
13. Once it has been determined, in consultation with the supervisor, that visits are no longer required, the social worker shall contact the Home Care Agency or individual providing supervised access immediately and terminate the service.

**Exceptions:** None

## **Relevant Documents:**

- Referral for Supervised Access, **Form 42-364**
- Supervised Visitation Report, **Form 42-363**
- Supervised Access Incident Report, **Form 42-362**
- Supervised Access Cancellation Report, **Form 500**

## Triple P Positive Parenting Program® Services

**Policy no.: 1.34**

**Effective Date: April 19, 2017**

**Date Revised: June 28, 2019**

**Policy Cross References: 1.19-130** Financial Services for Families; **1.13** Triple P Collaboration (Intervention Services Policy Manual)

**Legislative References:**

**Purpose:** To outline the eligibility, approval, referral and service delivery process for the Triple P Positive Parenting® Program for families involved in the Protective Intervention Program (PIP).

### **Policy:**

1. Parents are eligible for the Triple P Positive Parenting Program® if they meet the following criteria:
  - a) They are in receipt of on-going Protective Intervention services;
  - b) The family has been rated as high or very high risk of child maltreatment as determined by the overall risk rating on the SDM® Family Risk Assessment;
  - c) A parenting program is necessary for the reduction of re-occurrence of child maltreatment as outlined in the Family Centered Action Plan (FCAP) or Plan for the Child where the child is in the home under a Supervision Order;
  - d) At the time of referral, the child(ren) is either residing in the home with the parent(s) or, is in an out of home placement, where reunification is the plan (e.g Kinship Services, In Care Program) and;
  - e) At least **one** child is between the ages of 0-12 at time of referral.
2. A social worker's decision to refer a parent(s) to the Triple P Positive Parenting Program® shall be made in consultation with a supervisor. It is the responsibility of the supervisor to approve the referral to the Triple P Positive Parenting Program®.
3. The Triple P Positive Parenting Program® is delivered by behavior management specialists (BMS) who are trained in the Triple P Positive Parenting Program®.
4. Parents must complete the first four group sessions of **Level 4** Triple P before they can commence Level 5.
5. The social worker and behavior management specialist (BMS) shall collaborate throughout the various stages of service delivery in order to maximize program effectiveness in order to reduce the risk of maltreatment to children.

6. If the parent(s) requires supports and services (e.g., transportation, babysitting) to attend the Triple P program, they are eligible to receive these services if it is deemed necessary for their attendance in the program.

## **Procedures:**

### **Eligibility and Approval**

1. A social worker may consider referring a parent to the Triple P Positive Parenting Program® if the parent meets the eligibility requirements outlined in policy statement #1.
2. The social worker, in consultation with their supervisor, shall determine the family's suitability for the Triple P Positive Parenting Program®. There may be several factors that are taken into consideration when determining the family's suitability to the Triple P Positive Parenting Program®. These factors may include, but are not limited to:
  - a) The assessment of risk and a review of the goals/activities identified on a FCAP or Plan for the Child;
  - b) If the parent(s) is experiencing concurrent child behaviour problems and family adjustment issues (e.g., partner conflict, parental depression, and poor coping);
  - c) If the child(ren) is demonstrating moderate to severe behaviour and the parent(s) is having difficulty coping;
  - d) If the parent(s) is experiencing emotional disturbances that create risk to the child(ren) (e.g., anger);
  - e) If involvement in the program is required to change the conditions or behaviors that create risk to a child; and
  - f) If the service is required to improve conditions in the home that reduce risk to the child (e.g., lack of knowledge and parenting)
3. Once it is determined that a family would benefit from the Triple P Positive Parenting Program®, the social worker shall, in consultation with their supervisor, determine whether the parent(s) will be referred to the Level 4 or Level 5 Triple P Positive Parenting Program®. Parents must have completed a minimum of four group sessions of Level 4 Group Triple P before they can attend Level 5 Pathways and/or Level 5 Enhanced Programs.

<b>Program</b>	<b>Target Audience</b>	<b>Format</b>
<b>Level 4 - Group Triple P</b>	<p>Parents with concerns about their child's behavior who require intensive training in positive parenting or those who wish to learn a variety of parental skills to apply to multiple contexts.</p> <p>A parent must be able to commit to the pre-group visits and 8 weeks of Level 4 Group Triple P</p>	<p>1 Joint Visit (pre-group)  2 Home Visits (pre-group)  4 Group Sessions (2 hrs. each)  3 Individual Sessions (60- 90 min in duration)  1 Group Session (2 hrs.)</p>
<b>Level 5 – Pathways Triple P</b>	<p>Parents who have anger management issues and other issues that place their children at risk of abuse and neglect.</p> <p><u>Modules include:</u></p> <ul style="list-style-type: none"> <li>• Avoiding Parent Traps</li> <li>• Understanding &amp; Coping with Anger</li> <li>• Maintenance and Closure</li> </ul>	<p>Min of 2 – max of 5 sessions.</p> <p>All sessions are completed in the home and are 60-90 min in duration</p>
<b>Level 5 - Enhanced Triple P</b>	<p>Parents of children with concurrent child behavior problems and family adjustment difficulties, e.g. parental depression or stress and partner conflict. These parents have attended a Level 4 program and shown minimal improvements</p> <p><u>Modules include:</u></p> <ul style="list-style-type: none"> <li>• Practice sessions</li> <li>• Coping skills</li> <li>• Partner support</li> <li>• Maintenance and closure</li> </ul>	<p>Min of 3 - max of 10 sessions.</p> <p>All sessions are completed in the home and are 60-90 min in duration</p>

- Once supervisory approval has been obtained to refer a parent(s) to the Triple P Positive Parenting Program®, the social worker shall meet with the family to discuss the program and obtain the consent of the parent(s). The parent(s) shall sign the Consent to Release or Obtain Client Information form for the provision of Triple P Services. The social worker shall work with the parent(s) to determine any potential barriers in attending the program.

### **Referral Process**

- When consent is obtained, the social worker shall complete the Triple P Positive Parenting Program Referral form on ISM and send to the regional manager- Intervention Services (RMIS) for approval. On the referral form, the social worker shall indicate if the parent(s) is being referred to:

- a) Level 4 Groups Triple P or
- b) Level 5.
  - i. If referring to Level 5 the social worker shall indicate if it is:
    - Pathways Triple P and/or
    - Enhanced Triple P

**Note:** A parent must complete a minimum of four group sessions of Level 4 Group Triple P before completing Level 5 Pathways and Level 5 Enhanced Programs

- 6. A new referral to Level 5 services is not required for a parent if:
  - a) They have completed session #4 of Level 4 Group Triple P and are moving onto Level 5, or
  - b) It is within 30 days of completing the Level 4 Group Triple P and they require Level 5 services.
- 7. Once the Triple P Positive Parenting Program® Referral form has been completed and approved by the supervisor, the social worker shall forward the referral form to the RMIS and place a copy of the referral on the PIP file.

### **Service Delivery**

- 8. After a parent(s) is accepted to the Triple P Positive Parenting Program®, the social worker and assigned BMS shall complete a joint visit with the parent(s). It is preferred that, where possible, this visit occurs in the family home. The joint visit is an important meeting as it is an opportunity for the social worker and BMS to provide the parent with all the information they require before commencing Triple P and will provide an opportunity to confirm a parent's commitment to attending. During the joint visit, the social worker and BMS shall:
  - a) Discuss roles and responsibilities of the BMS and social worker
  - b) Review the Triple P Positive Parenting Program® (Group, Pathways or Enhanced)
  - c) Review the number of group sessions or individualized sessions with the parent(s) for the specific Triple P program they will be attending
  - d) Review and discuss the parent(s) commitment to attending all sessions of the program and completing any assigned activities outside of group (e.g., homework tasks).
  - e) Review and discuss any potential barriers to participation (e.g., transportation, babysitting). These barriers should be resolved prior to the parent's participation in the group. Parents should be advised that if new issues arise after they have started the program they should contact the social worker or BMS immediately.
  - f) Discuss with the parent that their participation in the Triple P Positive Parenting Program® is connected to recommended services/activities outlined in the FCAP or Plan for the Child (where the child is home under a Supervision Order or is in the care/custody of a manager)

- g) Inform the parent(s) that the BMS will be completing Parent Reports on the parent's progress in the program and these reports (with copies of the Level 4 Group Triple P assessments attached) shall be reviewed with the parent and forwarded to the social worker.
- h) Be able to answer any questions the parent may have regarding the program.

During the joint visit, the BMS will complete the Parenting Agreement for Triple P Services with the parent and, where appropriate, provide a copy of the Family Background Questionnaire for the parent to complete.

- 9. Collaboration shall occur throughout the various stages of service delivery in order to maximize program effectiveness in order to reduce the risk of re-occurrence of child maltreatment. For more information on Triple P Collaboration, please refer to the **Triple P Collaboration** policy in the Intervention Services policy manual.
- 10. The social worker shall inform the BMS of any change in case status or significant events that may impact service delivery.
- 11. The BMS shall share the parenting strategies implemented (e.g., the use of Quiet Time for the child) in the Triple P Level 4 and/or Level 5 Triple P programs with the social worker. This ensures consistent approaches between the BMS and social worker.
- 12. When a parent is not engaged in the completion of the Triple P curriculum, the BMS and social worker shall attempt to determine the reasons why and address the issues, if possible (the social worker and BMS can meet with the parent to discuss if deemed necessary).
- 13. If the parent misses a Level 4 Group Triple P session, the BMS will explore the possibility of covering the missed material with the parent by a phone call, home visit or office visit. If a significant portion of the program is missed and material cannot be covered in individual sessions, the BMS, social worker, supervisor and RMIS shall discuss if the parent should be re-referred to another group session at a later date.
- 14. When the BMS is completing/gathering the necessary assessments, the BMS shall consult with the social worker as necessary. The social worker may assist the BMS with the completion of the group assessments by providing clarification, additional assessment information or verification of parent responses.
- 15. The social worker shall receive a copy of all pre-assessments and post assessments from the BMS. Assessments shall include:
  - Strengths and Difficulties Questionnaire (SDQ)
  - Parenting Scale (PS)
  - Parenting Tasks Checklist (PTC)
  - Parent Problem Checklist (PPC)\*
  - Relationship Quality Index (RQI)\*
  - Depression Anxiety Stress Scales (DASS)

Depending on individual family circumstances, completion of the PPC and RQI Group Triple P assessments are optional. Completion of all other assessments is mandatory.

16. The social worker shall receive a copy of the Parent Report from the BMS when a family completes the fourth Level 4 Groups session, and following the completion of Level 4 Group Triple P and/or Level 5 Pathways and Enhanced programs.
17. As soon as possible after reviewing the Parent Report, the social worker shall discuss the progress of participation with the family. A copy of the Parent Report shall be placed on the PIP file.
18. Parents who have completed Level 4 Group Triple P within the last 30 days or are in the process of completing Level 4 Group Triple P may require Level 5 Triple P programming. When deciding if these parents should avail of Level 5 programming, the clinical team shall consider the following:
  - a) the client's desire to participate in the program
  - b) the BMS recommendation
  - c) Level 4 Group Triple P assessment scores
  - d) reports from parents, and
  - e) reports from social workers

Triple P's Practitioner's Manual for Enhanced Triple P (p.4-5) includes a list of inclusion criteria for the clinical teams to reference when considering if a parent should be referred to Level 5 Triple P. The decision to advance parents to Level 5 shall be based on consensus among the clinical team members (i.e., BMS, social worker, supervisor and regional manager- Intervention Services).

### **Financial supports**

19. Financial supports and services (i.e., babysitting and transportation) provided to parents to support attendance of this program shall be approved in accordance with the **Financial Services for Families** policies. Approval for babysitting shall follow the delegation under the "Babysitting: Triple P Program" benefit. Approval for transportation shall follow the delegation under the "Transportation – Triple P Program" benefit.
20. The social worker shall seek approval for services and associated costs prior to the commencement of the program.

### **Exceptions:**

1. There may be situations where a child is placed in an out of home living arrangement while the parent is in receipt of Triple P services. In this situation, services will continue to be provided until the Triple P Positive Parenting Program® is completed.

2. There may be situations where a child is 12 years old at the time the referral is made for Triple P services but the child has turned 13 by the time the service commences. In this situation, the parent can still avail of the Triple P Positive Parenting Program® if it is determined to still be necessary as part of the family's caseplan.

**Relevant Documents:**

- Consent to Release or Obtain Client Information, **Form 3000**
- Family Background Questionnaire
- Parenting Agreement for Triple P Services, **Form 46\_308**
- Family Centered Action Plan, **Form 42\_326**
- Plan for the Child, **Form 47\_19**
- Parent Report, **Form 46\_309**
- Triple P Positive Parenting Program Referral, **Form 46\_310**



## Notice of a Significant Measure in Relation to an Indigenous Child

**Policy no.: 1.35**

**Effective Date: January 1, 2020**

**Date Revised: August 12, 2022; September 6, 2022; May 10, 2023**

**Policy Cross References:**

**Legislative References: s.1, s.10 & s.12** of the First Nations, Inuit and Metis Children, Youth and Families Act (Federal Act).

**Purpose:** To outline when and how notice of a significant measure shall be provided to an Indigenous child's parent, care provider or identified Indigenous Governing body.

### **Definitions:**

1. Parent – as defined per s.2(1)(x) of the CYFA.
2. Care provider – as defined in the Federal Act “means a person who has primary responsibility for providing the day-to-day care of an Indigenous child, other than the child’s parent.” In practice, this would include kinship caregivers but would not include foster parents and other residential placement service providers of children in the care or custody of a manager. Kinship caregivers may also meet the definition of a parent in accordance with s.2(x)(viii) of the CYFA.
3. Indigenous child - in accordance with s.2(n) of the CYFA.
4. Indigenous governing body – as defined in the Federal Act “means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35(2) of the Constitution Act, 1982.” The Indigenous governing bodies in NL that have informed CSSD they are to receive notice of a significant measure on behalf of an Indigenous group, community or people in accordance with s.12(1) of the Federal Act is available on the Intranet.
5. Significant Measure: an action outlined in accordance with procedure #1.

### **Policy:**

1. At initial contact with a family, **or shortly thereafter**, a social worker shall ask the parent(s) and the child if they identify as Indigenous. If a child or parent is Indigenous, the social worker shall document their Indigenous identities, as well as the Indigenous community to which the child and parent(s) belong in the case file.
2. In accordance with s.12 of the Federal Act, when a significant measure will be taken in relation to an Indigenous child, a social worker shall provide notice of the significant

measure to:

- a) the child's parent;
- b) the child's care provider; and
- c) the Indigenous governing body that meets the definition and has informed CSSD they are acting on behalf of the Indigenous group or community to which the child belongs.

Although notice is not provided to a foster parent and residential placement service providers under this policy, a social worker is still required to share information relevant to the care of a child or youth in the care or custody of a manager with the foster parent or residential placement service provider in accordance with policy 3.5.

3. In accordance with s.10(2) of the Federal Act, when determining best interests of a child, primary consideration shall be given to the following three factors:
  - a) the child's physical, emotional and psychological safety, security and well-being;
  - b) the importance for the child of having an ongoing relationship with their family and with the Indigenous group, community or people to which he or she belongs, and
  - c) preserving the child's connections to his or her culture.
4. Notice shall be provided **before** the significant measure is taken unless a social worker determines, in consultation with a supervisor, that it is not in the child's best interest because there are reasonable grounds to believe their physical, emotional and psychological safety, security and well-being could be jeopardized by providing notice prior to the action being taken.

Where notice is not provided before the significant measure is taken, notice shall be provided as soon as possible after the action and the social worker shall document why notice was not provided prior to the action being taken.

5. In accordance with s.12(2) of the Federal Act, the notice provided to an Indigenous governing body **shall not** contain personal information about the child, a member of the child's family or the child's care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.
6. Where an Interprovincial Placement Agreement (IPPA) is required for an Indigenous child or youth under a supervision or custody order from NL who will be relocating out of province **or** for an Indigenous child or youth under a supervision or custody order who will be relocating to NL, the social worker shall consult with the Interprovincial Coordinator to discuss how expectations relating to significant measures should be captured in the IPPA.

## Procedures:

1. Actions taken under the CYFA that may be considered a significant measure include:
  - a) Child/youth entering into care through a:
    - i. Protective Care Agreement (PCA)
    - ii. Removal with or without a warrant
    - iii. Custody order granted under the CYFA
  - b) Returning a child in the care or custody of a manager to a parent
  - c) Laying an Application seeking custody pursuant to s.25 of the CYFA
  - d) Laying an Application for a subsequent order pursuant to s.36 of the CYFA
  - e) Laying an Application of Non-compliance pursuant to s.32(9) of the CYFA
  - f) Laying an Application to transfer custody of a child, in continuous custody, to another person pursuant to s.43 of the CYFA
  - g) Laying an Application to authorize medical treatment
  - h) Notification of the Manager's intent to sign consent to adoption
  - i) Consenting to adoption
  - j) Placing a child, who is in the care or custody of a manager, in an out of province placement
  - k) Placing a child, who is in the care or custody of a manager, in a placement that is not their culture
2. How to provide notice of significant measures:
  - a) Provide notice to an Indigenous Governing body using the **Notice to Indigenous Governing Body, Parent and Care Provider form** via fax, encrypted email, registered mail or by personally providing the individual with the form.
  - b) When personally providing an Indigenous Governing Body, Parent and Care Provider with the notice form, the social worker shall have two copies. The social worker provides one copy to the individual and has the individual sign the other copy to acknowledge receipt of the notice. The signed copy is kept for the case file.
  - c) It is best practice to call the Indigenous governing body prior to emailing, faxing or mailing forms to confirm the name of the contact and make them aware that the notice is coming.
  - d) Notice to a parent or care provider can be done **verbally**. However, when written notice is determined to be the better option, a social worker may provide a parent or caregiver the **Notice to Indigenous Governing Body, Parent and Care Provider form** via registered mail or by personally providing it to the individual.
3. Documenting notice of significant measures:
  - a) A social worker shall document any action taken that demonstrates an attempt to notify an individual either verbally or through written notice.
  - b) If notice was provided verbally to a parent or care provider, document provision of notice in the case notes.
  - c) If notice was provided using the **Notice to Indigenous Governing Body, Parent**

**and Caregiver Form**, place a copy of the form and the fax confirmation email confirmation or registered mail receipt on the case file. In cases where the form was personally provided to an Indigenous Governing Body, Parent and Care Provider, the social worker shall place the copy of the form that contains the acknowledgment of receipt on the case file.

- d) If notice cannot be provided **before** the significant measure is taken because it may jeopardize the child's safety as outlined in **policy statement #4**, document this in the case notes.
4. The contact for each Indigenous governing body in NL that have informed CSSD they are acting on behalf of an Indigenous group or community as per s.12(1) of the Federal Act can be located on the Intranet.
  5. Providing notice of a significant measure in accordance with s.12 of the Federal Act **will not satisfy** the legislative requirements of personally serving notice of time and place of a hearing to an Indigenous representative where required under the CYFA. Therefore, in addition to providing notice of a significant measure under this policy, a social worker shall continue to serve notice of hearings where required under the CYFA.
  6. When a significant measure will be taken in relation to an Indigenous child living in NL and notice of a significant measure has to be provided to a parent or Indigenous governing body living in another province or territory, the social worker shall provide notice to them using the IGB's preferred method of contact. If a preferred method of contact is not known, the social worker shall provide notice to them either verbally, through registered mail or fax.

The list of IGBs in other PTs that are to receive notice in accordance with s.12(1) of the Federal Act is located on the Intranet. The Interprovincial Coordinator in NL may be contacted regarding this process.

**Exceptions:** None

### **Relevant Documents:**

- Notice to Indigenous governing body, Parent and Care Provider form
- Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories
- An Act respecting the First Nations, Inuit and Metis Children, Youth and Families Act
- Adoption Act
- Adoption Policy and Procedure Manual
- Government Email Policy: <https://www.gov.nl.ca/exec/ocio/files/publications-policies-email-policy.pdf>
- OCIO Instructions for encrypting emails: <https://www.gov.nl.ca/exec/ocio/files/im-employees-fyi-information-protection-7zip-winzip.pdf>
- CSSD email policy: <https://access.psnl.ca/cssd/files/Email-Guideline-IMP2018-004.pdf>

## Information Sharing, Collaboration, and Coordination under the Innu-CSSD Protocol

**Policy no.:** 1.36

**Effective Date:** July 9, 2021

**Date Revised:**

**Policy Cross References:** **1.35** Notice of a Significant Measure in Relation to an Indigenous Child; **3.5** Sharing of Information Relevant to a Child or Youth; **6.3** Information not to be Disclosed; **6.4** Disclosure without Consent;

**Legislative References:** An Act respecting First Nations, Inuit and Metis children, youth and families, SC 2019, c 24; **s. 93, s. 95** of the CYFA

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**Purpose:** To guide information sharing and collaboration between CSSD staff, Innu Prevention Staff and Innu Representatives (“Innu Service Providers”) in accordance with the Innu-CSSD Protocol (“the Protocol”).

**Principles:** The following principles underpin the importance of proactive information sharing, collaboration, and coordination under the Protocol:

1. Innu governments and the Government of Newfoundland and Labrador all have a role in standing up for the best interests of Innu children and youth.
2. **An Act respecting First Nations, Metis children, youth and families** requires CSSD to give priority to prevention services, which requires full coordination between CSSD and Innu Prevention Services.
3. The **Children, Youth and Families Act** (CYFA) supports information sharing in the best interests of a child or youth, as well as for case planning or integrated service delivery purposes, including disclosure to Indigenous Representatives.
4. Timely information sharing is important to the ability of Innu Service Providers to provide their services effectively in the best interests of Innu children and youth. The work of Innu Service Providers is beneficial to Innu children and youth and essential for good case planning and service delivery.

### Policy:

1. This policy applies to work with all Innu children, youth and families in Newfoundland and Labrador and guided by the Children, Youth and Families Act, An Act respecting First Nations, Metis children, youth and families, and the Innu-CSSD protocol.
2. This policy must be reviewed in conjunction with the Protocol to support the best interests of Innu children and youth.

3. CSSD and Innu Service Providers shall proactively share with each other information needed to collaboratively case plan and coordinate services for Innu children, youth and families subject to s. 93 of the CYFA and other limitations required bylaw.
4. Requirements under the Protocol apply in addition to those outlined in the **Notice of a Significant Measure in Relation to an Indigenous Child** policy and other CSSD policies.

### **Procedures:**

1. As the Protocol applies to all Innu children and youth, including those residing outside the communities of Sheshatshiu and Natuashish, social workers must ask, upon initial contact with a referral source or a client, whether a child or youth is Innu or identifies as Innu.
2. Proactive information sharing is supported and also required at critical engagements points under the Protocol. “Proactive” means information sharing may occur without client consent (except in the case of expectant parents where consent is always required) or in advance of discussions with clients. Information sharing will also occur on a regular and on-going basis during CSSD and Innu Service Provider involvement.
3. The social worker will ensure Indigenous children, youth and families are aware that CSSD and Innu Service Providers work together to provide services including the proactive sharing of information with and without consent. These discussions will occur at the initial point of contact and as part of ongoing work with children, youth and families.
4. The social worker shall refer to Appendix F of the Protocol (“Appendix F”) for direction regarding the process for making contact with Innu Service Providers, information sharing, and day to day case work. This includes requirements regarding notifications, ongoing case updates, meetings, and minimum collaboration and engagement points.
5. The social worker will share and also seek from Innu Service Providers relevant information necessary for effective collaboration under the Protocol. Appendix F also provide guidance on what information is relevant to share with Innu Service Providers. This information may be shared verbally or in writing (with appropriate redactions), and may include the sharing of case planning documents. Examples of documents that may be beneficial to share include: Safety Plans, Family Centered Action Plans, and In Care Progress Reports.
6. If the social worker is unsure whether information should be shared verbally or in writing, they shall consult with the supervisor. Considerations may include:
  - a) whether one form of communication would more effectively facilitate collaborative case planning and coordination of services in the best interests of the Innu family, child, or youth; and

- b) whether the other parties have a preference for verbal or written information.
- 7. Where a decision is made to share a document, the social worker, in consultation with the supervisor must ensure the document has been reviewed and redacted in accordance with the **Information not to be Disclosed** policy.

### **Information not to be Disclosed**

- 8. Given the importance of collaboration, decisions to withhold information will be carefully considered and should be rare.
- 9. If a social worker believes information must be withheld under s. 93 of the CYFA or otherwise by law, they will consult with the supervisor and comply with the **Information not to be Disclosed** policy, which states information shall not be disclosed where:
  - a) the disclosure is prohibited under the Adoption Act 2013, the Young Persons Offences Act, or the Youth Criminal Justice Act;
  - b) there are reasonable grounds to believe that the disclosure might result in physical or emotional harm to that person or another person;
  - c) the disclosure would identify a person who made a report under section 11 of the CYFA; or
  - d) the disclosure could reasonably be expected to jeopardize an investigation under the CYFA or a criminal investigation.
- 10. Where an Innu Service Provider requests information that the social worker determines should not be disclosed (e.g. information required to be withheld by law; information the client requests to be held in confidence; or information that is irrelevant to case work), the social worker, in consultation with the supervisor, shall explain to the Innu Service Provider the reason the information will not be shared.

**Exceptions:** None.

### **Relevant Documents:**

- Innu-CSSD Protocol
- Children, Youth and Families Act
- An Act Respecting First Nations, Innu and Metis children, youth and families
- Structured Decision Making Model Policy Manual
- Child Protection and In Care Policy and Procedure Manual

## Court Overview

Legal **proceedings** under the CYFA are held in the Supreme Court of Newfoundland and Labrador, Family Division 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 Family Division.

Proceedings under the CYFA are considered to be civil in nature (as opposed to criminal) 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 maybe excluded from the hearing until they are required to give evidence. The case **manager** remains in the courtroom with their solicitor, as they are representative of the zone manager. The manager who is the applicant on the application shall be aware of and in agreement with all applications filed in **court** on their behalf. It is the responsibility of the supervisor to notify the zone manager prior to such an application being filed in court.

A person significant to a **child** or an **Indigenous representative** of the appropriate **Indigenous government or organization**, may apply to be heard at a hearing in accordance with s.54 of the CYFA. This provision allows someone closely connected to a child (i.e. grandparent) or an Indigenous representative, to apply to be heard at a hearing concerning the child. Being heard is not the same as a **party** to a proceeding. A judge decides how the Indigenous representative is heard and what, if any, access they have to **information** or disclosure.

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 CYFA, 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 CYFA 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 CYFA 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 rights of both the children and adults brought before them;
- b) ensure that action taken by a manager and their representatives are in accordance with the requirements of the legislation and the Constitution (incl. the Charter); 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 CYFA, including a parent, shall disclose in a **timely manner** all the information relevant to the proceeding in their possession where requested to do so by another party to the proceeding. Refer to s.59 of the Act and the **Disclosure of CYF Court Proceedings** policy for more detailed policy and procedures.

### Request for legal representation

A social worker shall contact the solicitor in their area when an application is filed with court, and when a child is removed with or without a **warrant**.

A social worker shall provide the solicitor with 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.53 of the CYFA allows a social worker to appear in court with or without legal counsel with respect to a matter arising out of the CYFA, it is common and preferred practice that a solicitor appear 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 their solicitor, the social worker shall discuss the matter with a supervisor and a solicitor.

### Types of Hearings and Court Proceedings:

CSSD proceedings are civil in nature and unlike criminal matters the intent in CSSD matters is not to punish the parent but to protect the child. The finding in a civil matter is based “on the balance of probabilities” unlike criminal proceedings which is based on the standard “beyond a reasonable doubt.”

There are two types of hearings under the CYFA 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.

### 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 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 CYFA.

Where a judge makes an order, 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 CYFA 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 CYFA;
- c) the child be placed in the temporary custody of a manager for a specified period in accordance with s.33;
- d) the child be placed in the **continuous custody** of a manager; or
- e) custody of the child be permanently transferred to a person, other than the parent from whom the child was removed, where
  - i. the person to whom custody is to be permanently transferred consents,
  - ii. the child consents, where the child is 12 years of age or older, and
  - iii. the child has been residing with the person to whom custody is to be permanently transferred for a period of 6 consecutive months immediately before the application for the protective intervention hearing is filed.

### Attaching Conditions to an Order

1. Where a judge makes an order for **supervision** under s.32(2)(a) the judge may attach reasonable conditions to that order, including conditions with respect to the assessment, treatment, or services to be obtained by the child or the child's parent.
2. Where a judge makes an order for **temporary custody** under s.32(2)(b) or (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.
3. Where a judge makes an order for **continuous custody** under s.32(2)(d) the judge may attach reasonable conditions to that order.
4. Where a judge makes an order for a **permanent transfer of custody** under s.32(2)(e), the order may contain reasonable conditions that apply to the person to whom custody of the child is permanently transferred but **shall not** contain conditions that apply to a manager, a social worker or the **department**.
5. 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.

## Service of Notices and Documents: General Direction

**Policy no.: 2.2**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019; June 30, 2021**

**Policy Cross References:**

**Legislative References:** s.56 Participation by child; s.57 Variation of notice requirements; s.58 Service of documents

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**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 CYFA and appropriate policy whenever an application is filed with the court, or court action is taken under the CYFA.
3. Where the CYFA requires a person to be served with documents, s.58 of the CYFA requires service to be **personal service** unless an Indigenous representative is being served. Where an Indigenous representative is being served, a social worker may serve an Indigenous representative via:
  - a) Personal service;
  - b) Leaving a copy of the document in a sealed envelope addressed to the Indigenous representative at the office of the Indigenous representative with an adult person who appears to be an employee of that office; or
  - c) Emailing it to the address for service provided by the Indigenous representative.
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 or affirms their signature in front of a Commission for Oaths, 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 their solicitor 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 (e.g. registered mail or service on another person) which is referred to as **substituted service**.
6. When required to provide notice for matters relating to the supervision or custody of a child, a social worker shall provide notice to the parent(s), child(ren) 12 years of age and older and where required an Indigenous representative at the earliest time possible, but no later than the time specified in the CYFA 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.
  7. While the CYFA 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.
  8. 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.56 of the CYFA.
  9. 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 but does not attend 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 CYFA and notice must be given to a parent, the definition of parent in accordance with s.2(1)(x) of the CYFA will determine which persons receive notice.
3. All persons who meet the definition of parent shall be served with the documents for a court proceeding outlined in the applicable policy.
4. Whether the parents reside together or separately, 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 their solicitor 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 CYFA, 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. After discussing the nature of the hearing(s) and the plan with the child, if a social worker believes 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.92 of the CYFA, 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, they 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 CYFA 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.

## Notice to an Indigenous Representative

10. When an application is made under the CYFA with respect to the supervision or custody of a child, and notice is required to be given to an Indigenous representative, a social worker shall serve the appropriate Indigenous representative with notice where:
  - a) a manager or social worker believes the child is an **Indigenous child** in accordance with s.2(n) of the Act, and
  - b) an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.

If a social worker is unaware if a child is an Indigenous child, the social worker shall ask the parent(s) if their child is Indigenous and may also ask the child if they are 12 years of age and older, if they identify as Indigenous.

11. Notice shall be served on an Indigenous representative in accordance with the methods outlined in policy statement #3.
12. The list of Indigenous representatives (designated by the Indigenous government or organization prescribed in the Schedule in the Act) can be accessed on Sharepoint/Intranet. When serving Indigenous representatives, only the current (not former) Indigenous representative shall be served.
13. If an Indigenous government or organization has designated more than one Indigenous representative, only one Indigenous representative is required to be served.

In cases where an Indigenous representative has not been involved with a family, a social worker would serve the senior Indigenous representative. However, if an Indigenous representative is already involved with the family for purposes such as case planning, then that representative can be served.

14. If a social worker is unable to serve an Indigenous representative within the timeline outlined in the Act, the social worker shall advise their supervisor and solicitor of same.
15. Under the CYFA, a social worker is only required to serve the notice of time, date and place of a hearing on an Indigenous representative. Although there is no legislative authority under the Act to serve the Indigenous representative with an application or the Plan for the Child, in cases where consent is obtained from the parent(s), a social

worker may provide, or discuss, the Plan for the Child with the Indigenous representative. Where consent cannot be obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous Representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.

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

16. 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**

17. 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 (Section 7.3)** 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**

18. 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**

19. 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 they may be required to testify in court in relation to this matter.

### **Substituted Service**

20. Upon receiving a request or an application from a solicitor, 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**

21. The person who served notice is required to 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. A copy is kept for the file.

### **Dispensing with Notice**

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

**Exceptions:** None

### **Relevant Documents:**

- Affidavit, **Form 47-37**
- Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories.

## Publication Ban

**Policy no.: 2.3**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:**

**Legislative References: s.55** Publication ban

**Purpose:** To outline the restrictions imposed by a publication ban with respect to a proceeding under the CYFA, and the process to follow if a person fails to comply with the publication ban in accordance with s.55 of the CYFA.

### Policy:

1. In accordance with s.55 of the CYFA, proceedings under the Act are subject to a Publication Ban which means that a person shall not, with respect to a proceeding under the CYFA, 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 they become 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 their solicitor **within 24 hours** if they become 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 their 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.

**Exception:** None

**Relevant Documents:** None

## Application for an Order to Authorize Medical Treatment

**Policy no.:** 2.4

**Effective Date:** March, 2007 **Date Revised:** June 28, 2019

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

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

**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 a CSSD 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.
5. 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.

6. Upon consultation with a solicitor, the solicitor will draft an application to be filed with the court immediately.
7. 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.
8. 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.
9. 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:** None

**Relevant Documents:** None

## Application to Access a Child

**Policy no.: 2.5**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

**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 CYFA, 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 CYFA 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 CYFA.
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 CYFA.

### 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 their 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.
3. If a social worker is filing an application after hours and their solicitor is unavailable to draft the order, the social worker may draft an order for the judge. A draft copy of an order can be located on SharePoint/internet.

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

- 4. 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 their solicitor, apply for a warrant from a judge for the person's arrest in accordance with s.16 of the CYFA.
- 5. 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 their signature and sign as a Commissioner for Oaths; and
  - b) Filing the Information to Obtain a Warrant to Arrest with the court.
- 6. A social worker makes arrangements to have the Information to Obtain a Warrant to Arrest heard through the court clerk.
- 7. When the social worker has completed the Information to Obtain a Warrant to Arrest, they should make a copy for the file as the court will keep the original.
- 8. 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.
- 9. 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.
- 10. 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:** None

**Relevant Documents:**

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

- Application to Access a Child
- Affidavit
- Order to Access Child, **Form 47-100**
- Information to Obtain a Warrant to Arrest, **Form 47-47**
- Warrant to Arrest, **Form 47-46**



## Order to Produce Record

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**Policy no.: 2.6**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

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

**Legislative References:** **s.17** Order to produce record; **s.96** Right to information and information sharing; **s.101** Liability for an offence

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**Purpose:** To outline the process for filing an application with the court to seek an Order for a person to produce **record**.

### Policy:

1. A social worker may apply to a judge for an order to produce record in accordance with s.17 of the CYFA where they believe that:
  - a) a person, including a corporate “person” (corporation/business and/or **public body**) has information related to a child, **youth** or a parent;
  - b) this information is necessary to enable the manager or social worker to exercise his or her powers, duties or functions under the Act or regulations, including investigations, assessments or determining whether a child is or remains in need of protective intervention; and
  - c) the social worker is refused access to the information

### Procedures:

1. Prior to commencing an application under s.17 of the CYFA, the social worker shall:
  - a) Make every reasonable attempt to obtain the information. In cases where the information is held by a corporation or public body, the social worker shall discuss the matter with the chief executive officer or someone in an equivalent 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.96 of the CYFA, inform the person or public body who has custody or control of the information that:
    - i. pursuant to s.96(1) of the CYFA, the social worker has a right to information with respect to a child, youth or a parent 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 or regulations, including investigations, assessments or determining whether a child is or remains in need of protective intervention; and
    - ii. pursuant to s.96(2) of the CYFA, 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. The supervisor shall inform and consult with the manager named on the application prior to the application being filed in court.

The manager who is the applicant on the application shall be in agreement with the application and before it is filed.

4. 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 their signature and sign as a Commissioner for Oaths; and
  - c) filing the application with the court.
5. 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.
6. 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.
7. **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 and solicitor, that by doing so there would be risk of the information being destroyed, in which case notice will not be required.**

8. If the application is made without Notice to the respondent, the social worker may be required to explain to the court why they believe there is a risk of the information being destroyed if notice is given.
9. 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.

10. As soon as possible and prior to a hearing, a social worker shall notify their solicitor of the Application to Produce Records.
11. 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.
12. If a person, or public body fails to comply with the Order, the social worker shall advise their supervisor and their solicitor immediately to discuss the next steps.
13. If a person, or public body fails to comply with the Order a charge may be laid under s.101(b) (Liability for an Offence) of the CYFA. A social worker would determine with their supervisor whether to lay a complaint with the appropriate authorities in order to pursue a charge under this provision.

**Exceptions:** 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 28, 2019**

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

**Legislative References:** s.18 Order to prohibit contact; s.101 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. This type of order will seek to prevent contact that is believed to place the child at risk by placing court order restrictions on the person whose conduct and/or interactions place a child at risk rather than to remove the child from their home.
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, either in the child's home or elsewhere, and this contact places the child at risk. This contact can be of any type and can include 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 alleged 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.**
4. The supervisor shall inform and consult with the manager named on the application prior to the application being filed in court. **The manager who is the applicant on the application shall be in agreement with the application and order being sought before it is filed.**

### 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 their 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 they believe 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 believed/assessed as 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 requested duration of the order, which can be up to **six (6)** months.
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 who is not named as the respondent on the application, in order to ensure the parent understands why contact between the child and the person named as respondent on the application will cause the child to be in need of protection, and the terms and conditions believed by the social worker 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 their solicitor of the Application to Prohibit Contact.
10. If a social worker has been unsuccessful in serving the application or notice, the social worker shall document the details of all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
11. Where a hearing of an Application to Prohibit Contact has not been concluded and a social worker in consultation with their supervisor believes an **interim order** is necessary to protect the child, a social worker shall discuss with their supervisor and solicitor the option of requesting an **interim order** from the judge in accordance with s.18(5) until the conclusion of the hearing.

The interim Prohibit Contact Order will have terms and conditions deemed appropriate by the judge and will remain in effect until the conclusion of the hearing of the Application to Prohibit Contact.

12. If a social worker becomes aware that the conditions of an Order to Prohibit Contact have been breached, they shall advise a supervisor immediately. If a person refuses to comply with the Order, a charge may be laid under the s.101(b) (Liability for an Offence) of the CYFA.
13. At the request of a manager or social worker, a peace officer shall assist in enforcing an Order to Prohibit Contact as per s.18(9) of the Act.
14. **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.
15. Where a subsequent application for an Order to Prohibit Contact is filed before the expiration of an existing Order to Prohibit Contact, the existing Order to Prohibit Contact shall remain in effect under a **bridging provision** in accordance with s.18 (8) until the application is heard and decided.
16. There is no limit on the numbers of Prohibit Contact Orders that can be made in relation to a child.

**Exceptions:** None

## **Relevant Documents:**

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

- Application to Prohibit Contact and 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: June 28, 2019**

**Policy Cross References:** Application for Supervision or Temporary Custody 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

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**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 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) **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 parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child; **and**
    - iii. a warrant under section 20 has been denied.

In these circumstances, the social worker shall discuss with their supervisor and solicitor whether a supervision or a temporary custody order will be sought.

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  - c) **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



- d) **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 CYFA.
- 2. When a supervision order 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. With their consent and where such arrangements are made, roles in the shared supervision shall be documented and the responsibility for reporting and consulting clearly outlined and documented.

**Social workers should only request conditions that can be fulfilled and enforced.**

In accordance with s.103 of the CYFA, 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.

At least **one (1) month prior** to the expiration of the order, the supervisor shall consult with the manager regarding the Plan for the Child and review any conditions that may be attached to the order.

4. A social worker applies for a supervision order in accordance with one of following applicable policies:
  - a) Application for Supervision or Temporary Custody Order when a Child has not been Removed (Pursuant to s.25);
  - b) Application for Protective Intervention Hearing when a Child has been Removed (Pursuant to s.26); or
  - c) Application for a **Subsequent Order** (Pursuant to s.36)
5. 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.
6. 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:** None

**Relevant Documents:** None

## **Application for a Supervision or Temporary Custody Order when a Child has not been Removed (Pursuant to Section 25)**

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**Policy no.: 2.9**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019; June 30, 2021**

**Policy Cross References:** **2.2** Service of Notices and Documents - General Direction; **2.8** Overview of Supervision Orders; **2.16** Plan for the Child; **2.17** Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order; **6.4** Disclosure without Consent

**Legislative References:** **s.25** Where child is not removed; **s.29** Plan for the child; **s.32** Protective intervention hearing; **s.94** Disclosure without consent

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**Purpose:** To outline the process to obtain a supervision or temporary custody order in accordance with s.25 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) or s.32(2)(b) of the CYFA.

A social worker may also seek a supervision or temporary custody order when they believe upon an assessment of safety and risk factors that a child is in need of protective intervention, the parent of the child is unwilling to accept the necessary protective intervention services to adequately protect the child **and** a warrant under section 20 has been denied. In these circumstances, the social worker shall discuss with their supervisor and solicitor whether a supervision or a temporary custody order will be sought.

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 or temporary custody order, and the conditions to be requested.

3. If requesting an order pursuant to s.32(2)(b), the social worker shall also follow the conditions outlined in **procedure #2** of the Policy: **Types of Supervision and Custody Orders requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order shall be followed.**
4. The supervisor shall inform and consult with the manager named on the application prior to the application being filed in court.

The manager who is the applicant on the application shall be in agreement with the application and order being sought before it is filed.

### **Procedures:**

1. When a child has not been removed, a social worker may apply for a supervision or temporary custody 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 CYFA 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 or could not be assured without removing the child and a warrant under s.20 have been denied;
  - f) a request for a declaration that the child is in need of protective intervention;
  - g) If requesting an order pursuant to s.32(2)(a) or s.32(2)(b), the conditions that are being requested in accordance with s.32(3) or s.32(4) of the CYFA;
  - h) If requesting an order pursuant to s.32(2)(a) or s.32(2)(b), a request that the order include a statement that if the respondent fails to comply with a specific condition(s) set out in the order, a manager or social worker may make a further application to court **within five (5) days**, in accordance with s.32(9) to:
    - i. vary the conditions of the order pursuant to s.63, or
    - ii. request another order under s.32(2), 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), they shall request from the court a date for a Protective Intervention Hearing to be held **no later than 10 days** after the application is filed.
- 4. A social worker shall notify the court clerk and their 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 CYFA), 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(s) that they 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. A social worker shall serve the appropriate Indigenous representative 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 Indigenous Representative where:

- a) a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
- b) an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.

If a social worker is unaware if the child is Indigenous, the social worker shall ask the parent(s) if their child is Indigenous and may also ask the child if they are 12 years of age and older, if they identify as Indigenous.

- 10. When serving an Indigenous representative, service shall be done in accordance with policy on **Service of Notices and Documents - General Direction**.
- 11. Under the CYFA, a social worker is only required to serve the notice of time, date and place of a hearing on an Indigenous representative. Although there is no legislative authority under the Act to serve the Indigenous representative with an application or the Plan for the Child, in cases where consent is obtained from the parent(s), a social worker may provide, or discuss, the Plan for the Child with the Indigenous representative. Where consent cannot be obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.
- 12. The person who served notice is required to 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. A copy is kept for the file.
- 13. When a social worker has been unsuccessful in serving a person, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
- 14. As per s.29 of the CYFA, a Plan for the Child 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**.

If the Protective Intervention Hearing is not held within 10 days of filing the application, a social worker **shall still file** the Plan for the Child within 10 days of filing the application.

- 15. As soon as possible, and prior to a hearing, a social worker shall notify their solicitor of the application.
- 16. Where a hearing related to the Application has not been concluded and a social worker in consultation with their supervisor believes an **interim order** is in the child's best interests, a social worker shall discuss with their supervisor and solicitor the option of requesting an **interim order** from the judge. A request may be made to attach conditions to that interim order a per s.25(4.2).

The interim order will have terms and conditions deemed reasonable by the judge and will remain in effect until the conclusion of the Protective Intervention Hearing.

17. When an order of supervision is granted by the court pursuant to s.32(2)(a) or a temporary custody order with supervision is granted under s.32(2)(b), a social worker shall follow the procedures outlined in the **Overview of Supervision Orders** policy.

### **Exceptions:**

1. There may be exceptional circumstances where an order pursuant to s.32(2)(e) is requested on a s.25 application when a child is living with a fully approved **kinship caregiver** and:
  - a) reunification is no longer the permanency plan for the child
  - b) an order pursuant to s.32(2)(b) or s.32(2)(c) is not in the best interest of the child
  - c) conditions under s.25(1) and s.32(2)(e) are met, **and**;
  - d) all the conditions under the Permanent Transfer of Custody policy are satisfied.

These are exceptional circumstances as the child will remain in their parent's custody until the matter is heard and decided upon in court which means there is a possibility that the parent(s) would remove their child from the kinship caregiver's care. Consideration **shall be** given as to whether this may pose concern for the child's safety if the child was not removed.

Additional consideration shall be given as to whether it is in the child's best interest to permanently transfer custody under s.32(2)(e) without first having sought a temporary transfer of custody pursuant to s.32(2)(b). Prior to requesting this type of order a social worker shall review the **Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order** and the **Permanent Transfer of Custody** policy.

### **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
- Notice to Indigenous Representative
- Affidavit of Service to Parent
- Affidavit of Service to Child
- Affidavit of Service to Indigenous Representative

## Application of Non-Compliance of a Supervision Order or Non-Compliance of a Temporary Custody Order with Supervision

**Policy no.: 2.10**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**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.63 Variation of order.

**Purpose:** To outline the process for filing with the court, an Application of Non-Compliance of a supervision order granted under s.32(2)(a) or non-compliance of a temporary custody order with supervision granted under s.32(2)(b).

### 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 **temporary custody order with supervision** under s.32(2)(b) of the CYFA, a social worker shall advise a supervisor immediately and, in consultation with the supervisor, determine whether to file an Application of Non-Compliance pursuant to s.32(9) of the Act, or, take another action under the Act to ensure the safety and well-being of the child.
2. Failure to comply with part of a supervision order pursuant to s.32(2)(a) or a temporary custody order with supervision pursuant to s.32(2)(b) may or may not result in a decision being made to take another court action.
3. Prior to making a decision to file an **Application of Non-Compliance** a social worker, in consultation with a supervisor, shall review:
  - a) the safety and risk factors,
  - b) the condition(s) of the order that the person failed to comply with,
  - c) the Plan for the Child, and
  - d) the proposed conditions to be varied in the existing Supervision Order (s.32(2)(a)) or temporary custody order (s.32(2)(b)) **or** the new order and conditions being requested under s.32(2) of the Act.
4. The manager who is the applicant on the application shall be notified and in agreement with the application and order being sought before it is filed.

### Procedures:

1. An **Application of Non-Compliance** pursuant to s.32(9) of the Act 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 CYFA;
- c) the existing Order and conditions granted under s.32(2)(a) or s.32(2)(b) of the CYFA;
- d) the conditions of the Order that a person failed to comply with;
- e) Pursuant to s.32(9) of the CYFA, a request to:
  - i. vary the conditions of the existing Supervision Order or temporary custody order that was granted under s.32(2)(a) or s.32(2)(b) respectively; or
  - ii. request another order under s.32(2) of the Act; and
- f) a signed Affidavit by the person filing the application attesting to the truth of the information contained in the application.

2. 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.

3. 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.

4. When a social worker files an Application of Non-Compliance, they 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.

5. **On the day** the application is filed with the court, a social worker, or designate, shall personally serve notice of time and place of the hearing to **all persons** who were served with the notice of the protective intervention hearing at which the order was made.

This would include Notice to Parent(s), and may also include Notice to Child and Notice to Indigenous Representative where applicable.

6. When a **parent** is served with notice, the parent shall also be served with a copy of the application. An updated copy of the Plan for the Child shall be attached to the Notice to Parent.

A copy of the Application of Non-Compliance is **not** provided to the child or Indigenous representative.

7. 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**.

8. When a social worker has been unsuccessful in serving a person 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 their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
9. The person who served notice is required to 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. A copy is kept for the file.

A copy of each Affidavit of Service is retained for the file.

10. As soon as possible, and prior to a hearing, a social worker shall notify their solicitor of the application.

**Exceptions:** None

**Relevant Documents:**

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

- Application of Non-Compliance
- Affidavit
- Notice to Parent
- Notice to Child
- Notice to Indigenous Representative
- Affidavit of Service to Parent
- Affidavit of Service to Child
- Affidavit of Service to Indigenous Representative

## Removal of Child with a Warrant

**Policy no.: 2.11**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019**

**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 CYFA, they 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. It is preferable that the zone manager who will have interim care of the child is informed of the removal **prior** to filling an Information to Obtain a Warrant to Remove with the court. Where this is not possible, the manager shall be informed within 24 hours of removal.
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 CYFA; 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 their 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 CYFA; 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 presented to a judge 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, they 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. A social worker shall also 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.
6. A copy of the **Warrant to Remove** shall be retained at the court when it is 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.

7. 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, their solicitor.
8. Where a warrant to remove has been denied, the social worker in consultation with a supervisor, and where necessary their solicitor, shall consider whether an application should be filed in accordance with s.25(1)(b)(ii).

### **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 CYFA. 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:
  - a) medications;
  - b) clothing;
  - c) glasses (if applicable);
  - d) special items (e.g. teddy bear and school bag); and also:
    - i. obtain a contact number for the parent(s); and
    - ii. 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 their removal, where they 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 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 they 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 file.
25. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise their solicitor. 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 CYFA, shall give written notice to the hospital administration and the attending physician that the child has been removed from their 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:** 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 28, 2019**

**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

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**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 CYFA, they 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.

It is preferable that the zone manager who will have interim care of the child is informed of the removal **prior** to filling an **Information to Obtain a telewarrant to Remove** with the court. Where this is not possible, the manager shall be informed within 24 hours of removal.

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 CYFA).

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 CYFA; 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 in their 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 CYFA 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 they 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 byhimself/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.
8. Where a social worker applies for a telewarrant 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 telewarrant was not issued; and
  - b) immediately consult with a supervisor and, if necessary, their solicitor.
9. Where a warrant to remove has been denied, the social worker in consultation with a supervisor, and where necessary their solicitor, shall consider whether an application should be filed in accordance with s.25(1)(b)(ii).

### **Executing the Telewarrant**

10. 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.
11. 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 CYFA. 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.
12. 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.**

13. 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.
14. 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:
  - a) medications;
  - b) clothing;
  - c) glasses (if applicable);
  - d) special items (e.g. teddy bear and school bag); and also:
  - e) obtain a contact number for the parent(s); and
  - f) 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.
15. 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.
16. 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.
17. The social worker shall explain to the child, in age and developmentally appropriate terms, the reason for child's removal, where they will be placed, and what will be happening in the near future.

### **Serving Notice of Removal**

18. Before serving the Notice of Removal, a social worker shall make copies for the 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.

19. 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**.
20. 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.
21. A social worker shall advise the parent(s) who is served with the Notice of Removal that they may be represented by legal counsel.
22. 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.
23. 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.
24. 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.
25. 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.
26. Copies of the Notice of Removal and the Affidavit of Service are kept for the file.
27. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
28. If the child is a hospital patient when the removal takes place, a social worker, in accordance with s.24(4) of the CYFA, shall give written notice to the hospital administration and the attending physician that the child has been removed from their 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.

29. A social worker shall file, **within 24 hours** of the removal of a child, an Application for Protective Intervention Hearing.
30. Refer to **Application for Protective Intervention Hearing when Child has been removed** policy and procedures.
31. 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:** 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:** June 28, 2019

**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

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**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 CYFA, they 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 CYFA); 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 CYFA).

### Procedures:

1. A social worker's decision to remove a child without a warrant shall be made in consultation with a supervisor.
2. It is preferable that the zone manager who will have interim care of the child is informed of the removal **prior** to the removal. Where this is not possible, the manager shall be informed within 24 hours of removal.

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

3. 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 CYF 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.

4. 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 CYFA.
5. 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:
  - a) medications
  - b) clothing
  - c) glasses (if applicable)
  - d) special items (e.g., teddy bear & school bag); and also:
    - i. obtain a contact number for the parent(s); and
    - ii. 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.
6. 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.
7. 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**

8. Before serving the Notice of Removal, a social worker shall make copies for the departments and the courts file. While a Notice of Removal to the Parent and a Notice of Removal to the Child can be served 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.
9. When a child has been removed without a warrant in accordance with s.20(3) of the CYFA, 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.

10. 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 CYFA, 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 CYFA. Although the child was not physically removed from the parents care serving the Notice of Removal commences a legal procedure.
11. The **reason for removal must be stated** on, or attached to, the Notice of Removal to Parent and Notice of Removal to Child forms.
12. The social worker shall advise the parent(s) who is served with the Notice of Removal that they may be represented by legal counsel.
13. 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.
14. The person who serves the Notice of Removal shall complete an Affidavit of Service for each Notice of Removal.
15. 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.
16. It should be clearly written on each Affidavit of Service filed with the court which document(s) was served.
17. Copies of the Notice of Removal and the Affidavit of Service are kept for the file.
18. When a social worker has been unsuccessful in serving a parent, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
19. If the child is a hospital patient when the removal takes place, a social worker, in accordance with s.24(4) of the CYFA, shall give written notice to the hospital administration and the attending physician that the child has been removed from their 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.



20. 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.
21. 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:** None

**Relevant documents:**

- Notice of Removal to Parent, **Form47-11**
- Affidavit of Service to Parent, **Form47-11**
- Notice of Removal to Child, **Form47-12**
- Affidavit of Service to Child, **Form47-12**
- Notice of Removal to Hospital Administration and Attending Physician, **Form41-01**

## 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).

#### Removal with a Warrant

- ☐ Complete Information to Obtain a Warrant to Remove
- ☐ Draft and bring to court the Warrant to Remove
- ☐ Arrange through the court clerk to have the Information to Obtain a Warrant to Remove heard

#### Removal with a Telewarrant

- ☐ Complete Information to Obtain a Telewarrant to Remove
- ☐ Draft Telewarrant to Remove
- ☐ Call on-call judge 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.
- ☐ Fax the documents or read the information over the phone.

- ☐ 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 the Warrant to Remove to Parent from whom the child is removed. At the same time, serve the 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 the original Warrant to Remove with a notation of when it was executed and by whom.

### Other tasks:

- ☐ Consultation with a 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 they 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.
- ☐ **Within 3 days** of obtaining the dates, serve the appropriate Indigenous representative with notice of the time and place of the of Presentation and Protective Hearings using the Notice to Indigenous Representative if a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.
- ☐ Complete an Affidavit of Service for each person services and file with court. Make copies for 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.

## **Application for a Protective Intervention Hearing when a Child has been removed (Pursuant to Section 26)**

**Policy no.: 2.15**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

**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; Disclosure without Consent

**Legislative References:** **s.26** Where child has been removed; **s.27** Notice of hearing where child removed; **s.29** Plan for the child; **s.94** Disclosure without consent

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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 CYFA, 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 CYFA, 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.

3. The supervisor shall inform and consult with the manager named on the application prior to the application being filed in court.

The manager who is the applicant on the application shall be in agreement with the application and order being sought before it is filed.

### **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 CYFA;
- 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 CYFA;
- 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 file.

- 4. When a social worker files an Application for Protective Intervention Hearing, they 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, they 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 their 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 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 CYFA), 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 they 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. Although the CYFA 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. A social worker shall serve the appropriate Indigenous representative 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 Indigenous Representative form where:

- a) a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
- b) an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.

If a social worker is unaware if a child is Indigenous, the social worker shall ask the parent(s) if their child is Indigenous and may also ask the child if they are 12 years of age and older, if they identify as Indigenous.

12. When serving an Indigenous representative, service shall be done in accordance with the **Service of Notices and Documents - General Direction policy**.

13. Under the CYFA, a social worker is only required to serve the notice of time, date and place of a hearing on an Indigenous representative. Although there is no legislative authority under the Act to serve the Indigenous representative with an application or the Plan for the Child, in cases where consent is obtained from the parent(s), a social worker may provide, or discuss, the Plan for the Child with the Indigenous representative. Where consent cannot be obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to Disclosure without Consent Policy.
14. The person who served notice is required to 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. A copy is kept for the file.
15. When a social worker has been unsuccessful in serving a person within the timelines, including an Indigenous representative, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
16. 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 CYFA and policy on Plan for the Child.
17. As soon as possible, and prior to a hearing, a social worker shall notify their solicitor of the application.

**Exceptions:** 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
- Notice to Indigenous Representative
- Affidavit of Service to Parent
- Affidavit of Service to Child
- Affidavit of Service to Indigenous Representative



## Plan for the Child

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**Policy no.: 2.16**

**Effective Date: March 2007**

**Date Revised: June 28, 2019; October 21, 2021; May 10, 2023**

**Policy Cross References:** **2.9** Application for a Supervision or Temporary Custody Order when Child has not been Removed; **2.15** Application for Protective Intervention Hearing when a Child has been removed; **2.19** Application for a Subsequent Order; Cultural Connection Plan; In Care Progress Report

**Legislative References:** **s.29** Plan for the child; **s.36** Subsequent order; **s.103** Monitoring plans for children in care or custody

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**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, they shall file a **Plan for the Child** with the court.
2. In accordance with s.103 of the CYFA, the Plan for the Child and any conditions attached to the order, 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. The review of the Plan for the Child shall be documented in the file. At least **one (1) month prior** to the expiration of the order, the supervisor shall consult with the manager regarding the Plan for the Child and review any conditions that may be attached to the order.
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.
4. Where the child has been removed and the child is an Indigenous child, a **cultural connection plan shall** be included in the Plan for the Child.
5. Where the child has been removed and the child is an Indigenous child belonging to an Indigenous government or organization prescribed in Schedule A under the Act, a social worker shall make reasonable attempts to consult and include the respective Indigenous representative in the development of a Cultural Connection Plan for the Indigenous child which is included in the Plan for the Child.
6. Where consent is obtained from the parent(s), a social worker may provide or discuss the Plan for the Child with the Indigenous representative. Where consent cannot be

obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.

## **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 CYFA, when an Application for Protective Intervention Hearing requesting a supervision or custody order has been filed.

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 from their parent's 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 or where the child is an Indigenous child, a cultural connection plan.

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.

If the Presentation Hearing is not held within 10 days of filing the application, a social worker shall still file the Plan for the Child within 10 days of filing the application.

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.

If the date for the Protective Intervention Hearing is not held within 10 days of filing the Application, a social worker shall still file the Plan for the Child within 10 days.

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. If the child has been removed and is an Indigenous child, the social worker shall review the **Cultural Connection Plan policy** prior to completing the cultural connection plan section in the Plan for the Child.
6. When completing a cultural connection plan for an Indigenous child who has been removed, a social worker can:
  - a) complete the cultural connection plan section on the Plan for the Child, or
  - b) attach a copy of the Cultural Connection Plan form to the Plan for the Child that is filed with court and provided to the parent(s).

**If the Cultural Connection Plan form is being attached to the Plan for the Child, the social worker must indicate this on the Plan for the Child in the appropriate section.**

7. When an Indigenous child is initially removed and a Plan for the Child is filed on the noon before a Presentation Hearing, the social worker shall include as much detail as possible in the Cultural Connection plan section on the Plan for the Child that is filed with court before a Presentation Hearing. If this section only includes a description of the arrangements being made as additional time and planning is required to fully develop and implement the plan, the social worker shall file a more comprehensive Cultural Connection Plan, using the Cultural Connection Plan form, within 30 days.
8. In cases in which a revised Cultural Connection Plan is developed before the conclusion of the protective intervention hearing in partnership with people significant to the child, including Indigenous representatives, a social worker shall:
  - a) update the Plan for the Child with the new Cultural Connection Plan,
  - b) file it **before** the conclusion of the Protective Intervention hearing, and
  - c) provide the parent(s) with a revised plan.
9. 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 their 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.
10. A revised Plan for the Child can be filed with the court any time before the conclusion of the Protective Intervention Hearing. **A revised Plan for the Child shall 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) new safety threats or risks have been identified or the recommended services on the original plan for the child have changed;
  - d) a revised Cultural Connection Plan is developed, or
  - e) any time a social worker determines it appropriate.
11. 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.
12. 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.
13. 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**.
14. A copy of the Plan for the Child shall be placed on the Protection file and the child's In Care file.
15. 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 CYFA. Although a social worker is not required to file In Care Progress Report with the court, a social worker may choose to file an IPR **in addition** to the Plan for the Child if they want to provide the court with an update on the progress of a child in care. If the child is in care and an IPR has been completed, or the child is in a kinship arrangement under a s.32(2)(b) and there is a KCA completed, questions on the IPR and KCA pertaining to cultural connections may inform the Cultural Connection Plan.
16. Where a recent Cultural Connection Plan form was completed for an IPR it can be included in the Plan for the Child or attached to the Plan. If the Cultural Connection Plan form is being attached to the Plan for the Child, the social worker **must** indicate this on the Plan for the Child in the appropriate section.

**Exceptions:** None

**Relevant Documents:**

- Plan for the Child, **Form 47-19**
- Cultural Connection Plan, **Form 42- 400**
- Cultural Connection Plan for an Innu Child, **Form 42-573**
- Cultural Connection Plan for Inuit Children and Youth (Nunatsiavut Government), **Form 42-009**

## Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order

**Policy no.: 2.17**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

**Policy Cross References:** Overview of Supervision Orders; Application for Supervision or Temporary Custody 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; Permanent Transfer of Custody.

**Legislative References:** **s.28** When sixteenth birthday intervenes; **s.32** Protective intervention hearing; **s.33** Time limits for temporary custody orders; **s.35** When time limits expire; **s.36** Subsequent order; **s.39** effect of temporary custody order; **s.40** Effect of continuous custody order; **s.42** When continuous custody order ceases to have effect; **s.44** Effects of permanent transfer of custody order;

**Purpose:** To outline the types of supervision and custody orders under s.32(2) of the CYFA that may be requested on an Application for Protective Intervention Hearing pursuant to s.25 or s.26 or on an application for a subsequent order pursuant to s.36.

### Policy:

1. A social worker shall, in consultation with their supervisor, determine the order under s.32(2) of the CYFA 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.
2. The manager who is the applicant on the application shall be aware and in agreement with all applications filed in court on their behalf. It is the responsibility of the supervisor to notify the manager **prior** to such an application being filed in court.

### Procedures:

1. **A Supervision Order under s.32(2)(a)** of the CYFA provides for the child to remain in, or return to, the care and custody of their parents(s) under the supervision of a manager for a specified period of time of up to 6 months:
  - a) There is no limit on the number of supervision order pursuant to s.32(2)(a) that can be sought for a child.
  - b) This type of order should be considered in circumstances where a 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 removing 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.
- c) In accordance with s.32(3), a judge may attach **reasonable conditions**, including conditions with respect to the assessment, treatment or services to be obtained by the child or the child's parent.
  - d) A supervision order ends when the order expires. However, if the order is in effect when a child turns 16, the supervision order will cease to have effect for that child on his/her sixteenth birthday.

An exception to this is if an application for an order of continuous custody has been filed before the child's sixteenth birthday. In this case, the supervision order will remain in effect for that child until the application for continuous custody order is heard and decided.

2. **A Temporary Custody Order with Supervision pursuant to s.32(2)(b)** of the CYFA 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 CYFA **and** an order of supervision. Please refer to **Overview of Supervision Orders and Time Limits for Temporary Custody Orders** policy and procedures.
- b) This type of order should be considered in circumstances where:
  - i. a relative or person significant to the child **has consented** to having custody of the child;
  - ii. it is determined that the child's best interest would be served by transferring custody to the person; and
  - iii. the person agrees to work collaboratively with the social worker regarding the Plan for the Child.
- c) This type order can be requested to transfer custody to a **kin**, as defined in s.2(1)(s) of the Act, or a parent other than the parent(s) from whom the child was removed. However, this type of order cannot be requested to transfer temporary custody to a person approved as a **Regular** Foster Parent.
- d) Approval of the placement shall be done **prior** to requesting this type of order on an application, and shall be done in accordance with the relevant:
  - i. preliminary relatives/significant other approval process, **or**
  - ii. **non-custodial parent** approval process for a child in care

The only exception to this is if the child is already in an approved Kinship Home and an application pursuant to **s.26** is made seeking an order under s.32(2)(b) for the child to be placed in the **same** kinship caregiver's temporary custody and to remain with the **same** kinship **caregiver**. In these cases, a social worker does not have to reapprove the placement as a relative/significant other foster home while the child is in interim care pending the outcome of the presentation hearing.

- e) If the child **has not** been removed and the social worker plans to file an application pursuant to s.25 and request an order pursuant to s.32(2)(b), the home shall be approved in accordance with the Kinship Home Assessment policy **prior to** the application being filed in court.
- f) 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.
- g) 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 by kin, they may be provided through the **Kinship Services** Program. A non-custodial parent is **not** eligible for financial support from the department as per s.67(2) of the Act.
- f) In accordance with s.32(4), a judge may attach **reasonable conditions** to the order, including conditions with respect to:
  - i. 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;
  - ii. the child's contact with a person significant to the child; and
  - iii. the assessment, treatment or services to be obtained by the child or the child's parent.
- g) A temporary custody order with supervision ends when the order expires. However, if the order is in effect when a child turns 16, the temporary custody order with supervision will cease to have effect for that child on his/her sixteenth birthday.

An exception to this is if an application for an order of continuous custody has been filed before the child's sixteenth birthday. In this case, the temporary custody order with supervision remains in effect for that child until the application for continuous custody order is heard and decided

- 3. **A Temporary Custody Order under s.32(2)(c) of the CYFA** 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(4), a judge may attach **reasonable conditions** to the order, including conditions with respect to:
  - i. 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;
  - ii. the child's contact with a person significant to the child; and
  - iii. 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.
- d) Where a judge makes an order for temporary custody, the manager has custody of the child for the specified period and the manager or a social worker has the right to make decisions regarding the child during the specified period. With respect to medical consent, please follow policy 3.9 on Medical Consents.
- e) A temporary custody order ends when the order expires. However, if the order is in effect when a child turns 16, the temporary custody order will cease to have effect for that child on his/her sixteenth birthday.

An exception to this is if an application for an order of continuous custody has been filed before the child's sixteenth birthday. In this case, the temporary custody order remains in effect for that child until the application for continuous custody order is heard and decided.

4. **A Continuous Custody Order under s.32(2)(d) of the CYFA provides** for the child to be placed in the continuous custody of a manager.

- a) 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:
  - i. a reunification assessment recommends termination of reunification services with the parent(s);
  - ii. where a parent is unable or unwilling to resume care and custody even with reasonable supports;
  - iii. 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;
  - iv. there is a documented history that demonstrates the parent's inability or unwillingness to meet the needs of the child; or
  - v. 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.
- b) In accordance with s.32(6)(a), a judge may attach **reasonable conditions** to the order.
- c) Where a judge makes an order for continuous custody 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.
- d) A continuous custody order ceases to have effect when:
  - i. The youth reached 18 years of age;
  - ii. The youth marries;



- iii. Custody of the child or youth is permanently transferred to another person (other than a manager); or
- iv. The court rescind the order.

5. **A Permanent Transfer of Custody Order under s.32(2)(e) of the CYFA** provides for the child to be placed in the permanent custody of a person other than the parent from whom the child was removed where:

- the person to whom custody is to be permanently transferred consents;
  - the child consents where the child is 12 years of age or older, **and**
  - the child has been residing with the person to whom custody is to be permanently transferred for a period of 6 consecutive months immediately before the application for the protective intervention hearing is filed.
- a) The decision to recommend this type of order to the court must be given careful consideration and shall be done in accordance with the **Permanent Transfer of Custody policy**.
  - b) Situations where a social worker may consider a permanent transfer of custody may include, but are not limited to:
    - i. a reunification assessment recommends termination of reunification services with the parent(s);
    - ii. where a parent is unable or unwilling to resume care and custody even with reasonable supports;
    - iii. 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;
    - iv. there is a documented history that demonstrates the parent's inability or unwillingness to meet the needs of the child;
    - iv. where a child is in need of protective intervention and the parent(s) is in agreement that the plan to transfer custody is in the best interest of the child or youth; or
    - v. 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.
  - c) In accordance with s.32(7), a judge may attach **reasonable conditions** to the order, that apply to the person to whom custody of the child is permanently transferred but shall not contain conditions that apply to a manager, a social worker or the department.
  - d) Where a judge makes an order permanently transferring custody of a child, the person to whom custody is transferred becomes the sole custodian and guardian of the child and has the right to make all decisions regarding the child.
  - e) An order permanently transferring custody of a child ceases to have effect when the youth reached 18 years of age.

**Exceptions:** None

**Relevant Documents:** None

## Time Limits for Temporary Custody Orders

**Policy no.: 2.18**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

**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; Effect of temporary custody order.

**Legislative References:** **s.32** Protective intervention hearing; **s.33** Time limits for temporary custody orders; **s.36** Subsequent order; **s.39** Effect of temporary custody order

**Purpose:** To outline the time limits for temporary custody orders granted by a judge under paragraph 32(2)(b) or (c) of the CYFA.

### Policy:

1. A **Temporary Custody Order** transfers the custody of the child for a specified period in accordance with s.33 of the CYFA, to:
  - a) a person significant to the child, other than the parent from whom the child was removed, as per s.32(2)(b); or
  - b) a manager of CSSD, as per s.32(2)(c).
2. Time limits for a Temporary Custody Order under s.33 of the CYFA 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 judge in accordance with s.33 of the CYFA. Although a judge can grant a temporary custody order for a period less than the maximum time limits, the maximum time limits for Temporary Custody Orders set out in the CYFA 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 older** when that order is made.
4. In accordance with s.28, a temporary custody order ends when the order expires. However, if the order is in effect when a child turns 16, the temporary custody order will cease to have effect for that child on his/her sixteenth birthday.

An exception to this is if an application for an order of continuous custody has been filed before the child's sixteenth birthday. In this case, the temporary custody order remains in effect for that child until the application for continuous custody order is heard and decided

The **maximum number** of temporary custody orders allowed in a child's lifetime, irrespective of age, or the type of temporary custody order (s.32(2)(b) or (c)), 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 they 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. In many cases, the order will be granted by the judge in a verbal decision during a court appearance, or in a written decision that the judge filed with the court and sends to the lawyers involved. Social workers should ensure they know the date that the order is granted and confirm with their solicitor if there is any confusion.
8. When a temporary custody order expires, custody of the child automatically returns to the parent unless the appropriate subsequent application is made pursuant to s.36 of the Act. **Knowing and planning for the expiry date of a temporary custody order is critically important.**

## 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 consultation with a supervisor, the length of the Temporary Custody Order being requested, in accordance with s.33 of the CYFA and taking into consideration the child's age and number of temporary custody orders.

	Less than 6	6 and older
1 <sup>st</sup> Temporary Custody Order shall not exceed	6 mths	6 mths
2 <sup>nd</sup> Temporary Custody Order shall not exceed	3 mths	6 mths
Exceptional Circumstances Temporary Custody Order shall not exceed	3 mths	6 mths

2. When a child is in the temporary custody of a manager under s.32(2)(c) of the Act, the social worker shall follow policy 3.3 **Effect of temporary custody order**, specifically as it relates to decision making on the child's behalf.
3. 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.
4. When all the time limits for temporary custody order have expired under s.33 of the Act, a judge can only make one of the orders set out in s.35 of the CYFA. Under s.35, a judge can order that:
  - a) a child be placed into the continuous custody of a manager,
  - b) that custody of the child be permanently transferred to a person other than a parent from whom the child was removed, **or**
  - c) the child be returned to the parents from whom the child was removed.

**Exceptions:** None

**Relevant Documents:** None

## **Application for a Subsequent Order (Pursuant to s.36)**

**Policy no.: 2.19**

**Effective Date: March, 2007 Date Revised: June 28, 2019**

**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, Cultural Connection Plan; Overview of Permanency Planning

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

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**Purpose:** To outline the process for filing an application pursuant to s.36 for a subsequent Order of Supervision, Temporary, Permanent Transfer of Custody or Continuous Custody.

### **Policy:**

1. An application for a subsequent order of Supervision, Temporary, Permanent Transfer of Custody or Continuous Custody 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 or another person in accordance with an order granted under s.32(2)(a)(b) or (c) of the CYFA;
  - b) the 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 or another person under an order pursuant to s.32(2); and
  - c) a less intrusive course of action that would adequately protect the child is not available.
2. The manager who is the applicant on the application shall be notified and in agreement with the application and order being sought before it is filed.

### **Procedures:**

1. Prior to filing an application requesting a subsequent order pursuant to s.36, a social worker shall, in consultation with their supervisor:
  - a) review the **Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order** policy;
  - b) review the Plan for the Child that was filed for the existing order;
  - c) discuss the permanency plan and future Plan for the Child; and
  - d) determine the type of order which is being sought.

As part of this process, the supervisor shall inform and consult with the manager named on the application prior to the application being filed in court.

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. A social worker shall review the Plan for the Child policy and where the child is in Indigenous child, also review **the Cultural Connection Plan** policy prior to completing the Plan for the Child.
5. Where the child has been removed and is an Indigenous child belonging to an Indigenous Government or organization prescribed in Schedule A under the Act, a social worker shall make reasonable attempts to consult and include the respective Indigenous representative in the development of a Cultural Connection Plan for the Indigenous child which is included in the Plan for the Child.

In cases where consent is obtained from the parent(s), a social worker may provide or discuss the Plan for the Child with the Indigenous representative.

Where consent cannot be obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.

6. **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, Permanent Transfer of Custody 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 CYFA, and any conditions they wish 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.**

7. When filing an application for a subsequent 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.
8. 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 CYFA) until the matter is heard and decided upon.
9. 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) copy of the application. A Plan for the Child shall be attached to the notice served on the parent(s).

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.

10. 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.
11. 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**.
12. Although 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.
13. A social worker shall serve the appropriate Indigenous representative with notice of the time and place of the protective intervention hearing **no later than ten (10) days** before the hearing after the date of the hearing is obtained using the Notice to Indigenous representative where:
  - a) a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
  - b) an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.

14. If a social worker is unaware if a child is Indigenous, the social worker shall ask a parent if they consider their child to be Indigenous and may also ask a child 12 years of age and older if they consider themselves to be Indigenous.
15. When serving an Indigenous representative, service shall be done in accordance with policy on **Service of Notices and Documents - General Direction**.
16. Under the CYFA, a social worker is only required to serve the notice of time, date and place of a hearing on an Indigenous representative. Although there is no legislative authority under the Act to serve the Indigenous representative with an application or the Plan for the Child, in cases where consent is obtained from the parent(s), a social worker may provide, or discuss, the Plan for the Child with the Indigenous representative.

Where consent cannot be obtained, a manager may authorize the social worker to provide or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.

17. Upon receiving notice of a hearing an Indigenous representative may, in accordance with s.54 of the Act, apply to the court be heard.
18. In cases where consent is obtained from the parent(s), a social worker may provide, or discuss, the Plan for the Child with the Indigenous representative. Where consent cannot be obtained, a manager may authorize the social worker to disclose the Plan for the Child, or discuss the Plan for the Child with an Indigenous representative where it is required for case planning or integrated service delivery under s.94(c). Please refer to **Disclosure without Consent Policy**.
19. When a social worker has been unsuccessful in serving a person, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
20. The person who served notice completes an Affidavit of Service for each person served using the appropriate Affidavit of Service form.

Each Affidavit of Service shall be filed with the court prior to the hearing, and shall clearly state what was served. A copy is kept for the file.

21. As soon as possible and prior to a hearing, a social worker shall notify their solicitor of the application.

**Exceptions:** 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
- Notice to Indigenous Representative
- Affidavit of Service to Parent
- Affidavit of Service to Child
- Affidavit of Service to Indigenous Representative
- Plan for the Child, **Form 47-19**

## Application for Financial Support

**Policy no.: 2.20**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019**

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

**Legislative References: s.41** Financial responsibility

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

### **Policy:**

1. Where a child or youth is in the interim, temporary or continuous custody of a manager, a social worker shall determine the parent's ability to contribute to the support of the child or youth.
2. Where a support order already exists between parents who are separated or divorced and a child or youth 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 or youth's custody and make an application to the court for an order of support to be paid to a manager.

### **Procedures:**

1. A parent should be encouraged to provide support, according to their ability to do so, for children and youth who are in the custody of a Manager.
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 or youth 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 it will be documented in writing, and where the social worker wants to be able to enforce the Agreement, they shall consult with solicitor regarding the process to do so.

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 or youth 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) arrange to have their solicitor make an application to the court for the order of support to be paid to a manager, and
  - b) advise the Support Enforcement Agency in writing of the change in the child's or youth's custody.

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

8. A social worker requests an Order for financial support, pursuant to **s.41** of the CYFA, in one of the following ways:
  - a) requesting an Order of support **on the Application for Protective Intervention Hearing (Pursuant to Section 25, 26 or 36)**, or
  - b) arranging to have their solicitor file an Application for Support (Pursuant to Section 41).
9. When an Application for Support (Pursuant to Section 41) 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.
10. The person who served notice is required to 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. A copy is kept for the file.

### **Order granted**

11. 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, attention: Manager of Financial and General Operations**, for the benefit of the Crown and payments will be forwarded by the Support Enforcement Agency.

**Exceptions:** None

**Relevant Documents:**

- Child Support Guidelines
  - <http://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.asp>
  - <https://laws-lois.justice.gc.ca/eng/regulations/sor-97-175/page-15.html#docCont>

## Withdrawing a Continuous Custody Order Application after a Child Turns 16 years of Age

**Policy no.:** 2.21

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019

**Policy Cross References:** Application for a Subsequent Order

**Legislative References:** s.28 When sixteenth birthday intervenes; s.49 Child returned after 72 hours

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**Purpose:** To outline the process for seeking leave and withdrawing an Application for Continuous Custody Order after a child has turned 16 years of age.

### Policy:

1. In accordance with s.28, an order for supervision, interim custody or temporary custody ceases to have effect on the child's sixteenth birthday **unless** an **Application for a Continuous Custody Order** pursuant to s.36 has been filed before the child's sixteenth birthday in which case the custody or supervision order remains in effect, regardless of the youth's living arrangements, until:
  - a) the Application for a Continuous Custody order is heard and decided by the court; or
  - b) an Application Seeking Leave to withdraw the Application for a Continuous Custody Order is filed with the court and the matter is heard and decided by the court.
2. When Application for Continuous Custody Order 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 the Department no longer wishes to proceed with the matter;

A social worker shall advise their solicitor that the Department will be not be proceeding with the continuous custody application and the social worker shall seek leave of a judge to withdraw the Application for Continuous Custody Order.
3. The manager who is the applicant on the application shall be notified and in agreement with the **Application Seeking Leave to Withdraw** the Application for a Continuous Custody Order before the application is filed with the court.

## Procedures:

1. When a decision has been made to return a youth after an Application for a Continuous Custody Order (s.36) has been filed, but before the conclusion of a hearing, the social worker shall advise their solicitor that CSSD will not be proceeding with the continuous custody application and will be filing an Application Seeking Leave to Withdraw the Application for a Continuous Custody Order with the court on or after the child's 16<sup>th</sup> birthday.
2. This shall be done by the social worker as soon as possible after the decision is made to return the youth by:
  - a) filing with the court an Application Seeking Leave to Withdraw. The application shall include a written explanation of the change in circumstances; and
  - b) requesting, from the court, a date for the hearing. It is preferred practice that the social worker obtains the earliest date possible.
3. **No later than three (3) days** after the date of the hearing is obtained, but before the date of hearing, a social worker, or person designated by a manager, shall serve all persons who were served notice of the Application for a Continuous Custody Order with notice of the time and place of the hearing.

The social worker shall also serve all parents who were named as respondents in the Application for Continuous Custody Order with a copy of the Application Seeking Leave to Withdraw. The application shall include a written explanation of the change in circumstances.

4. The person who serves notice completes an Affidavit of Service for each person served using the appropriate Affidavit of Service form. 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 Departments file.
5. It is preferable that each Affidavit of Service is filed with the court prior to the hearing date set for the Application Seeking Leave to Withdraw. However, in cases where this is not possible, the social worker can file the Affidavit of Service on the day of the court hearing.
6. Where leave of a judge is sought, the matter shall be heard no later than the date set for the hearing date set for the Application for a Continuous Custody Order.
7. If a youth who is in the custody of a manager is sent home prior to the matter being heard in court, the youth will remain in the manager's custody until the matter is heard and decided upon in court. **Only in exceptional circumstances should a youth be sent home prior to the matter being heard in court. Should this occur, the parent(s) shall be informed that the manager still has custody of the youth and is responsible for decisions relating to the care of the youth.**

**Exceptions:** None

**Relevant Documents:**

Forms Package: **Supreme Court 47-101/Provincial Court 47-101**

- Application Seeking Leave to Withdraw
- Affidavit of Service to Parent
- Affidavit of Service to Youth
- Affidavit of Service to Indigenous Representative

## Application to Rescind a Continuous Custody Order

**Policy no.: 2.22**

**Effective Date: March 2007 Date Revised: June 28, 2019**

**Policy Cross References:** Planning: Continuous Custody Order Ceases to Have Effect for a Child or Youth

**Legislative References:** **s.42** When continuous custody order ceases to have effect;  
**s.44** Rescinding continuous custody order

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**Purpose:** To outline the purpose and process for rescinding a continuous custody order.

### **Policy:**

1. A social worker or manager may make an application to rescind a continuous custody order where:
  - a) they believe the circumstances have changed significantly since the order for continuous custody was made, and
  - b) a manager has not consented to the adoption of the child or youth under the Adoption Act, 2013.

### **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) a manager has not consented to the adoption of the child or youth under the Adoption Act, 2013.
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 for that child or youth was made and it is in the best interests of the child or youth that the continuous custody order be rescinded.
3. Prior to making a final decision to return a child who is in the continuous custody of a manager to a parent, the social worker shall complete, in accordance with the **Structured Decision Making® (SDM®) Model**, the SDM® Reunification Assessment to determine if the child can return home safely.



4. Where there is **an intention** to make an application to rescind the continuous order, the social worker and their supervisor shall advise and consult with a solicitor and the manager who has custody of the child or youth.
5. Rescinding a Continuous Custody Order is a process that requires the leave of a judge to be heard. In circumstances where a social worker, supervisor and manager believe that it is appropriate to rescind a continuous custody order, they shall consult with and determine whether some or all of the parties to the continuous custody order are in support of the plan. A social worker shall consult with their supervisor if there are any reasons why they do not believe that consultation with a party to the Continuous Custody application is necessary or appropriate.
6. In addition to completing the SDM® Reunification Assessment, a social worker shall also complete a SDM® Family Strengths and Needs Assessment (FSNA) and FCAP **prior** to the return of a child home.
7. The updated FCAP must be approved by a supervisor and signed by parent(s), supervisor and social worker prior to filing an Application to Rescind a Continuous Custody Order with the court. The FCAP shall include the family's strengths and needs, as identified on the FSNA, as well as outline the changes required by the family and specific interventions the family will engage in.
8. The supervisor shall inform and consult with the manager who has custody of the child or youth prior to the application being filed in court. The manager shall be in agreement with the application prior to it being filed to rescind continuous custody of the child or youth.
9. 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 their signature and sign as a Commissioner for Oaths; and
  - c) filing the application at the courthouse.
10. Where leave is granted by a judge, a social worker would then file an Application to Rescind a Continuous Custody Order however in some circumstances a social worker make seek leave and file an Application to rescind a Continuous Custody Order at the same time. A social worker shall discuss the preferred process with their solicitor prior to filing an Application Seeking Leave or an Application to Rescind a Continuous Custody order.
11. A social worker files an Application to Rescind a Continuous Custody Orderby:
  - a) Completing the Application to Rescind a Continuous Custody Order requesting permission from the court to rescind the order. The application should set out the circumstances under which the social worker believes that it is appropriate to

rescind the continuous custody order, and include information that supports the new plan for the child, and whether other parties to the continuous custody order and the child, where appropriate, also support this plan.

- b) signing an affidavit attesting to the truth of the information contained in the application and arranging for another social worker to witness their signature and sign as sign as a Commissioner for Oaths; and
  - c) filing the application at the courthouse.
12. Where an Application to Rescind a Continuous Custody Order has been filed, a social worker shall serve notice of time and place of the hearing at **least 10 days** prior to the hearing on:
- a) a parent of the child or youth;
  - b) a child or youth, where this child is 12 years of age or over;
  - c) any other party to the continuous custody application; and
  - d) the appropriate Indigenous representative where:
  - e) a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
  - f) an Indigenous Representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.

13. When a social worker serves notice to a parent or another party to the Continuous Custody application, that person shall also be provided with a copy of the application.

Children 12 years of age or older and Indigenous representative receive notice of the time and place of the hearing but are not by default, parties to an application.

### **Exceptions:**

1. Procedures pertaining to the completion of SDM documents do not apply if the Department is seeking to rescind a Continuous Custody Order of a youth. All other policies and procedures apply.

### **Relevant Documents:**

#### **Forms Package: Supreme Court 47-26/Provincial Court 47-27**

- Application Seeking Leave

#### **Forms Package: Supreme Court 47- 28/Provincial Court 47-29**

- Application to Rescind a Continuous Custody Order

## Child Returned at Any Time

**Policy no.: 2.23**

**Effective Date: March 2007**

**Date Revised: June 28, 2019**

**Policy Cross References:** **2.16** Plan for the Child; **2.17** Types of Supervision and Custody Orders Requested on an Application for Protective Intervention hearing or an Application for a Subsequent Order

**Legislative References:** **s.47** Child returned at any time; **s.48** Child returned within 72 hours; **s.49** Child returned after 72 hours; **s.50** Child returned after protective intervention hearing

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**Purpose:** To outline the process for returning a child who is in the care or custody of a manager to their parent(s).

### Policy:

1. A child who is in the care or custody of a manager may be returned to the parent from whom the child was removed where:
  - a) the circumstances have changed so that the child, in the opinion of a manager or social worker, is no longer in need of protective intervention; and/or
  - b) the parent enters into a written agreement that is considered, by a manager or social worker, to be adequate to protect the child.
2. When returning a child to a parent, consideration should be given as to whether the child should be returned under a Supervision Order. Where a child is returned to the parent and a Supervision Order is required, please refer to policy 2.17 for details on applying to the court for a Supervision Order.
3. The process to follow when returning a child depends on the time since removal and whether there is a court order in effect.

### Procedures:

1. Prior to making a decision to return a child who is in the care or custody of a manager to a parent, the social worker shall:
  - a) Complete, in accordance with the Structured Decision Making® (SDM®) Model, the SDM® Reunification Assessment to determine if the child can return home safely;
  - b) review, if completed, the most recent Family Centered Action Plan (FCAP) and Plan for the Child; and

- c) review, in consultation with a supervisor, any existing court orders as well as the completion of conditions attached to the order (if applicable).
- 2. The social worker shall consult with a supervisor when making the decision to return a child to their 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 can safely return to their parent's care.
- 3. The manager who has care or custody of the child shall be consulted on the decision to return a child. This consultation shall include, where one is in effect, a review of the Plan for a Child, the order and any conditions attached to that order. The supervisor is responsible for informing and consulting with the manager prior to the return of any child.
- 4. The social worker and/or supervisor shall consult with their solicitor immediately following the decision to return the child to determine required legal actions.
- 5. In addition to the SDM® Reunification Assessment, a social worker shall complete a SDM® Family Strengths and Needs Assessment (FSNA) and FCAP **prior** to the return of a child home.
- 6. The updated FCAP must be approved by a supervisor and signed by parent(s), supervisor and social worker prior to filing a Notice of Discontinuance, Application Seeking Leave or an Application to Rescind an Order with the court. The FCAP shall include the family's strengths and needs, as identified on the FSNA, as well as outline the changes required by the family and specific interventions the family will engage in to reduce risk and increase safety and well-being for the child.

**Child returned immediately after removal and before an Application for a Protective Intervention Hearing is filed with the court**

- 7. There may be exceptional circumstances in which a child is removed (with or without a warrant) and is returned to the parent almost immediately. When considering to return a child before the Application for a Protective Intervention Hearing is filed with court (which is within 24 of removal), a social worker shall follow the policy statements above and procedures 1-8.

In cases in which a child is returned before the Application for a Protective Intervention Hearing is filed with court no further court action is required by the social worker because an application has not been filed. In these matters, the social worker **shall consult** with their solicitor for direction as the solicitor may still decide to file a Notice of Discontinuance.

- 8. A social worker may complete a safety plan instead of the SDM® Reunification Assessment, SDM® FSNA and FCAP in cases in which:

- a) the Department had no prior involvement with the family,
- b) a removal occurred immediately following a referral,
- c) The circumstances changed significantly when new information was obtained that led to a decision to return a child, and
- d) The child is returned after the removal but before the Application for a Protective Intervention Hearing is filed with court (which is within 24hr of removal)

**Child returned within 72 hours of removal and an Application for a Protective Intervention Hearing has been filed with the court**

9. When considering to return a child within 72 hours of removal and an Application for a Protective Intervention Hearing has been filed with the court, a social worker shall following the policy statements above **and** procedures 1-6 and 9-11.
10. When a decision has been made to return the child and it is **within 72 hours** of removal and an Application for a Protective Intervention Hearing has been filed with the court, the social worker shall as soon as possible:
  - a) file a Notice of Discontinuance (s.48) with the court, which includes a written explanation of the change in circumstances and a copy of the written agreement (i.e. FCAP) entered into with the parent that is considered by a manager or social worker to be adequate to protect the child;
  - b) serve Notice of Discontinuance to the persons who received notice of the Application for a Protective Intervention Hearing; and
  - c) provide parents and all other parties who received a copy of the original Application for Protective Intervention Hearing with a copy of the Notice of Discontinuance application, including the copy of the written agreement (i.e. FCAP).
11. 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.

**Child returned after 72 hours but before the conclusion of a Protective Intervention Hearing**

12. When considering returning a child after 72 hours but before the conclusion of a protective intervention hearing, a social worker shall follow the policy statements above and procedures 1-6 and 12-17.
13. When a decision has been made to return a child and it is **after 72 hours** of removal but before the conclusion of a Protective Intervention Hearing, the social worker shall seek leave of a judge to withdraw the application for a Protective Intervention Hearing by filing with the court an Application Seeking Leave (s.49) to withdraw the application. This shall be done as soon as possible after the decision is made to return the child by:
  - a) filing with the court an Application Seeking Leave (s.49). The application shall

- include a written explanation of the change in circumstances and a copy of the written agreement (i.e. FCAP) entered into with the parent that is considered by a manager or social worker to be adequate to protect the child;
  - b) requesting, from the court, a date for the hearing to be held no later than the date set for the Protective Intervention Hearing;
  - c) serving notice of the time and place of the hearing on all persons who receive notice of the application for a Protective Intervention Hearing; and
  - d) providing the parent(s) and all other parties who received a copy of the original Application for Protective Intervention Hearing with a copy of the Application Seeking Leave (s.49), including the copy of the written agreement (i.e. FCAP).
14. The person who served notice completes an Affidavit of Service for each person served using the appropriate Affidavit of Service form.
15. It is preferable that each Affidavit of Service shall be filed with the Court prior to the hearing date set for the Application Seeking Leave. However, in cases where this is not possible, the social worker can file the Affidavit of Service on the day of the court hearing.
16. Where leave of a judge is sought, the matter shall be heard no later than the date set for the Protective Intervention Hearing and the judge may rescind an outstanding order made at a Presentation Hearing in relation to the child.
17. If a child is sent home prior to the judge rescinding the order, the child will remain in the manager's custody until the matter is heard and the judge makes a decision, **regardless** of where or with whom the child resides.

**Only in exceptional circumstances should a child be sent home prior to a judge rescinding the order. Should this occur, the parent(s) shall be informed that the manager still has custody of the child and is responsible for decisions relating to the care of the child.**

### **Child returned after the Protective Intervention Hearing**

18. When considering returning a child to the custody of their parent(s) from whom the child was removed and it is after a Protective Intervention Hearing but before the expiration of an order of temporary custody, a social worker shall follow the policy statements above and procedures 1-6 and 18-23.
19. Where a decision has been made to return a child to the care and custody of their parent(s) before the expiration of an order of temporary custody, the social worker shall file an Application to Rescind an Order or Application to Vary an Order (s.50) as soon as possible after the decision is made by:
- a) filing with the court an Application to Rescind an Order (s.50) **or** an Application to Vary an Order (s.50). The application shall include a written explanation of the

change in circumstances and a copy of the written agreement (i.e. FCAP) entered into with the parent that is considered by a manager or social worker to be adequate to protect the child, and

- b) requesting a hearing date from the court.

**Careful consideration shall be made as to whether a request is made to rescind or vary an order. If a temporary custody order is rescinded it will mean that the order did not exist and it will not count towards the numbers of temporary custody orders in accordance with s.33 of the Act.**

- 20. When an application to vary an order is filed with court to return the child to the care of their parent(s) under a Supervision Order, the Plan for the Child shall be updated and filed with the court when the application is filed and provided to the parents at the same time they are served the application.
- 21. No later than 10 days before the date set for a hearing, a social worker shall serve, or make arrangements to have the following individuals served the notice of time and place of the hearing:
  - a) a parent of the child;
  - b) the child, where the child is 12 years or age or older, and
  - c) the appropriate Indigenous representative where a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.
- 22. Where a parent has been served with notice of hearing, they shall also be served with a copy of the Application at the same time.
- 23. If a child is sent home prior to the judge rescinding or varying the order, the child will remain in the manager's custody until the matter is heard and the judge makes a decision, regardless of where or with whom the child resides.

**Only in exception circumstances should a child be sent home prior to a judge rescinding or varying the order. Should this occur, the parent(s) shall be informed that the manager still has custody of the child and is responsible for decisions relating to the care of the child.**

## **Exceptions:**

- 1. A FCAP is not required if the child is returned home under a supervision order and there is a current and relevant Plan for the Child in effect.

## **Relevant Documents:**

- **Forms Supreme Court 47-34/Provincial Court 47-35**
  - Application to Rescind an Order (s.50)

- **Forms Supreme Court 47-102/Provincial Court 47-102**
  - Application to Vary an Order (s.50)
- **Forms Supreme Court 47-32/ Provincial Court 47-33**
  - Application Seeking Leave to Withdraw (s.49)
- Family Centered Action Plan (FCAP), **Form 14-858**
- **Forms Supreme Court 47-30/Provincial Court 47-31**
  - Notice of Discontinuance (s.48)



## Consent Orders

**Policy no.: 2.24**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019**

**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.61** 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 CYFA.
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 they 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:** None

**Relevant Documents:** None

## Offences Against Children

**Policy no.: 2.25**

**Effective Date: March, 2007**

**Date Revised: June 28, 2019**

**Policy Cross References:**

**Legislative References:** **s.98** General offence; **s.99** Contributing to an offence; **s.100** Offence to remove a child or youth from manager; **s.101** Liability for an offence

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**Purpose:** To outline a social worker's response when there is, or may be, an offence against a child committed as per Part XI of the CYFA.

### **Policy:**

1. The social worker shall make a referral to the police for an investigation where it is believed, in consultation with a supervisor, that an offence has been committed under the CYFA.
2. The offences against children found in the CYFA are specific to offences under this legislation and are not found in any other statutes.

### **Procedures:**

1. The social worker shall familiarize themselves with the **Offences Against Children Part XI of the Act** in order to determine when an offence against a child has occurred.
2. The social worker **shall** inform a supervisor when an offence has occurred or is likely to be committed.
3. 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.

**Exceptions:** None

**Relevant Documents:** None

## Application for a Permanent Transfer of Custody Order after Continuous Custody

**Policy no.:** 2.26

**Effective Date:** June 28, 2019

**Date Revised:** October 23, 2020

**Policy Cross References:** 2.2 Service of Notices and Documents - General Direction 2.16 Plan for the Child; 3.8 Consulting and Informing a Child or Youth; 3.34 Permanent Transfer of Custody

**Legislative References:** s.42 When continuous custody ceases to have effect, s.43 Permanent transfer of custody after continuous custody order; s.103 Monitoring Plans

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**Purpose:** To outline the policies and procedures to be followed when filing an application for a **Permanent Transfer of Custody Order** for a child or youth in continuous custody.

### Policy:

1. Where it has been determined that Permanent Transfer of Custody is in the best interest of a child or youth in the continuous custody of a manager, the social worker may file an Application for a Permanent Transfer of Custody after a Continuous Custody Order (s.43) with the court.

### Procedures

1. The decision to file an Application for a Permanent Transfer of Custody after a Continuous Custody Order must be given careful consideration in the context of permanency planning and the child or youth's best interest.
2. The social worker shall advise their solicitor as soon as possible, and prior to a hearing, of the application.
3. A social worker may file an Application for an Order for the Permanent Transfer of Custody after a continuous custody order where:
  - a) The manager is in agreement that it is in the best interest of the child or youth;
  - b) all appeals related to the continuous custody order have been heard and the continuous custody order has been upheld;
  - c) adoption has been given full consideration as it is the preferred alternate permanency plan;
  - d) the child has been residing with the person to whom custody is to be permanently transferred for a period of **6 consecutive months** immediately before the application is filed and that person meets the definition of kin to the child; or the child has been residing with the person to whom custody is to be permanently

transferred for a period of **12 consecutive** months immediately before the application is filed and that person did not meet the definition of kin to the child prior to the child coming into care;

- e) the person to whom custody is to be permanently transferred consents; and,
- f) the child consents where the child is 12 years of age or older.

4. Where a decision is made to file an Application for a Permanent Transfer of Custody Order After a Continuous Custody Order the social worker shall complete and file the following with the court:

- a) the Application for a Permanent Transfer of Custody After a Continuous Custody Order;
- b) a signed Affidavit, attesting to the truth of the information contained in the application; and,
- c) a Transfer of Permanent Custody documentation package which is attached to the application and includes:
  - i. consent of child (over 12);
  - ii. consent(s) of person to whom custody is being transferred; and,
  - iii. home approval package (as per policy 3.35, the home approval package contains a home assessment, supporting documentation and a copy of the checklist).

5. A social worker shall not request conditions be attached to the order.

6. When filing the application, a social worker shall request a date for the hearing to be held **no later than thirty (30) days** after the application has been filed.

7. The social worker shall serve or make arrangements to have notices served of the time and place of the hearing **not later than three (3) days** after the filing of the Application to:

- a) a person to whom custody is being transferred;
- b) the child, where the child is 12 years of age or older, or the youth;
- c) where the child or youth is Indigenous, the Indigenous representative of the appropriate Indigenous government or organization; and
- d) a person who, under an order for continuous custody has been granted access with the child or youth.

8. Where a parent(s) continues to have active involvement with the child or youth after continuous custody, a manager shall provide the parent(s) with written notification of the decision to proceed with transferring custody.

9. **No later than three (3) days** after the application is filed, the social worker shall serve the person(s) to whom custody is being transferred (respondents) with:

- a) notice of the time and place of the hearing using the Notice to Respondent form; and

- b) a copy of the Application for a Permanent Transfer of Custody after a Continuous Custody Order (s.43).
10. The social worker shall serve the child 12 years of age and over with notice of the time and place of the hearing **not later than three (3) days** after the application is filed using the Notice to Child form.
  11. The social worker **does not serve** the child with the Application for a Permanent Transfer of Custody after a Continuous Custody order but shall discuss with the child the order being requested. If a social worker decides to provide a copy of the application to the child, they shall do so in accordance with policy on **Service of Notices and Documents – General Direction**.
  12. Although the **CYFA** 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 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.
  13. The social worker shall serve the appropriate Indigenous representative with notice of the time and place of the hearing **not later than three (3) days** after the application is filed using the Notice to Indigenous Representative form where:
    - a) a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
    - b) an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.
  14. When serving an Indigenous representative, service shall be done in accordance with the **Service of Notices and Documents - General Direction policy**.
  15. The social worker shall serve a person(s) who under an order for continuous custody has been granted access with the child/youth, with notice of the time and place of the hearing **not later than three (3) days** after the application is filed using the Notice to Person with Court Ordered Access form.
  16. The person who served notice is required to complete an Affidavit of Service for each person served using the appropriate affidavit of service form. Each Affidavit of Service shall be filed with the court prior to the hearing, and shall clearly state what was served. A copy of the affidavits shall be placed on file.
  17. When a social worker has been unsuccessful in serving any required person within the timelines, the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction** for further information.
  18. A judge may make an order permanently transferring custody of the child or youth from a manager to a person other than the parent(s) from whom the child or youth was removed where:

- a) the person to whom custody is to be permanently transferred consents;
  - b) the child, where the child is 12 years of age or older, or the youth consents; and,
  - c) he or she believes it is in the best interest of the child or youth to do so.
19. Where a judge makes an order permanently transferring custody, the order may contain reasonable conditions that apply to the person to whom custody of the child or youth is permanently transferred but shall not contain conditions that apply to a manager, a social worker or the department.

**Exceptions:** None

### **Relevant Documents:**

#### **Forms Package: Supreme Court 47-134/Provincial Court 47-134**

- Application for a Permanent Transfer of Custody after a Continuous Custody Order (s.43)
- Notice to Person to Whom Custody is Being Transferred
- Notice to Child
- Notice to Indigenous Representative
- Notice to Person with Court Ordered Access
- Affidavit of Service to Person to Whom Custody is Being Transferred
- Affidavit of Service to Child
- Affidavit of Service to Indigenous Representative
- Affidavit of Service to Person with Court Ordered Access

#### **Home Approval Package:**

- Permanent Transfer of Custody Home Assessment, **Form 42-548**
  - **Attach supporting documentation**
- Permanent Transfer of Custody – Approval Checklist, **Form 42-542**
- Consent of Child for Permanent Transfer of Custody, **Form 42-545**
- Consent of Person to Whom Custody is being Transferred, **Form 42-546**

## Transferring an Order of Supervision or Custody between Managers

**Policy no.: 2.27**

**Effective Date: June 28, 2019**

**Date Revised: October 23, 2020; June 30, 2021**

**Policy Cross References:** 3.39 Child or Youth in Care, or under a Manager's Supervision, Moves Outside of the Custodial Zone within Newfoundland and Labrador; 3.40 Managers: Decision Making for Children and Youth in Care

**Legislative References:** s.4 Managers; s.46 Transfer between managers; s.46.1 Application to transfer between managers

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**Purpose:** To outline the process to transfer a supervision or custody order of a child/youth to another manager.

### Definitions:

- Originating manager – manager who has custody or supervision of a child.
- Original order - order that is in effect.

### Policy:

1. A manager who has supervision or custody of a child or youth may transfer the order of supervision or custody to another manager as per s.46 and s.46(1) of the CYFA where both managers agree to the transfer.
2. Situations where both managers may agree to transfer an order of supervision or custody include:
  - a) When the receiving manager is required to make decisions pertaining to the child for a **significant** period of time because the child/youth has moved and it is anticipated that they will remain in the new zone for the duration of the order;
  - b) The permanency plan for the child is adoption or a permanent transfer of custody pursuant to s.43, and the manager who is making day to day decisions for the child does not have continuous custody of the child; or
  - c) the coordination of services for the child/youth would be best coordinated by the zone manager responsible where the child or youth resides.
3. The receiving manager shall be in agreement with the plan to transfer an order of supervision or custody.
4. Where all conditions of the existing order can be met by the receiving manager if the order is transferred, a manager may in accordance with s.46, file a **notice** with the court transferring supervision or custody to the other manager. A transfer is effective upon filing of this notice.

5. Where a condition of the existing order **cannot** be met by the receiving manager if the order is transferred, a manager is required to file, in accordance with s.46.1, an **application** with the court. A transfer is effective upon the order being granted by a judge.
6. Where an order of supervision or custody of the child/youth is transferred, the receiving manager has supervision or custody of the child/youth as outlined in the order, and the manager who made the transfer ceases to have supervision or custody of the child/youth.
7. Where the child or youth is Indigenous, the originating manager **shall** attempt to discuss with the Indigenous Representative their perspective regarding the decision to transfer an order of supervision or custody.

### **Procedures:**

1. Consultation shall occur between the transferring manager and the receiving manager to ensure smooth transition. The consultation shall include a review and discussion of the Plan for the Child filed with the court and the most current In-Care Progress Report (if applicable).
2. Prior to filing a notice or application with the court:
  - a) Both managers shall review the conditions of the order to determine if all the conditions can be met if the order is transferred, and
  - b) Where possible, consult with their solicitor to confirm whether a notice or application is required to be filed with the court.

### **Filing a Notice**

3. Where all conditions of the existing order can be met by the receiving manager, a manager may file a **Notice of Transfer** with the court.
4. When a notice is filed, an application under procedure nine is not required.
5. A **Notice of Transfer** must be completed by the originating manager and filed with the court that granted the original order. A copy of the order is attached to the notice.
6. Both managers shall review and sign the notice **before** it is filed with the court.
7. On the day the **Notice of Transfer** is filed with court, the receiving manager shall be verbally notified and within 24 hours a copy of the notice shall be provided to the receiving manager and placed on the child's file and family's protective intervention file, where applicable.
8. When a **Notice of Transfer** is filed with court, there is no requirement under the CYFA to serve notice on an individual that a court order has been transferred from one



manager to another. However, as part of ongoing case planning for the child, a social worker, in consultation with a supervisor, may choose to discuss or inform a child (where age and developmentally appropriate) youth, parent or Indigenous representative that supervision or custody of that child/youth resides with a different zone manager that the order has been transferred.

Circumstances will vary, however consideration may be given as to whether the order being transferred is a supervision, temporary or continuous custody order; if a parent has court ordered access and if an Indigenous representative was present at the hearing in which the original order was granted.

### **Filing an Application**

9. Where a condition of the existing order **cannot** be met by the receiving manager if supervision or custody is transferred, a Notice of Transfer **cannot** be filed. Instead, the originating manager may file an **Application to Transfer between Managers (Pursuant to s.46(1))** with the court.
10. The application shall be signed by the **originating** manager and shall include:
  - a) why the decision to transfer custody has been made;
  - b) why it is in the child/youth's best interests; and,
  - c) how the transfer of custody will have an impact on conditions attached to the existing order (such as services and/or access with the child/youth's family), and how it will be addressed or a request to remove the condition from the new order.
11. Prior to filing the application, the custodial manager and the receiving manager shall review the **Application to Transfer between Managers**.
12. Once reviewed, the custodial manager shall complete an Affidavit of Manager Transferring Supervision or Custody of Child/Youth to Another Manager and the receiving manager shall complete an Affidavit of Manager Accepting Supervision or Custody of Child/Youth from Another Manager.
13. A social worker shall file with the court that granted the original order:
  - a) the Application with the two managers' affidavits attached and a copy of the original order, and
  - b) an Affidavit attesting to the truth of the information contained in the application.
14. If the parents and child(ren) no longer reside in the jurisdictional area of the court that granted the original order, the social worker shall consult with their supervisor and solicitor to determine which court center the application should be filed in.
15. When a social worker files the application, they shall request from the court a date for the hearing to be held **no later than 30 days** after the date on which the application is filed.

16. A social worker shall notify the court clerk and their solicitor of the need for an interpreter/translator for the parents, if applicable.
17. **No later than 10 days before the** date set for the hearing, a social worker, or person designated by a manager, shall serve the time, date and place of hearing on:
  - a) All persons who meet the definition of a parent using the **Notice to Parent** form.
  - b) Child 12 and over, and youth, using the **Notice to Child** form,
  - c) The appropriate Indigenous representative using the **Notice to Indigenous representative** form where:
    - i. a manager or social worker believes the child is an Indigenous child in accordance with s.2(n) of the Act, and
    - ii. an Indigenous representative has been designated by an Indigenous government or organization prescribed in the Schedule in the Act.
  - d) Any other party to the hearing at which the original order was made.
18. When a parent or another party to the hearing at which the original order was made is provided notice of the hearing, they shall be provided a copy of the application.
19. The social worker **does not serve** the child with the Application but shall discuss with the child the order being requested and the Plan for the Child. Although the CYFA 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.
20. When serving an Indigenous representative of the time and date of hearing, service shall be done in accordance with the **Service of Notices and Documents - General Direction policy**.
21. The person who served notice is required to 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. A copy is kept for the file.
22. When a social worker has been unsuccessful in serving a person within the timelines the social worker shall document all attempts of service and advise their solicitor. Refer to policy **Service of Notices and Documents – General Direction**.
23. As soon as possible, and prior to a hearing, a social worker shall notify their solicitor of the application.
24. The manager named in the current order remains responsible for the supervision or custody of the child/youth until a new order is granted by the court.
25. Managers shall maintain communication to ensure there is no impact on clinical decision making regarding the child/youth during this period of time and ensure they

are aware when the new order is granted.

26. Once an order is granted by a judge, a copy of the new order shall be provided to the receiving manager, placed on the child/youth's file and the parent's file, if applicable.

### **Relevant Documents:**

- **Notice of Transfer (pursuant to s.46) Supreme Court 47-135/Provincial Court 47-136**
- **Forms Package: Supreme Court 47-22/Provincial Court 47-23**
  - Application to Transfer between Manager (Pursuant to s.46.1)
  - Affidavit
  - Notice to Parent
  - Notice to Children
  - Notice to Indigenous Representative
  - Notice
  - Affidavit of Service to Parent
  - Affidavit of Service to Child
  - Affidavit of Service to Indigenous Representative
- **Affidavit of Manager Transferring Supervision or Custody of Child/Youth to Another Manager**
- **Affidavit of Manager Accepting Supervision or Custody of Child/Youth from Another Manager**
- **In Care Progress Report**
- **Plan for the Child**

## 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 the **Plan for the Child** submitted to the **Court**. All decisions made regarding children and youth in care are made in accordance with the best interests of the child or youth as outlined in s.9 of the **Children, Youth and Families Act**.

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

- the child or youth is the primary focus of all planning;
- permanency planning for the child or youth is paramount;
- the child or youth is included in planning based on his or her age and developmental stage;
- a plan is developed to maintain the child or youth's contact with their **parent(s)**, siblings, extended family and significant others; and
- there is recognition of the importance of the child or 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 an in care planning team that meets regularly and includes:

- the child or youth (where developmentally appropriate);
- the social worker;
- the child or youth's parents;
- the foster care providers;
- **Indigenous representative** (if applicable)
- community partners (e.g., teacher, counselor, cultural leader); and,
- other persons significant to the child or youth.

### 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 or youth's life in care, and contains critical **information** when a former child or youth in care requests information about their time in care through file disclosure.

## Effect of Interim Care or Interim Custody of a Child or Youth

**Policy no.: 3.2**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019**

**Policy Cross References: 3.19 Medical Consent**

**Legislative References: s.24** Interim care of a child after removal; **s.31** Presentation hearing; **s.38** Effect of Interim custody order.

**Purpose:** To outline the effect of **interim care** after the **removal** of a child or youth and the effect of an **interim custody** order made at the **Presentation Hearing**.

### 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 the parent from who they were removed under s.48 of the CYFA; or
  - b) a **judge** makes an order at a Presentation Hearing under s.31 of the CYFA.
2. Where a 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 a manager or a social worker consents to necessary health care for the child or youth in interim care, the social shall notify the parent from whom the child was removed.
4. Where a child is removed from a parent(s) while hospitalized, the social worker shall advise the hospital administration and the attending physician of the removal.
5. Where an order of Interim Custody is made at a Presentation Hearing in accordance with paragraph 31(2)(e) of the CYFA , the manager has custody of the child or youth until the conclusion of the **Protective InterventionHearing**.
6. Where a manager has Interim Custody of the child or youth, the manager or social worker may:
  - a) make all decisions regarding the child or youth until the conclusion of the Protective Intervention Hearing; and

- b) consent to necessary health care for the child or youth as recommended by a qualified health practitioner, where the child's parent is unavailable or refuses to consent to the health care.

**Procedures:**

1. The social worker shall refer to the **Medical Consent** policy for further direction regarding medical consent for a child or youth in Interim Care or Interim Custody.
2. While the manager or social worker has the right to make all decisions regarding a child or youth in interim custody, with the exception of medical decisions as outlined in the Medical Consent policy, 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.

**Exceptions:** None

**Relevant Documents:** None

## Effect of a Temporary Custody Order

**Policy no.:** 3.3

**Effective Date:** March 2007

**Date Revised:** June 30, 2011; June 28, 2019

**Policy Cross References:** 3.19 Medical Consent

**Legislative References:** s.39 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 or youth's behalf.

### Policy:

1. Where an order for temporary custody is made under paragraph 32(2)(c) of the CYFA, the manager has custody of the child or youth for the period specified and the manager or social worker has the right to make all decisions regarding the child or youth during the specified period.
2. While a child or youth is in the temporary custody of a manager, the manager or social worker may consent to necessary health care for the child or youth as recommended by a qualified health practitioner, where the child or youth's parent is unavailable or refuses to consent to the health care.
3. 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 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 age and developmentally appropriate 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 consent to necessary health care for the child or youth as recommended by a qualified health practitioner, where the child or youth's parent is unavailable or refuses to consent to the health care.
3. The social worker shall refer to the **Medical Consent** policy for further direction related to obtaining and providing medical consent.

**Exceptions:** None

**Relevant Documents:** None



## Effect of a Continuous Custody Order

**Policy no.:** 3.4

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019; June 30, 2021

**Policy Cross References:** 3.19 Medical Consent

**Legislative References:** s.32 Protective intervention hearing; s.40 Effect of continuous custody order; s.42 When continuous custody ceases to have effect

**Purpose:** To outline the effect of a **continuous custody** order, specifically as it relates to decision making on the child or youth's behalf.

### Policy:

1. Where an order for continuous custody is made under paragraph 32(2)(d) of the CYFA, the manager becomes the sole custodian of the child or youth and has the right to make all decisions regarding the child or youth.
2. Where a child or youth is in the continuous custody of a manager, the manager or social worker may consent to provision of health care.
3. Where a child or youth is in the continuous custody of a manager, the manager **who has custody** may consent to the adoption of the child or youth.
4. At least 30 **days** before consenting to the adoption of the child or youth, the manager or social worker shall inform any person who, as a condition of an order for continuous custody under paragraph 32(2)(d), was granted access with the child or youth, of the manager's intention to consent to the adoption.
5. An order of continuous custody does not affect the rights of a child or youth with respect to inheritance or succession to property.
6. 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 CYFA.

### Procedures:

1. The manager or social worker has the right to make all decisions regarding a child or youth in continuous custody. Where age and developmentally appropriate, the views and wishes of the child or youth shall be taken into consideration as part of the decision making process.

2. The manager or social worker may provide medical consent for a child or youth in continuous custody. The social worker shall refer to the **Medical Consent** policy for further direction.
3. The social worker, in consultation with the child or youth's planning team shall review and proceed with the alternate permanency plan for the child or youth. The plan may include:
  - a) adoption;
  - b) permanent transfer of custody;
  - c) continuation of existing placement;
  - d) supported transition to independent living.
4. The manager **who has custody** may consent to the adoption of a child or youth in their continuous custody.
5. At least 30 days before consenting to adoption, the social worker or manager shall provide written notification to any person who, as a condition of an order for continuous custody under paragraph 32(2)(d), was granted access with the child or youth, of the manager's intention to consent to the 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.

**Exceptions:** None

**Relevant Documents:**

- Adoption Act, 2013
- Children's Law Act
- Adoption Services Standards and Policy Manual

## Sharing of Information Relevant to the Care of a Child or Youth

**Policy no.:** 3.5

**Effective Date:** March 2007

**Date Revised:** June 30, 2011; June 28, 2019; February 28, 2024

**Policy Cross References:**

**Legislative References:** s.68(1) Information re child or youth's care

**Purpose:** To outline the information relevant to the care of a child or youth that must be shared with a **foster care placement** (e.g., **foster parents**, school staff, early childhood educators, childcare centers family-based caregivers, residential staff, or other person(s) entrusted with the daily care of a child or youth).

### Policy:

1. The social worker shall ensure that the **foster care placement provider** (e.g., foster parents, family-based caregivers, and residential staff) and other persons, including staff at schools or childcare centers, entrusted with the care of a child or youth, are provided with information relevant to the care of that child or youth.
2. Where there is information contained in the child or youth's file regarding involvement with the Youth Corrections Program the social worker shall determine if information may be shared as outlined in the Records Management and Access Provisions policy of the Community Youth Corrections Policy and Procedures Manual.
3. The social worker shall ensure a child's right to practice or abstain from religion is clearly stated to foster parents and to children in care, and that a child's unique circumstances and needs are assessed against any particular religious affiliation, doctrine or principles of prospective foster parents.
4. When notifying school staff, early childhood educators or daycare centers, that a child or youth has entered or exited care, the social worker must follow the Supporting Children and Youth in Care within Early Childhood and School Setting Protocol as outlined Coordinating Supports for Children and Youth Model and attached as an appendix to the Protection and In care Policy and Procedures Manual.
5. The Protocol is intended to enhance the collaboration between educators and CSSD social workers within their own policies and practices and within the Coordinating Supports for Children and Youth model.

### Procedures:

1. On the day of placement, the social worker shall provide the foster care placement with a copy of the child or youth's **placement card** in addition to the following:
  - a) hospital and MCP card numbers (if available);
  - b) reasons for removal;

- c) information regarding the child or youth's care/custody status and any upcoming court dates;
  - d) information regarding the child or youth's Indigenous status/identity and the importance of maintaining the child or youth's cultural connections;
  - e) information on any medical diagnosis, medications and any other medical needs of the child or youth;
  - f) information on any special needs of the child or youth;
  - g) information that will assist in ensuring the child or youth's safety, including the need to protect the child or youth from contact with another person;
  - h) 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 or youth towards the foster care provider or other person in the home;
  - i) information on the day-to-day care and routines of the child or youth, including sleeping habits, bedtime routine, food preferences, mealtime routines, and spiritual or cultural practices (if available);
  - j) a description of the child or youth's personality and behavior, including coping strategies, fears, likes and dislikes (if available);
  - k) information of any allegations of maltreatment involving the child or youth in previous placement settings, and whether or not the allegations were investigated and the outcome; and
  - l) any other information determined to be relevant to the care of the child or youth.
2. The social worker shall update the information on the placement card as required and provide the foster care placement with the most up to date copy.
3. 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 care placement and provide them with a written copy of the work plan portion of the IPR as soon as possible after the child or youth is placed. If an IPR has not been completed, the social worker shall provide the following information to the foster care placement as soon as possible after the child or youth is placed:
- a) names of, and contact information for, the members of the child or youths in care planning team;
  - b) relevant family history;
  - c) family visiting and contact schedule;
  - d) medical information (e.g., 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 or youth;
  - e) developmental information including physical, social and emotional development;
  - f) extra-curricular and special interests, hobbies or habits;
  - g) any specific child or youth management approaches that will benefit the child or youth's development based on the child or youth's individual needs;
  - h) child or youth's placement history including any circumstances that led to their disruption or breakdown;
  - i) previous experiences in care or in the child or youth's home that may explain the child or youth's attitude towards the foster care provider, or that may explain personal habits that cause concern;

- j) details on how the child or youth's family has reacted to their placement, including feelings, attitudes and opinions about the child or youth being removed; and
  - k) any other **relevant information** that will assist in responding to the individual needs of the child or youth.
4. If a **Cultural Connection Plan** has been completed for an **Indigenous child** or youth, the social worker shall review this plan with the foster care placement and provide them with a written copy of the work plan portion as soon as possible after the child or youth is placed.
  5. Notification to a school or childcare center that a child or youth has entered care: The social worker will inform the relevant child care service and school when a child or youth comes into care. This will occur within **THREE** days of the child or youth entering care, to ensure these service providers are aware of any immediate actions that are required (e.g., limited parental access, anticipated school transfer, etc.). The following information must also be provided as soon as possible after a child or youth is placed including:
    - a) relevant health information;
    - b) previous school **record**;
    - c) care and/or custody status;
    - d) information that will assist in ensuring the child or youth's safety, including the need to protect the child or youth from contact with another person;
    - e) name of, and contact information for, the social worker and supervisor;
    - f) name of, and contact information for, the foster care placement;
    - g) any health and safety risks posed by the child or youth towards any other person; and
    - h) any other information determined to be relevant to the care of the child or youth.
  6. The social worker will arrange a meeting with the childcare service and/or the school within 30 days of a child or youth coming into care in order to provide relevant information and discuss possible needs or challenges resulting from this transition. If the social worker, child care service or school believe that an earlier meeting is in the child or youth's best interest, either party may contact the other(s) to arrange a meeting.
  7. The social worker shall advise the foster care placement and other persons entrusted with the child or 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 or youth's placement with them.
  8. The type of information shared, and with whom, shall be documented in the child or youth's file by the social worker.

## **Exceptions:**

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

**Relevant Documents:**

- Placement Card
- In Care Progress Report

## **Sharing Placement Information with a Child, Youth and Parent(s)**

**Policy no.: 3.6**

**Effective Date: March 2007**

**Date Revised: June 30, 2011;**

**Policy Cross References:**

**Legislative References: s.68(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 parents concerning the child or youth's placement.

### **Policy:**

1. In an age and developmentally appropriate manner, the social worker shall share relevant information about the foster care placement with the child or youth.
2. The social worker shall provide relevant information to the parents about the foster care placement where the child or 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 or youth.

### **Procedures:**

1. On the day of placement, the social worker shall give the child or youth and their parents the following information about the foster care placement:
  - a) names, address and telephone numbers of the foster care providers, including the primary contact person, if applicable;
  - b) ages of all other children and youth in care residing in the foster care placement;
  - c) role of the foster care providers;
  - d) home rules;
  - e) staffing model, if applicable;
  - f) when and where visits will take place, and if visits will be supervised;
  - g) religious affiliation and practices of the foster care providers, and other religious/spiritual considerations of importance to the child or youth;
  - h) interests and hobbies in which the foster care providers regularly participate (if applicable);
  - i) any pets;
  - j) what the child or youth can expect regarding personal belongings and privacy; and
  - k) any other information that may assist the child or youth and their family in adjusting to the placement.

- 2 Where possible, the social worker should arrange for a pre-placement visit for the child or youth. The social worker shall include the parents in the pre-placement visit and/or invite the parents to accompany the child or youth when they are placed, if it is deemed in the best interest of the child or youth, and if the parent(s) is willing/able to accompany the child or youth.
- 3 Where developmentally appropriate, the social worker shall advise the child of their right to practice or abstain from religion.

**Exceptions:**

1. If, in extenuating circumstances, a social worker does not have access to some information concerning the foster care placement of the child or youth, it shall be noted in the child or youth's file and in the parent's file. 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 foster care placement if it is felt that sharing this information with the parents may place the child or youth or the foster care providers at risk of harm.

**Relevant documents:** None



## Placement Procedures

**Policy no.: 3.7**

**Effective Date: March 2007**

**Date Revised: March 31, 2014, March 28, 2018, June 28, 2019**

**Policy Cross References:** **2.11** Removal of a Child with a Warrant; **2.12** Removal of a Child with a Telewarrant; **2.13** Removal of a Child without a Warrant; **3.5** Sharing of Information Relevant to the Care of a Child or Youth; **3.8** Consulting and Informing a Child or Youth; **3.19** Medical Consent; **3.23** Financial Services for the Child or Youth; **3.24** Children's Special Allowances; **3.25** Basic Foster Care Rate;.

**Legislative References:**

**Purpose:** To outline the procedures to be followed when placing a child or youth in a foster care 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** after the removal of a child or youth or when a child or youth transitions to a new placement.
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 after removal.
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 information that indicates a child or youth has been physically or sexually abused.
4. The social worker shall provide a foster care provider with information relevant to the child or youth's care as outlined in the **Sharing of Information Relevant to the Care of a Child or Youth** policy.
5. The social worker shall ensure that a child or youth's personal belongings accompany the child or youth during their initial placement following a removal and/or when a child or youth transitions to a new placement.

### **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 regardless if it is after a removal or after a transition to another placement. Where age and developmentally appropriate, a social worker shall talk to the child or youth, about the reasons for placement and provide information about the plan for their care. Please refer to the **Consulting and Informing a Child or Youth** policy for further information.

2. Where age and developmentally appropriate, a social worker shall provide the child or youth with information about the role of the Office of the Child and Youth Advocate (OCYA) and with their contact information. This information shall be provided on the day of placement or during the visit that occurs **within seven (7) days** of placement.
3. Where a child or youth 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 should be used, however, a note may also be provided by the doctor advising of the outcome of the medical or where a child or youth is placed from the hospital, the discharge summary may replace the placement medical.
4. Where a child or youth has a physical injury, an apparent medical condition or there is information that indicates 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 **Medical Consent** policy for information related to providing consent for treatment.
5. At the time of a placement, the social worker shall complete the Placement Card and provide this to the foster care provider. Please refer to the **Sharing of Information Relevant to the Care of a Child or Youth** policy for further information regarding additional information that shall be provided.

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 **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 make an application for medical 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.
8. A social worker shall ensure that the child or youth's birth certificate accompanies the child or youth when they are being placed after a removal or if the child or youth is transitioning to another placement. Where the child or youth does not have a birth certificate, a social worker shall make application to Vital Statistics to obtain a birth certificate for a child or youth in care or custody.
9. A social worker shall ensure that the child or youth's belongings accompany the child or youth when they are being placed after a removal or if the child or youth is transitioning to another placement.

10. The social worker shall consult with the child or youth (where age and developmentally appropriate), the parents, and foster care providers to identify the belongings that should accompany the child or youth, and develop a plan to ensure items are delivered. Please refer to the **Removal of a Child with a Warrant, Removal of a Child with a Telewarrant, and Removal of a Child without a Warrant** policies for further information on obtaining a child or youth's belongings during a removal.
11. A social worker shall arrange for foster parents to receive the foster care basic rate; block funding; and if applicable, the appropriate level fee; the placement allowance; placement clothing allowance, and shall assess whether any other supports are required by the child or youth. 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:**

1. If, in exceptional circumstances, a child or youth's personal belongings cannot accompany the child or youth during a removal or when the child or youth is transitioning to a new placement (e.g. there is an immediate risk to the child or youth or the item is large and cannot be transported immediately), the child or youth's belongings should be transported as soon as possible and no later than **seven (7) days** following the placement.

### **Relevant documents:**

- Placement Card
- Placement Medical for Children and Youth Entering Care
- Pamphlet(s) from the Office of the Child and Youth Advocate

## Consulting and Informing a Child or Youth

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**Policy no.: 3.8**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019; October 21, 2021; May 10, 2023**

**Policy Cross References:** **2.2** Service of Notices and Documents – General Direction; **3.9** In Care Progress Report; **3.6** Sharing Placement Information with a Child, Youth and Parent(s)

**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 and to outline the social work contact with children and youth.

### Policy:

1. The social worker must have, at minimum, **one (1) private 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.
3. 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**.

### 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. In advance of the meeting, the

child or youth should be given the option of having someone known and trusted present.

3. In an age and developmentally appropriate manner, the social worker shall discuss the purpose of the hearing and the plan for the child or youth. This information is highly sensitive and significant consideration must be given to the emotional impact that this information may have on the child or youth.
4. While the CYFA 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 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 their views in some other way. Where a child or youth wishes to be heard, the child or youth's desire to do so should be raised at the start of the presentation hearing by the social worker or the **department** solicitor representing the social worker, in accordance with s.56 of the CYFA.
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 or youth's request by contacting the Newfoundland and Labrador Legal Aid Commission to set up an appointment for the child or youth. The social worker shall ask the child or youth who they want to take them to the appointment and if necessary, the social worker will assist with the child or youth's transportation to the appointment.

#### **Supporting and consulting the child or youth through in person contact:**

7. The social worker shall have at **minimum one (1) private, in person contact** with the child or youth **each month**.
8. Where age and developmentally appropriate, this contact shall include an interview with the child or youth to:
  - a) assess the match between the child or youth and the home;
  - b) identify and address any outstanding issues impacting the child or youth; and
  - c) discuss and monitor the child or youth's ongoing progress.
9. Where a child or youth resides in a **family-based placement** or staffed **residential placement**, the social worker shall review the quarterly reports received on the child or youth from a licensee. In reviewing the reports, the social worker will monitor the child or youth's progress and ensure that the planning and programming is consistent with the Plan for the Child, the In Care Progress Report and the Cultural Connection Plan (where applicable).

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

10. The social worker shall use the In Care Progress Report (IPR), including the Work Plan, to guide ongoing discussion and planning with a child or youth where it is age and developmentally appropriate.
11. Where the child or youth is an Indigenous child or youth, the social worker shall use the Cultural Connection Plan, including the work plan, to guide ongoing discussion and planning with a child or youth where it is age and developmentally appropriate.
12. If age and developmentally appropriate, the child or youth shall be part of the In Care Planning Team and inform the development and review of the IPR and Cultural Connection Plan (where applicable).
13. Where it is age and developmentally appropriate, the social worker shall inform and consult every child and youth in care, regarding the range of alternatives available to them after they reach their 16<sup>th</sup> or 18<sup>th</sup> birthday.
14. If a child or youth, due to age or development cannot be informed or consulted, the social worker shall observe the child or youth's interactions and relationships with their foster care providers, family members, and significant others and in consultation with the in care planning team, develop a plan deemed to be in the child or youth's best interest.

**Exceptions:** None

**Relevant Documents:**

- In Care Progress Report Template
- Cultural Connection Plan
- Cultural Connection Plan for an Innu Child
- Cultural Connection Plan for Inuit Children and Youth (Nunatsiavut Government)

## In Care Progress Report

**Policy no.: 3.9**

**Effective Date: March 2007**

**Date Revised: June 30, 2011; June 28, 2019; October 21, 2021; May 10, 2023**

**Policy Cross References: 2.16** Plan for the Child; **3.17** Cultural Connection Planning for Indigenous Children and Youth

**Legislative References: s.29(1)** Plan for the Child

**Purpose:** To outline the process for ongoing case planning for children and youth in care with a focus on permanency planning, identifying supports and services, and monitoring and documenting their progress using the In Care Progress Report (IPR).

### Policy:

1. Planning for a child or youth in care or 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 or youth is the primary focus of planning;
  - b) permanency planning for the child or youth is paramount and the plan is documented in the IPR;
  - c) planning is based on the child or youth's needs, age and developmental stage, and is consistent with the Plan for the Child submitted to Court;
  - d) there is a plan to maintain the child or youth's contact with the parents, siblings, extended family or significant others. If a child or youth is not maintaining family contact, the reason why shall be documented;
  - e) there is a recognition of the importance of the child or youth's identity and there is a plan to maintain cultural and community connections;
  - f) the identified supports and services outlined in the IPR are provided and if not, the reason is documented; and
  - g) the established plans are meeting the child or youth's needs.
2. The initial IPR shall be completed **within six (6) months** of a child or youth entering the care or custody of a manager and shall be reviewed and updated **at minimum every six (6) months** from the date the social worker completed the previous IPR.

### Procedures:

1. The IPR documents and monitors ongoing case planning with a focus on permanency planning, progress, and outcomes for every child or youth in the care or custody of a manager. It also provides a written history of a child or youth's life in care, and contains crucial information when a person who was a child or youth in care requests information about their life in care through the process of file disclosure.

2. The IPR form outlines the type of information that the social worker will gather, assess and document based on the age of the child or youth. It also contains a Work Plan where identified goals and necessary activities are documented.
3. Where a child or youth in care or custody is placed in a new placement and an IPR has been completed, the social worker will verbally share information from the most current IPR with the foster care placement and give them a paper copy of the current Work Plan.
4. The social worker shall develop or review an IPR in consultation with the members of the In Care Planning Team. Foster care placements (e.g. foster parents, family-based caregivers, and residential staff), the child or youth, parents and other members of the In Care Planning Team can be a valuable resource in compiling information to inform the IPR. This information can be gathered through contact with the placement, meetings with parents, case conferences, and consultation with counselors, teachers, and others involved in the life of the child or youth.
5. The IPR should also be informed by discussions and interviews with the child or youth, where age and developmentally appropriate, or through observations of a child or youth who is unable to engage in conversation based on their age or developmental level.
6. A blank copy of the IPR form shall be provided to the placement provider to familiarize them with the type of information that is documented on the IPR and the information they can track to provide to the social worker (e.g. child's height, weight, last dental or medical appointment, etc.).
7. The social worker shall complete and update the IPR including the IPR Work Plan for a child or youth in care using the following timeframes:
  - a) the initial IPR, including the Work Plan, shall be completed **within six (6) months** of a child or youth entering the care or custody of a manager;
  - b) the IPR, including the Work Plan, shall be reviewed and updated **at minimum every six (6) months** from the date the social worker completed the previous IPR until the child or youth leaves care or is placed for the purpose of adoption; and
  - c) the IPR, including the Work Plan, shall continue to be completed if a child or youth in care is placed in an out of province placement (OPP). This shall be completed in consultation with the receiving social worker and the staff of the OPP resource.
8. A case conference shall be held with the available members of the In Care Planning Team when developing or updating the IPR, including the Work Plan. The social worker may schedule a case conference specific to the IPR or discuss the IPR at a case conference that is already scheduled as part of ongoing case planning for the child or youth.



9. The composition of the In Care Planning Team may vary depending on the age of the child or youth, length of time in care, the types of services required, the level of parental involvement, whether the child or youth is Indigenous, etc. Where a member of the team is unable to attend a case conference, the social worker must follow up with them individually to seek feedback to inform the IPR and the Work Plan.
10. The social worker shall also review and update the Cultural Connection Plan for an Indigenous child or youth in care or custody when updating the IPR.

### **IPR Work Plan:**

11. The IPR Work Plan is part of the IPR and it is a planning tool that is individualized and based on the age, developmental stage, strengths and needs of a child or youth and shall also be completed in consultation with members of the In Care Planning Team.
12. The IPR Work Plan tracks goals, tasks required to meet each goal, persons responsible, and target and completion dates for the key areas in the life of a child or youth. The persons responsible for follow up can be any member of the in care planning team including; the child, youth or parent. The Work Plan may outline a goal(s) for each key area or only goals for select areas, depending on the strengths and needs of a child or youth at the time the Work Plan is developed.
13. Goals identified in the IPR Work Plan should be clear, simple statements that are:
  - a) Specific;
  - b) Measurable;
  - c) Attainable;
  - d) Relevant; and
  - e) Time-limited.
14. The social worker shall work with the In Care Planning Team to identify tasks and goals they feel can be achieved within 6 months. If necessary, the goals can be prioritized in a manner that best meets the immediate needs of the child or youth and are attainable in the timelines identified. All identified goals should be specific, time limited, attainable goals.

For example, a child or youth may be experiencing a high level of social anxiety and a goal for the next six months may be for the child or youth to attend counselling to attempt to reduce their anxiety. The tasks associated with this goal for the next 6 months might include: the social worker will arrange counselling, the foster parent will take the child to their appointments, and the teacher will monitor the child's ability to engage with their classmates during recess and group activities.

15. All members of the In Care Planning Team shall be given a copy of the agreed upon Work Plan.

16. The social worker, in consultation with the In Care Planning Team, shall monitor the Work Plan on an on-going basis and will determine whether the goals and tasks have been accomplished or need to be revised to best meet the needs of the child or youth. New and revised goals will be documented in the next Work Plan with new target dates so goals continue to be measurable and time limited.
17. The social worker shall review the completed IPR with a child who is 12 years of age and over, or a youth, where developmentally appropriate, and place the IPR in the child or youth's file. The child or youth may be given a copy of the IPR.
18. The social worker shall:
  - a) provide a copy of the completed IPR to the parents and place a copy of the IPR on the parent's file if the child or youth is in a **protective care agreement**, interim care, interim custody, or temporary custody;
  - b) provide a copy of the IPR to the parents when the child or youth is in continuous custody if the parents is still actively involved; and
  - c) review the IPR when 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.

### Exceptions:

1. An IPR will not be required if a child or youth is in care or custody for less than six (6) months from the time they initially enter care.
2. An IPR will not be required if a Voluntary Custody Agreement is signed and the child or youth is placed for adoption **within six (6) months**. If a child is not placed for adoption within 6 months, the social worker, in consultation with the supervisor, shall determine based on the adoption plan for the child or youth, whether the IPR will be completed.

### Relevant Documents:

- In Care Progress Report
- Cultural Connection Plan
- Cultural Connection Plan for an Innu Child
- [Cultural Connection Plan for Inuit Children and Youth \(Nunatsiavut Government\)](#)

## Counselling for a Child or Youth

**Policy no.:** 3.10

**Effective Date:** March 2007

**Date Revised:** June 30, 2011; June 28, 2019

**Policy Cross References:**

**Legislative References:** s.70 Counselling for child or youth after removal

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**Purpose:** To inform the social worker of a child or youth's entitlement to counselling upon being removed from their parent(s) or moved from a foster care placement.

### **Policy:**

1. A child or youth is entitled to counselling where they have been removed from their parent(s) or moved from a foster care placement.

### **Procedures:**

1. When a child or youth is removed from their parent(s), a social worker shall inform the child or youth in an age and developmentally appropriate manner, of the reasons for removal and the plans for their care.
2. When a child or youth in care is moved from a foster care placement, a social worker shall inform the child or youth in an age and developmentally appropriate manner, of the reasons for the move and provide information about their new placement. Where possible and where it is age and developmentally appropriate, the social worker shall consult with the child or youth prior to the move about their views and wishes.
3. The social worker shall provide supportive counselling in an age and developmentally appropriate manner, to the child or youth following a removal or a foster care placement move.
4. The social worker shall assess the child or youth's need for clinical counselling and make a referral to an appropriate counselling service. The child or youth should also be consulted on this decision based on their age and development.
5. Where a child or youth is already in receipt of counselling, the social worker shall ensure that the counselor is informed of the removal or placement move.

**Exceptions:** None

**Relevant Documents:** None

## Visitation and Access for Children and Youth in Foster Care Placements

**Policy no.:** 3.11

**Effective Date:** March 2007

**Date Revised:** June 30, 2011, June 28, 2019

**Policy Cross References:** In Care Progress Report; Incident Reporting

**Legislative References:** s.29 Plan for the child

**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 persons significant to the child or youth.

### Policy:

1. A social worker or manager shall determine the nature of visitation and access that is to occur between a child or youth and their family or significant others.
2. A social worker or manager is responsible to ensure visitation and access between a child or youth and their family or significant others occurs as required.
3. The **foster care placement provider** shall work with the biological family and significant others to maintain relationships, as required by the social worker or manager.
4. The social worker or manager shall provide the **foster care placement provider** with all necessary information to ensure visitation and access occurs for the child or youth.

### Procedures:

1. Where a child or youth has been removed, the social worker must include a plan for access with the family, including access with siblings or other persons significant to the child or youth, in the Plan for the Child in accordance with s.29 of the **Children, Youth and Families Act**.
2. In determining the nature of the access between a child or youth and their family or significant others, the social worker, in consultation with a supervisor, shall consider:
  - a) the best interest of the child or youth;
  - b) the permanency plan for the child or youth;
  - c) the wishes of the child or youth;
  - d) the age and developmental stage of the child or youth;
  - e) the wishes of the parents or significant others;

- f) the purpose of the access, including the promotion of attachment between the child and parents or significant others; 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.

### **Supporting Visitation and Access in Foster Homes**

4. The social worker shall consult with the foster parents to discuss the plan for access and to determine their ability to support the plan and facilitate the access. The social worker may need to consider the foster parents work schedule or the needs of other children or youth in the home, when developing an access schedule that directly involves the foster parent.
5. The social worker shall encourage the foster parents to be involved in the child or youth's access with their family and significant others wherever possible.
6. The foster parents should provide support to the child or youth leading up to, during, and/or following visits with family or significant others.
7. Visits between a child or youth and their family or significant others 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 or youth's placement, before considering a community location or a departmental office.
8. The social worker, in consultation with a supervisor, shall determine whether supervision of the access is required to:
- a) ensure the safety and well-being of the child or youth; and
  - b) provide an opportunity to observe and assess the parent-child/youth interactions.
9. Where supervision is required, access visits may be supervised by another family member or significant person in the child or youth's life, a foster parent, a social worker or another person determined to be appropriate by the social worker and supervisor.
10. Contact between a child or youth and their family or other significant other shall be assessed on an on-going basis to ensure the access plan is responsive to the needs of the child or youth.
11. 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 and in the parent's file.
12. Reports from supervised access visits shall be placed on the child or youth's file and the parent's file.

13. Where decisions are made relating to a child or youth's access with their family or other significant other, the social worker shall inform the child or youth of these plans and respond to any questions or concerns that the child or youth may have, including: the amount of contact, the location, the necessity of supervision etc.
14. Where access is planned, the social worker shall first determine if the family member or significant other is able to pay all or a portion of the costs associated with the visit.
15. Where it has been determined that the family member or significant other is unable 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.

### **Supporting Visitation and Access in Family-based or Residential Placements**

16. The social worker shall work in collaboration with staff or caregivers to develop a family access plan and ensure access is planned in the best interests of the child or youth.
17. Staff and caregivers, where required, shall facilitate and/or supervise access between the child or youth and their family/significant others. This may include, telephone access, other communication, or in person visitation.
18. Staff and caregivers shall provide support to the child or youth leading up to, during, and/or following access with family or significant others.
19. Visits between a child or youth and their family or significant others 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 or youth's placement, before considering a community location or a departmental office.
20. Where a child or youth has access with family or significant others, a staff person or caregiver shall note in the child or youth's log that access occurred, provide a brief description (where possible), and note any concerns. Where appropriate, the staff person or caregiver shall complete and submit an incident report in accordance with the **Incident Reporting** policy.
21. Where a staff person or caregiver supervises visitation, they shall also complete a supervised access report, which includes a description of the visit and interactions between the child or youth and family or significant others, as well as the child or youth's behavior leading up to, during, and following the visit. The report shall note any concerns and be forwarded to the social worker within three days. Where appropriate, the staff person or caregiver shall also complete and submit an incident report in accordance with the **Incident Reporting** policy.
22. The social worker shall review documentation related to access and collaborate with staff or caregivers regarding ongoing access regularly, and at minimum, monthly.

23. The social worker shall provide up to date information to staff and caregivers regarding family or significant others and approved access on an ongoing basis.

**Exceptions:** None

**Relevant Documents:** None

## Life Books for Children and Youth in Care or Custody

**Policy no.:** 3.12

**Effective Date:** March 2007

**Date Revised:** June 30, 2011; June 28, 2019

**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. A Life Book is a collection of items, information and other mementoes that capture developmental milestones and other important life events of a child or youth while residing in a foster care placement.
2. Each child or youth in the care or custody of a manager shall have a LifeBook.
3. A Life Book is the personal 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 care provider of the importance of a child or youth's life book and advise them of their role in creating and maintaining the Life Book.
2. The social worker shall ensure that the Life Book has been created and shall regularly monitor the status of the life book.
3. The Life Book may be compiled in a variety of formats (e.g., 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 take part in developing and maintaining 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 parents;



- 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 parents;
  - 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 care providers and placements;
  - j) records and mementos of special achievements (e.g., report cards, certificates);
  - k) records of important anniversaries;
  - l) photographs (e.g., 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 personal 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

## Personal Privacy for Children and Youth In Care or Custody

**Policy no.: 3.13**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019**

**Policy Cross References: 3.5** 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 care placement.
3. Personal information or pictures of children or youth in the care or custody of a manager shall not be posted on any form of social media outlets by their foster care provider 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 care provider is informed of a child or youth's right to privacy in their foster care 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 their belongings;
  - c) requesting permission to have access to their space;
  - d) allowing the child or youth to remove themselves from the group living situation for quiet moments in their room;
  - e) permitting and encouraging the child or youth to have personal belongings in the home that reflect their individuality and continuity with their family, culture or community;
  - f) allowing the child or youth privacy when making and 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 or received. In this situation, correspondence may be opened or reviewed by the foster 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 care providers are aware that they must keep all confidential records and documentation pertaining to any child or youth placed 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 care provider about the child or youth;
  - f) legal documents (e.g. 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 care placement, 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 **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 care providers are aware that they **shall not** post photos or other information about the child or youth in care or custody on any form of social media websites (e.g. Facebook, Twitter).

### **Privacy and Technology**

- 5 The social worker shall speak with foster 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 (e.g. cell phones, iPhones).

**Exceptions:** None

### **Relevant Documents:**

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

## A Child or Youth Absent Without Permission

**Policy no.: 3.14**

**Effective Date: March 2007**

**Date Revised: June 30, 2011; September 12, 2016, June 28, 2019**

**Policy Cross References:** **3.15** A Child or Youth Missing or Abducted; **4.8** Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories; **5.3** Youth Services Agreement; **QM-2014-001** Critical Injury and Death Protocol

**Legislative References:**

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

### Policy:

1. A child or youth is considered to be absent without permission if they break curfew, leave their placement without permission, or do not return to their placement at the expected time. If they are absent without permission for more than five hours and cannot be located or are absent for less than five hours and there are risk factors the social worker determines are likely to impact the child or youth's immediate safety, they are considered missing.
2. Where information is received that a child or youth is absent without permission, the social worker shall first ensure the absence does not actually meet the definition of a missing or **abducted child or youth**. Where it is determined that the child or youth is actually missing or abducted, the **Child or Youth Missing or Abducted** policy shall be followed.
3. Where a child or youth is determined to be absent without permission (absent), a social worker shall immediately:
  - a) collaborate with the child or youth's placement foster care providers and determine what steps are to be taken to help locate and/or return the child or youth to their foster care placement;
  - b) consult with a supervisor to share all information known about the child or youth; and
  - c) ensure any needed support is provided to the child or youth following their return.

### Procedures:

1. Social workers are usually informed by a foster care provider that a child or youth is absent without permission. The foster care provider is 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, they shall contact the foster care provider to:
  - a) discuss all information known about the child or youth;
  - b) determine what steps may be taken to locate and return the child or youth to their foster care placement; and
  - c) determine who will be responsible for each step.

**Notwithstanding the role of the foster care provider in responding to a child or youth's absence, a social worker shall ensure that all agreed upon steps are undertaken.**

4. 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 care provider and the 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.
5. Where a child or youth is absent without permission and has not returned to their foster care placement during regular office hours, the social worker shall advise the foster care provider to contact the on call social worker if the child or youth does not return within the five hour timeframe or immediately if the foster care provider has new information that may indicate the child or youth is missing or abducted.
6. When a child or youth who is absent has been located but refuses to return to their foster care placement, the social worker, in consultation with the supervisor, and where available, members of the in care planning team, shall develop a case specific response plan based on the needs of the child or youth. The social worker shall attempt to contact the child or youth on a daily basis and try to engage and support the child or youth, including, encouraging them to return to their foster care placement. Where appropriate, other members of the in care planning team may assist the social worker in engaging the child or youth. The social worker shall document the response plan in the child or youth's file.
7. If it is assessed that the child or youth is staying in an environment that may place them at risk, the social worker, in consultation with the supervisor, shall consider requesting the assistance of the police in returning the child or youth to their foster care placement. Where the assistance of the police is requested, the social worker shall document the response of the police to this request in the child or youth's file.
8. The social worker, in consultation with the supervisor, shall review the need for additional requests for police assistance if circumstances change and/or new information is received regarding the safety and well-being of the child or youth.

9. The social worker shall advise the foster care provider that when an absent child or youth returns, the foster care provider shall **immediately** contact the social worker. The social worker shall discuss the following with the placement resource:

- a) the child or youth's demeanor since their return;
- b) the circumstances surrounding the child or youth's absence;
- c) whether a social worker or foster care provider should follow up with the child or youth to discuss the absence;
- d) what factors may increase or decrease the likelihood of future absent episodes; and
- e) determine what steps may be taken to prevent future absent episodes.

When an absent child or youth returns, a social worker shall **immediately** notify the supervisor and any other parties who had been notified of the absence and/or contacted for information.

## **Out of Province Placements**

10. The social worker from this province will provide the social worker in the receiving province or territory and the foster care provider with a copy of the department's policy for children and youth who are absent without permission, as well as the policy regarding missing and abducted children and youth, and respond to any questions they may have.

**Exceptions:** None

## **Relevant Documents:**

- Provincial/Territorial Protocol for Children, Youth and Families Moving Between Provinces and Territories (April 1, 2016), Appendix B

## A Child or Youth Missing or Abducted

**Policy no.: 3.15**

**Effective Date: June 30, 2011**

**Date Revised: December 1, 2011, September 12, 2016, June 28, 2019, November 17, 2021**

**Policy Cross References:** 3.14 A Child or Youth Absent Without Permission; 4.8 Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories; 5.3 Youth Services Agreements; **QM-2014-001** Critical Injury and Death Protocol

**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 abducted. This policy also applies to youth who are residing in a placement through a Youth Services Agreement.

### **Policy:**

1. A child or youth is determined to be missing if they have been absent without permission for more than five hours and cannot be located or is absent for less than five hours and there are risk factors the social worker determines are likely to impact the child or youth's immediate safety, as outlined in the glossary under the definition of a **missing child/youth**.
2. Where a child or youth is missing, a social worker shall:
  - a) immediately notify a supervisor, who shall notify the manager as soon as possible. **However**, when a child or youth goes missing after hours (including evening, weekends and statutory holidays), the supervisor shall notify the manager by the next business day **unless one of the following occurs which will require immediate notification:**
    - i. the child or youth is abducted;
    - ii. a media release is required;
    - iii. an Amber Alert is issued and/or
    - iv. the child or youth is assessed by the social worker or supervisor to have experienced a critical injury.
  - b) immediately notify all appropriate parties including: police; foster care providers; parents; and where necessary, the on call social worker;
  - c) ensure efforts are undertaken to locate and return the child or youth to their foster care placement; and
  - d) ensure support is provided to the child or youth, the foster care providers, and parents, following the child or youth's return.
3. Where a child or youth has been abducted, a social worker shall:

- a) immediately notify the police;
  - b) immediately notify a supervisor who shall immediately notify the manager and regional director (RD). The RD shall notify the Assistant Deputy Minister (ADM) as soon as possible. When this occurs outside of regular business hours, the on call supervisor shall notify the manager, RD and ADM;
  - c) ensure all other appropriate parties are notified immediately including, foster care provider, parents, and where necessary, the on call social worker;
  - d) ensure efforts are undertaken to locate and return the child or youth to their foster care placement; and
  - e) ensure support is provided to the child or youth, foster care providers and parents, following the child or youth's return.
4. When a media release or Amber Alert is issued or when a child or youth is missing and it is assessed to be a **critical injury**, the social worker shall immediately notify the supervisor who shall notify the manager and RD. The RD shall notify the ADM as soon as possible. When this occurs outside of regular business hours, the on call supervisor shall notify the manager, RD and ADM.
  5. 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 the department shall not be publicly released.

## **Procedures:**

### **Child or Youth Missing**

#### **Consultation with a Supervisor**

1. A social worker shall **immediately** consult with a supervisor when informed that a child or youth is missing, share all known information with the supervisor, and advise the supervisor of what efforts are being made to locate the child or youth. Updates shall be provided to a supervisor **on a daily basis**, at minimum, during the child or youths absence.
2. The social worker shall complete the Missing or Abducted Child or Youth report and submit it to the supervisor who shall submit it to the manager as part of the internal notification process.
3. Where the social worker, in consultation with the supervisor, assesses the child or youth's missing episode to be a **critical injury**, the Critical Injury and Death Protocol (QM-2014-001) shall also be followed.

#### **Working with the Placement Resource**

4. In most situations, the foster care providers inform social workers when a child or



youth is missing. If a social worker is advised by another source, they shall contact the foster care provider to:

- a) inform them of the situation;
- b) discuss all relevant information known about the child or youth and their last known whereabouts;
- c) determine what steps to take to locate the child or youth; and
- d) identify who shall complete each step.

For example, a foster care provider may contact the police to file the missing person's report and/or update other parties regarding the child or youth's status.

**However, the social worker is responsible for ensuring the agreed upon steps, as noted above, are undertaken.**

## **Contacting Police**

5. A social worker shall ensure the police are **immediately** contacted and a missing person's report is filed when a child or youth is missing. 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 the foster care provider;
- d) 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 other medical issues;
- j) child or youth's emotional well-being at the time of departure, if known;
- k) when and where the child or youth was last seen, by whom, and if the child or youth left with someone;
- l) known associates and frequented locations;
- m) names and contact information for family, significant others and friends;
- n) contact information for individuals who are to be notified 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 by the social worker as being relevant.

## **Media Releases**

6. Media releases regarding missing persons are conducted by the police on a case-

by-case basis. A manager's approval is required prior to a social worker making a request for a media release. At times, differences of opinion may arise between the department and the police about issuing a media release. Further discussions between the manager and the police may be required to resolve the matter. In the event that this situation occurs outside of regular business hours, the on call supervisor shall determine if further discussion is required with the police and follow up with the police where necessary.

7. The police may advise a social worker that they plan to issue a media release even if the department has not made such a request. If such should occur, a manager shall be notified **immediately** to determine if further discussion with the police is required. In the event that this situation occurs outside of regular business hours, the on call supervisor shall determine if further discussion is required with the police and follow up with the police where necessary.
8. When a media release is being issued, a manager shall ensure the RD and the ADM, are notified as soon as possible. When this occurs outside of regular business hours the on call supervisor shall notify the manager, RD and ADM.
9. Where a child or youth is missing and a media release is planned, a social worker shall advise the police that information regarding the child or youth's involvement with the department shall not be publicly released.

### **Informing Parents**

10. When a child or youth is missing and is in interim care, interim custody, temporary custody, or in care under a Protective Care Agreement the social worker shall ensure the parents are notified **immediately**.
11. When notifying the parents, the social worker shall:
  - a) provide information about the circumstances surrounding the child or youth's missing episode and the actions taken to locate the child or youth;
  - b) update the parents on a daily basis, at minimum, until the child or youth is located and seek information from the parents that may assist in locating the child or youth; and
  - c) ask the parents to immediately provide any new information regarding the child or youth's status to the department.
12. When a child or youth is in interim care, interim custody, temporary custody, or in care under a Protective Care Agreement the social worker shall inform the parents of the plan to make a request for a media release prior to making this request. The social worker shall also advise the parents when the police decide to issue a media release and the department has not made such a request.
13. The decision to contact the parents of a child or youth, who is in voluntary custody, or continuous custody, or of a youth residing in a placement 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.

### **Responsibilities of the Supervisor and Manager**

14. The supervisor shall notify the manager that a child or youth is missing as soon as possible. However, if a child or youth goes missing after regular working hours (including evenings, weekends and statutory holidays), the supervisor shall notify the manager by the next business day **unless one of the following occur, which will require immediate notification:**

- a) the child or youth is abducted;
- b) a media release is required;
- c) an Amber Alert is issued; and/or
- d) the child or youth is assessed by the social worker or supervisor to have experienced a critical injury.

Where a child or youth is missing and it is determined to be a **critical injury**, the supervisor shall immediately notify the manager and RD. The RD shall then notify the ADM as soon as possible. When this occurs outside of regular business hours, the on call supervisor shall notify the manager, RD and ADM.

15. When a child or youth is missing and it is determined to be a critical injury, the supervisor and manager shall also refer to and follow the **Critical Injury and Death Protocol**.
16. Where the manager notified is not the manager who has care/custody of the child or youth (e.g. child or youth is placed outside their home zone), the manager notified shall ensure the manager who has care/custody is notified the next business day, or as soon as possible thereafter.

### **Monitoring Actions to Locate and/or Return a Missing Child or Youth**

17. A social worker shall consult with a supervisor **on a daily basis, at minimum**, 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.
18. When a child or youth who was missing has been located but refuses to return to their placement, the social worker, in consultation with the supervisor, and where available, members of the in care planning team, shall develop a case specific response plan based on the needs of the child or youth. The social worker shall attempt to contact the child or youth on a daily basis and try to engage and support the child or youth, including, encouraging them to return to their foster care placement. Where appropriate, other members of the in care planning team may assist the social worker in engaging the child or youth. The social worker shall document the response plan in the child or youth's file and share this plan with other

members of the in care planning team.

19. If it is assessed that the child or youth is staying in an environment that may place them at risk, the social worker, in consultation with the supervisor, shall consider requesting the assistance of the police in returning the child or youth to their foster care placement. Where the assistance of the police is requested, the social worker shall document the response of the police to this request in the child or youth's file.
20. The social worker, in consultation with the supervisor, shall review the need for additional requests for police assistance if circumstances change and/or new information is received regarding the safety and well-being of a child or youth.

### **Sharing Information between On-call and Day Staff Regarding a Missing Child or Youth**

21. The sharing of information between a child or youth's social worker and the on-call social worker is crucial. This will help ensure that the staff involved in decisions about a missing child or youth have pertinent and up-to-date information.
22. The child or youth's social worker shall inform the on-call social worker each day that a child or youth is missing using the On-Call Notification form.
23. 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 processes are in place in their respective zones to facilitate the sharing of information between on-call social workers and the child or youth's social worker.

### **Return of a Child or Youth who had been Missing**

24. Once a missing child or youth has been located, a social worker shall **immediately** notify the foster care provider, supervisor, manager and the child or youth's parents and the police, where required.
25. Where the ADM had been notified of the missing child or youth, the manager, shall notify the RD, who shall notify the ADM that the child or youth has been located. When this occurs outside of regular business hours, the on-call supervisor shall notify the manager, RD and ADM.
26. Where a child or youth is in continuous custody or a youth is residing in a placement through a Youth Services Agreement, their parents would be notified **only if they had been informed that the child or youth was missing**. The foster care providers may also assist the social worker in notifying appropriate parties; **however, it is the social worker's responsibility to ensure all appropriate parties have been notified**.

27. When the child or youth is located, the social worker shall complete the Missing or Abducted Child or Youth Located report and submit it to the supervisor who shall submit it to the manager as part of the internal notification process.
28. Once a child or youth has returned to the foster care 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 or youth 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 (e.g., medical attention, crisis counselling, interview with the police if the child or youth has been the victim of a crime);
  - b) discuss with the child or youth what happened during the time they were missing;
  - c) determine if additional supports are needed in the short term; and
  - d) assess how future missing episodes may be prevented.
29. A social worker shall also discuss the missing episode with the child or youth's foster care provider to:
  - a) discuss the circumstances regarding the child or youth's missing episode;
  - b) obtain information about the child or youth's demeanor since their return;
  - c) discuss what factors may increase or decrease the likelihood of future missing episodes; and
  - d) determine what steps may be taken to prevent future missing episodes.
30. Support shall also be provided to the foster care provider who may have been impacted by the child or youths missing episode.
31. A social worker should also discuss the child or youths missing episode with the parents and provide support, where appropriate. Support may also be extended to siblings, other family members, and others who have a significant relationship with the child or youth.
32. In situations where a child or youth is repeatedly missing, a social worker shall arrange a case conference with the foster care provider; the child or youth (where age and developmentally appropriate); the parents (depending on the child or youth's care/custody status and level of parental involvement), Indigenous Representative (if applicable); and other professionals involved with the child or youth, as appropriate. The purpose of the case conference is to:
  - a) identify, if possible, reasons why the child or youth repeatedly goes missing;
  - b) identify, if possible, where the child or youth goes, with whom, and what they do while missing;
  - c) determine if additional supports are required to assist the child or youth, such as a referral to counselling or other community supports;

- d) develop a safety plan with the child or youth to reduce the likelihood of harm should a future missing episode occur; and
- e) develop and document a plan to prevent or reduce missing episodes. The social worker shall ensure the foster care provider has a copy of the plan and that the plan is monitored and updated as necessary, based on the child or youth's needs and whether the plan is reducing/eliminating missing episodes.

### **Child or Youth Abducted Contacting Police**

33. Where a child or youth has been abducted, a social worker shall ensure the police are contacted **immediately** and a report is filed indicating that the child or youth has been abducted. The following information shall be provided to the police:

- a) all known information regarding the circumstances surrounding the child or youth's abduction;
- b) child or youth's full name, date of birth, language and ethnicity;
- c) child or youth's cell phone number, if applicable;
- d) name, address and phone number of the foster care placement;
- e) social worker's name and phone number;
- f) child or youth's home community, if different from the placement community;
- g) 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;
- h) whether articles of clothing or personal items are missing from the child or youth's room;
- i) a picture of the child or youth (digital picture is preferred);
- j) any known risk factors unique to the child or youth, including: physical, mental health, or other medical issues;
- k) child or youth's emotional well-being at the time of the abduction (if known);
- l) when the child or youth was last seen, by whom, and if the child or youth left with someone;
- m) known associates and frequented locations;
- n) names and contact information for family, significant others and friends;
- o) contact information for individuals who are to be notified if the child or youth is located;
- p) where to transport the child or youth once located (if police are receptive to same);
- q) any other information requested by the police; and
- r) any other information assessed by the social worker as being relevant.

### **Consultation with a Supervisor**

34. The social worker shall immediately consult with a supervisor when informed that a child or youth has been abducted. The supervisor shall immediately notify the manager, and RD of the abduction and the RD shall notify the ADM as soon as possible. When this occurs outside of regular business hours, the on-call supervisor shall notify the manager, RD and ADM. The social worker shall provide updates to the supervisor on a **daily basis**, at minimum, including what efforts are being made

to locate the child or youth.

35. The social worker shall complete the Missing or Abducted Child or Youth report and submit it to the supervisor who shall submit it to the manager as part of the internal notification process.
36. A child or youth abduction is considered a critical injury and the social worker, in consultation with the supervisor, shall also ensure the **Critical Injury and Death Protocol** is followed.
37. Where the manager notified is not the manager who has care/custody of the child or youth (e.g. child or youth is placed outside their home zone), the manager notified shall ensure the manager who has care/custody is notified, the next business day, or as soon as possible thereafter.

### **Working with the Foster Care Providers**

38. The social worker shall **immediately** contact the foster care providers to ensure they are aware that a child or youth has been abducted and:
  - a) provide information about the circumstances surrounding the child or youth's abduction;
  - b) discuss all relevant information known about the child or youth and their last known whereabouts and request that they notify the social worker and police immediately if they become aware of any new information that may assist in the search for the child or youth;
  - c) discuss their role in working with the social worker and the police to locate the child or youth; and
  - d) update them on a **daily basis, at minimum**, until the child or youth is located.

### **Informing Parents**

39. When a child or youth has been abducted and is in interim care, interim custody, temporary custody, or in care under a Protective Care Agreement, the social worker shall ensure the parents are notified **immediately**.
40. When notifying the parents, the social worker shall:
  - a) provide information about the circumstances surrounding the child or youth's abduction and the actions taken to locate the child or youth;
  - b) seek any information the parents may have that could assist the police and request that they notify the social worker or the police immediately if they have any new information; and
  - c) update the parents on a **daily basis, at minimum**, until the child or youth is located.
41. The decision to contact the parents of a child or youth who is in voluntary custody

or continuous custody, or of a youth residing in a placement 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.

### **Amber Alerts**

42. Amber Alerts can only be released by the police. If a child or youth has been abducted, the police 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 soliciting the public's help in the safe and swift return of the child or youth.
43. A social worker shall immediately consult with a supervisor and manager if the police are planning to issue an Amber Alert. If the abducted child or youth is in interim care, interim custody, temporary custody or in care under a Protective Care Agreement, the police require the written permission of a parent before an Amber Alert can be issued. If the child or youth is in the continuous custody of the manager the manager's written permission is required. In the event that this situation occurs outside of regular business hours, the social worker shall consult with the on call supervisor.

Additional Information regarding Amber Alerts can be found at:  
<http://www.rcmpgrc.gc.ca/en/nl/amber-alert-program> .

46. When a decision has been made by the police to issue an Amber Alert, the social worker shall immediately notify the supervisor who shall notify the manager and RD. The RD shall notify the ADM as soon as possible. When this occurs outside of regular business hours, the on call supervisor shall notify the manager, RD and ADM.

### **Sharing of Information between On-call and Day Staff Regarding an Abducted Child or Youth**

47. The sharing of information between the child or youth's social worker and the on-call social worker is crucial. This will help ensure that the staff involved in decisions about an abducted child or youth have pertinent and up to date information.
48. The child or youth's social worker shall inform the on-call social worker each day that a child or youth is abducted using the On-Call Notification Form.
49. Any follow up provided by the on-call social worker regarding an abducted 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 processes are in place in their respective zones to facilitate the sharing of information between on-call social workers and the child or youth's social worker.



## Return of a Child or Youth who had been Abducted

50. Once an abducted child or youth has been located, the social worker shall **immediately** notify the foster care provider, supervisor, manager, and the child or youth's parents and police, where required. The manager shall notify the RD, who shall ensure the ADM is notified of the child or youth's return. When this occurs outside of regular business hours, the on-call supervisor shall notify the manager, RD and ADM. Where a child or youth is in voluntary custody, continuous custody, or is a youth residing in a placement under a Youth Services Agreement, their parents should be notified **only if they had been informed that the child or youth had been abducted**. The foster care provider may assist the social worker in notifying appropriate parties; **however, it is the social worker's responsibility to ensure all appropriate parties have been notified**.
51. When the child or youth is located, the social worker shall complete the Missing or Abducted Child or Youth Located report and submit it to the supervisor who shall submit it to the manager as part of the internal notification process.
52. The social worker shall discuss with the police any required follow up, including if the police will need to interview the child or youth and if there are any safety measures that should be implemented to prevent future abductions.
53. Once a child or youth has returned to the foster care 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 or youth 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 (e.g., medical attention, crisis counselling, interview with the police);
  - b) discuss with the child or youth what happened during the time they were abducted; and
  - c) determine if additional supports are needed in the short term.
54. A social worker shall also discuss the abduction with the child or youth's foster care provider to:
  - a) discuss the circumstances surrounding the child or youth's abduction;
  - b) obtain information about the child or youth's demeanor since their return;
  - c) determine what steps may be taken to reduce the likelihood of a future abduction; and
  - d) develop a plan with the foster care provider to ensure necessary support is provided to the child or youth.
55. Support shall also be provided to the foster care provider who may have been

impacted by the child or youth's abduction.

56. A social worker should also discuss the child or youth's abduction with the parents and provide support, where appropriate. Support may also be extended to siblings, other family members, or others who have a significant relationship with the child or youth.

### **Out of Province Placements**

57. In accordance with the **Provincial/Territorial Protocol for Children, Youth and Families Moving Between Provinces/Territories** (PT Protocol), a receiving province or territory shall report any significant events, including when a child or youth is abducted or missing, to the originating province or territory immediately or as soon as reasonably possible.
58. The process for a receiving province or territory in notifying this province when a child or youth is abducted or missing shall be outlined in the Case Planning and Management section of the Interprovincial Placement Agreement (IPPA). The social worker shall:
  - a) provide a copy of the Children and Youth who are Absent without Permission and Missing and Abducted Children and Youth policies, to the designated social worker in the receiving province or territory and to the foster care provider where the child or youth is residing; and
  - b) discuss the expectations regarding how the foster care providers and the receiving province or territory will respond when a child or youth from this province is missing or has been abducted.

**Exceptions:** None

### **Relevant Documents:**

- Missing or Abducted Child or Youth Report form
- Missing or Abducted Child or Youth Located Report form
- On-Call Notification form
- Provincial/Territorial Protocol for Children, Youth and Families Moving Between Provinces/Territories (April 2016), Appendix B
- Interprovincial Placement Agreement form

## Continuous Custody Ceases to Have Effect

**Policy no.: 3.16**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References: 3.34** Permanent Transfer of Custody

**Legislative References: s.43** Permanent Transfer of custody after continuous custody order; **s.45** Rescinding continuous custody order; **s.46** 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 permanently transferred to another person, other than to another manager under s.46 in accordance with an order issued under s.43(5); or
  - d) 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 by a manager. The youth shall be informed that they may seek legal advice when a request for consent to marry is denied.
3. A continuous custody order will cease to have effect when a judge makes an order under s.43 of the CYFA permanently transferring custody of the child or youth from an manager to an another person. The person to whom custody is transferred becomes the sole custodian and guardian of the child or youth and has the right to make all decisions regarding the child or youth.

4. A continuous custody order will cease to have effect when the court rescinds the order. 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 manager has not consented to the adoption of the child or youth. Please refer to the **Application to Rescind a Continuous Custody Order** policy for further direction regarding this process.

**Exceptions:** None

**Relevant Documents:** None

## Cultural Connection Planning for Indigenous Children and Youth

**Policy no.:** 3.17

**Effective Date:** June 28, 2019

**Date Revised:** October 21, 2021; May 10, 2023

**Policy Cross References:** 2.19 Application for a Subsequent Order; 3.5 Sharing of Information Relevant to the Care of a Child or Youth; Plan for the Child; 3.8 Consulting and Informing a Child or Youth

**Legislative References:** s.29 Plan for the Child; s.36 Subsequent order; s.65 Placement Considerations; s.103 Monitoring Plans

**Purpose:** To outline the process to ensure a Cultural Connection Plan is developed and included in, or attached to, the Plan for the Child when an Indigenous child or youth is removed from a parent(s). This also includes ongoing development, review and monitoring of the plan.

### Definitions:

**Cultural Connection Plan:** is a description of the arrangements made or being made to foster an Indigenous child or youth's connection with their culture, heritage, traditions, community, language and spirituality, to preserve their cultural identity.

**In Care Planning Team:** A team of individuals involved in planning for a child or youth in care. The team must include the social worker for the child or youth and the social worker for the child or youth's parents; the child or youth (where developmentally appropriate); the parents of the child or youth (if they are actively involved), the foster care providers (e.g. foster parents, caregivers, residential staff); and may also include other professionals working with the child or youth, extended family, significant others, or other community partners. For an Indigenous child or youth in care who belongs to an **Indigenous government or organization** prescribed in Schedule A under the CYFA, the respective Indigenous representative will be invited to be part of the in care planning team.

**Indigenous child:** is a child who is Inuit, Metis, Innu, Mi'kmaq or other First Nation, a child who has a parent who considers the child to be Indigenous, or a child age 12 years of age but under the age of 16 years who considers themselves to be Indigenous.

**Indigenous youth:** is a youth who is Inuit, Metis, Innu, Mi'kmaq or other First Nation or a youth who considers themselves to be Indigenous.

**Indigenous representative:** means a person designated by an Indigenous government or organization as prescribed in the schedule of the CYFA.

**Kin:** Family and other persons who are significant to a child or youth or with whom the child or youth has a connection.

## **Policy:**

1. A Plan for the Child filed with the court for an Indigenous child or youth who has been removed from their parents shall include a Cultural Connection Plan as outlined in the Plan for the Child policy.
2. The Cultural Connection Plan shall include a description of the arrangements made or being made to foster an Indigenous child or youth's connection with their culture, heritage, traditions, community, language and spirituality to preserve their cultural identity.
3. Where the child or youth is an Indigenous child or youth belonging to an Indigenous government or organization prescribed in Schedule A of the Act, the Indigenous representative shall be asked to participate in the development of the plan.
4. The Cultural Connection Plan shall be reviewed at minimum **every 6 months**.

## **Procedures**

1. Where an child or youth is removed and they are an Indigenous child or youth belonging to an Indigenous government or organization prescribed in Schedule A of the CYFA, a social worker shall make contact with the respective Indigenous representative to request that they participate in the development of a Cultural Connection Plan and that they assist the social worker in identifying kin or others who could assist to develop the plan.
2. When an Indigenous child or youth is removed and they do not belong to an Indigenous government or organization prescribed in Schedule A of the CYFA, a social worker shall identify a planning team as outlined below to assist in the development of the Cultural Connection Plan.
3. The social worker shall work with the child or youth (based on age and development), the child or youth's parents, if they are willing and available, the placement provider, and where willing and available, **kin** and/or other community partners who are part of, and understand the child or youth's culture and can assist to develop a plan to support the child or youth's cultural connections.
4. The Cultural Connection Plan shall be either documented in, or attached to, the Plan for the Child submitted to the Court as outlined in the **Plan for the Child** policy. The plan shall include a description of the arrangements made or being made to foster the child or youth's connection to their culture, heritage, traditions, community, language and spirituality, to preserve the child or youth's cultural identity.

5. Where the Cultural Connection Plan is documented in, or attached to, the Plan for the Child filed with the court before the Presentation Hearing, a social worker shall include as much detail as possible in the Cultural Connection Plan. If this section only includes a description of the arrangements being made as additional time and planning is required to fully develop and implement the plan, a more comprehensive Cultural Connection Plan shall be developed **within 30 days** and documented on the applicable Cultural Connection Plan form.
6. Where a more comprehensive Cultural Connection Plan is developed prior to the conclusion of the Protective Intervention Hearing this should be included in a revised Plan for the Child that is filed with the Court as outlined in the **Plan for the Child** policy.
7. When an Indigenous child or youth is in the care or custody of a manager, the social worker shall work with the In-Care Planning Team, to further develop, implement, review and monitor the Cultural Connection Plan. This Cultural Connection Plan shall be attached to the In Care Progress Report and shall be reviewed as needed, but at minimum, every 6 months as part of the In Care Progress Report.
8. The social worker shall include the most current Cultural Connection Plan in the Plan for the Child being submitted to the Court when filing an Application for a Subsequent Order as outlined in the **Application for a Subsequent Order** policy.

#### **Cultural Connection Plan:**

9. The development of a Cultural Connection Plan is significant, as it promotes cultural permanency for Indigenous children and youth and supports the development of a healthy identity. Planning needs to focus on preserving a child or youth's unique cultural identity, significant relationships and community connections.
10. The Cultural Connection Plan includes a description of the arrangements made or being made to foster an Indigenous child or youth's connection with their culture, heritage, traditions, community, language and spirituality to preserve their cultural identity. This plan shall outline the persons responsible for following through on the activities and tasks associated with the plan, including timelines.
11. In developing the Cultural Connection Plan for children or youth, the social worker, in partnership with the other In Care Planning Team members shall gather information about:
  - a) Where age and developmentally appropriate, the child or youth's views and wishes in relation to their connection to their family, Indigenous community and culture and what they feel they need to encourage their connection to their parents, kin, community and culture.
  - b) The family's (parent and kin) views and wishes on how to strengthen and maintain the child or youth's connection to their family, community and culture.

- c) The role that the Indigenous representative, kin and other identified community partners can play in supporting the child or youth's connection to their family, community and their culture;
  - d) Family/cultural traditions including how family, cultural or spiritual events are acknowledged or celebrated;
  - e) Cultural activities the child or youth likes to participate in and ongoing opportunities for future engagement;
  - f) Food, clothing, toys, etc. that are meaningful to the child or youth and part of the child or youth's culture;
  - g) Child or youth's linguistic heritage, including their first language and preferred language if it not their first language;
  - h) Cultural values and norms of the child or youth's Indigenous group;
  - i) The child or youth's family tree and significant connections (if applicable); and
  - j) The availability of Indigenous mentors who can engage with and support the child or youth and the placement provider.
12. The social worker, in partnership with other members of the child or youth's In Care Planning Team, including the Indigenous representative, shall support the implementation of the Cultural Connection Plan, which includes, but is not limited to, the following areas:
- a) Maintaining family and community connections by facilitating, where possible, regular visiting for children and youth in their home community to maintain a sense of belonging and identity as an Indigenous person, including opportunities to engage in cultural activities and celebrations that are occurring in and/or organized by their family and community (e.g. land-based activities, ceremonies, retreats, etc.);
  - b) Identifying Indigenous mentors, where available, who can engage with and support the child or youth and the placement provider;
  - c) Creating positive representation and reflection of the child or youth's culture in their current placement;
  - d) Acknowledging the importance of and exploring ways to preserve the child's language (e.g., visiting their community, music, videos, recording of elders speaking, resources that may be available);
  - e) Supporting the child or youth's spiritual development; and
  - f) Incorporating traditional foods into the child or youths day-to-day life in the placement.
13. The social worker, in partnership with the In Care Planning Team, shall develop the Cultural Connection Plan that is meaningful because it:
- a) Is culturally appropriate, taking into consideration the unique aspects of both the child or youth and their specific Indigenous community and culture;
  - b) Contains achievable opportunities for socialization activities and direct cultural contact (e.g. visits to the child or youth's family and community);
  - c) Ensures reasonable steps are taken and responsibility is shared to complete the information where the child or youth's cultural information is incomplete;



- d) Identifies any barriers to completing the plan and ensures that barriers are appropriately managed;
  - e) Ensures that goals and tasks are realistic and achievable, and the appropriate people are responsible for their implementation; and
  - f) Ensures that timelines are established for implementing and reviewing all aspects of the Cultural Connection Plan.
14. The Cultural Connection Plan shall be documented on the applicable Cultural Connection Plan form and be reviewed and updated as part of the In Care Progress Report (IPR).
  15. Once members of the In Care Planning team involved in the development of the Cultural Connection Plan have reached a consensus that no further edits or additions are required, the social worker shall document in the child/youth's in care file that the Cultural Connection Plan has been completed. The social worker shall also add the required information regarding the completion of the Cultural Connection Plan to the summary tab on the child/youth's file on ISM.
  16. The social worker shall request that the Indigenous representative sign the plan to indicate their agreement. The social worker shall also request that all other individuals involved in developing the plan sign to indicate their agreement with the Cultural Connection Plan.

### **Supporting the Foster Care Placement Provider:**

17. Where a child or youth in care is placed outside their culture, the social worker in consultation with other members of the In Care Planning Team, including the Indigenous representative, shall identify ways to support the placement provider in caring for an Indigenous child or youth. The social worker shall discuss with the placement provider their need to respect the child or youth's culture and support their developing cultural identity. This discussion should include the many ways foster care providers can support the well-being of an Indigenous child or youth including:
  - a) Engaging directly with the Indigenous representative, kin and/or other community partners who are part of and understand the child or youth's culture and can assist the placement provider in understanding the cultural values, norms and unique history of the Indigenous child or youth and how they can support the child or youth's cultural connections.
  - b) Asking the Indigenous child or youth and their families about their lives and culture, as this is the best way to get to know them and what is meaningful to them. The more placement providers understand a child or youth's Indigenous culture and experiences, the better they will be able to support the Indigenous child or youth.
  - c) Supporting children and youth to stay connected with their family, culture and community to promote a sense of belonging and identity as an Indigenous person (e.g. supporting a child or youth to visit their family and community so they can participate in land-based activities, ceremonies, retreats, etc.);

- d) Working to develop positive relationships with parents and kin as relationships help people understand each other and promotes greater collaboration. Parents and kin are an important source of information and can often provide insight about children and youth and about the hopes or concerns, they might hold for them. Positive relationships and supporting families conveys respect for a child or youth's culture and fosters the social and emotional well-being of children and youth;
  - e) Where possible, visiting the child or youth's Indigenous community and meeting with members of their culture to learn more about the specific values and norms of the child or youth's culture. Being thoughtful about communication when English (spoken or written) is a barrier. Interpreters or translated material can help placement providers and families communicate with one another.
  - f) Continually trying to convey respect for the Indigenous child or youth's culture. This could include providing opportunities for the child or youth and/or their family to tell their own stories and remaining open to the different ideas and ways of seeing the world that may be shared. Placement providers show respect for the child or youth's Indigenous culture when they can acknowledge cultural differences in parenting and other ways of living. When placement providers are sensitive to issues faced by Indigenous families and are aware of historical and other kinds of power differences, this shows respect for the child or youth's culture and helps support the development of positive relationships with the Indigenous child or youth and their families.
  - g) Participating in training opportunities and availing of other resource materials on topics such as Residential Schools and the Truth and Reconciliation Commission Report, the impacts of intergenerational trauma, and material on the child or youth's specific Indigenous culture and history are ways to further support meaningful cultural connections for the Indigenous child or youth.
18. When an Indigenous child or youth is placed within their culture of origin, a Cultural Connection Plan is still required. The social worker, in partnership with the In Care Planning Team, including the Indigenous representative, shall work with the placement provider to continue to support the child or youth's connection to their culture and family. This shall include a discussion with the placement provider about their knowledge of their Indigenous heritage, as some placement providers may have a strong knowledge of, and connection to, their Indigenous community and culture, where as some may have more limited connection to, or knowledge about, their culture.
19. Where at the Presentation Hearing, Protective Intervention Hearing or a Subsequent Hearing under s.36, the judge places an Indigenous child in the temporary care or custody of a person other than the parent from whom the child is removed under the supervision of a manager, the social worker shall work with the person(s) who has been granted temporary care or custody in implementing the Cultural Connection Plan.

**Exceptions:** None

**Relevant Documents:**

- Plan for the Child
- In Care Progress Report
- Cultural Connection Plan
- Cultural Connection Plan for an Innu Child
- Cultural Connection Plan for Inuit Children and Youth (Nunatsiavut Government)

## Transitioning to Youth Services from the In Care Program

**Policy No.: 3.18**

**Effective Date: June 30, 2011**

**Date Revised: November 25, 2013, June 28, 2019**

**Policy Cross References:** **3.23** Financial Services for the Child or Youth; **3.25** Basic Foster Care Rate; **5.2** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; **5.3** Youth Services Agreements; **5.5** Residential and Supportive Services for Youth, **5.11** Supporting Youth with Transitions: Eligibility; **5.15** Post-Secondary Education and Career Planning.

**Legislative References:** **s.37** Bridging provision, **s.42** When continuous custody order ceases to have effect, **s.88** 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, and to the extent the youth is willing to accept.

### **Procedures:**

1. If a youth is in the **Temporary Custody** of a manager, the custodial relationship ends when they reach their **16<sup>th</sup>** birthday unless an application for a subsequent order for Continuous Custody has been filed with the court prior to the child's 16<sup>th</sup> birthday. In such cases, the youth will remain in temporary custody through a **bridging provision** in accordance with s.37 of the CYFA until the matter is heard or a Notice of Discontinuance is filed with the court.
2. If a youth is in the **Continuous Custody** of a manager, the custodial relationship ends when they reach their **18<sup>th</sup>** birthday.
3. When 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(s) and receive **supportive services** under a YSA;
  - 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 Youth Services program.

### **Remaining in their foster home or placement under a YSA:**

4. Where a youth remains in a foster home or other placement 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.
5. Where a youth signs a YSA and continues to reside in their foster home, the foster parent may continue to receive the basic foster care rate, block funding and level fee (in accordance with the level of the home) up to the youth's 19<sup>th</sup> birthday or completion of high school, **whichever occurs first**. The foster parent and the youth will continue to be financially supported in accordance with the Children and Youth in Care financial policies.
6. If upon completion of high school the youth enrolls in a post-secondary education program, the foster parent shall continue to receive the basic foster care rate in accordance with the **Basic Foster Care Rate** policy. The youth will receive all other applicable Youth Services allowances directly in accordance with the Financial Services for Youth policy. Please refer to the Post-Secondary Education and Career Planning policy for further information on post-secondary education support.
7. Where a youth has a developmental disability or other complex special needs, financial support may continue to be provided to the foster parent as if the youth were in care under the CYFA even though the youth has had his or her 18<sup>th</sup> birthday.

### **Returning to live with their parent(s) and receiving supportive services under a YSA:**

8. A youth may choose to return to live with their parent(s). A youth returning to live with their parent(s) is eligible to receive supportive services from the Youth Services program as outlined in the Financial Services for Youth policy. The youth and their 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.

### **Choosing to live independently in the community under a YSA:**

9. Where a youth has indicated they are considering leaving their placement to live independently and receive **residential services** from the Youth Services program, the social worker shall:
  - a) meet with the youth to explore the reasons for wishing to leave the placement as well as the benefits of remaining in the placement;
  - b) where possible, work with the youth to identify issues that may be resolved and encourage the youth to continue to reside in the placement;
  - c) assist the youth in identifying ways to increase their independence while maintaining their placement (e.g. increased financial independence);

- d) where appropriate and possible, consider allowing the youth an opportunity to experience a time limited trial period of independent living (e.g. a trial period of living with an aunt or a friend's family), with an opportunity to return to the placement if the youth determines that leaving the placement is not in their best interests.
10. If a youth leaves their placement to either return home or live independently and the youth later requests to return their former placement through the Youth Services program, the social worker may explore this possibility. In these situations, all Youth Services policies, including the financial supports outlined in the Financial Services for Youth policy shall be followed for both the youth and the placement.
11. Youth Services clients choose where they reside, however, 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. The social worker shall offer support and assistance and prior to a youth leaving their placement and where the youth is agreeable, the social worker shall:
- a) Assist the youth to explore options for supportive housing, including:
    - i. supportive board and lodging with family (grandparents, aunts, uncles, or other relatives/significant others)
    - ii. supportive housing options provided within the community;
  - b) Assist the youth in securing a living arrangement in the community if housing options with family or significant others are not available;
  - c) Work with the youth to review classified advertisements and to identify possible housing options that fit within their budget and otherwise meet their needs (e.g. near school or other necessities);
  - d) Support the youth to make contact with a housing provider and offer to visit housing options with the youth;
  - e) Educate the youth about safe housing options and provide the youth with information about housing safety (e.g. considering who else may be reside in a home or checking to be sure there is a lock on the door);
  - f) Meet with the youth to discuss the challenges of living independently;
  - g) Assist the youth in developing a budget to ensure the youth is informed of the realities of living on one's own;
  - h) Ensure the youth is provided with information on the rights and responsibilities of living independently;
  - i) Make referrals to community agencies that may provide support to youth; and,
  - j) Ensure supports and services are in place prior to the youth leaving the placement in order to ensure a smooth transition with no gaps in service (e.g. financial arrangements should be made so the youth is not delayed in receiving financial support).

**Leaving placement and choosing not to sign a YSA:**

12. Once the custodial relationship ends, a youth may not wish to receive any support from the Youth Services program. 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 Agreement
- Youth Services Plan

## Medical Consent

**Policy no.: 3.19**

**Effective Date: March 2007**

**Date Revised: June 30, 2011; June 28, 2019**

**Policy Cross References:** 2.4 Application for an Order to Authorize Medical Treatment; 3.2 Effect of Interim Care or Interim Custody of a Child or Youth; 3.3 Effect of a Temporary Custody Order; 3.4 Effect of a Continuous Custody Order

**Legislative References:** s.24 Interim care of child after removal; s.30 Order for medical treatment; s.38 Effect of an Interim Custody order s.39 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 CYFA.

### 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(s) cannot be contacted to provide consent, 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 custody or temporary custody of a manager, the social worker, or the manager may consent to necessary health care for the child or youth as recommended by a qualified health practitioner where the child's parent(s) is unavailable or refuses to consent to the health care.
3. Where a child or youth is in the continuous custody of a manager, the social worker, or manager may provide consent to the provision of health care for the child or youth.

### Procedures:

#### Interim Care:

1. Where a 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(s) 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 all reasonable attempts shall be made to contact the parent(s) from whom the child or youth was removed to obtain medical consent.
3. All efforts to contact the parent(s) 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(s) from whom the child or youth was removed and necessary health care is recommended by a qualified health practitioner the social worker shall:
  - a) consult with the qualified health practitioner to become fully informed of the medical situation, the health care required and the potential risks associated with receiving or not receiving the recommended health care; and
  - b) 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 health care.
6. Where a manager or a social worker consents to necessary health care for the child or youth in interim care, the social shall notify the parent(s) from whom the child or youth was removed.
7. Where a child or youth is removed from a parent(s) while hospitalized, the social worker shall advise the hospital administration and the attending physician of the removal.
8. Where a child or youth is in the interim care of a manager and a parent(s) refuses to provide consent for necessary health care that has been recommended and considered necessary by a qualified health practitioner, an application may be made under s.30 of the CYFA, in accordance with the Application for an Order to Authorize Medical Treatment policy.
9. The social worker shall advise a child's or youth's foster care provider that they shall not consent to health care for a child or youth in their care.

**Interim Custody or Temporary Custody:**

10. While the manager has interim custody or temporary custody of the child or youth, the manager or social worker may consent to necessary health care for the child or youth as recommended by a qualified health practitioner where the child or youth's parent(s) is unavailable or refuses to consent to the healthcare.
11. 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(s) from whom the child or youth was removed to obtain medical consent.

12. All efforts to contact the parent(s) to obtain medical consent shall be documented in the parent's and child or youth's file.
13. If the social worker has been unable to contact the parent(s) from whom the child or youth was removed and necessary health care is recommended by a qualified health practitioner, they shall:
  - a) consult with the qualified health practitioner to become fully informed of the medical situation, the health care required, and the potential risks associated with receiving or not receiving the recommended health care, and
  - b) consult with a supervisor prior to providing consent for medical treatment.
14. If the social worker has contacted the parent(s) and they refuse to provide consent for necessary health care, the social worker shall:
  - a) consult with the qualified health practitioner to become fully informed of the medical situation, the health care required, and the potential risks associated with receiving or not receiving the recommended health care.
  - b) consult with a supervisor and a manager prior to providing consent for necessary health care.
15. If developmentally appropriate, the child or youth may be included in the decision making process as it relates to their health care.
16. When a social worker has consented to necessary health care for a child or youth, the parent(s) from whom the child or youth was removed shall be notified as soon as possible.
17. The social worker shall advise a child or youth's foster care provider that they shall not consent to health care for a child or youth in their care.
18. Notwithstanding that a qualified health practitioner has recommended necessary medical treatment for a child in interim or temporary custody, where a parent(s) 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, (e.g. major surgery), the social worker shall consider making an application under s.30 of the CYFA in accordance with the **Application for an Order to Authorize Medical Treatment** policy.

#### **Continuous Custody:**

19. The manager or social worker may consent to the provision of health care for a child or youth in continuous custody.
20. Where health care is recommended for a child or youth by a qualified health practitioner, the social worker shall:

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

**Exceptions:** None

**Relevant Documents:** None

## Travel Consent

**Policy no.: 3.20**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019**

**Policy Cross References:** 3.2 Effect of Interim Care or Interim Custody of a Child or Youth; 3.3 Effect of a Temporary Custody Order; 3.4 Effect of a Continuous Custody Order

**Legislative References:** s.24 Interim care of a child after removal; s.38 Effect of interim custody order, s.39 Effect of temporary custody order; s.40 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(s) 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; and
  - 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(s) 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 (e.g. school trip, vacation with a foster care provider). Prior to providing consent, the social worker shall also consider the plans in place to ensure the safety of the child or youth.
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. The signed 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 current address;
  - d) dates 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, consent from the parent(s) 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 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: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/children/apply/adopted-foster.html>

**Exceptions:** None

**Relevant Documents:**

- Passport Canada
  - <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/children/apply/adopted-foster.html>

## Health Services for the Child or Youth

**Policy no.: 3.21**

**Effective Date: March 2007**

**Date Revised: June 30, 2011; April 16, 2015; February 6, 2017; June 28 2019; September 6, 2022**

**Policy Cross References: 3.19 Medical Consent**

**Legislative References:**

**Purpose:** To outline the medical, dental and vision care services that children and youth in the care or custody of a manager are eligible for and to identify a social worker's responsibility in ensuring children and youth have their health care needs addressed.

### **Policy:**

1. A social worker shall ensure that children and youth in the care or custody of a manager have access to timely vision, dental and health care.

### **Procedures:**

1. The social worker shall advise foster care providers that should a child or youth in the care or custody of a manager become ill, they should be taken to the family doctor or the nearest medical **facility**. Please refer to the **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) Newfoundland and Labrador Prescription Drug Program (NLPDP); and
  - c) Departmental direct payment for service.
3. Where a child or youth has not been previously registered with MCP and/or NLPDP, the social worker shall immediately 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. When completing forms the social worker shall ensure they provide their name and contact information in the event MCP or NLPDP need to contact them.
5. When making application to the NLPDP, the social worker shall use the NLPDP Eligibility Confirmation form. All forms associated with NLPDP and MCP can be accessed online at: <http://www.health.gov.nl.ca/health/forms/index.html#3>

6. The MCP card shall be provided to the foster care provider and shall accompany the child or youth if their living arrangement changes. A copy shall also be placed on the child or youth's in care file.
7. If a child or youth leaves care, the social worker shall notify MCP of this change and provide MCP officials with updated contact information for the child or youth.
8. If a child or youth leaves care, the social worker shall notify NLPDP of this change and provide NLPDP officials with updated contact information for the child or youth.
9. If a child or youth is placed for adoption, please refer to the Adoption Policy and Procedures Manual for further direction relating to MCP and NLPDP.
10. Prescription medication, special items or equipment to meet an identified medical or special need if these costs are not covered by another external source (e.g. MCP, NLPDP, the Department of Health and Community Services or a Regional Health Authority program, etc.) may be approved as follows:
  - a) up to a maximum of \$500 per month by a social worker; or
  - b) costs exceeding \$500 per month by a supervisor.

## Immunizations

11. The social worker shall ensure that all children in care are referred 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)
12. If a child moves to a new placement while in the care or custody of a manager or returns home, the social worker shall immediately notify the community health nurse of the new address.
13. The social worker shall obtain a child's immunization record from the parent, where available and ensure that it is updated and accompanies the child if their living arrangement changes or the child returns home. If the parents are unable to provide a copy of the child's immunization record, the social worker shall request a copy from the Regional Health Authority where the child resides. A copy of the record shall be placed on the child's in care file. Contact information to obtain an immunization record can be found at: <http://www.health.gov.nl.ca/health/publichealth/cdc/immunizations.html>
14. The social worker shall refer to the **Medical Consent** policy for information on when they may provide consent for medical treatment, including immunizations.

## **Dental Care**

15. A social worker shall ensure that a child or youth in the care or custody of a manager receives, at minimum, an annual dental checkup and that any necessary follow up (e.g. fillings, extractions, etc.) is completed.
16. The social worker or foster care provider should confirm with the child or youth's dental office, any eligibility for the coverage of dental services through one of the Provincial Government's Dental Health Plans:
  - a) Children's Dental Health Program through the Department of Health and Community Services - all children 12 years and under are eligible for certain dental services through this program. Refer to the program site for a description of current services: [http://www.health.gov.nl.ca/health/dentalservices/general\\_info.html](http://www.health.gov.nl.ca/health/dentalservices/general_info.html); or
  - b) NLPDP – children and youth 13–17 years who are eligible for prescription drug coverage may also be eligible for some basic dental coverage.
17. Where dental services are not covered by another program or a private insurance (e.g. a child has coverage through a parents insurance plan) the following may be approved by a social worker:
  - a) an examination and cleaning every 12 months;
  - b) routine fillings, extractions and procedures; and
  - c) emergency examinations and treatment.
18. Where it is recommended by an orthodontist, a manager may approve braces for a child or youth where the plan is for the child or youth to remain in care for the duration that the braces will be required.

## **Vision Care**

19. A social worker shall ensure that a child or youth in the care or custody of a manager receives, at minimum, an annual eye exam and that any necessary follow up is completed.
20. Vision care includes eye examinations, prescription glasses or contact lenses, repairs to prescription glasses, as well as replacement glasses when glasses cannot be repaired. A social worker may approve the following services:
  - d) the cost of an annual eye examination, at the most economical rate available in the child/youth's area;
  - e) the cost of glasses or contact lenses up to \$350.00 per year; and
  - f) the cost to repair glasses up to the cost of a new pair of glasses.



21. Additional vision care costs may be approved by a manager, where upon the recommendation of a health professional, a child or youth requires:

- a) more than one eye exam in a year;
- d) glasses or contact lenses that cost more than the rate listed above; or
- e) any other products or services related to vision care.

### **Other Health Services**

22. The social worker, in consultation with other members of the In Care Planning Team, shall consider any other services the child or youth may require (e.g., Occupational Therapy, counselling, etc.).

23. If services are required, the child or youth shall be referred to community services or those offered by a Regional Health Authority, where available. 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 for children and youth in care. These services can be approved as follows:

- a) supervisor up to \$400 per month; and
- b) manager for services exceeding \$400 per month .

**Exceptions:** None

### **Relevant Documents:**

- NLPDP Eligibility Confirmation Form

## Hospitalization

**Policy no.:** 3.22

**Effective Date:** March 2007

**Date Revised:** June 30, 2011, June 28, 2019

**Policy Cross References:** 3.19 Medical Consent **Legislative References:**

**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 parents and facilitate contact, where appropriate.

### Procedures:

1. The social worker shall advise the foster 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, medevacked, 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 **Medical Consent** policy for information related to providing consent for medical treatment for children and youth in the care or custody of a manager. 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 parents **as soon as possible**, regardless of their level of contact or the care or custody status of the child or youth. This would include parents who have signed a Consent to Adoption and 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 ongoing information to the foster care provider and the parents to ensure they are aware of the child or youth's progress and condition. The social worker shall develop a plan with the foster care provider 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 care provider to ensure they are equipped to respond to any ongoing health needs for the child or youth.

**Exceptions:** None

**Relevant Documents:** None

## Financial Services for the Child or Youth

**Policy no.: 3.23**

**Effective Date: March 2007**

**Date Revised: October 1, 2013, May 21, 2015; February 6, 2017; March 28, 2018; June 28, 2019; November 26, 2020; September 6, 2022**

**Policy Cross References: 3.20** Consent to Travel; **3.24** Children's Special Allowance; **3.25** Basic Foster Care Rate; **3.26** Block Funding; **3.27** Level Fee; **3.30** Vacation Costs for the Child or Youth to Accompany the Foster Family on Vacation

**Legislative References:**

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**Purpose:** To outline the additional funds that may be approved and provided to foster parents on behalf of a child or youth in the care or custody of a manager in addition to the basic foster care rate, Children's Special Allowance, block funding and levelfee.

### **Policy:**

1. A placement allowance shall be provided at the time a child or youth is placed in a foster home to enable the foster parents to purchase necessary items to support the placement.
2. A placement clothing allowance may be provided for a child or youth to ensure they are adequately and appropriately clothed.
3. A Christmas allowance shall be provided to foster parents to purchase Christmas gifts for a child or youth.
4. A graduation allowance may be provided for a youth graduating from high school to cover graduation costs such as graduation tickets, clothing, graduation ring, yearbook, etc.
5. The cost of counselling may be provided for a child or youth, if assessed as necessary to meet the needs of the child or youth.
6. The cost of tutoring expenses may be provided for a child or youth, if assessed as necessary to meet the needs of the child or youth.
7. Funding may be provided for necessary furniture or household items to accommodate a placement.
8. The cost of minor repairs, equipment or renovations may be approved to:
  - a) accommodate a child or youth with a disability or other special need as recommended by a qualified health practitioner;
  - b) accommodate a sibling group to be placed together to avoid separation; or

- c) enable a placement that may otherwise not be possible.
- 9. Where it has been determined by the social worker, in consultation with the supervisor, that a child or youth has caused damage to property, funding may be approved to cover the cost of damages.
- 10. The costs associated with implementing a Cultural Connection Plan may be approved for an Indigenous child or youth where these costs are not already covered in the basic foster care rate or block funding.
- 11. Other child or youth specific costs may be approved for a child or youth in care if assessed as necessary to meet the needs of the child or youth.
- 12. All financial requests and approvals shall be completed electronically using the Financial Benefit Request (FBR). Financial services outlined in this policy shall be approved for a maximum of a **6 month** period, at which time reassessment is required to determine if the service or benefit is still required.

## **Procedures**

### **Placement Allowance**

- 1. A social worker shall approve a placement allowance of \$200 for foster parents when a child or youth is placed in the home. This is to assist in obtaining items a child or youth may need upon placement (e.g. school items, special foods, personal items, booster seat, bedding, baby gate, etc.). It does not include monies for clothing as this will be assessed as part of the clothing allowance. The placement allowance is not paid when a child or youth goes for respite or is placed in a home on an emergency overnight basis.

### **Clothing Allowances**

- 2. A social worker shall assess the clothing needs of a child or youth upon placement, and where required, may approve a one-time placement clothing allowance of up to \$300 to be provided to foster parents to purchase needed clothes for the child or youth. A placement clothing allowance shall only be paid when a child or youth is moving to a new placement, and shall not be paid more than once in a six month period.
- 3. The social worker shall discuss with the foster parents their responsibility to meet the child or youth's ongoing clothing needs using the basic foster care rate. The social worker is responsible to work with the foster parents to ensure that the child or youth has adequate clothing on an ongoing basis, in accordance with their age and the season of the year.
- 4. A supervisor may approve an emergency clothing allowance to a maximum of \$300 in exceptional circumstances to meet the clothing needs of a child or youth.

5. The social worker shall explain to foster parents that all clothing (and other personal items) belonging to the child or youth shall move with them to any new placement, or when the child or youth transitions to a new program or returns home. The social worker shall attempt, to the best of their ability, to ensure that all of a child or youth's belongings accompany them when leaving a placement.

### **Christmas Allowance**

6. A Christmas allowance shall be approved by a social worker and provided to the foster parents to purchase Christmas gifts for a child or youth placed in the home. The Christmas allowance rates are as follows:

<b>Age</b>	<b>Amount</b>
Birth – 4 years	\$200
5 – 11 years	\$300
12 – 18 years	\$400

### **High School Graduation**

7. A one-time high school graduation allowance of up to \$750 may be approved by a social worker for a youth when they are graduating from high school to cover graduation costs such as graduation tickets, clothing, graduation ring, yearbook, etc.

### **Counselling**

8. When counselling is required for a child or youth, as outlined in the Plan for the Child or the In Care Progress Report, the social worker shall work with the parents and foster parents to explore available public counselling services to meet the child or youth's counselling needs, including any service the child or youth may be eligible for due to having Indigenous status or through an Employee Assistance Program (EAP). If public counselling services have been explored but are either unavailable or have a waitlist that would prevent the child or youth from getting required services in a timely fashion, a supervisor may approve up to a maximum of \$400 per month, or a manager may approve costs exceeding \$400 per month, for private counselling services.

### **Tutoring**

9. Where tutoring is required and recommended by the In Care Planning Team and a child or youth's school, the social worker shall determine the type of service required to adequately meet the needs of the child or youth (e.g. school tutoring program, a private service, a tutoring program offered through a private center, Homework Havens, etc.). The social worker shall explore whether there are educational supports or services offered through the school or another community program/service that could meet the child or youth's needs

10. If there are no other tutoring services available, to meet the child or youth's needs, a supervisor may approve funding up to a maximum of \$125 per week for tutoring services from a qualified tutor. This does not cover the cost of the tutor's preparation time, as this is the tutor's own responsibility.
11. In exceptional circumstances where a child or youth requires more than the maximum amount of \$125 per week, the manager may approve additional tutoring hours.

### **Costs Associated with the Cultural Connection Plan**

12. The social worker shall assess if a cost associated with implementing the Cultural Connection Plan (e.g. family visiting, books, toys, clothing, cultural events/activities) is covered by the Basic Foster Care Rate or Block Funding or if policy already exists to determine if this cost can be considered for approval (e.g. Family Access policy).
13. Where it is determined by the social worker, in consultation with the supervisor, that the cost is not included in the basic foster care rate or block funding or cannot be supported under an existing financial policy (e.g. family access), a cost associated with implementing the Cultural Connection Plan (e.g. activity, materials, toys, cultural clothing, community event, etc.) may be approved:
  - a) up to a maximum of \$500 per year by a supervisor;
  - b) up to a maximum of \$1000 per year by a manager; or
  - c) by the regional director for costs exceeding \$1000 per year.

### **Furniture and Household Items**

14. Foster parents are expected to have furniture and household items to accommodate the number and age of the children or youth for which they are approved. A social worker may approve the cost of additional furniture/items that are required to accommodate the placement of a child or youth (e.g. foster parents agrees to take a sibling group but requires a bunk bed to accommodate the placement, foster parents agree to take an infant and requires a crib, etc.). The items then belong to the child or youth, and if not required for future placements or a return home, the items belong to the department.

The following table provides the maximum cost that a social worker may approve:

<b>Item</b>	<b>Maximum Cost</b>
Bed	\$1000
Bunk Bed	\$1200
Crib	\$750
Car seat	\$300
Booster seat	\$200
Stroller	\$300
Dresser	\$500

15. Manager approval is required to approve costs exceeding the rates identified in the table above.

### **Minor Repairs/Equipment/Renovations**

16. The cost of minor repairs, equipment or renovations may be approved to:
  - a) accommodate a child or youth with a disability or other special need as recommended by a qualified health practitioner;
  - b) to accommodate a sibling group to be placed together and not be separated; or
  - c) to enable a placement that may otherwise not be possible.
17. When the social worker receives requests from foster parents for minor repairs, equipment or renovations, the social worker shall consult with a supervisor to determine if the request may be supported based on the purpose for the minor repairs, equipment or renovations. If the supervisor agrees with supporting the request, the supervisor shall consult with a manager to determine whether the manager would also support the request.
18. If the manager supports the request, the social worker shall advise the foster parents of the requirement of the foster parents to provide three quotes for the minor repair, equipment or renovation.
19. The social worker shall forward the Financial Benefit Request (FBR) with the three quotes attached, to the supervisor. If the supervisor supports the request, the supervisor shall forward the FBR to the manager.
20. The costs of minor repairs, equipment or renovations, may be approved by a manager up to a maximum of \$2500 per year.
21. The RD may approve the cost of minor repairs, equipment or renovations that exceeds \$2500 per year and shall determine whether to utilize a service provider that provided one of the three quotes or procure the minor repair, equipment or renovation in another manner.

### **Damages**

22. Where it has been alleged that damage to property has been caused by a child or youth, a social worker shall assess the situation and collect relevant information, observe the damage and/or speak to involved parties to determine whether the child or youth was partially or fully responsible for the damage.
23. Where it has been determined by the social worker that the child or youth was partially or fully responsible for the damage, the cost of repair or replacement may be approved:
  - a) up to a maximum of \$1000 per year by a supervisor;
  - b) up to a maximum of \$2500 per year by a manager; or
  - c) by the regional director for costs exceeding \$2500 per year.



24. The social worker shall advise the foster parents of the requirement for the foster parents to provide three quotes for repair or replacement costs.
25. 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 department. 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.
26. Where possible, the foster parents and social worker shall work with the child or youth, in an age and developmentally appropriate manner, to determine how they can contribute to the repairs. The contribution of the child or youth may be financial or in kind, such as assisting with cleaning up or repairing the damages.
27. Where payment is to be provided to foster parents 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.

#### **Driver's Education Program/Road Test/Driver's License**

28. When a youth in the continuous custody of a manager requests funding for a driver's license, the social worker shall consider the youth's developmental and maturity levels in determining if the request should be approved. If the social worker, in consultation with the supervisor, determines that the youth has demonstrated the necessary maturity required to be a responsible driver, the social worker may approve the cost of the following:

Item	Maximum Cost
Driver's education program	\$1250
Road test	Up to the maximum rate set by the Motor Registration division of Service NL
Driver's License	Up to the maximum rate set by the Motor Registration division of Service NL

#### **Other Child or Youth Specific Costs**

29. Other child or youth specific costs that may be approved by a social worker if deemed necessary to meet the needs of a child or youth include:

<b>Item</b>	<b>Maximum Cost</b>
Extra food costs for a child or youth who requires a special diet due to a medical condition and based on the recommendation of a qualified health professional	\$60 /month
Diapers or disposable underwear for a child over age 4 years who has incontinence issues	\$200 /month
Birth certificate	Up to the maximum rate set by Service NL
Photo identification	Up to the maximum rate set by Service NL
Passport/Passport photo	The cost of a passport, as set by the Federal Government  The cost of a passport photo, as per most economical rates available in child/youth's location
Medical examination	The cost of any required child/youth medical examinations
Suitcase	\$100
Professional photos for the use of profiling a child or youth in continuous custody for adoption	\$100

30. Special items or equipment to meet an identified medical or special need, if these costs are not covered by another external source (e.g. MCP, Department of Health and Community Services, a Regional Health Authority program, etc.), may be approved as follows:

- a) up to a maximum of \$500 per year by a social worker;
- b) amounts exceeding \$500 per year by a supervisor;
- c) up to \$2500 per year by a manager; or
- d) the regional director may approve special items or equipment that exceeds the cost of \$2500 per year

## **Exceptions:**

1. In exceptional circumstances, a manager may approve a clothing allowance of up to \$300 at the time of a subsequent placement that occurs less than 6 months from the previous placement.
2. In exceptional circumstances where a child or youth has been receiving one-on-one support or the services of a Behavioral Aide, the manager may approve the continuation of these services if deemed necessary to meet the complex needs of the child or youth.
3. Where a bed and mattress cannot be purchased in the area for \$500, a manager may approve the cost of a bed and mattress up to \$1000.

## **Relevant Documents:**

- Passport Canada  
<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports.html>
- Canada Revenue Agency  
<http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/hwpyrllwrks/stps/menu-eng.html>
- Release form

## Children's Special Allowance

**Policy no.: 3.24**

**Effective Date: March 2007**

**Date Revised: October 1, 2013; March 28, 2018**

**Policy Cross References:** 3.7 Placement Procedures; 3.25 Basic Foster Care Rate; 3.25 Block Funding; 3.30 Vacation Costs for the Child or Youth In Care or Custody to Accompany the Foster Family on Vacation.

**Legislative References:**

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**Purpose:** To outline the social worker's responsibilities related to the Children's Special Allowance (CSA) for children and youth in the care or custody of a manager.

### Policy:

1. The Department is entitled to receive the CSA from the Canada Revenue Agency on behalf of a child or youth under the age of 18 years who is in the care or custody of a manager.

### Procedures:

1. The social worker shall apply for the CSA from the Canada Revenue Agency on behalf of the Department **within three (3) days** of a child or youth entering the care or custody of a manager. The application form can be accessed online: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/childrens-special-allowances.html>. The social worker shall not complete the foster parent information section.
2. The social worker shall advise the parents from whom the child or youth was removed that this application has been made and as a result, they will cease to receive the Canada Child Benefit (CCB) and the children's component of the GST/HST credit.
3. The social worker shall arrange for the foster parent to receive the CSA in the amount of \$85 per month. This amount will be paid to the foster home by the department. Foster care providers **cannot apply** for the CCB 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 **within 3 days of** a child or youth leaving the care or custody of a manager. The form can be accessed online at: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/childrens-special-allowances.html>. Where a child or youth is no longer in the care or custody of a manager, leaves care, returns to live with their parents or enters the custody of another person, they shall be advised that they must make an application to receive the CCB. The social worker may offer to assist the parents.

5. The social worker shall complete and submit the cancellation section of the application 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 **within three (3) days** of completion of the secure sentence.
6. Where a youth under the age of 18 years 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.

**Exceptions:** None

**Relevant Documents:**

- Children's Special Allowances Application/Cancellation Form\_  
<https://www.canada.ca/en/revenue-agency/services/child-family-benefits/childrens-special-allowances.html>

## Basic Foster Care Rate

**Policy no.: 3.25**

**Effective Date: April 2010**

**Date Revised: October 1, 2013; March 28, 2018**

**Policy Cross References:** 3.23 Financial Services for the Child or Youth; 3.24 Children's Special Allowance; 3.26 Block Funding; 3.27 Level Fee

**Legislative References:**

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**Purpose:** To outline the basic foster care rate that is provided to foster parents on behalf of each child or youth placed in the foster home.

### Policy:

1. Foster parents shall be provided with the basic foster care rate for each child or youth placed in their home.
2. Foster parents shall be provided with the infant allowance for each child or youth under 2 years of age who is placed in their home. This money is included in the basic foster care rate.

### Procedures:

#### Basic Rate

1. The basic foster care rate is provided to cover the daily costs of caring for a child or youth including:
  - a) food;
  - b) shelter;
  - c) clothing;
  - d) routine household wear and tear;
  - e) personal hygiene items;
  - f) routine community travel (e.g. friend's house, community center, etc.);
  - g) fees for lessons and programming (e.g. swimming, art, music, etc.);
  - h) regular family activities (e.g. movie night, etc.);
  - i) routine babysitting (e.g. foster parents going to a movie or their own medical appointment, etc.);
  - j) non-prescription medications;
  - k) school supplies;
  - l) regular field trips;
  - m) haircuts;
  - n) birthday parties; and
  - o) gifts.

2. The foster parents are 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 parents to ensure the rate provided is sufficient to meet the child or youth's needs by assisting the foster parents, as required, to plan how best to utilize the funding provided.
3. The table below outlines the basic foster care rates which came into effect on April 1, 2010. A social worker shall approve the applicable basic foster care rate for foster parents for each child or youth placed in the foster home. When a rate is adjusted based on a change in the child's age category (e.g. the child turns 2, 5, or 12 years of age 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
<b>Birth up to age 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 up to age 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 their second birthday. Foster parents will receive the **Birth up to age 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 (e.g. formula, diapers, etc.). The table below provides a breakdown of the infant allowance amounts that are included in the basic foster care rate structure for the **Birth up to age 2** category.

Age	Infant Allowance Amounts Included in the Basic Rate Effective June 1, 2009		
	Island	Labrador	Remote
Birth up to age 2	\$200	\$230	\$260

**Exceptions:** None

**Relevant Documents:** None



## Block Funding

**Policy no.: 3.26**

**Effective Date: February 1, 2013**

**Dates Revised: August 18, 2014; May 21, 2015; February 6, 2017; March 28, 2018; September 6, 2022**

**Policy Cross References:** **3.18** Transitioning to Youth Services from In Care; **3.23** Financial Services for the Child or Youth; **3.25** Basic Foster Care Rate; **3.27** Level Fee; **3.28** Respite; **3.29** Child Care, Babysitting and Sleepovers; Placement Procedures; **3.30** Vacation Costs for the Child or Youth In Care or Custody to Accompany the Foster Family on Vacation

**Legislative References:**

**Purpose:** To outline the financial services for one weekend respite per month, social/recreational costs and local transportation that are included in the block funding provided to foster parents on behalf of a child or youth placed in a foster home.

### **Policy:**

1. **Level 1** and **Level 2** foster parents who receive the basic foster care rate for a child or youth residing in their home shall be provided with block funding in the amount of \$300 per month for each child or youth placed in the foster home.
2. Block funding for level 1 and level 2 foster parents is provided to cover the equivalent **of one weekend of respite per month**, social/recreational costs and local transportation costs for the child or youth.
3. **Level 3** specialized foster parents who received the basic foster care rate for a child or youth residing in their home shall be provided with block funding in the amount of \$535 per month for each child or youth placed in the foster home.
4. Block funding for level 3 specialized foster parents is provided to cover the equivalent **of two weekends of respite per month**, social/recreational costs and local transportation costs for the child or youth.
5. Existing foster parents that opted to remain with receipt/invoice based reimbursement and not accept block funding when it was introduced in February 2013 may choose to switch to block funding at any time, however, once foster parents accept block funding for a child or youth placed in the home, they cannot return to receipt/invoice based reimbursement.
6. The cost of supports and services associated with the care of a child or youth that are not included in the basic foster care rate or block funding (e.g. tutoring, child care, etc.) shall be assessed on a case by case basis in accordance with the applicable policy (e.g. **Financial Services for the Child or Youth, Child Care, Babysitting and Sleepovers** etc.).

7. The social worker shall determine through discussion with the foster parent(s) and the child or youth, where age and developmentally appropriate, how the block funding money is being used before considering any requests for additional funding or when assessing the services being provided to the child or youth (e.g. the types of social recreational activities the child or youth is involved in, etc.). Block funding should be used to support the child or youth and the placement before other additional funding is considered.
8. All financial requests and approvals shall be completed and approved on the Financial Benefit Request (FBR) with the approval noted in the physical file for the child or youth and in ISM.
9. The rationale for approving financial requests as exceptions to blockfunding must be clearly documented and shall only be approved to a maximum of a 6 month period.
10. Following the 6 month approval, a thorough reassessment is required to demonstrate and determine if the service or benefit is still required, and to outline why the ongoing block funding does not meet the needs of the child, youth or placement.

## **Procedures:**

1. Block funding is standardized upfront funding paid to level 1, 2 and 3 foster parents to supplement the basic foster care rate in providing care to a child or youth and support the placement (i.e. respite, transportation, recreation).
2. Level 1 and level 2 foster parents will receive **\$300** block funding per month and this includes monies to cover the cost of equivalent of **1 weekend** of respite per month, social/recreational activities/items and local transportation for each child or youth placed in the home.
3. Level 3 specialized foster parents will receive **\$535** block funding per month and this includes monies to cover the cost of equivalent of **2 weekends** of respite per month, social/recreational activities/items and local transportation for each child or youth placed in the home.
4. Block funding gives level 1, 2 and 3 foster parents the autonomy and flexibility to manage funding in a way that best meets their respite needs, the respite needs of the child or youth as well as social/recreational and transportation costs.
5. A social worker shall approve block funding for foster parents upon placement of each child or youth in the home for whom the foster parent will receive the basic foster care rate. Please refer to the **Basic Foster Care Rate** policy for additional information. Foster parents are not expected to provide receipts for expenses paid for with block funding.

## Social/Recreational Expenditures

6. All social/recreational costs for a child or youth are included in the basic foster care rate and block funding. A social worker shall use the following examples when discussing with foster parents what is included in the basic foster care rate and block funding:
  - a) fees for lessons and programming (e.g. swimming, art, music, etc.);
  - b) uniforms and costumes;
  - c) tickets for social/recreational concerts/shows;
  - d) trips for social/recreational activities;
  - e) sports equipment (e.g. skates, bicycles, helmets, etc.);
  - f) family activities and outings;
  - g) day or weekend trips;
  - h) treats (e.g. going to a restaurant/movie with friends, etc.); and
  - i) educational toys and home exercise equipment (e.g. infant play mat, exersaucer, weights, books, arts/crafts, etc.).
7. Where a child or youth has been enrolled in a social/recreational activity prior to entering care, a social worker shall discuss with the foster parents the importance of supporting the child or youth in continuing in the activity, if possible. If it is determined that the foster parents cannot financially support the cost of an activity as the cost exceeds that which is provided in block funding the basic foster care rate, and the child or youth's parents are not already contributing financially to the child or youth's care, a social worker shall explore the ability of the child or youth's parents to financially contribute to the cost for the child or youth continuing in the activity.
8. If it is determined that the foster parents or the parents of the child or youth are unable to cover the cost of an activity outlined above, a supervisor may approve additional funding to enable the child or youth to continue in an activity that they were actively involved in **prior to coming into care**, if it is assessed to be in the child or youth's best interest.
9. In addition to the provision of block funding, a social worker may approve up to a maximum of \$200 per week to cover the cost of a social/recreational program, which replaces child care and is required by foster parents for employment or educational training purposes (e.g. a summer camp program that replaces child care required by a foster parent(s) to accommodate their employment or enrollment in post-secondary training, etc.)
10. The cost of an in-province school-related trip may be approved by a social worker for a child or youth to travel with their class or a school group/team of which the child or youth is a member. The ability of the foster parents to pay for the trip with block funding monies shall be taken into consideration by determining the cost of the school related trip and how the foster parents are already utilizing block funding for social/recreational expenses.

11. The cost of an out-of-province, or out-of-country school-related trip may be approved by manager for a child or youth to travel with their entire class or a school group/team of which the child or youth is a member. The ability of the foster parents to pay for the trip with block funding monies shall be taken into consideration by determining the cost of the school related trip and how the foster parents are already utilizing block funding for social/recreational expenses.

## **Transportation and Meals**

12. A social worker shall explain to foster parents when discussing block funding and reimbursement of transportation costs that foster parents are required to plan, using the block funding they receive, to cover all regular/local transportation expenses, including transportation for typical medical transportation and the purchase of bus passes.
13. Foster parents who are receiving block funding shall not be reimbursed for routine community and local travel for a child or youth, including transportation by the foster parents directly, taxi or bus services, as funding for these costs are included in the basic foster care rate and blockfunding.
14. Transportation costs not included as local or community transportation in block funding that may be approved by a social worker and paid off the child or youth's in care file include:
  - a) travel to and from court, regardless of the distance travelled;
  - b) placement travel over 100 kms; and
  - c) transportation for family access visits or respite that is required due to a child or youth travelling to another community for family visiting or reunification purposes (e.g. a child or youth must travel to and stay overnight in another community for family visiting or to facilitate a reunification plan).
15. Transportation costs not included as local or community transportation in block funding that may be approved by a supervisor and paid off the child or youth's in care file include:
  - a) excessive school transportation, based on the reason, frequency and distance travelled (e.g. school transportation if the plan for the child or youth is to remain in his or her neighborhood school and as a result the child or youth must be transported daily outside the school zone where the foster parents reside, and the school is not close in proximity or en route to the workplace of the foster parents). **Please note:** children or youth with physical or cognitive disabilities, or who live outside of a bus zone and not in walking distance of the school, who require special transportation may qualify for assistance from the Department of Education and Early Childhood Development. Social workers shall consult with the school district regarding services for these children and youth prior to requesting approval for these transportation costs;
  - b) excessive child care transportation, based on the reason, frequency and distance travelled (e.g. child care transportation may be approved when foster parents require

child care for employment reasons and the child care provider is not located in close proximity or enroute to the workplace of the foster parents;

- c) exceptions for non-typical in-province medical travel shall be assessed on a case by case basis considering the reason (e.g. diagnosis of a medical condition that requires above average medical attention, specialist appointment, etc.); above average frequency (e.g. more than 4 trips a month, etc.); above average distance travelled (e.g. more than 50 kilometers once per week, more than 100 kilometers per trip, etc.) for a specific situation; and
  - d) For example: it would be an exceptional medical travel if foster parents have to travel across the province for a child or youth to attend a specialist appointment or if foster parents have to travel twice a week, every week, more than 50 kilometers each way for a child or youth to attend a medical appointment. It would not be considered exceptional medical travel if foster parents have to only travel several times a year from 50-100 kilometers each way from one community to another community as this would be regular medical travel.
  - e) transportation for respite, to a maximum of 250 kilometers per week, if deemed necessary based on distance and frequency, and if required to meet the needs of the child or youth. Mileage shall be reimbursed at the established fluctuating basic Provincial Government rate.
16. The cost of out of province (OPP) travel is not included in block funding. All requests for out of province travel (excluding school related trips and family visiting travel for children and youth placed in an OPP) shall be approved by the ADM or Deputy Minister.
17. Where transportation costs are approved as an exception to block funding and the foster parents use their own vehicle, they shall be reimbursed for mileage at the established fluctuating basic Provincial Government rate. A social worker shall explain to foster parents that they are required to track mileage only for specific trips that have been approved as exceptions to block funding, and are to only submit travel claims for transportation costs that have been pre-approved for reimbursement.
18. When approval has been granted for exceptional transportation costs to be paid outside of block funding, the cost of meals and/or a hotel stay shall be assessed on a case by case basis and may be approved by a supervisor.
19. A manager may approve transportation costs that exceed the above policy limits.
20. The following shall be considered when assessing requests to cover the cost of meals for foster parents and children or youth travelling outside of their local area:
- a) purpose of travel;
  - b) frequency of travel;
  - c) appointment time and location;
  - d) departure time;
  - e) return time; and

f) number of people required to travel.

21. The cost of meals for a child or youth may be approved by a social worker when a child or youth has to travel outside the local area and travel costs are approved outside of block funding. Where foster parents are approved to be reimbursed for a child or youth's meals, the following are the maximum allowable per diem rates:

Age	Rate
0 – 11 years	\$15 per day
12 – 18 years	\$20 per day

22. The cost of meals for foster parents may be approved by a supervisor when the foster parents are required to travel with a child or youth outside the local area and travel costs are approved. Where foster parents are approved to be reimbursed for meals, reimbursement shall be provided in accordance with the established Provincial Government per diem rate.

### Respite

23. When discussing respite with Level 1 and 2 foster parents, a social worker shall explain that block funding includes monies for the equivalent of **one respite weekend per month**. Foster parents may use their discretion on how to best meet their respite needs using the funding provided. For example, this may include utilizing one weekend of respite per month, hourly respite, a combination of overnight/hourly respite, or saving funding for several months to take a longer period of respite. When using money from block funding for hourly respite, foster parents are required to cover the cost of employee benefits and any associated payroll administration fee for those hours.
24. When discussing respite with Level 3 foster parents, a social worker shall explain that block funding includes monies for the equivalent of **two respite weekends per month**. For example, this may include utilizing two weekends of respite per month, hourly respite, a combination of overnight/hourly respite, or saving funding for several months to take a longer period of respite. When using money from block funding for hourly respite, foster parents are required to cover the cost of employer benefits and any associated payroll administration fee for those hours.
25. If foster parents request additional respite in addition to what is allocated in block funding, the social worker shall determine through discussion with the foster parents whether they are utilizing the money allotted for respite in block funding. If the monies allotted in block funding are not being used for respite, the social worker shall discuss what the funds are being used for with the foster parents. This discussion shall occur before considering or recommending any additional respite funding.

26. Foster parents are expected to use the block funding money provided for respite prior to any additional respite being approved, unless the additional respite is requested to enable the foster parents to travel outside their home region to attend training related to fostering, employment or attend a medical appointment/event to meet the needs of another child or youth in care, or to accommodate a child or youth in care staying with a respite provider outside the local area or the foster home for the purpose of family visiting or reunification. Please refer to the **Respite** policy for additional information.
27. In situations where foster parents are considered the employer for a service not covered under block-funding, (e.g. child care, babysitting, tutoring or hourly respite approved in addition to block funding), the cost of associated employer benefits and/or payroll administration fees shall be approved by the individual approving the original request (e.g. if a supervisor has the authority to approve child care hours they would also approve the associated employer benefits and administration fees).

### **Exceptions:**

1. Existing foster parents as of January 1, 2013 were given an option of whether to accept block funding or to continue with receipt/invoice based reimbursement for a child or youth placed in their home as of that date. Foster parents who elected to remain with receipt/invoice based reimbursement for the expenses that would otherwise be included in block funding may continue with this option until the child or youth leaves their home. In these cases, requests for funding for social/recreation costs, transportation and weekend respite must be assessed **every 3 months** and be approved in accordance with the **Guidelines for Services to Foster Parents Not Receiving Block Funding**.
2. In exceptional circumstances, the manager may approve additional funding for social/recreational activities, local transportation, where it is assessed as necessary based on the needs of the child or youth and/or foster family.
3. In exceptional circumstances, the RD may approve additional hourly/overnight/weekend respite beyond the approval level of the manager where it is assessed as necessary based on the needs of the child or youth and/or foster family.
4. In exceptional and emergency situations (e.g. to avoid placement breakdown), a manager may approve transportation or additional respite if the RD or ADM is unavailable and the request cannot wait for approval due to the urgency of the situation.

### **Relevant Documents:**

- Foster Parent Agreement (Level 2)
- Foster Parent Agreement (Level 3)

## Taxi Transportation for Children and Youth in Care

**Policy no.: 3.26.1**

**Effective Date: August 1, 2016**

**Date Revised: June 28, 2019; September 6, 2022**

**Policy Cross References:** **3.26** Block Funding; Guidelines for Services to Foster Parents Not Receiving Block Funding; **4.20** Family-based and Residential Placement Operational Costs

**Legislative References:**

**Purpose:** To outline expectations regarding taxi transportation for children or youth in the care or custody of a manager.

### Policy:

1. When a child or youth in care or custody of a manager requires transportation, taxi transportation shall only be considered as a last alternative after other means of transportation have been determined to be unavailable or inappropriate.
2. If taxi transportation is approved, all children in the care or custody of a manager under the age of 16 years shall be accompanied by an adult.
3. Taxi costs for children or youth in care shall be approved in accordance with the **Block Funding** policy, the **Guidelines for Services to Foster Parents Not Receiving Block Funding**, or the **Family-based and Residential Placement Operational Costs** policy.

### Procedures:

1. When a decision has been made by the social worker, in consultation with the supervisor and the foster care provider, that it is necessary to transport a child in the care or custody of a manager in a taxi, the social worker shall ensure:
  - a) all children under 16 years of age are accompanied by an adult;
  - b) the person entrusted with putting a child in a taxi is knowledgeable of current regulations regarding the use of child restraints in vehicles and ensure, where necessary, the child is in an approved and properly installed safety or booster seat.
2. When a decision has been made by the social worker, in consultation with the supervisor and the foster care provider, that it is necessary to transport a youth in care or custody of a manager in a taxi, the social worker shall consider the following factors to determine if the youth requires adult accompaniment:



- a) the developmental level, maturity and vulnerability of the youth;
- b) distance of travel;
- c) time of day;
- d) youth's comfort level travelling by taxi without an adult; and
- e) other factors relevant to the youth.

**Exceptions:** None

**Relevant Documents:** None

## Level Fee

**Policy no.: 3.27**

**Effective Date: October 1, 2013**

**Date Revised: August 18, 2014; March 28, 2018; September 6, 2022**

**Policy Cross References: 3.24** Children's Special Allowance; **3.25** Basic Foster Care Rate; **3.26** Block Funding

**Legislative References:**

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**Purpose:** To outline the process for determining the level fee that shall be provided to foster parents in recognition of their experience, skills and training.

### Policy:

1. Approved foster parents that have completed **PRIDE** Preservice Sessions and/or Specialized Foster Parent Training modules shall receive a monthly level fee in recognition of their experience, skills and training, as follows:
  - a) Level 2-Regular or Relative/Significant Other Foster Home: \$600 per month per child or youth placed in the foster home for whom the foster parents are receiving the basic foster care rate; and
  - b) Level 3-Specialized Foster Home: \$1600 per month per child or youth placed in the foster home for whom the foster parents are receiving the basic foster care rate.

### Procedures:

#### Level 2

1. A foster parent shall be eligible for a level 2 level fee when the fosterparents:
  - a) are approved as a relative/significant other foster home, interim approved regular foster home or approved regular foster home; and
  - b) has completed all PRIDE Preservice sessions.
2. A social worker shall approve the level 2 level fee for each child or youth placed in an approved level 2 foster home for whom the foster parents are receiving the basic foster care rate, in accordance with the rates identified above.
3. When a foster home is approved as level 2, the social worker shall ensure the foster parents sign the Foster Parent Agreement (level 2) form.

#### Level 3

4. Foster parents shall be eligible for a level 3 level fee when the foster parents are granted conditional or final approval as a level 3 foster home by a manager and a new child or youth in care is placed in their home.

5. A social worker shall approve the level 3 level fee for each child or youth placed in a level 3 foster home for whom the foster parents are receiving the basic foster care rate, in accordance with the rates identified above.
6. When a manager has approved a foster home as a level 3 foster home, the social worker shall ensure the foster parents sign the Foster Parent Agreement (level 3) form.

### **Exceptions:**

1. If level 3 foster parents request that they be matched with a child or youth whose needs would normally be matched to a level 2 foster home rather than a Level 3 foster home, the foster parents shall only be eligible to receive the level 2 level fee.
2. Foster parents who are granted conditional or final approval as a level 3 foster home may be eligible for a level 3 level fee on behalf of a child or youth who was placed in their home prior to their level 3 approval where:
  - a) the child or youth is in the **continuous custody** of a manager;
  - b) the child or youth has **highly complex needs** requiring a level of service consistent with the competencies and expectations of level 3 foster parents; and
  - c) the manager has approved Part A of the Specialized Foster Home Assessment.

### **Relevant Documents:**

- Foster Parent Agreement (level2)
- Foster Parent Agreement (level3)

## Respite

**Policy no.: 3.28**

**Effective Date: March 2007**

**Date Revised: August 18, 2014; May 21, 2015; December 18, 2015; February 6, 2017; March 28, 2018; June 28, 2019; September 6, 2022; September 27, 2022**

**Policy Cross References:** 3.9 In Care Progress Report; 3.14 A Child or Youth Absent Without Permission; 3.15 A Child or Youth Missing or Abducted; 3.19 Medical Consent; 3.25 Basic Foster Care Rate; 3.27 Level Fee; Block Funding; 3.29 Child Care, Babysitting and Sleepovers; 4.6 Respite Foster Home Approval Process; 4.11 Positive Discipline  
**Legislative References:**

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**Purpose:** To outline when respite may be provided to foster parents, the requirements for approving respite services, and the applicable respite rates.

### Policy:

1. The purpose of respite services is to:
  - a) provide temporary relief and reduce stress levels for foster parents who are providing care to a child or youth with complex emotional, psychological, physical and behavioral needs;
  - b) assist foster parents with the daily care of a child or youth with **exceptionally** complex needs, or a large sibling group, in order to facilitate or maintain a placement;
  - c) provide the child or youth with access to their community or to activities that will assist in meeting their needs;
  - d) provide care for a child or youth when foster parents must travel outside their home region for overnight or longer (e.g. to attend training related to fostering, a medical appointment, or to attend an appointment/event to meet the needs of another child or youth in care, etc.);
  - e) provide care for a child or youth when foster parents require overnight care for a child or youth due to employment purposes that is not part of a regular employment related child care arrangement (e.g. a foster parent has to work/travel overnight for employment reasons, which is outside their regular employment schedule, etc.);
  - f) provide care for a child or youth who requires overnight care for family visiting purposes; and
  - g) provide care for a child or youth when foster parents require respite due to a **significant life event** (e.g. death in the family, hospitalization, etc.).
2. Foster parents receive money for respite through block funding. Additional respite may be approved on an hourly, daily, weekend or weekly basis in **exceptional circumstances** and if deemed necessary based on the needs of the child or youth and/or the foster family.

3. Foster parents are **not permitted** to provide respite at the same time that a child or youth placed in their home is receiving in or out of home respite.
4. The social worker shall refer to the **Respite Foster Home Approval and Monitoring Process** policy for information on approving and monitoring respite homes.
5. Foster parents may also be provided with a respite to enable them to take a vacation break.

## **Procedures:**

### **Approval Level 1 and 2 Foster Homes**

1. Foster parents receive monies for the equivalent **of one respite weekend per month** in the block funding they receive. Foster parents should use their discretion on how to best meet their respite needs using the funding provided in block funding. Once block funding respite monies are used to meet respite needs, requests for additional respite may be considered in **exceptional circumstances**, where it is deemed necessary, based on the needs of the child or youth and/or the foster family. The social worker shall consider the following when assessing the need for additional respite:
  - a) how monies for respite provided in block funding are being used to support respite needs;
  - b) age and developmental abilities/needs of the child or youth;
  - c) number of persons with complex needs placed in a home;
  - d) stress experienced by the foster parents;
  - e) number of respite hours the foster parents are requesting;
  - f) medical considerations of the child or youth;
  - g) dependency of the child or youth in the area of self-help;
  - h) requirement of the child or youth for constant or intensive supervision;
  - i) behavioral difficulties exhibited by the child or youth (e.g. self-abusive, destructive or aggressive behavior, etc.);
  - j) recommendations by the In Care Planning Team and health care/school/other professionals; and
  - k) reasons why the foster parents are requesting respite (e.g. for employment travel or for an out-of-town medical appointment, etc.).
2. Where additional respite is recommended by a social worker (beyond what is covered by block funding) a supervisor may approve:
  - a) up to 5 hours of additional hourly respite per week;
  - b) overnight respite to allow the foster parents to attend to their own medical needs (e.g. a foster parent has to be hospitalized or must attend a medical appointment in another jurisdiction), respite due a significant life event (e.g. death in the family), for employment travel, for the foster parents to travel to accommodate the needs of another child in care (e.g. travelling with another child for a medical appointment), or for respite for a child or youth travelling to another community for family visiting or reunification purposes; and

- c) For requests in excess of procedure 2. a) and b), see policy Exception 4.

### **Level 3-Specialized Foster Homes**

3. Foster parents receive monies for the equivalent of **two respite weekends per month** in the block funding they receive. Foster parents should use their discretion on how to best meet their respite needs using the funding provided in block funding. Once block funding respite monies are used to meet respite needs, requests for additional respite may be considered based the complex needs of the children and youth matched with a specialized foster home and the support needs of the foster family.
4. Where additional respite is recommended by a social worker in consultation with the In Care Planning Team, a supervisor may approve:
  - a) up to 10 hours of additional respite a week to provide **temporary relief** and reduce stress levels for foster parents.
  - b) up to 20 hours per week of respite support in the home and/or in the community where a second person is required to work directly with and assist the foster parents to manage and/or address a child or youth's complex behavioral or medical needs.
5. A supervisor may approve up to an additional 10 hours of respite per week for a combined maximum of 40 hours per week where it has been assessed and documented by the social worker in consultation with the supervisor and In Care Planning Team, that additional hours are required to meet a specific identified need that cannot be addressed with the hours a supervisor can approve (e.g. a child has a medical condition that requires a second person to assist the foster parents more than 20 hours per week).
6. A supervisor may approve overnight respite to allow the foster parents to attend to their own medical needs (e.g. a foster parent that has to be hospitalized or must attend a medical appointment in another jurisdiction), respite due a significant life event (e.g. death in the family), respite for the foster parents to travel to accommodate the needs of another child in care (e.g. travelling with another child for a medical appointment), respite for the foster parents to attend an approved training event or for respite for a child or youth travelling to another community for family visiting or reunification purposes.

### **Level 1, 2 and 3 Foster Homes**

7. All Financial requests and approvals shall be completed electronically on the Financial Benefit Request (FBR) and the approval shall be noted in the child or youth's in care file.
8. Approval of funding for additional respite shall be approved up to a **maximum period** of 6 months, at which time the need for respite shall be reassessed before any further approval is granted.

9. When it is determined that additional respite services are required to meet the needs of a child or youth, the social worker shall document the rationale for respite in the child or youth's In Care Progress Report and in the child or youth's in carefile.
10. Please refer to the **Block Funding** policy for additional information related to considering and/or approving any additional respite outside of that which is provided in block funding.
11. A manager may approve transportation costs for respite, to a maximum of 250 kms per week, if deemed necessary based on distance and frequency, and if established to meet the needs of the child or youth. Mileage shall be reimbursed at the fluctuating basic Provincial Government rate. Foster parents in receipt of block funding shall be expected to cover all or a portion of the respite provider's transportation costs. Please refer to the **Block Funding** policy for details.
12. Hourly respite providers shall not be approved for reimbursement of their own meals.

### **Requirements for Hourly Respite Providers**

13. The social worker shall discuss the requirements for hourly respite providers with foster parents, and shall ensure and document in the child or youth's in care file, that prior to being hired, to provide respite, the hourly respite providers shall:
  - a) provides one reference from a non-relative and one reference from a collateral community contact (e.g. minister, community leader, teacher, etc.) who they have known for at least one year;
  - b) provides a clear police records check and Vulnerable Sectors Check by:
    - i. making an application to the police jurisdiction where they currently reside and giving permission to have a Criminal Record Check completed in all jurisdictions where they previously resided;
    - ii. selecting to have the Vulnerable Sector Check completed on the Royal Newfoundland Constabulary (RNC) Criminal Records Check form, or completing a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
    - iii. if residing in an RCMP jurisdiction, making an application to the provincial court to have a check completed. Applications are available at RCMP detachments;
    - iv. if residing in a Royal Newfoundland Constabulary jurisdiction, making an application to the Provincial Court to have a check completed if it is possible that they may have a record prior to 1980.
    - v. if a Criminal Record Check identifies a current criminal charge(s) or previous criminal conviction(s) for a child or youth, the social worker shall stamp the criminal record check documentation with the nondisclosure date. Please refer to the Youth Corrections Records Management policy for additional information.
  - c) has a completed Child Protection Clearance Check granting clearance from any areas of the province and from any other jurisdictions in which they have previously

resided. Where there has been previous involvement, the social worker shall explore the circumstances of that involvement. 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 whether to continue with the approval process. Potential respite providers who have unresolved child protection concerns shall not be approved to provide respite;

- d) understands their role with the child or youth;
- e) understands the importance of maintaining confidentiality in relation to information about the child or youth and the child or youth's family;
- f) signs a Declaration of Confidentiality form and understands the limits of confidentiality; and
- g) receives a copy of the **Positive Discipline, Medical Consent, A Child or Youth Absent Without Permission, and A Child or Youth Missing or Abducted** policies.

14. The social worker, through consultation with the foster parents and the child or youth where appropriate, shall review and evaluate the respite worker's performance to ensure the service is an appropriate fit for the child or youth and the foster parents.
15. The social worker shall advise the foster parents that they are considered to be the employer of the hourly respite provider and therefore the foster parents must contact the Canada Revenue Agency to open an account. Information regarding payroll, contributions and deductions can be obtained directly from the Canada Revenue Agency online at: <https://www.canada.ca/en/services/taxes/payroll.html>.
16. The foster parents or an individual/agency they have hired to keep payroll records shall be reimbursed for the approved respite rate, including employer contributions. All earnings must be reported to the Canada Revenue Agency. Foster parents are required to provide a T4 to the respite provider at the end of the calendar year. Foster parents receiving block funding are required to pay any associated payroll administration fee for hourly respite paid for through block funding.
17. In situations where the foster parents are considered the employer for a service not covered under block funding, (e.g. child care, babysitting, tutoring or hourly respite approved in addition to block funding), the cost of associated employer benefits and/or payroll administration fees shall be approved by the individual approving the original request (e.g. if a supervisor has the authority to approve child care hours they would also approve the associated employer benefits and administration fees).
18. Foster parents shall ensure that when hiring individuals/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 parents and all records shall be in the foster parents' name.
19. The cost of coverage by the Workplace Health, Safety and Compensation Commission (WHSCC) is not provided by the Department. Where the employer (the foster parents) 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 that can be accessed online at:  
<http://www.workplaceln.ca/forms.whscc>.

### **Requirements for Overnight/Weekend/Weekly Respite Providers**

20. The social worker shall advise foster parents that respite providers who provide regular overnight or weekend respite in the foster home, or any duration of overnight respite outside the foster home shall be assessed and approved as respite providers as per the **Respite Home Approval and Monitoring Process** policy.
21. If foster parents require one time or occasional overnight/weekend respite in the foster home a supervisor may approve a respite provider outside of the **Respite Home Approval and Monitoring Process** policy based on the following requirements. The social worker shall ensure that the respite worker:
- a) is well known to the foster family and has a connection to the child (e.g. relative who regularly visits the foster home, etc.);
  - b) provides one reference from a non-relative and one reference from a collateral community contact (e.g. minister, community leader, teacher, etc.) who they have known for at least one year;
  - c) provides a Criminal Records Check and Vulnerable Sectors Check by:
    - i. making an application to the police jurisdiction where they currently reside and giving permission to have a Criminal Record Check completed in all jurisdictions where they previously resided;
    - ii. selecting to have the Vulnerable Sector Check completed on the Royal Newfoundland Constabulary (RNC) Criminal Records Check form, or completing a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
    - iii. if residing in an RCMP jurisdiction, making an application to the provincial court to have a check completed. Applications are available at RCMP detachments; and
    - iv. if residing in a Royal Newfoundland Constabulary jurisdiction, making an application to the Provincial Court to have a check completed if it is possible that they may have a record prior to 1980.

If a potential respite provider has a current criminal charge(s) or previous criminal conviction(s), the social worker must carefully assess the relationship of any criminal activity to the safety of a child or youth placed in the home. The potential respite provider shall not be approved if there is a current charge or previous conviction for a child related offence.

If a Criminal Record Check identifies a current criminal charge(s) or a previous criminal conviction(s) for a child or youth, the social worker shall stamp the criminal record check documentation with the non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

- d) consents to a Child Protection Clearance Check from any areas of the province and from any other jurisdictions in which they have previously resided. Where there

has been previous involvement, the social worker shall explore the circumstances of that involvement. Contact shall be made with any social worker previously involved, and all relevant information shall be reviewed. Potential respite providers who have unresolved child protection concerns shall not be approved to provide respite;

- e) understands their role with the child or youth;
- f) understands the importance of maintaining confidentiality in relation to information about the child or youth and the child or youth's family;
- g) signs a Declaration of Confidentiality form and understands the limits of confidentiality;
- h) receives a copy of the **Positive Discipline, Medical Consent, A Child or Youth Absent Without Permission, and A Child or Youth Missing or Abducted** policies; and
- i) completes an in-person interview with the social worker to ensure that they meet these requirements.

- 22. The social worker shall, in consultation with the foster parents, review and evaluate the respite worker's performance to ensure the service is appropriate for the child or youth and the foster parents.
- 23. Remuneration of approved respite homes providing overnight/weekend/weekly respite is not considered reportable **income** by the Canada Revenue Agency and is treated in the same manner as foster care payments.

### **Vacation**

- 24. A supervisor may approve **1 week (7 consecutive days)** as annual vacation time for a level 1 or level 2 foster home to accommodate the foster parents desire to go on vacation.
- 25. A supervisor may approve **2 weeks (14 consecutive days)** as annual vacation time for a level 3 foster home to accommodate the foster parents desire to go on vacation.

### **Respite Rates**

- 26. The maximum rates for payment of hourly and overnight respite for a level 1 or level 2 foster home are as follows:

**Table 1: Hourly (Out-of-Home) Respite Rate for Level 1 and 2 Foster Homes**

Respite rate for 1 child or youth or for 2 children/youth, where respite is provided to both children/youth together, by the same respite provider	\$15.55
Respite rate for 3 or more children/youth where respite is provided to all children/youth together by the same respite provider	\$19.44

**Table 2: Hourly (In-Home) Respite Rate for Level 1 and Level 2 Foster Homes**

Respite rate for 1 child or youth or for 2 children/youth, where respite is provided to both children/youth together, by the same respite provider	\$15.55
Respite rate for 3 or more children/youth where respite is provided to all children/youth together by the same respite provider	\$19.44

**Table 3: Overnight (Out-of-Home) Respite Rate for Level 1 and 2 Foster Homes**

Duration of Respite	Rate per child/youth
Overnight (single day and night only)	\$87.50
2 nights	\$175
3 nights	\$220
4 nights	\$258.75
5 nights	\$297.50
6 nights	\$336.25
Weekly	\$375

**Table 4: Overnight (In-Home) Respite Rate for Level 1 and 2 Foster Homes**

<b>Duration of Respite</b>	<b>Rate for 1 child/youth</b>	<b>Rate for each additional child/youth in the foster home</b>
Overnight (single day and night only)	\$87.50	\$43.75
2 nights	\$175	\$87.50
3 nights	\$220	\$110
4 nights	\$258.75	\$129.38
5 nights	\$297.50	\$148.75
6 nights	\$336.25	\$168.13
Weekly	\$375	\$187.50

**Table 5: Hourly (Out-of-Home) Respite Rate for Level 3 Foster Homes**

Respite rate for 1 child/youth	\$17.13
Respite rate for 2 children/youth (or a sibling group of more than 2) where respite is provided to all children/youth together by the same respite provider	\$21.41

**Table 6: Hourly (In-Home) Respite Rate for Level 3 Foster Homes**

Respite rate for 1 child/youth	\$17.13
Respite rate for 2 children/youth (or a sibling group of more than 2) where respite is provided to all children/youth together by the same respite provider	\$21.41

**Table 7: Overnight (Out-of-Home) Respite Rate for Level 3 Foster Homes**

<b>Duration of Respite</b>	<b>Rate per child/youth</b>
Overnight (single day and night only)	\$100
2 nights	\$200
3 nights	\$245
4 nights	\$308.75
5 nights	\$372.50
6 nights	\$436.25
Weekly	\$500

**\*Foster parents shall be approved as a level 3 foster home to receive the level 3 respite rate.**

**Table 8: Overnight (In-Home) Respite Rate for Level 3 Foster Homes**

<b>Duration of Respite</b>	<b>Rate for 1 child/youth</b>	<b>Rate for each additional child/youth in the foster home</b>
Overnight (single day and night only)	\$100	\$50
2 nights	\$200	\$100
3 nights	\$245	\$122.50
4 nights	\$308.75	\$153.38
5 nights	\$372.50	\$186.25
6 nights	\$436.25	\$218.13
Weekly	\$500	\$250

27. If level 1, 2 or 3 foster parents are approved for respite for a month or longer, the weekly rate shall be used for the first 30 days and after 30 days the basic foster care rate, Children's Special Allowance, block funding and a level fee, if applicable, shall be suspended for the foster parents and provided to the approved respite provider. The rate paid to approved respite providers on a **monthly** basis **shall not exceed** the monthly rate paid to the child or youth's foster parents.

28. If foster parents are considered the employer for an hourly respite provider, the employer benefits and payroll administration fees shall be approved in addition to the hourly respite rate by the individual approving the respite hours (e.g. if a manager has the authority to approve the respite hours they would also be able to approve the employer benefits and payroll administration fees).

### Exceptions:

1. In **exceptional and emergency situations** (e.g. additional respite to avoid placement breakdown, etc.), for level 1, 2 and 3 foster homes, a manager may approve an exceptional respite request if the Regional Director (RD) is unavailable and the request is urgent and cannot wait for approval. In such circumstances, the manager shall notify the RD explaining the circumstances of why they approved the expense.
2. In **exceptional circumstances** for level 3 specialized foster homes, the manager may approve a higher hourly respite rate of **\$24.10** if an agency is required or where a respite provider is required who has unique skill set. This skill set should be consistent with the required competencies for level 3 foster parents and the respite worker should demonstrate through a combination of education, experience and employment history the ability to care for a child or youth with complex behavioral or medical needs.
3. In an **emergency situation** where overnight respite is required for up to one week and an approved respite provider is not available, a supervisor may approve a respite provider outside of the **Respite Home Approval and Monitoring Process** as outlined in the procedures above, and if a Criminal Records Check and Vulnerable Sector Check are not available, then a Provincial Court Check and a verbal police check may be substituted until the Criminal Records Check and Vulnerable Sector Check is completed (this should be obtained as quickly as possible).
4. Any other exceptional requests for respite for level 1, 2 or 3 foster homes require the approval of the manager.

### Relevant Documents:

- Canada Revenue Agency: <https://www.canada.ca/en/services/taxes/payroll.html>.
- Workplace Health, Safety and Compensation Commission – Householder's Coverage Application: <http://www.workplacenc.ca/forms.whscc>
- In Care Progress Report
- Child Protection Clearance Check Application form

## Child Care, Babysitting and Sleepovers

**Policy no.: 3.29**

**Effective Date: October 1, 2013**

**Date Revised: October 1, 2015; February 6, 2017; March 28, 2018;**

**September 6, 2022**

**Policy Cross References: 3.25 Basic Foster Care Rate; 3.26 Block Funding; 3.28 Respite**

**Legislative References:**

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**Purpose:** To outline the process for assessing and/or approving child care and babysitting services for foster parents including the applicable rates, and the expectations related to sleepovers for children and youth in care.

### **Policy:**

1. Child care costs may be provided to foster parents who:
  - a) require child care for employment or educational/employment training purposes; or,
  - b) care for a child that requires child care to meet an identified special need as assessed by a health practitioner and supported by the social worker and the In Care Planning Team.
2. The cost of routine babysitting (e.g. for the foster parents to go on a personal outing such as to dinner or a movie, grocery shopping, their own medical appointment, etc.) is included in the basic foster care rate. Babysitting costs may be provided to a foster parents outside the basic foster care rate to attend to matters related to the child (e.g. school appointment, medical appointment, case conference, training, court, etc.), to attend to matters for another child or youth in care, or to attend training related to fostering.
3. Financial requests and approvals shall be completed electronically on the Financial Benefit Request (FRB) and the approval shall be noted in the casefile.
4. Approval of funding for child care and babysitting may be approved up to a maximum period of 6 months or for the duration of the employment or training of the foster parents, whichever is shorter in duration, at which time the need for child care shall be reassessed before any further approval is granted.
5. Where a child or youth in care or custody requests permission to have a sleepover at a friend's house, this decision shall be based on the child or youth's care and custody status; age and developmental level; any complex needs that may impact readiness for a sleepover; the type of placement where they reside; and the level of knowledge of the friend, their family, and their home environment.

## Procedures:

### Child Care

1. Child care is a regularly scheduled arrangement to provide care to a child under the age of 13 years, or in exceptional circumstances for a child 13-15 years of age that is unable to be left unattended due to a special need. The social worker shall assess the need for child care services on a case by case basis and funding may be approved for child care services for foster parents where:
  - a) the foster parents require child care for employment or educational/employment training purposes; or
  - b) a health practitioner has recommended the child attend a child care facility to meet an identified special need, and the recommendation is supported by the social worker and the In Care Planning Team.
2. Based on the assessment and recommendation of the social worker:
  - a) a supervisor may approve up to 45 hours of child care per week; or
  - b) a manager may approve funding for child care that exceeds 45 hours per week if necessary.
3. Where child care is approved to accommodate the employment or educational/employment training of foster parents, the social worker shall obtain the name, address and contact number for the employer or training institution of the foster parents.
4. Where full-time child care is approved, the social worker shall work with the foster parents to secure a placement for the child in a regulated child care center or regulated family child care home that can best meet the needs of the child and the foster family, with consideration of the child care rates and any potential transportation costs that may apply. Where possible, siblings shall be cared for by the same child care provider. If the foster parents' own child(ren) is already being cared for by a non-regulated child care provider and the foster parents prefer to have all the children be cared for by the same provider, or if there is no space available in a regulated child care center or regulated child care home, a non-regulated child care provider may be used.
5. The social worker shall contact the Child Care Subsidy Program to discuss the child's placement with a child care provider and make an application for coverage under the subsidy program. Foster parents are not eligible to apply for reimbursement of private mileage under the subsidy program, as they are receiving monies for transportation in the basic foster care rate and block funding.
6. The social worker shall first explore available child care spaces at regulated child care centers or family child care homes **in receipt of the Operating Grant Program (OGP)** offered by the Department of Education. The cost of child care in a regulated child care center or family child care home in receipt of the OGP is covered in full by the Child Care Subsidy Program. When child care is arranged in a child care center or family child care home in receipt of the OGP, CSSD will pay for the child care service



for the first 30 calendar days, after which time, the Department of Education will assume full payment for the requested duration of the service.

7. If there are no available or appropriate child care spaces in a regulated child care center or family child care home that is in receipt of the OGP, the social worker shall explore available child care spaces in regulated child care centers or family child care homes **not in receipt of the OGP**. When child care is arranged in a child care center or family child care home not in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which the Department of Education will assume payment for the subsidy rate and CSSD will pay any required top up fees for the requested duration of the service.
8. If there is no space available in a regulated child care center or family child care home, the social worker shall explore non-regulated child care providers. As these child care spaces are not eligible for the OGP or for the Child Care Subsidy Program, CSSD will pay the full cost of child care for non-regulated child care providers.
9. Where it is determined that a child requires additional support while in a regulated child care centre or family child care home, the social worker shall discuss this need with the care provider and determine next steps (i.e. Child Care Inclusion Program).
10. Where the foster parents intend to hire or use a unregulated child care provider due to a space not being available in a regulated child care center or regulated family child care home, or to accommodate the child to attend the same child care provider as the child(ren) of the foster parents, the social worker shall advise the foster parents of the following roles and responsibilities and ensure that all requirements are met:

#### **Role of Foster Parents:**

- a) ensure the potential child care provider is at least 16 years of age;
- b) obtain a Criminal Record Check and a Vulnerable Sector Check (if 18 years of age or older) from the potential child care provider;
- c) advise the social worker if the potential child care provider has been charged with or has been convicted of a criminal offence, as depending on the nature of offence, the social worker may not provide approval for the foster parents to use the child care provider;
- d) obtain two references from persons unrelated to the potential child care provider, if possible from references that can speak to the potential child care provider's child care knowledge, skills and experience;
- e) ensure the potential child care provider will be in compliance with legislative requirements (e.g. is caring only for the number of children allowable by law, etc.); and
- f) comply with the Canada Revenue Agency's guidelines, which may be found online at: <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/clcltng/spclsttns/crgvr-eng.html>

## **Role of the Social Worker:**

- a) ensure that a Provincial Court Check is completed (if 18 years of age or older); and
- b) complete a Child Protection Clearance Check from any areas of the province and from any other jurisdictions in which the potential child care provider has previously resided.

Where there has been previous contact with a child protection agency, 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 whether to approve that the child be cared for by the potential child care provider. Potential child care providers who have unresolved child protection concerns shall not be approved to provide child care to a child in care or custody of a manager.

## **Babysitting**

11. Babysitting is short term care for a child under 13 years of age to provide the foster parents an ability to attend to personal and/or child related matters. The social worker shall advise the foster parents that it is the responsibility of the foster parents, in consultation with the social worker, to use their discretion in identifying an appropriate babysitter. Foster parents may hire a babysitter who they have known for at least one year who they deem, based on the person's age, maturity and skills, will meet the needs of the child and provide quality care for the duration that babysitting is required. If the foster parents have not known the person for at least one year, they are required to obtain two references from non-relatives who have known the potential babysitter for at least one year to assist in their assessment of whether, based on the person's age, maturity and skills, the babysitter will meet the needs of the child and provide quality care for the duration that babysitting is required
12. Funding to cover the cost of routine babysitting (e.g. for the foster parent to go on a personal outing such as to dinner or a movie, grocery shopping, their own medical appointment, etc.) is included in the basic foster care rate. The social worker shall assess the need for additional hourly babysitting funding on a case-by-case basis and may recommend approval of funding for babysitting for foster parents to attend to matters related to the child or youth (e.g. school appointment, medical appointment, case conference, training, court, etc.), to attend to matters for another child or youth in the care or custody of a manager, or to attend training related to fostering. For overnight care related to these same reasons, please refer to the Respite policy.
13. Based on the assessment and recommendation of the social worker:
  - a) a social worker may approve up to a maximum of 10 hours of babysitting per week;
  - b) a supervisor may approve up to a maximum of 20 hours of babysitting per week; and
  - c) a manager may approve requests for funding for babysitting that exceed 20 hours per week if necessary.

## Rates

14. Maximum daily child care rates for Operating Grant Program (OGP) and non-OGP child care providers are set by the Department of Education. These are outlined in accordance with age ranges and part-time/full-time attendance in the Child Care Subsidy Policy Manual: [Child Care Subsidy Program - Education \(gov.nl.ca\)](http://gov.nl.ca).
15. The rates for payment for child care where the foster parents are the employers are as follows:

Number of Children	Rate
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

16. The rates for payment of babysitting where the foster parents are the employers are as follows:

Number of Children	Rate
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

17. If foster parents are considered the employer for an hourly child care provider or babysitter, the employer benefits are in addition to the hourly respite rate outlined in this policy.

In situations where foster parents are considered the employer for a service not covered under block funding, (e.g. child care, babysitting, tutoring or hourly respite approved in addition to block funding), the cost of associated employer benefits and/or payroll administration fees shall be approved by the individual approving the original request (e.g. if a supervisor has the authority to approve child care hours they would also approve the associated employer benefits and administration fees).

## Sleepovers (Foster Home Placement)

18. Where a child or youth is in a Protective Care Agreement (PCA), interim care, interim custody or temporary custody and is residing in a foster home, and requests to go to an identified friend's home for a sleepover, the social worker shall contact the parents of the child or youth in care, who is named on the PCA or the Court documents related to the removal and/or custody status of the child or youth, to discuss their views. Where more than one parent is named all parents must be contacted. The social worker shall share the sleepover policy with the parents of the child or youth in care, and document in the file whether the parents are in agreement with allowing foster parents to determine whether the child or youth can attend a sleepover with the friend. The social worker shall advise foster parents of the views of the child or youth's parents.
- a) If one or more of the parents of the child or youth in care are **not** in agreement with the child or youth attending a sleepover, the social worker shall advise foster parents that the child or youth is not permitted to attend the sleepover.
  - b) If all the parents of the child or youth in care named in the above noted documents, are in agreement with foster parents making this decision, the social worker shall advise foster parents that formal record checks and/or assessment are not required; however, in making this decision they are required to:
    - i. have knowledge of the friend, the friend's family and home environment, including their address and phone number;
    - ii. consider the age of the friend in relation to the child or youth;
    - iii. believe that the child or youth is developmentally ready to attend the sleepover;
    - iv. believe that the child or youth will be safe and provided adequate supervision and care to meet their needs;
    - v. take into consideration any complex needs (e.g. emotional, behavioral, medical) a child or youth may have that could impact their readiness for the sleepover;
    - vi. have a conversation with the friend's parents, including whether or not they will be at home while the child or youth is attending the sleepover;
    - vii. advise the friend's parents of necessary information about any special care needs of the child or youth (e.g. allergies, asthma, bedwetting, medication) to ensure the parents are aware and comfortable responding if the child or youth requires support/assistance;
    - viii. have a plan developed for the child or youth should an emergency occur which includes the emergency contact information, including telephone number(s) for the foster parents; and
    - ix. make contact with the friend's parents while the child or youth is attending the sleepover.
  - c) The social worker shall advise foster parents that if foster parents have concerns regarding one or more of the above requirements and are unsure as to whether or not they should agree to allow a child or youth to attend a sleepover at a friend's house, they must consult with the social worker before the child or youth is permitted to attend the sleepover.

19. Where a child or youth is in continuous custody, the social worker shall advise foster parents that foster parents may make the decision to allow a child or youth to attend a sleepover with a friend and that formal record checks and/or assessment are not required. The social worker shall advise foster parents that in determining whether to allow a child or youth to attend a sleepover foster parents are required to:
- a) have knowledge of the friend, the friend's family and home environment, including their address and phone number;
  - b) believes that the child or youth is developmentally ready to attend the sleepover;
  - c) considers the age of the friend in relation to the child or youth;
  - d) believes that the child or youth will be safe and provided adequate supervision and care to meet their needs;
  - e) takes into consideration any complex needs (e.g. emotional, behavioral, medical, etc.) a child or youth may have that could impact their readiness for the sleepover;
  - f) has a conversation with the friend's parents, including whether or not they will be at home while the child or youth is attending the sleepover;
  - g) advised the friend's parents of necessary information about any special care needs of the child or youth (e.g. allergies, asthma, bedwetting, medication) to ensure the parent is aware and comfortable responding if the child or youth requires support/assistance;
  - h) has a plan developed for the child or youth should an emergency occur which includes the emergency contact information, including telephone number(s) for the foster parents; and
  - i) makes contact with the friend's parents while the child or youth is attending the sleepover.

The social worker shall advise foster parents that if foster parents have concerns regarding one or more of the above requirements and are unsure as to whether or not they should agree to allow a child or youth to attend a sleepover at a friend's house, foster parents must consult with the social worker before the child or youth is permitted to attend a sleepover.

### **Sleepovers (Other Residential Placements)**

20. Where a child or youth in a PCA, interim care, interim custody or temporary custody requests a sleepover with an identified friend and they are residing in a foster care placement other than a foster home (e.g. family-based placement, group home, independent living arrangement, emergency placement home), the social worker shall contact the child or youth's parents, who is identified on the PCA or the Court documents related to the removal and/or custody status of the child or youth, to discuss their views. Where more than one parent is named, all parents must be contacted. The social worker shall share the sleepover policy with the parents of the child or youth in care and document in the file whether the parents of the child or youth in care is in agreement with the sleepover.
- a) If one or more of the parents of the child or youth in care are **not** in agreement, the social worker shall advise the foster care provider that the child or youth is not permitted to attend the sleepover.
  - b) If all parents of the child or youth in care named in the above noted documents are in agreement, the social worker shall advise the parents of the child or youth in care

that the final decision regarding the sleepover will not be made until the social worker, in consultation with the foster care provider and other relevant and/or appropriate information sources, has:

- i. obtained reasonable information related to the friend, the friend's family and home environment, including their address and phone number from the child or youth, the parents, the foster care provider, and/or other appropriate information source(s);
- ii. obtained information regarding the child or youth's developmental readiness to attend the sleepover from the parents, the foster care provider and/or other appropriate information sources if required (e.g. the child or youth's counselor, doctor(s) or other professionals working with the child or youth) and as a result determined that the child or youth is developmentally ready to attend the sleepover;
- iii. considered the age of the friend in relation to the child or youth;
- iv. considered any complex needs (e.g. emotional, behavioral, medical) a child or youth may have that could impact their readiness for the sleepover. Where appropriate, this should include consultation with counselors, doctors and/or other professionals working with the child or youth;
- v. had a conversation with the friend's parents, including whether they will be at home while the child or youth is attending the sleepover;
- vi. obtained information to indicate the child or youth will be safe and provided adequate supervision and care to meet their needs;
- vii. advised the friend's parents of necessary information about any special care needs of the child or youth (e.g. allergies, asthma, bedwetting, medication) to ensure the parents are aware and comfortable responding if the child or youth requires support/assistance;
- viii. ensured a plan is developed for the child or youth should an emergency occur which includes the emergency contact information, including providing telephone number(s) for the placement resource to the friend's parents; and
- ix. ensured the foster care provider will contact the friend's parents while the child or youth is attending the sleepover.

21. The social worker, in consultation with the supervisor and the foster care provider, shall consider all information obtained in determining if approval will be given for the requested sleepover. The child or youth's parents shall be advised of the final decision.

22. Where a child or youth in continuous custody requests a sleepover with an identified friend and they are residing in foster care placement other than a foster home (e.g. group home, independent living arrangement, emergency placement home), the final decision regarding the sleepover will not be made until the social worker in consultation with the foster care provider and other relevant and/or appropriate information sources has:

- a) obtained reasonable information related to the friend, the friend's family and home environment, including their address and phone number;
- b) obtained information regarding the child or youth's developmental readiness to attend the sleepover from the parents of the child or youth in care, the foster care provider and/or other appropriate information sources if required (e.g. the child or youth's counselor, doctor(s) or other professionals working with the child or youth)

and as a result determined that the child or youth is developmentally ready to attend the sleepover;

- c) considered the age of the friend in relation to the child or youth;
- d) taken into consideration any complex needs (e.g. emotional, behavioral, medical) a child or youth may have that could impact their readiness for the sleepover. Where appropriate, this should include consultation with counselors, doctors and/or other professionals working with the child or youth;
- e) had a conversation with the friend's parents including whether they will be at home while the child or youth is attending the sleepover;
- f) obtained information to indicate the child or youth will be safe and provided adequate supervision and care to meet their needs;
- g) advised the friend's parents of necessary information about any special care needs of the child or youth (e.g. allergies, asthma, bedwetting, medication) to ensure the parents are aware and comfortable responding if the child or youth requires support/assistance;
- h) ensured the plan should an emergency occur which includes the emergency contact information, including providing telephone number(s) for the foster care provider to the friend's parents; and
- i) ensured the foster care provider will make contact with the friend's parents while the child or youth is attending the sleepover.

23. The social worker, in consultation with the supervisor and the foster care provider, shall consider all information obtained in determining if approval will be given for the requested sleepover.

### **Exceptions:**

- 1. If a youth over age 16 years cannot be left unattended due to documented complex needs, the **Respite** policy shall be followed rather than the **Child Care, Babysitting and Sleepover** policy.
- 2. In exceptional circumstances and based on the needs of the child and/or foster family, the manager may approve funding for child care or babysitting for reasons other than those identified in this policy if child care or babysitting is necessary to meet the needs of the child or foster family (e.g. family emergency, significant event in the life of the foster family, etc.) or approve rates of payment for child care or babysitting that exceed the rates identified in this policy if necessary.

### **Relevant Documents:**

- Child Protection Clearance Check form

## Vacation Costs for a Child or Youth In Care or Custody to Accompany a Foster Family On Vacation

**Policy no.:** 3.30

**Effective Date:** October 1, 2013

**Date Revised:** May 21, 2015; February 6, 2017; March 28, 2018

**Policy Cross Reference:** 3.20 Travel Consent; 3.23 Financial Services for the Child or Youth; 3.24 Children's Special Allowance; 3.25 Basic Foster Care Rate; 3.26 Block Funding; 3.28 Respite;

**Legislative References:**

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**Purpose:** To outline the process for assessing whether a child or youth in the care or custody of a manager should accompany a foster family on vacation, and to outline the process for assessing and approving funding requests to assist the foster parent(s) with travel costs specific to the child or youth in care.

### Policy:

1. Where a foster parent(s) is planning a vacation and requests to take a child or youth in their care, the social worker shall discuss the itinerary with the foster parent(s), consult with the child or youth where age and developmentally appropriate, and consult with the child or youth's parent(s) about the child or youth accompanying the foster parent(s) on vacation.
2. The social worker shall refer to the **Travel Consent** policy to determine the type of consent required based on the travel plans and custody status of the child or youth.
3. The social worker shall refer to the **Basic Foster Care Rate; Children's Special Allowance; Block Funding** and **Financial Services for the Child or Youth** policies when assessing financial requests by the foster parent(s) to assist with the costs of including a child or youth in the vacation.
4. A manager may approve funding for one vacation per year for the costs specific to the child or youth accompanying the foster parent(s) on vacation.
5. Financial requests and approvals shall be completed electronically on the Financial Benefit Request (FBR) and the approval shall be noted in the casefile.

### Procedures:

1. When assessing a request for a child or youth to accompany a foster family on a vacation, the social worker shall consider the following:



- a) views of the child or youth;
  - b) views of the child or youth's parent(s);
  - c) custody status of the child or youth;
  - d) potential impact for the child or youth;
  - e) plan for child or youth's care and the potential impact on the plan;
  - f) destination, including any travel advisories;
  - g) mode of transportation;
  - h) accommodations; and
  - i) planned activities.
2. If it is determined to be in the child or youth's best interest to accompany the foster family on vacation, and the foster parent(s) requests financial support to contribute toward the child or youth's participation in the vacation, the following factors shall be taken into consideration when assessing the funding request:
- a) the difference in cost of travel for the family with or without the child or youth;
  - b) the amount of the basic foster care rate and Children's Special Allowance that will be used toward the trip;
  - c) how the social recreational money allocated in block funding is being utilized and whether any of that money should be used toward the trip; and
  - d) the ability of the child or youth's family to contribute to the cost of the trip.
3. The zone manager may approve one vacation per year for a child or youth to accompany a foster family on vacation and shall only approve the costs specific to the child or youth's inclusion in the vacation.
4. The types of costs that may be considered for approval include:
- a) increase in travel costs **specific** to the child or youth's inclusion in the vacation, including but not limited to:

Travel Cost	Maximum Cost to be Reimbursed
Airfare	\$1500
Ferry ticket(s)	\$500
Train ticket(s)	\$250
Expensive Amusement Park/Entertainment Tickets	\$500

- b) a portion of accommodations if extra space is required to accommodate a child or youth and this results in additional cost (e.g. if the foster family has to upgrade to a larger hotel room or get an extra hotel room to have adequate sleeping accommodations, etc.); and/or

- c) a per diem rate related to the additional cost of meals and incidentals incurred for the child or youth while on vacation. The maximum allowable rates are:

Age	Amount
0 – 11 years	\$15 per day up to a maximum of \$150
12 – 18 years	\$20 per day up to a maximum of \$200

5. Funding shall not be approved to cover costs that are not likely to increase due to the addition of the child or youth (e.g. car rental, gasoline, renting a home, campground fee, etc.).
6. A social worker may approve the cost of a passport and passport photos for the child or youth to the maximum cost of \$125. Please refer to the **Financial Services for the Child or Youth** policy. Where a passport is required for a child or youth, the social worker shall work with the foster parent(s) or residential staff person to complete the application as required by Passport Canada. Information regarding the application process and requirements related to obtaining passports for children and youth in care can be found online at:  
<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/children/apply/adopted-foster.html> .
7. If approval is not granted for a child or youth to accompany the foster family on vacation and respite is required to enable the foster family to go on vacation, please refer to the **Respite** policy.

**Exceptions:** None

**Relevant Documents:**

- Passport Canada:  
<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/children/apply/adopted-foster.html>.

## Out of Province Placements: Approval

**Policy no.:** 3.31

**Effective Date:** October 19, 2015, June 28, 2019

**Date Revised:**

**Policy Cross References:** 3.23 Financial Services for the Child or Youth

**Legislative References:**

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**Purpose:** To outline the requirements and processes for approving the placement of children and youth who are in the care or custody of a manager in an Out of Province Placement (OPP).

### Policy:

1. Placement in an OPP shall only be considered for a child or youth in the care or custody of a manager when the child or youth requires placement and/or treatment not available to them in this province.
2. Approval to place a child or youth in an OPP is at the discretion of the Deputy Minister (DM).
3. A child or youth shall only be placed in an OPP that has been licensed by the child welfare authority in the receiving province.

### Procedures:

#### Selecting an OPP

1. Where it has been determined that a child or youth in care requires placement and/or treatment that is not available in this province, the social worker shall, in consultation with the supervisor, explore options outside of this province that may meet the needs of the child or youth.
2. The manager shall notify the Interprovincial Coordinator, of the intention to seek an OPP for a child or youth. The Interprovincial Coordinator shall consult with the Interprovincial Coordinator in the receiving province to determine if the proposed OPP holds a valid operating **License**. The manager shall be notified of the outcome of this consultation.
3. The social worker shall consult with the OPP and provide necessary information to determine whether the OPP is an appropriate placement.
4. The social worker shall consult with the child welfare authority in the proposed receiving province to determine whether there have been any identified concerns with the placement and whether they have reason to believe a child or youth should not be referred to the placement.

5. If the receiving child welfare authority identifies areas of concern with the placement, the social worker shall not proceed with placement and shall explore another OPP to meet the needs of the child or youth.
6. When considering an OPP where care is provided in a family-based foster home setting overseen by a private agency, the social worker shall consult with the home's agency and request a copy of the documentation related to the approval of the foster home including the following:
  - a) a foster home assessment/study;
  - b) Criminal Record and Vulnerable Sector Checks;
  - c) Child Protection Clearance Checks for every person in the home over 16years;
  - d) training completed by the foster parents; and
  - e) any other relevant information required to assess the suitability of the placement (e.g. foster home reviews).
7. If it is determined after a review of the foster home approval documentation that information is not available, up to date, or concerns are identified, the social worker, in consultation with the supervisor, may:
  - a) request additional documentation where information is not available or up to date; or
  - b) find an alternative treatment and/or placement option if information is not provided and/or concerns are identified.
8. The social worker and supervisor shall review the OPP costs, including services to be provided at the per diem rate. Any costs not included in the per diem (e.g. school fees, individualized support, recreation, assessments, escorts and/or supervision for access with parents or significant others) shall be discussed with the OPP to determine the cost of these additional services.

### **Approval Process to Place a Child or Youth in an OPP**

9. If an OPP is identified as being the most appropriate intervention to meet the needs of the child or youth, the social worker, in consultation with the supervisor and the manager shall make a written request for approval to the Assistant Deputy Minister of Service Delivery and Regional Operations (ADM-SDRO) using the Out of Province Placement Request form.
10. Final approval of the per diem and other costs associated with the initial assessment and/or placement period is at the discretion of the DM based on a recommendation from the ADM-SDRO.
11. Requests for an extension shall be submitted to the ADM-SDRO one month prior to the expiration of the current approval using the Out of Province Placement Request form. Extension requests are approved at the discretion of the ADM-SDRO.

## **Financial Obligations**

12. The social worker shall negotiate a **Service Agreement** with the OPP, for the provision of services required by the department. The Service Agreement shall outline the services to be provided by the OPP and the monthly costs associated with these services. The Service Agreement shall be reviewed and approved by the manager prior to placement.
13. Approval for costs in addition to the per diem rate approved by the DM (or ADM- SDRO in the case of an extension) shall be considered in accordance with the delegation of authority as outlined in applicable departmental financial policies, wherever possible.
14. Costs in addition to the per diem rate approved by the DM (or ADM-SDRO in the case of an extension) that are either not included or exceed the rates in departmental financial policies may be considered and approved by the manager.

**Exceptions:** None

## **Relevant Documents:**

- Out of Province Placement Request Form

## Out of Province Placements: Placement and Monitoring

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**Policy no.: 3.32**

**Effective Date: October 19, 2015,**

**Date Revised: June 28, 2019, September 6, 2022, December 2, 2022, November 23, 2023**

**Policy Cross References:** 3.5 Sharing of Information Relevant to the Care of a Child or Youth; 3.6 Sharing Placement Information with a Child, Youth and Parent(s); 3.19 Medical Consent; 3.33 Out of Province Placements: Investigations; 4.8 Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories;  
**Legislative References:**

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**Purpose:** To outline the requirements and processes for monitoring children and youth who are in the care or custody of a manager and residing in an Out of Province Placement (OPP).

### **Policy:**

1. The originating social worker shall continually assess the child or youth's needs and progress to ensure their needs are being met by the OPP.
2. The originating social worker shall have, at minimum, private monthly telephone contact with the child or youth.
3. A social worker from this province shall have, at minimum, **one private in person** visit with the child or youth every three months.
4. The social worker shall refer to the **Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories** (the Protocol) for guidance and direction when placing a child or youth in an OPP.

### **Procedures:**

#### **Developing an Interprovincial Placement Agreement:**

1. Once approval has been received for the child or youth to be placed in an OPP, the social worker shall notify the receiving province in accordance with the Protocol. Notification of the receiving province in a **timely manner** (as outlined) provides both social workers with an opportunity to plan for the child or youth's placement. The social worker shall:
  - a) provide the receiving province with written notice of the plan **60 days prior** to the move. If it is not possible to provide notice 60 days prior to the placement, a shorter period of time may be negotiated between the originating and receiving province;

- b) consult with the receiving province on the case plan and the negotiation of the Interprovincial Placement Agreement (IPPA); and
  - c) notify the receiving province in writing as soon as the details regarding the move are confirmed and, time permitting, at least **30 days prior** to the move.
2. In accordance with the Protocol, the originating social worker must work with the receiving social worker to develop a case plan, which will outline the responsibilities of each social worker. This information shall be included in the In Care Progress Report (IPR) Work Plan and/or the IPPA.
  3. The development of the case plan and the IPPA shall include an agreement on the level of supervision and monitoring the receiving province will provide, the manner in which the receiving province will provide case notes and progress reports related to the child or youth, expectations related to consent for services and treatment, and notification in the event of a critical incident or death.
  4. The department shall request that wherever possible, the receiving social worker monitor the child or youth in accordance with departmental policies, however in accordance with the Protocol, the receiving province is not obligated to provide service according to the policies set out by the department. The social worker shall negotiate a mutually acceptable agreement and these decisions shall be included in the IPPA.
  5. The manager must review and approve the IPPA before the child or youth leaves this province or **within 30 days** of the child or youth being placed in the OPP, if the placement occurs under urgent circumstances.
  6. Once the IPPA is finalized, two copies are signed by the social worker, supervisor and manager and sent to the receiving province. The receiving province then signs the IPPA and returns one copy to this province. The signed IPPA shall be placed on the child's or youth's in care file.
  7. Once the IPPA is finalized and signed by both the originating and receiving province, the social worker shall add the required information regarding the IPPA to the summary tab on the child or youth's in care file on ISM.
  8. A copy of the signed IPPA shall be provided to the Interprovincial Coordinator in accordance with the Protocol.
  9. The IPPA shall be reviewed and revised as necessary **every 12 months at minimum** in accordance with the Protocol. The social worker shall add all required information regarding reviewed and revised IPPA's to the summary tab on the child or youth's in care file on ISM.

### **Transitioning a Child or Youth to an OPP**

10. The social worker shall inform the child or youth about the placement, in an age and developmentally appropriate manner, as outlined in the Sharing Placement Information with a Child, Youth and Parents policy.

11. Where appropriate, the social worker shall provide the parents and/or significant others of the child or youth with information pertaining to the OPP, including contact information and services to be provided, as outlined in the Sharing Placement Information with a Child, Youth and Parents policy.
12. The social worker shall provide the OPP with relevant information about the child or youth as outlined in the Sharing of Information Relevant to the Care of a Child or Youth policy.
13. Where required, parental consent for treatment shall be sought in accordance with the Medical Consent policy.
14. The social worker shall verbally notify relevant service providers involved with the child or youth (e.g. school, mental health or addiction counsellor) of the transition to an OPP. The social worker shall follow up with written notification to these service providers **within 30 days** of the child or youth's placement in the OPP.
15. Where a child or youth has current involvement with Youth Corrections in this province, the social worker responsible shall consult with the receiving province regarding providing the necessary courtesy supervision of the child or youth when placed in the OPP. Provincial Youth Corrections policy on interprovincial transfer of case management responsibilities shall be followed in such instances.
16. To ensure prescription drug coverage while residing in the OPP, the social worker shall provide the following to the Newfoundland and Labrador Prescription Drug Program (NLPDP):
  - a) the NLPDP Eligibility Confirmation form;
  - b) the NLPDP Release of Personal Information Consent form;
  - c) a letter from a supporting physician or a manager advising of the referral date and location of the OPP. This letter should not include the specific reason for the referral, only the name of the OPP, the date referred and an indication that the services required by the child or youth are not available in this province;
  - d) the name and contact information of the pharmacy that will be used by the OPP for any required prescription drugs for the child or youth for the duration of placement;
  - e) a list of medications the child or youth is currently taking, including the; and
  - f) upon receiving the information outlined above, NLPDP will notify the pharmacy of the child or youth's prescription drug coverage.
17. To ensure coverage under the Medical Care Plan (MCP) while the child or youth is residing in an OPP, the social worker shall provide the Application for Out-of-Province Coverage Certificate to MCP prior to the child or youth leaving this province. The application can be found at:  
[https://www.health.gov.nl.ca/health/mcp/forms/oop\\_rqst.pdf](https://www.health.gov.nl.ca/health/mcp/forms/oop_rqst.pdf)



18. A child or youth shall be accompanied during travel to and from an OPP by a social worker or alternate person designated by the manager. The social worker shall consult with the OPP regarding any requirements they may have regarding admission to the OPP (e.g. who must be present at admission).
19. Once a child or youth has been placed in an OPP, the social worker shall update the child or youth's placement on the ISM file to reflect the OPP placement.

### **Monitoring of a Child or Youth Residing in an OPP**

20. The originating social worker shall maintain case management responsibility of the child or youth's file, with the assistance of the receiving social worker who will provide supports and services, as outlined in the IPPA.
21. The originating social worker shall maintain, at minimum, private monthly telephone contact with the child or youth.
22. A social worker from this province shall have a minimum of one private in person visit with the child or youth every three months. The manager may recommend additional in person contact if required. Approval of additional in person contact is at the discretion of the ADM-CYS.
23. The originating social worker shall maintain on-going collaboration with the receiving social worker and the child or youth's primary social worker or lead staff person at the OPP.
24. The originating social worker shall work collaboratively with the OPP and the receiving social worker to arrange and coordinate monthly case conferences to discuss the child or youth's treatment and/or progress. The following shall be considered:
  - a) case conferences shall be facilitated by teleconferencing with all appropriate parties from each province present;
  - b) whenever possible and appropriate the child or youth shall be included;
  - c) whenever possible and appropriate the child or youth's parents and/or significant others shall be included;
  - d) other relevant service providers shall also be invited to participate; and
  - e) the social worker, if appropriate, may review the IPR during case conferences.
25. The social worker shall request copies of relevant documents from all parties (e.g. progress reports, case notes, clinical assessments) involved with the treatment and/or care and monitoring of the child or youth. These documents shall be placed on the child or youth's in care file.

26. The social worker shall ensure the child or youth's progress and program needs in the OPP are assessed and reviewed monthly. This review shall be provided to the ADM-CYS using the Out of Province Placement Monthly Update Report form (completion of this form is not required for children or youth placed in foster home placements outside the province of NL, unless the foster home provides specialized treatment/care and is overseen by a treatment agency) and include an update regarding:
- a) the child or youth's progress;
  - b) outstanding issues to be addressed through treatment and/or placement;
  - c) estimated duration of out of province treatment and/or placement needed; and
  - d) the plan for the child or youth to return to this province.
27. If there are concerns regarding the treatment and/or care of the child or youth in the OPP, the originating social worker shall consult with their supervisor regarding the department's response to these concerns and the actions necessary to ensure the child or youth's safety and well-being. Allegations of maltreatment shall be reported immediately to the receiving social worker. Please refer to the Out of Province Placements Investigations for further information.

### **Parental and/or Significant Other Visitation**

28. The social worker shall arrange contact between the child or youth and their parents and/or significant others when it has been assessed as being in the best interest of the child or youth.
29. Visitation with parents or significant others should be arranged in consultation with the receiving social worker and the OPP. When planning family visitation, the following shall be considered:
- a) frequency and duration of the visitation;
  - b) location (receiving province or originating province);
  - c) the impact visitation may have on treatment;
  - d) safety concerns for the child or youth during travel and/or during the visit;
  - e) whether the visitation should be supervised and by whom;
  - f) the child or youth's views and wishes regarding visitation;
  - g) recommendations from the receiving social worker and the OPP regarding visitation;
  - h) whether court orders concerning access and family visitation are in place; and
  - i) the purpose of the visit in relation to the permanent plan for the child or youth's care.
30. Where required, the manager may approve the following to support family visitation for a child or youth placed in an OPP:
- a) cost of airfare and local ground transportation;
  - b) cost of accommodations;
  - c) daily meal allowance;
  - d) social recreational funds;

- e) cost of supervision; and
- f) costs associated with an escort to accompany the child or youth if they are travelling to participate in the visit.

### **Transitioning a Child or Youth Back to this Province**

31. The originating social worker, in consultation with the in care planning team, the OPP and the receiving social worker, shall develop a discharge plan to facilitate the child or youth's transition back to this province. This plan shall include:
- a) where the child or youth will reside;
  - b) school enrollment; and
  - c) supportive services and/or treatment they will be receiving (e.g. mental health and addictions services, post-discharge support from the OPP).

### **Exceptions:**

1. Measures shall be taken to keep the child or youth and others safe during travel to and from an OPP. These safety measures may include having more than one escort assist with the child or youth's travel, if required. Approval is required from the manager for more than one person to escort the child or youth.

### **Relevant Documents:**

- Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories
- Out of Province Placement Monthly Update Report
- NLPDP Eligibility Confirmation Form
- NLPDP Release of Personal Information Consent Form
- MCP Application for Out-of-Province Coverage Certificate
- Interprovincial Placement Agreement

## Out of Province Placements: Investigations

**Policy no.: 3.33**

**Effective Date: October 19, 2015**

**Date Revised:**

**Policy Cross References:** 4.8 Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories

**Legislative References:**

**Purpose:** To outline the responsibilities of the social worker when there are allegations of maltreatment or quality of care concerns regarding a child or youth in the care or custody of a manager and residing in an Out of Province Placement (OPP).

### Policy:

1. All allegations of maltreatment or quality of care concerns regarding children or youth placed in an OPP shall be reported to the child welfare agency in the receiving province for follow-up and/or investigation.
2. The originating social worker shall collaborate with the receiving social worker to determine what action is necessary to ensure the safety and well-being of the child or youth.
3. The manager shall notify the Regional Director (RD), the Interprovincial Coordinator and the Manager of Service Delivery and Regional Operations (SDRO), in writing, using the Out of Province Placement Investigation Notification form upon the commencement and conclusion of an investigation regarding a child or youth in an OPP.

### Procedures:

1. The originating social worker, in consultation with the supervisor, shall immediately refer all allegations of maltreatment or quality of care concerns to the receiving social worker for follow-up and/or investigation.
2. Where the originating social worker is notified by the receiving social worker that they have received referral information and an investigation into allegations of maltreatment or quality of care concerns has commenced, the originating social worker shall immediately notify the supervisor and provide all available information.
3. Investigations into allegations of maltreatment or quality of care concerns will be completed by the receiving social worker in accordance with investigation standards in the receiving province.

4. In consultation with the supervisor, the originating social worker shall complete the Out of Province Investigation Notification form to be submitted to the manager within 24 hours of the commencement of an investigation. Once received, the manager shall submit the Out of Province Investigation Notification form to the RD, the Interprovincial Coordinator and the Manager of SDRO.
5. The Manager of SDRO shall advise all RDs and managers of the commencement of an investigation in an OPP.
6. The originating social worker will work collaboratively with the receiving social worker to ensure the child or youth's safety and well-being throughout the investigation.
7. The originating social worker responsible for the child or youth and the social worker for the parents shall, in consultation with the receiving social worker, be responsible for the following, throughout the investigation process:
  - a) supporting the child or youth;
  - b) making alternate placement arrangements for the child or youth, if necessary, and preparing and assisting the child or youth should there be any potential placement change;
  - c) ensuring the child or youth's parents, depending on the care and custody status and level of involvement with the child or youth, are notified of the investigation as soon as possible, placement plans, supports for the child or youth and the outcome of the investigation;
  - d) consulting and informing 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;
  - e) consulting with a supervisor and the child or youth's in care planning team, regarding ongoing placement planning for the child or youth, pending the outcome of the investigation; and
  - f) informing the child or youth, where age and developmentally appropriate, and the parents based on the care and custody status, and level of involvement with the child or youth, of the outcome of the investigation.
8. Upon completion of the investigation by the receiving social worker, the originating social worker, in consultation with the supervisor, shall update the Out of Province Investigation Notification form and submit it to the manager. Once received, the manager shall submit the Out of Province Investigation Notification form to the RD, the Interprovincial Coordinator and the Manager of SDRO.
9. The Manager of SDRO shall advise all RDs and zone managers of the outcome of the investigation in an OPP.
10. A copy of the completed Out of Province Investigation Notification form shall be placed on the child or youth's in care file.

**Exceptions:** None

**Relevant Documents:**

- Out of Province Placement Investigation Notification form

## Permanent Transfer of Custody

**Policy no.: 3.34**

**Effective Date: June 28, 2019**

**Date Revised:**

**Policy Cross References:** **2.9** Application for a Supervision or Temporary Custody Order when a Child has not been Removed; **2.15** Application for Protective Intervention Hearing when a Child has been Removed; **2.16** Plan for the Child; **2.17** Types of Supervision and Custody Orders Requested on an Application for a Protective Intervention Hearing or an Application for a Subsequent Order; **2.19** Application for a Subsequent Order; **2.26** Filing an Application for a Permanent Transfer of Custody after a Continuous Custody Order; **3.8** Consulting and Informing a Child or Youth; Overview of Permanency Planning; **3.35** Approval of the Person(s) to Whom Custody is being Transferred; **3.36** Effect of a Permanent Transfer of Custody Order;

**Legislative References:** **s.9** General principle; **s.25** Where child is not removed; **s.26** Where child has been removed; **s.28** When sixteenth birthday intervenes; **s.29** Plan for the Child; **s.32** Protective Intervention Hearing; **s.36** Subsequent order; **s.43** Permanent transfer of custody after continuous custody order; **s.44** Effect of permanent transfer of custody order

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**Purpose:** To outline when a social worker may request a **Permanent Transfer of Custody Order**.

### Policy:

1. When a reunification assessment recommends termination of reunification services with the parent(s), the social worker, in consultation with the supervisor and manager, shall develop an alternate permanency plan for the child that is determined to be in their best interest.
2. A social worker may request a Permanent Transfer of Custody Order on an application filed with the court pursuant to s.25, s.26, s.36 or s.43 of the **CYFA** where:
  - a) a reunification assessment recommends termination of reunification services with the parent and the child is in either:
    - i. the interim or temporary custody of a manager pursuant to s.31(2)(e) or s.32(2)(c);
    - ii. the temporary care or custody of a person other than the parent from whom the child was removed and under a manager's supervision pursuant to s.31(2)(c), s.31(2)(d) or s.32(2)(b);
    - iii. is living with kin and the parents refuse to renew a KCA and the conditions under s.25(1) are met; or
    - iv. the child or youth is in continuous custody of a manager; **and where;**

- b) the manager is in agreement that it is in the best interest of the child or youth;
- c) the person to whom custody is to be permanently transferred consents;
- d) the child consents where the child is 12 years of age or older;
- e) the child has been residing with the person to whom custody is to be permanently transferred for a period of **6 consecutive months** immediately before the application is filed and that person meets the definition of kin to the child; or the child has been residing with the person to whom custody is to be permanently transferred for a period of **12 consecutive months** immediately before the application is filed and that person did not meet the definition of kin to the child prior to the child coming into care;
- f) the person to whom custody is being transferred has been approved in accordance with the **Approval of the Person(s) to Whom Custody is being Transferred** policy;
- g) the social worker has had private, in person, monthly contact with the child and the person(s) to whom custody is being transferred for the previous 6 months; and,
- h) where the child or youth is in the continuous custody of a manager:
  - i. all appeals related to the continuous custody order have been heard and the continuous custody order has been upheld; and,
  - ii. adoption has been given full consideration.

## Procedures:

1. When it has been determined that reunification with the parent(s) is no longer the permanency plan for the child or youth, the social worker, in consultation with the supervisor and manager, shall determine the alternate permanency plan that is in the child or youth's best interests.
2. To identify the plan that is in the best interests of the child or youth, the social worker shall consider:
  - a) the best interest factors as outlined in s.9(2) of the **CYFA**;
  - b) the four dimensions of permanency as outlined in the **Permanency Planning Overview**;
  - c) case specific clinical considerations; and,
  - d) the types of custody orders that may be requested as outlined in the **Types of Supervision and Custody Orders Requested on an Application for Protective Intervention Hearing or an Application for a Subsequent Order** policy.
3. When developing the alternate permanency plan for a child or youth, the social worker shall, where appropriate to do so, consult with significant people involved in the child or youth's life who may be part of, or contribute to, the development of this plan. This could include the child or youth, where age and developmentally appropriate, the parents if they are involved and available, the person(s) caring for the child or youth, and other individuals who have been involved in planning for the child or youth as appropriate (e.g. kin, Indigenous representative, other community partners).



## Permanent Transfer of Custody

4. The social worker may identify Permanent Transfer of Custody as a potential permanency plan; however, prior to exploring this, the social worker shall first explore whether adoption is in the child or youth's best interest.
5. The social worker shall document in the case notes the rationale for proceeding with the Permanent Transfer of Custody, as the permanency plan for a child or youth.
6. Where a child or youth is in the care or custody of a manager, the social worker shall document that the Permanent Transfer of Custody is the permanency plan for the child or youth in the In Care Progress Report.
7. Where child or youth is in a kinship arrangement, the social worker shall document that the Permanent Transfer of Custody is the permanency plan for the child or youth on the **Kinship Care Agreement**.
8. Where it is determined that a Permanent Transfer of Custody is the preferred alternate permanency plan, the social worker shall ensure the child or youth (where age and developmentally appropriate) is consulted regarding the plan to transfer custody to determine their views and wishes. Where a child is 12 years of age or older, the social worker shall obtain the consent of the child using the Permanent Transfer of Custody Consent form, unless a child 12 years of age or older is unable to consent due to a developmental/intellectual disability. Where a child is unable to provide consent, the social worker must document the reasons in the case notes.
9. The social worker shall ensure that the person to whom custody is being transferred is informed of the Effect of a Permanent Transfer of Custody Order, understands the role of the department after the transfer, is aware of the financial support available and consents to the transfer of permanent custody using the Permanent Transfer of Custody Consent form.
10. A social worker may request a Permanent Transfer of Custody order on an application filed with the court pursuant to s.25, s.26, s.36 or s.43 where:
  - a) this is determined to be the permanency plan that is the child or youth's best interest;
  - b) the manager is in agreement that it is in the best interest of the child or youth;
  - c) the person to who custody is to be permanently transferred has met the approval requirements under the **Approval of a Person (s) to Whom Permanent Custody is being Transferred** policy;
  - d) the person to whom custody is to be permanently transferred consents;
  - e) the child consents where the child is 12 years of age or older;
  - f) the child has been residing with the person to whom custody is to be permanently transferred for a period of **6 consecutive months** immediately before the application is filed and that person meets the definition of kin to the child; or the child has been residing with the person to whom custody is to be permanently transferred for a period of **12 consecutive months** immediately before the

- application is filed and that person did not meet the definition of kin to the child prior to the child coming into care;
- g) the social worker has had private, in person, monthly contact with the child and the person(s) to whom custody is being transferred for the previous 6 months;
- h) it is reasonable to expect when submitting an Application to the court (under s.25, s.26, or s.36) requesting a Permanent Transfer of Custody order (prior to continuous custody) that the matter will be heard prior to the child's sixteenth birthday intervening; and,
- i) where the child or youth is in the continuous custody of a manager,
  - i. all appeals related to the continuous custody order have been heard and the continuous custody order has been upheld; and,
  - ii. adoption has been given full consideration.

### **Requesting an order for the Permanent Transfer of Custody under s. 32(2)(e) of the CYFA**

11. An order for the Permanent Transfer of Custody under s.32(2)(e) of the **CYFA** may be requested on an Application for a Protective Intervention Hearing (s.25 or s.26), or an Application for a Subsequent Order (s.36).
12. When filing the Application, the social worker shall refer to and adhere to the applicable Application policy (i.e. **Application for a Supervision or Temporary Custody Order when Child has not been Removed; Application for Protective Intervention Hearing when a Child has been Removed, or Application for a Subsequent Order**) and the **Plan for the Child** policy.
13. The social worker shall also file the Permanent Transfer of Custody documentation package when they file the Application.
14. Where a judge determines that a child is in need of protective intervention and a judge believes it is in a child's best interests, a judge may make an order under s.32(2)(e) of the CYFA permanently transferring custody of the child to a person other than the parent(s) from whom the child was removed.

### **Requesting an order for the Permanent Transfer of Custody after a Continuous Custody order has been granted**

15. A social worker may file an Application for a Permanent Transfer of Custody order after a child or youth is in the continuous custody of a manager.
16. Where a decision is made to file an Application for a Permanent Transfer of Custody Order (pursuant to s.43) the social worker shall adhere to the **Application for a Permanent Transfer of Custody Order after Continuous Custody** policy.
17. Where a judge believes it is in a child or youth's best interests, a judge may make an order permanently transferring custody of the child or youth from a manager to a person other than the parent(s) from whom the child or youth was removed.

**Exceptions:** None

**Relevant Documents:**

- Plan for the Child
- In Care Progress Report
- Kinship Care Agreement
- Consent of Child for Permanent Transfer of Custody
- Consent of Person to Whom Custody is being Transferred
- Permanent Transfer of Custody – Approval Checklist

## Approval of the Person to whom Permanent Custody is Being Transferred

**Policy no.: 3.35**

**Effective Date: June 28, 2019**

**Date Revised: October 23, 2020; September 6, 2022; November 23, 2022**

**Policy Cross References:** 2.26 Application for a Permanent Transfer of Custody after Continuous Custody; 3.34 Permanent Transfer of Custody;

**Legislative References:** s.32 Protective Intervention Hearing; s.36 Subsequent order; s.42 When continuous custody ceases to have effect, s.43 Permanent transfer of custody after continuous custody order

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**Purpose:** To outline the approval requirements for a person(s) to whom the permanent custody is being transferred.

### **Policy:**

1. Where a social worker plans to request a Permanent Transfer of Custody order, the social worker shall complete a Permanent Transfer of Custody Home Assessment on the person(s) to whom custody will be transferred **prior to** making an application to the court.

### **Procedures:**

1. Prior to completing the Permanent Transfer of Custody Home Assessment, the social worker shall review the home assessment and approval that has already been completed on the person to whom custody is potentially being transferred (e.g., kinship home approval, foster home approval) including:
  - a) the date the approval was completed;
  - b) training completed;
  - c) any reviews or investigations completed on the home and the outcome;
  - d) any financial concerns with meeting the basic needs of a child or youth; and,
  - e) the date and type of supporting documentation on file (e.g. references, Child Protection Clearance Checks, criminal record and vulnerable sector checks, etc.).
2. If there are concerns identified that may prevent the social worker from proceeding with the Permanent Transfer of Custody Home Assessment, the social worker shall review these with the supervisor and the supervisor will make a determination of whether to proceed with the home assessment.
3. If a decision is made not to proceed with the completion of a home assessment, this shall be documented in the file for the placement provider (e.g. foster home file, kinship home file) and the placement provider will be advised of the decision in writing in a timely manner. The social worker shall add a note to the child or youth's file regarding this decision and how this will affect the alternate permanency plan for the child or youth.

4. All final approval requirements as outlined in the applicable approval policy (e.g., kinship home approval policy, foster home approval policy) must be met and documented on the placement file prior to proceeding with a Permanent Transfer of Custody Home Assessment.
5. Where the person to whom custody will potentially be transferred is a parent other than the parent from whom the child was removed, the social worker shall ensure that this parent and other persons residing in the home meet the final approval requirements outlined the **Relative/Significant Other Foster Parent Home Approval** policy.
6. Where a review of the file indicates that the final approval requirements, as outlined in the applicable approval policy have been met and no concerns have been identified that would prevent the social worker from proceeding with the assessment, the social worker may proceed with the Permanent Transfer of Custody Home Assessment.

### **Permanent Transfer of Custody Home Assessment**

7. The social worker shall complete an assessment of the person(s) to whom custody is potentially being transferred to determine their willingness and ability to commit to a lifelong parenting relationship to the child or youth and shall include the following:
  - a) an assessment of their ability to provide a nurturing and safe environment that meets the day to day needs of the child or youth including the child or youth's development needs (e.g., social, emotional, educational, cultural, medical, physical, etc.);
  - b) where a child or youth is Indigenous, their willingness and ability to be part of and support cultural connection planning, including how they will continue to support the child or youth's connection to their culture if custody is transferred;
  - c) their willingness and ability to support significant relationships that are determined to be in the best interest of a child or youth;
  - d) their understanding of the effect of a Permanent Transfer of Custody and the roles and responsibilities that they will need to fulfill when custody is transferred to them including:
    - i. how the role of the department will change after custody is transferred and if this would affect their ability to support significant relationships or meet the needs of the child or youth;
    - ii. that the judge may attach conditions to the Permanent Transfer of Custody order that apply to them; and,
    - iii. who they have identified to care for the child or youth in the event that they are unable to;
  - e) their ability to financially support the child or youth, including if they feel they will require a Permanent Transfer of Custody Subsidy; and,
  - f) other areas identified by the social worker, supervisor or manager that may be necessary to inform the assessment.

8. The social worker shall also interview all other persons residing in the home (where age and developmentally appropriate) as part of the assessment process to discuss their relationship with the child or youth whose custody is potentially being transferred and their views on how making a permanent commitment to this child or youth may affect the family. Where the person(s) to whom custody is being transferred has their own children, the social worker shall have a private interview with those child(ren) as part of the assessment process.
9. The social worker shall document the assessment and their recommendations on the Permanent Transfer of Custody Home Assessment form, which is completed on the placement provider file (e.g. foster home file, kinship home file), and attach the supporting documentation outlined below.

## **Supporting Documentation**

### **Child Protection Clearance Check (CPCC)**

10. The social worker shall ensure that an updated Child Protection Clearance Check is completed for all persons over 16 residing in the home, including checks from all areas of the province and all other jurisdictions where they previously resided. If a social worker or applicant is unable to obtain a Child Protection Clearance Check from another jurisdiction, despite documented efforts to do so (e.g. letter from a child welfare agency indicating they do not provide checks or if another jurisdiction does not respond to a request), the applicant shall be asked to sign the Affidavit as outlined in the policy for the Completion of Child Protection Clearance Checks before a decision is made regarding clearance.
11. If there has been previous child protection involvement, the social worker shall explore the circumstances and nature of the involvement, review all file information and consult with the supervisor before a decision is made to continue with the approval process. The assessment shall not proceed if there are unresolved child protection concerns.

### **Criminal Record Check**

12. All persons residing in the home age 12 years and older shall complete a Criminal Record Check as follows, unless there is a record check on file that has been completed within the past 6 months:
  - a) persons age 12 years and older must make application to the police jurisdiction where they currently reside and provide consent to have a Criminal Record Check completed for all areas of the province and in all jurisdictions where they previously resided;
  - b) persons age 18 years and older must select to have the Vulnerable Sector Check on the Royal Newfoundland Constabulary (RNC) Criminal Record Check form or complete a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;

- c) persons residing in an RCMP jurisdiction are required to make an application to the provincial court to have a Provincial Court Check completed prior to submitting the request for a Criminal Record Check and/or Vulnerable Sector check to the RCMP. Applications are available at RCMP detachments or the Provincial Court; and,
  - d) persons residing in a RNC jurisdiction shall make application to the Provincial Court to have a check completed if it is possible that they have a record prior to 1980.
13. If any person residing in the home has current criminal charges or a previous criminal conviction, the social worker must clinically assess the relationship between the criminal activity and the safety of the child or youth that may be 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 circumstances of the individual since the offence;
  - d) relevance of criminal activity to the provision of care for a child or youth; and,
  - e) age and circumstances of the individual at the time of the offence.
14. If a Criminal Record Check identifies a current criminal charge or a previous criminal conviction for a child or youth residing in the home, the social worker shall stamp the Criminal Record Check documentation with the appropriate non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.
15. The social worker may approve the cost for fingerprinting services for applicants or other person residing in the home, if required for a Vulnerable Sector Check.

## **Medicals**

16. A medical assessment is not required, however one may be requested if determined to be necessary by the social worker in consultation of the supervisor (e.g. serious medical concerns have arisen that may affect their ability to proceed with the Permanent Transfer of Custody). Where it is determined a medical is needed, it shall be completed using the **Physicians Report on Person to Whom Custody is being Permanently Transferred** form.
17. The social worker may approve the cost of medical reports to be completed for to a maximum of \$100 per person. The supervisor may approve costs of medical reports that exceed \$100.

## **References**

18. The social worker shall obtain Letters of Reference from two individuals who have an established relationship with the person to whom custody is being transferred and the child or youth and who have had recent opportunities to observe the parent-child relationship between them. One reference may be from a relative and second reference should be from a collateral contact (e.g. teacher).

## **Financial Assessment**

19. The social worker shall discuss with the person(s) to whom permanent custody is being transferred their ability to meet the financial needs of the child or youth, including whether they will require a Permanent Transfer of Custody Subsidy to meet the child or youth's needs.

## **Other Relevant Documentation/Information**

20. In completing the assessment, the social worker in consultation with the supervisor or manager, may identify other necessary documentation and may request this information as required.

## **Approval Process**

21. The social worker shall submit the completed Permanent Transfer of Custody Home Assessment form and supporting documentation to the supervisor for their review and recommendation to the manager.
22. The final decision regarding approval rests with the manager. Approval **shall not** be granted if any person residing in the home has ever been convicted of a child related crime or if the family is currently involved in the Protective Intervention Program.
23. If the person is not approved, the social worker shall meet with them in a timely manner to discuss the reasons for the decision. The applicant(s) should also be advised, in writing, by the supervisor as soon as possible following the meeting with the social worker.

**Exceptions:** None

## **Relevant Documents:**

- Application for the Completion of a Child Protection Clearance Check
- Permanent Transfer of Custody – Approval Checklist
- Reference Letter(s) Regarding the Permanent Transfer of Custody
- Physicians Report on Person to Whom Custody is being Transferred
- Permanent Transfer of Custody Home Assessment
- Relative/Significant Other Foster Parent Assessment



## Effect of a Permanent Transfer of Custody Order

**Policy no.: 3.36**

**Effective Date: June 28, 2019**

**Date Revised:**

**Policy Cross References: 3.34** Permanent Transfer of Custody

**Legislative References: s.32** Protective intervention hearing; **s.36** Subsequent order; **s.42** When continuous custody ceases to have effect, **s.43** Permanent transfer of custody after continuous custody order

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**Purpose:** To outline the effect of a permanent transfer of custody order.

### Policy:

1. Where an order permanently transferring custody of a child or youth is made under s.32 (2)(e) or 43(5) of the CYFA, the person to whom custody is transferred becomes the sole custodian and guardian of the child or youth and has the right to make all decisions regarding the child or youth.
2. Where a judge makes an order permanently transferring custody, the order may contain reasonable conditions that apply to the person to whom custody is permanently transferred.
3. An order permanently transferring custody of a child or youth does not affect the rights of a child or youth with respect to inheritance or succession to property.
4. An order permanently transferring custody of a child or youth ceases to have effect when the youth reaches 18 years of age.

### Procedures:

1. The social worker shall meet with the person(s) to whom custody is being permanently transferred as well as the child or youth (where age and developmentally appropriate) to discuss the effect of a Permanent Transfer of Custody Order. This discussion shall include the following:
  - a) that the person(s) to whom custody is transferred will become the sole custodian of the child or youth and will have the right to make all decisions for the child or youth;
  - b) a manager will not have any decision making authority or a care or custodial relationship with the child or youth and the child or youth's in care or kinship file will be closed;
  - c) where a Permanent Transfer of Custody Subsidy has been approved, the department can only provide financial support services as outlined in that policy;

- d) that the order may contain conditions that apply to the person(s) to whom custody is transferred;
- e) the permanent transfer of custody does not affect the rights of a child or youth with respect to inheritance or succession to property;
- f) that, as guardian, the persons to whom custody is permanently transferred has charge of and is responsible for the care and management of the property of the child or youth;
- g) the order permanently transferring custody of the child or youth ceases to have effect when the youth reaches 18 years of age.

**Exceptions:** None

**Relevant Documents:** None

## Permanent Transfer of Custody Subsidy

**Policy no.: 3.37**

**Effective Date: June 28, 2019**

**Date Revised: October 23, 2020**

**Policy Cross References:** **1.18** Kinship Services - Financial Services **3.21** Health Services for the Child or Youth; **3.23** Financial Services for the Child or Youth; **3.25** Basic Foster Care Rate; **3.27** Level Fee; **3.28** Respite; **3.29** Child Care, Babysitting and Sleepovers; **3.34** Permanent Transfer of Custody; **3.35** Approval of Person(s) to whom Permanent Custody is being transferred; **5.15** Post-Secondary Education and Career Planning

**Legislative References:** **s.29** Plan for the Child; **s.32** Protective Intervention hearing; **s.36** Subsequent order; **s.42** When continuous custody ceases to have effect, **s.43** Permanent transfer of custody after continuous custody order; **s.103** Monitoring Plans

**Purpose:** To outline the process for assessing and/or approving financial services available under a Permanent Transfer of Custody Subsidy Program.

### **Policy:**

1. Where a judge grants an order under s.32(2)(e); 35(1)(b) or s.43(5) of the CYFA, a manager may enter into a Permanent Transfer of Custody Subsidy Agreement with a person to whom custody has been transferred **except** if that person is the child or youth's parent.
2. The person(s) to whom permanent custody is being transferred must meet the approval requirements as outlined in the Approval of a Person(s) to whom Permanent Custody is being Transferred policy prior to being assessed for a Permanent Transfer of Custody Subsidy. The only exception to this is if the person meets the conditions outlined in policy statement #11.
3. A Permanent Transfer of Custody Subsidy shall only be approved where the child or youth is assessed as having a medical, physical, developmental, emotional, cultural, and/or placement need that may prevent the transfer of custody if a subsidy was not provided.
4. The Permanent Transfer of Custody Subsidy may include a monthly financial care rate and/or support services to be provided on behalf of a child or youth.
5. A manager must approve the Request for a Permanent Transfer of Custody Subsidy prior to entering into a Permanent Transfer of Custody Subsidy Agreement with a person to whom permanent custody is being transferred.
6. Where a manager approves the Request for a Permanent Transfer of Custody Subsidy, the manager may enter into Permanent Transfer of Custody Subsidy

Agreement with a person(s) to whom permanent custody is being transferred **after** the Permanent Transfer of Custody order has been granted by a judge.

7. A Permanent Transfer of Custody Subsidy Agreement is valid for one year from the time the agreement is signed.
8. Services approved by a manager on behalf of a child or youth through a Permanent Transfer of Custody Subsidy, who were previously serviced through the Kinship Services Program, **shall not exceed** the services outlined for children and youth in the . Kinship Financial Services section of the Protection and In Care Policy and Procedures Manual.
9. Services approved by a manager on behalf of a child or youth through a Permanent Transfer of Custody Subsidy, who were previously in the care of a manager, shall not exceed the services outlined for children and youth in the respective financial sections regarding children and youth in care in the Protection and In Care Policy and Procedures Manual.
10. A Permanent Transfer of Custody Subsidy Agreement may continue until:
  - a) the child or youth reaches their 18<sup>th</sup> birthday; or
  - b) where a youth is attending high school, until the completion of high school or the youth's 19<sup>th</sup> birthday, whichever comes first; or
  - c) where a youth was in the custody of a manager prior to the permanent transfer of custody, post-secondary costs may be approved by a manager until the youth's 21<sup>st</sup> birthday.
11. Where it is confirmed that a **kinship caregiver** has obtained permanent custody under the Children's Law Act or a judge ordered a Permanent Transfer of Custody under the CYFA as per s.35(1)(b) or 32(2)(e) without the department having requested this order on an application, consideration can be given to closing the **Kinship Services** (child/youth's) file and opening a Permanent Transfer of Custody Subsidy program on the child or youth where:
  - a) the kinship home is fully approved;
  - b) the department has continued to support the kinship arrangement through Kinship Services after the order was granted by a judge;
  - c) the social worker assesses and determines that the kinship arrangement can be maintained with reduced intervention from the department as contact under the subsidy program is only yearly; and,
  - d) the kinship caregiver is in agreement.

In these situations, the kinship caregiver does not have to be re-approved in accordance with the Approval of the Person(s) to whom Permanent Custody is being Transferred policy prior to being assessed for a Permanent Transfer of Custody Subsidy.

## Procedures:

12. The Request for a Permanent Transfer of Custody Subsidy form shall be completed on the **Kinship Services** (child/youth's file) or **In Care** file.
13. The Permanent Transfer of Custody Subsidy Agreement shall be signed **after** the Permanent Transfer of Custody order is granted by the Court.
14. The **initial** Permanent Transfer of Custody Subsidy Agreement form shall be completed on the **Kinship Services** (child/youth's file) or **In Care** file. Once the Permanent Transfer of Custody Subsidy Agreement form has been approved by a manager, a Permanent Transfer of Custody Subsidy Program shall be opened on ISM.
15. The Permanent Transfer of Custody Subsidy Agreement is valid for **one year** and shall be reviewed and where approved, renewed annually.
16. All financial requests and approvals shall be completed electronically using the Financial Benefit Request (FBR).

## Assessment for a Permanent Transfer of Custody Subsidy

17. Once the Permanent Transfer of Custody Home Assessment has been completed to approve the person(s) to whom custody is being transferred, the social worker shall meet with the family to determine if financial support will be required and inform them of the Permanent Transfer of Custody Subsidy. The social worker shall inform them of the eligibility requirements and the types of financial supports available through a Permanent Transfer of Custody Subsidy if a Permanent Transfer of Custody order is granted.
18. The social worker shall advise the person(s) to whom custody is being transferred that they are responsible for meeting the child or youth's daily needs. They are expected to use their private and/or community resources and assume financial responsibility for the child or youth, except for those services and/or costs that have been negotiated through the Permanent Transfer of Custody Subsidy Agreement. They may be assessed for two types of services:
  - a) a monthly financial care rate based on the rate they are/were receiving (e.g. kinship basic rate, foster care basic rate); and/or
  - b) support services to address the child or youth's medical, physical, developmental, cultural or emotional needs.
19. When the social worker has assessed that a person may be eligible for a monthly financial care rate and/or support services for the child or youth, the social worker shall complete a Request for a Permanent Transfer of Custody Subsidy form and submit it to their supervisor for review and recommendation to the manager. The final decision regarding approval shall be made by a manager.

20. Where a Permanent Transfer of Custody Subsidy is approved by a manager, the social worker shall also complete the Permanent Transfer of Custody Subsidy Agreement. The Agreement shall outline the services and costs associated with the services for the following year.
21. The social worker shall meet with the person to whom custody is being transferred to review the Permanent Transfer of Custody Subsidy Agreement. The social worker shall also advise them of the following:
- a) the social worker shall be notified if the child or youth is no longer living in the home or if there is an address change;
  - b) the social worker shall be notified if the child or youth's developmental needs change and as a result an approved service is no longer required;
  - c) the custodial parent(s) will ensure the child or youth receives the indicated services and is responsible for ensuring the services are satisfactory;
  - d) the benefits are for a pre-determined period and shall be reviewed, at minimum, every twelve months; and,
  - e) the eligibility for financial support will end if the child or youth is determined to be in need of Protective Intervention.

#### **Eligibility: Monthly Financial Care Rate**

22. The monthly financial care rate is the amount equivalent to the basic foster care rate as outlined in the **Basic Foster Care Rate** policy or the basic kinship rate outlined in the **Kinship Services - Financial Services** policy to cover the daily costs associated with raising a child. It is intended to reduce the financial barriers to the Permanent Transfer of Custody. The financial care rate covers the following:
- a) food, shelter and clothing;
  - b) personal hygiene needs;
  - c) fees for lessons, programming and extra-curricular activities;
  - d) routine babysitting;
  - e) school supplies and field trips;
  - f) non-prescription medications, etc.

23A A financial care rate may be considered where:

- a) the person to whom custody is being transferred advises the social worker they do not have the financial resources to meet all day to day costs for caring for the child or youth **and**:
  - i. securing a placement that has been determined to be in the child or youth's best interests would not be possible without the provision of a Permanent Transfer of Custody subsidy; **and/or**
  - ii. the child or youth is part of a sibling group and a subsidy would allow the sibling group to be placed together

24. The equivalent of the level fee, as outlined in the **Level Fee** policy, may be considered for those who were receiving the level fee as approved foster parents **and** where consideration has been given to the following criteria:
- a) the child or youth has complex needs (e.g., Fetal Alcohol Spectrum Disorder, Autism);
  - b) the age of the child or youth;
  - c) the length of the placement;
  - d) whether the child or youth is part of a larger sibling group;
  - e) cultural connection requirements;
  - f) the level of parenting skill required to meet the needs of the child or youth; and,
  - g) whether not providing the level fee would be a financial barrier to the transfer of custody.
25. Those previously receiving block funding as approved foster parents are **not** eligible to continue receiving block funding but may be entitled to child specific support services that block funding had covered, such as respite and additional transportation costs.
26. The social worker shall advise the person to whom custody is being transferred that if the order is granted, they can apply for Canada Child Benefit (CCB) and the Child Disability Benefit (CDB), if the child or youth meets the eligibility requirements and they are not already in receipt of this benefit.
27. The social worker shall advise the person to whom custody is being permanently transferred that the Canada Child Benefit or Surviving Child's Benefit will not be deducted from their financial rate, however, other income sources they may receive on behalf of the child or youth (e.g., Child Support, Worker's Compensation, Veteran's Allowance, proceeds from insurance policies, estate benefits, etc.) shall be deducted from the Financial Care Rate. Where a child or youth may be eligible for alternate forms of financial support (e.g. the child or youth is a member or beneficiary of an Indigenous government or organization and is entitled to support through such government or organization), there is an expectation that the custodian seek access to these additional supports.

### **Eligibility: Child Specific Support Services**

28. AA child or youth may be considered eligible for child specific support services under a Permanent Transfer of Custody Subsidy where:
- a) the child has a special placement need that would otherwise prevent custody from being transferred unless a Permanent Transfer of Custody subsidy was available. A special placement need may include one or more of the following:
    - i. medical;
    - ii. physical;
    - iii. developmental;
    - iv. emotional;

- v. cultural where the proposed placement enables the child to maintain their cultural and community connections;
  - vi. a child is part of a sibling group and placing the siblings together would result in financial strain on a family without well planned short and/or long term supports;
- b) the person to whom custody is being transferred advises the social worker they do not have the financial resources to meet the costs associated with a special placement need(s) of the child or youth;
  - c) community resources to address the child's needs are not available; and;
  - d) consideration has been given to any additional funding sources that may be available to an Indigenous child or youth.

29. The social worker shall discuss the family's ability to pay for and/or access services through their personal insurance and public programs prior to recommending approval of private services.

### **Child Specific Support Services Available Where a Child Was in a Kinship Arrangement Prior to the Permanent Transfer of Custody**

30. Where a child or youth was in a kinship arrangement prior to the permanent transfer of custody, a manager may approve the following benefits as outlined in the kinship financial policy in the Protection and In Care Policy and Procedures Manual when determining the types of child specific services a custodian may be eligible to receive on behalf of a child or youth:

- a) Child Care
- b) Babysitting
- c) Health and Medical
- d) Vision Care
- e) Dental Services
- f) Respite
- g) Counseling
- h) Educational Expenses
- i) Employer Source Deductions and Payroll Administration Fees
- j) Transportation
- k) Social Recreation
- l) Exceptional Circumstances

### **Child Specific Support Services Available Where a Child Was in the Custody of a Manager Prior to the Permanent Transfer of Custody**

#### **Child Care**

31. Child care is a regularly scheduled arrangement to provide care to a child under the age of 13 years, or in exceptional circumstances for a child 13-15 years of age, who is unable to be left unattended due to a special need. The social worker shall assess the need for child care services on a case by case basis and funding may be approved for child care services for a custodian where:



- a) The custodian requires child care for employment or educational/employment training purposes; or
- b) A health practitioner has recommended the child attend a child care facility to meet an identified special need, and the recommendation is supported by the social worker
- c) The custodian(s) are not eligible for the child care subsidy program.

32. All custodian(s) are eligible to apply for the child care subsidy program. Information related to the child care subsidy program can be found at: <https://www.childcare.gov.nl.ca/>.

33. Based on the assessment and recommendation of the social worker and supervisor, a manager may approve child care costs not to exceed the benefits available to children and youth in care as outlined in the **Child Care, Babysitting and Sleepovers** policy.

### **Babysitting**

34. Babysitting is short term care for a child to provide the custodian(s) an ability to attend to personal affairs or matters related to the child. The social worker shall advise the custodian to use their discretion in identifying an appropriate babysitter.

35. Funding to cover the cost of routine babysitting (e.g. for the custodian to go on a personal outing such as to a dinner and a movie, grocery shopping, their own medical appointment, etc) is included in the **Monthly Financial Care Rate**. The social worker shall assess the need for additional hourly babysitting on a case by case basis and may recommend approval for funding to the manager for babysitting for a custodian to attend to matters related to the child to youth in **exceptional** circumstances.

36. Based on the assessment and recommendation of the social worker and supervisor, a manager may approve babysitting services not to exceed the benefits available to children and youth in care as outlined in the **Child Care, Babysitting and Sleepovers** policy.

### **Dental Services**

37. Prior to recommending approval of any dental service, a social worker shall first explore with the custodian if the child or youth's dental costs can be covered under one of the following programs:

- a) Custodian's private insurance:
- b) Provincial Government's Dental Health Plans:
  - i. The NL Universal Children's Dental Health Program
  - ii. NLPDP Low Income (Access) Program, Youth 13-17

38. The custodian can confirm eligibility for certain dental coverage through the Provincial Government's Dental Health Plans by providing the child or youth's MCP and DOB to the dental office. All children 12 or under are eligible for certain dental services through the NL Universal Children's Dental Health program. Refer to the program site for

current services:

[https://www.health.gov.nl.ca/health/dentalservices/general\\_info.html](https://www.health.gov.nl.ca/health/dentalservices/general_info.html). Services may include:

- a) Examinations at six month intervals
- b) Cleanings at 12 month intervals
- c) Fluoride applications for children aged six to twelve years at 12 month intervals (except where the School Rinse Program is in place)
- d) Routine fillings and extractions
- e) Sealants

Youth aged 13-17 years, who are eligible for Prescription Drug Program (NLPDP) may also be eligible for basic dental coverage:

- a) Examinations at two year intervals
- b) Routine fillings and extractions

39. Where basic dental is not covered by another program or private insurance, a manager may approve:

- a) an annual examination and cleaning;
- b) Routine fillings, extractions and root canals; and
- c) emergency examinations and treatment.

40. Where it is recommended by an orthodontist, a manager may approve braces for a child or youth.

### **Vision Care**

41. A manager may approve vision care costs not to exceed the benefits available to children and youth in care as outlined in the **Health Services for the Child or Youth** policy.

### **Health and Medical**

42. Prior to recommending approval of any medical services, a social worker shall first explore with the custodian if the child or youth's medical or drug costs can be covered under one of the following programs:

- a) Newfoundland and Labrador Prescription Drug Program (NLPDP)
- b) Custodian's private insurance
- c) If the child or youth has Indigenous status and is eligible for Health Canada's Non-Insured Health Benefits (NIHB) through Indigenous Services Canada
- d) Nunatsiavut Health Services
- e) Medical Transportation Assistance Program
- f) Special Assistance Program
- g) Special Child Welfare Allowance Program

43. If a child or youth requires medical equipment or supplies, the social worker shall advise the custodian to first contact the Regional Health Authority in their area to explore what services are available through the Special Assistance Program or the Special Child Welfare Allowance Program if the child or youth has a physical or cognitive disability. Information may be obtained online at: [https://www.health.gov.nl.ca/health/personsdisabilities/fundingprograms\\_hcs.html#scwap](https://www.health.gov.nl.ca/health/personsdisabilities/fundingprograms_hcs.html#scwap).
44. A manager may approve the cost of prescription medication, special items or equipment to meet an identified medical or special need if these costs are not covered by another external source (e.g. MSP, NLPDP, the Department of Health and Community Services or a Regional Health Authority Program, etc) not to exceed the benefits available to children and youth in care as outlined in the **Health Services for the Child or Youth** or **Financial Services to the Child or Youth** policy.
45. If other medical services (e.g. physiotherapy) are necessary to meet the needs of the child or youth, and these services are not available in the community through the Regional Health Authorities, or are not sufficient to meet the child or youth's needs, a manager may approve funding for private services if the child or youth is not covered under private insurance. Approval shall not to exceed the benefits available to children and youth in care as outlined in the **Health Services for Children and Youth** policy.

### **Counselling**

46. When counselling is required for a child or youth, the social worker shall advise the custodian to utilize the publicly funded counseling services whenever possible (e.g. Mental Health or Addiction counseling services offered through the Regional Health Authority), including any service the child or youth may be eligible for due to having Indigenous status or through an Employee Assistance Program (EAP). If public counselling services have been explored but are either unavailable or have a waitlist that would prevent the child or youth from getting required services in a timely fashion, a manager may approve counseling costs and shall not exceed the benefits available to children and youth in care as outlined in the **Financial Services for the Child and Youth** policy.

### **Tutoring/Educational Expenses**

47. Where tutoring is recommended by a child or youth's school, the social worker shall advise the custodian to explore whether or not there are informal educational supports or services offered by the custodian, the school or another community program/service that could meet the child or youth's needs.
48. If no other tutoring services that can meet the child or youth's needs are available, a manager may approve funding and shall not exceed the benefits available to children and youth in care as outlined in the **Financial Services for the Child or Youth** policy.

## **Costs Associated with Cultural Connection for Indigenous Children and Youth**

49. The social worker shall assess if a cost associated with cultural connection (e.g. family visiting, books, toys, clothing, and cultural events/activities) is covered by the Monthly Financial Care Rate or if policy already exists to determine if this cost can be considered for approval.
50. Where it is determined by the social worker, in consultation with the supervisor, that the cost is not included in the Monthly Financial Care Rate or cannot be supported under an existing financial policy, costs associated may be approved by a manager and shall not exceed benefits available to children and youth in care as outlined in the **Financial Services for the Child or Youth** policy.

## **Equipment/Renovations**

51. The cost of equipment or renovations may be approved to accommodate a child or youth with a disability or other special need as recommended by a qualified health practitioner.
52. When the social worker receives requests from custodian(s) for equipment or renovations, the social worker shall consult with a supervisor to determine if the request may be supported based on the purpose for the equipment or renovations. If the supervisor agrees with supporting the request, the supervisor shall consult with a manager to determine whether the manager would also support therequest.
53. If the manager supports the request, the social worker shall advise the custodian(s) of the requirement of the custodian(s) to provide three quotes for the equipment, or renovation.
54. The cost of equipment, or renovations may be approved by a manager and shall not exceed benefits available to children and youth in care as outlined in the **Financial Services for the Child or Youth** policy.

## **Employer Source Deductions and Payroll Administration Fees**

55. The maximum hourly rates for respite, childcare, babysitting or tutoring services in policy do not include employer source deductions.

Where the custodian is considered the employer and is approved for hourly respite, child care, babysitting or tutoring services, and the cost of associated employer benefits shall be approved by the manager.

56. If a custodian requests the support of an agency to assist with payroll administration, the cost of payroll administration fees may also be approved by a manager.

## **Post-Secondary Education**

57. A manager may approve post-secondary education and career planning in accordance with the **Post-Secondary and Career Planning** policy. Benefits shall not exceed benefits available to youth in care or in the Youth Services Program.
58. Where post-secondary education costs have been approved by a manager, a Permanent Transfer of Custody Agreement may be provided up to the age of 21 and shall only cover costs associated with post-secondary education. All other services and the financial care rate will terminate when the child reaches 19 years of age.

## **Transportation and Accommodations**

59. Local transportation for the child or youth is included in the Monthly Financial Care Rate.
60. Transportation and accommodations, by the most economical method, may be considered where required for a child or youth to receive a needed service. Services may be approved by a manager but shall not exceed benefits available to children and youth in care.
61. Prior to approving transportation and accommodation costs, the social worker must assess the custodian's access to their personal resources including private insurance coverage. The social worker must also explore public resources and any service the child or youth may be eligible to receive due to them having aboriginal status. Exploration of all external sources (e.g. MCP, Department of Health and Community Services or Regional Health Authority programs, Advanced Education and Skills programs and services) should also be considered.
62. Transportation costs may be approved for a child or youth in exceptional cases where:
- a) medical transportation is required that would not be considered routine local community travel. This should be assessed based on the purpose, frequency and distance of the travel (e.g. child must attend a specialist appointment; a child has a medical diagnosis that requires several medical appointments outside their community).
  - b) Where the child or youth is Indigenous and where it has been recommended by a social worker that in order to maintain a child or youth's cultural connections, transportation and accommodations would be required.
63. Where transportation costs are approved for the custodian, in addition to the Monthly Financial Care Rate, they shall be reimbursed at the same rate as foster parents.
64. Where transportation costs have been approved, the cost of meals and/or a hotel stay shall be assessed on a case by case basis and must be approved by a manager.

## **Social Recreation**

65. All social/recreational costs for a child or youth are included in the Monthly Financial Care Rate.
66. The cost of a social/recreational program that replaces child care and is required by a custodian for employment purposes may be approved by a manager.

## **Respite**

67. In exceptional circumstances, where respite is required to meet the complex needs of a child or youth or to maintain in their home, a manager may approve funding for respite services and shall not exceed benefits available to children and youth in care as outlined in the **Respite** policy for children and youth in care.
68. When assessing the need for respite, the social worker shall consider the following:
- a) age and developmental abilities/needs of the child;
  - b) number of persons with complex needs placed within a home;
  - c) degree of stress experienced by the custodian(s);
  - d) number of respite hours the custodian is requesting;
  - e) medical considerations of the child;
  - f) dependency of the child in the area of self-help;
  - g) requirement of the child for constant or intensive supervision;
  - h) behavioral difficulties exhibited by the child (e.g. self-abusive, destructive or aggressive behavior);
  - i) recommendations by all relevant health care/school/other professionals; and
  - j) reason why a custodian is requesting respite (e.g. for employment travel, to attend an out-of-town medical appointment, e.t.c).

## **Exceptional Circumstances**

69. Upon written recommendation from a manager, the ADM for the Child and Youth Services Branch may approve a benefit request, not already covered in this policy, where a social worker has assessed the benefit as being necessary to:
- a) meet the needs of a child or youth **or** to maintain the child in their home; **and**
  - b) the benefit or service is not available through another government program or department.

## **Amendments to an Approved Permanent Subsidy Agreement**

70. Where a custodian requests a new child or youth specific service or an increase in an existing service, prior to the expiry of the subsidy agreement, the social worker shall assess the request and complete the Amendment to an Approved Permanent Custody Subsidy Agreement form. A new Permanent Custody Subsidy Agreement is not required.

71. All changes to approved services and any request for new services may only be approved for the **remainder** of the existing subsidy agreement.
72. The social worker shall submit an Amendment to an Approved Permanent Custody Subsidy Agreement form and supporting documentation to a supervisor. The final decision regarding approval of any change to an existing service or new services shall be made by a manager.

### **Closure of the Permanent Transfer of Custody Subsidy Program**

73. AA supervisor may approve the closure of a Permanent Transfer of Custody Subsidy Program where:
- a) a youth reaches their 18<sup>th</sup> birthday, or where the youth is in high school, the completion of high school or their 19<sup>th</sup> birthday, whichever occurs first;
  - b) the youth reaches 21 years of age, where post-secondary education costs were approved by a manager in accordance with this policy;
  - c) the child or youth no longer lives with the custodian and is living permanently with another person or living independently;
  - d) allegation(s) of maltreatment are verified and the child is in need of protective intervention;
  - e) the youth enters the Youth Services Program;
  - f) the child enters the Kinship Services Program;
  - g) the child or youth enters the In Care Program;
  - h) the custodian(s) cannot be located;
  - i) the custodian requests termination;
  - j) a subsidy review indicates the Monthly Financial Care Rate and Child Specific Support Services are no longer required;
  - k) the child or youth is deceased;
  - l) the family relocates out of the province.

### **Exceptions:**

1. Where a custodian requires financial support for a child or youth that exceeds the rates referenced in this policy for child specific support services, the ADM for the Child and Youth Services Branch may consider approval of additional funding.

### **Relevant Documents:**

- Plan for the Child
- In Care Progress Report
- Kinship Care Agreement
- Request for a Permanent Transfer of Custody Subsidy form
- Permanent Transfer of Custody Subsidy Agreement
- Amendment To An Approved Permanent Custody Subsidy Agreement

## Permanent Transfer of Custody Subsidy Review

**Policy no.: 3.38**

**Effective Date: June 28, 2019**

**Date Revised: December 18, 2019**

**Policy Cross References:** **3.34** Permanent Transfer of Custody; **3.35** Approval of Person(s) to whom Permanent Custody is being transferred; **3.37** Permanent Transfer of Custody Subsidy

**Legislative References:** **s.29** Plan for the Child; **s.32** Protective Intervention hearing; **s.36** Subsequent order; **s.42** When continuous custody ceases to have effect, **s.43** Permanent transfer of custody after continuous custody order; **s103** Monitoring Plans

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**Purpose:** To outline the policies and procedures to be followed for the review of a Permanent Transfer of Custody Subsidy.

### Policy:

1. A Permanent Transfer of Custody Subsidy Agreement shall be reviewed **annually**, at minimum.

### Procedures:

1. Where services are provided through a Permanent Transfer of Custody Subsidy Agreement, the social worker shall contact the custodian at **least thirty days** prior to the expiry of the agreement to begin the review process.
2. The social worker shall meet with the custodian(s) as part of the review process and assess the need for continued subsidy services.
3. Where the custodian(s) are receiving a monthly financial care rate, the social worker shall assess the continued need for a financial care rate. The assessment should include discussions about how the financial care rate is beneficial to the parents in meeting the child or youth's needs.
4. Where the custodian(s) are receiving child or youth specific support services, the social worker shall review the continued need for these support services including the following:
  - a) discussion regarding any changes in the child or youth's developmental needs including any improvements or changes in relation to the needs of the child or youth and whether those impact the need for previously approved support services;
  - b) any changes in the overall composition and personal circumstances of the custodian(s) that may impact their ability to meet the needs of the child or youth;
  - c) any new needs that may have been identified by a professional (this would need to be documented); and



- d) an itemized list of all services required to meet the child or youth's needs and identification of how these services will be obtained.
- 5. The social worker shall refer to the Permanent Transfer of Custody Subsidy policy when determining the types of child specific services a child or youth may be eligible to receive.
- 6. Services approved by a manager on behalf of a child or youth through a review of Permanent Transfer of Custody Subsidy shall not exceed the services outlined for children and youth in care or kinship in the Protection and In Care Policy and Procedures Manual.
- 7. The social worker shall discuss the custodian's ability to pay for and/or access services through their personal insurance and public programs prior to recommending approval of private services.
- 8. When the social worker has assessed the custodian's eligibility for a monthly financial care rate and/or support services for the child or youth, the social worker shall complete a Permanent Transfer of Custody Subsidy Review form and submit it to their supervisor for their review and recommendation to the manager. The final decision regarding the continued approval of the Permanent Transfer of Custody Subsidy shall be made by a manager.
- 9. Where the review of a Permanent Transfer of Custody Subsidy is approved by a manager, the social worker shall also complete a new Permanent Transfer of Custody Subsidy Agreement. The Agreement shall outline the services and costs associated with the services for the following year.
- 10. The social worker shall meet with the parents to review and sign the new Permanent Transfer of Custody Subsidy Agreement. The social worker shall also advise the custodial parent(s) of the following:
  - a) the social worker shall be notified if the child or youth is no longer living in the home or if the family moves;
  - b) the social worker shall be notified if the child or youth developmental needs change and as a result an approved service is no longer required;
  - c) that the custodian(s) will ensure that the child/youth receives the indicated services and is responsible for ensuring that the services are satisfactory;
  - d) that benefits are for a pre-determined period only and shall be reviewed at minimum every twelve months; and,
  - e) that eligibility for financial support will end if the child or youth is determined to be in need of Protective Intervention.
- 11. The Permanent Transfer of Custody Subsidy Agreement is valid for one year and shall be reviewed and where approved re-signed annually.

**Exceptions:** None

**Relevant Documents:**

- Permanent Transfer of Custody Subsidy Review form
- Permanent Transfer of Custody Subsidy Agreement form

## Child or Youth in Care, or under a Manager's Supervision, Moves Outside of the Custodial Zone Within Newfoundland and Labrador

**Policy no.: 3.39**

**Effective Date: June 30, 2021**

**Date Revised:**

**Policy Cross References:** 2.27 Transferring an Order of Supervision or Custody between Managers

**Legislative References:** s.4 Managers; s.46 Transfer of care, supervision or custody between managers

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**Purpose:** To outline the criteria and process when a child or youth moves outside of the custodial zone within NL.

### Policy:

1. When a child or youth moves out of the custodial zone, the manager who has supervision or custody of a child or youth may decide to transfer the order of supervision or custody to another manager as per s.46 and s.46(1) of the CYFA where both managers agree. The decision to transfer an order shall be collaborative between the custodial manager and the manager to whom custody may transfer with consideration to the best interests of the child or youth.
2. Where the decision is made to transfer an order of supervision or custody of a child/youth, the process shall occur in accordance with the **Transferring an Order of Supervision or Custody Between Managers** policy.
3. Where the decision is made **not** to transfer a custody order of a child/youth, the custodial manager **may** decide to delegate specific decision making related to the child/youth's daily care to the manager for the zone where the child/youth will be moving.

### Procedures:

#### Consultation Prior to a Child/Youth's Placement or Family's Move to a Different Zone

1. Where possible, prior to the child or youth's placement or family's move to a different zone, the manager who has interim, temporary, or continuous custody of a child/youth, or interim or temporary supervision of a child/youth, **shall** consult with the manager for the zone where the child/youth, or their family, is moving to determine if a transfer of supervision or custody of the child/youth is in the best interests of the child/youth. If this consultation cannot occur **prior** to the move, it shall occur in a timely manner after the move takes place. This consultation shall be documented on ISM.

2. Where the child or youth is Indigenous, the managers shall also attempt to engage in a discussion with the Indigenous Representative to consider their perspective regarding the decision to transfer an order of supervision or custody.
3. Situations where both managers may prefer to have an order of supervision or custody transferred include:
  - a) When the receiving manager is required to make decisions pertaining to the child for a **significant** period of time because the child/youth has moved and it is anticipated that they will remain in the new zone for the duration of the order;
  - b) The permanency plan for the child is adoption or a permanent transfer of custody pursuant to s.43, and the manager who is making day to day decisions for the child does not have continuous custody of the child; or
  - c) the coordination of services for the child/youth would be best coordinated by the zone manager where the child or youth resides.
4. When a child/youth is in **interim custody or any other interim order under s.31** and a decision is made that it is in the best interests of a child/youth to transfer custody, managers shall consult with their solicitor prior to taking any further steps to determine whether the legal case file should transfer.
5. When there is a supervision, temporary custody or continuous custody order for a child/youth, the managers shall consult with their solicitor to determine if there are legal considerations regarding the decision to transfer the order of supervision or custody.
6. The reasons for the decision to transfer the order, delegate responsibilities or **not** to transfer shall be documented on both the parent and child/youth files.

#### **Delegation Process when Custody will not be Transferred**

7. Where the decision is made **not** to transfer a custody order of the child/youth but the custodial manager has decided to delegate specific decision making related to child/youth's daily care to the zone manager where the child/youth is residing, the custodial manager shall complete the **Delegation of Decision Making for Managers** form.
8. The custodial manager must outline, in writing, using the **Delegation of Decision Making for Managers** form, the responsibilities to another manager to make specific decisions that affect the child/youth's daily care, including:
  - a) consent for school outings/activities;
  - b) consent for child related programs/services (e.g. tutoring, daycare);
  - c) supporting and monitoring placement; and,
  - d) any other matters deemed appropriate and agreed upon by both managers.

9. Once the **Delegation of Decision Making for Managers** form is received by the delegated manager, they shall sign it to indicate agreement. The form shall be placed on the parent and child/youth's files.

### **Deciding Not to Transfer Supervision or Custody**

10. Where a decision is made **not** to transfer an order of supervision or custody of the child/youth, this decision shall be reviewed every **6 months** thereafter during the In-Care Progress Report (IPR) review process, prior to an application for a subsequent order, whichever occurs first, to determine if circumstances have changed for the child/youth which support a transfer of supervision or custody.
11. The review of the transfer an order of custody or supervision decision shall be documented, on the parentand child/youth's files.

### **Exceptions: None**

### **Relevant Documents:**

- In Care Progress Report
- Plan for the Child
- Delegation of Decision Making for Managers form

## Managers: Decision Making for Children and Youth in Care

**Policy no.: 3.40**

**Effective Date: June 30, 2021**

**Date Revised:**

**Policy Cross References: 3.39** Child or Youth in Care, or Under a Manager's Supervision, Moves Outside of the Custodial Zone Within Newfoundland and Labrador

**Legislative References: s.4** Managers

**Purpose:** To outline expectations for managers regarding decision making for children and youth in care.

### Policy:

1. In keeping with the principles of the CYFA, the manager who has custody of the child or youth shall approve, consent or make decisions regarding the child or youth, wherever possible.
2. If the custodial manager for the child or youth is unavailable, a noncustodial manager can approve, consent or make a decision, if required in a timely manner.

### Procedures:

#### When the custodial manager is unavailable

1. Situations that may require a noncustodial manager to approve, consent or make a decision may include:
  - a) An approval, consent or decision is required after hours and the custodial manager is unavailable
  - b) The custodial manager is on leave and will be unavailable throughout the timeframe in which approval, consent or a decision is required.
2. If a noncustodial manager approves, consents or makes a decision regarding a child or youth in care, when they have not been delegated (as per the **Child or Youth in Care, or under a Manager's Supervision, Moves Outside of the Custodial Zone Within Newfoundland and Labrador** policy), it shall be documented in ISM that the custodial manager was not available to approve, consent or make the decision in a timely manner in the best interest of the child or youth. The noncustodial manager shall inform the custodial manager, in a timely manner, of the approval, consent or decision that was provided once the custodial manager becomes available.

**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 **Children, Youth and Families Act (the Act)**. 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 principles that shall be considered in determining a child or youth's best interest. These principles include:

- a) the child or youth's safety, health and well-being;
- b) the child or youth's physical, emotional and developmental needs;
- c) the child or youth's relationship with family or a person significant to the child or youth;
- d) the child or youth's opinion regarding his or her **care** and **custody** or the provision of services;
- e) the child or youth's identity and cultural and community connections;
- f) the importance of preserving an **Indigenous child's** or **Indigenous youth's** unique cultural identity;
- g) the importance of stability and permanency in the context of the child or youth's care; and
- h) the importance of family as the preferred environment for the care and upbringing of a child or youth.

### Placement Considerations

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

- a) first considers placement with **kin**;
- b) is least disruptive and recognizes the importance of placement with their siblings and contact with their **parent(s)** and kin;
- c) first considers placing an Indigenous child or youth with kin within their community or with a non-relative **foster parent** with the same cultural background within the Indigenous child or youth's community; or with kin outside the Indigenous child or youth's community; and
- d) supports the Indigenous child or youth's connection with their culture, heritage, traditions, community, language and spirituality.

**Non-custodial parents**, kin, individuals significant to the child or youth, non-relative foster parents with the same cultural background should be considered first when exploring placement options. If a non-custodial parent, kin, significant other, or non-relative foster parent(s) with the same cultural background is unavailable, the child or youth should be matched with either an approved non-relative foster family, family-based **caregiver** or **residential placement** provider that best meets the child or youth's needs. Every effort should be made to place siblings together unless this is not in their best interest.

When a child or youth is placed in a foster care or a **family-based placement**, it is important that the **social worker** prepare and support the child or youth, the parent(s) and the foster care provider(s) 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 all relevant **information** about the placement unless it is not deemed in the child's or youth's best interest. It is also important for the social worker to provide all **relevant information** regarding the child or youth, to the foster care provider(s).

If another placement, such as a **group home** is identified as the placement that best meets the need of the child or youth, it is equally as important to prepare and support the child or youth and the parent(s) with the transition, and ensure the residential placement provider is provided all relevant information about the child or youth.

### **Approving, Supporting and Monitoring Foster Care Placements**

Children and youth in care need to be matched with approved/established 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** for the approval of non-relative foster homes and for establishing family-based care placements. The core competencies identified in PRIDE represent basic competencies that are expected from any family caring for children and youth in care.

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

It is critical that all foster care providers are provided all relevant information about the child or youth so they are able to understand the child or youth's needs and behaviors in the context of their life experiences. Foster care providers also require ongoing support and training and must be included as part of the **in care planning team**.

The social worker is also responsible for monitoring foster care placements through regular in home contact with the foster care provider. Observing the interaction between the child or youth and their foster care provider and interviewing the child or youth, is critical to the monitoring process. Supporting and monitoring foster care placements is an important component of ensuring that children and youth live in environments where they are nurtured and protected. Supporting and monitoring foster care placements is also important in ensuring that a child or youth's developmental needs and cultural identity is addressed and they are connected with people who are significant in their life.



## Non-Custodial Parent Approval and Monitoring

**Policy no.:** 4.2

**Effective Date:** March 2007

**Date Revised:** June 30, 2011, June 28, 2019

**Policy Cross References:**

**Legislative References:** s.65 Placement considerations; s.67 Agreement for service

**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 interest 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 residing in the home;
  - c) determining the factors that led to the child or youth being in the custody of the other parent;
  - d) determining the wishes of the child or youth, including the relationship that exists between the child or youth and the non-custodial parent;
  - e) obtaining a Child Protection Clearance Check granting clearance 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;
  - f) a Provincial Court Check;
  - g) obtaining a Criminal Records Check and a Vulnerable Sector Check for the non-custodial parent from the local police jurisdiction where the non-custodial parent resides, and from all jurisdictions where they previously resided;
  - h) obtaining a Criminal Records Check and Vulnerable Sector Check on any other persons age 18 years old and over residing in the home with the non-custodial parent;
  - i) obtaining two verbal references from non-relatives; and

- j) obtaining one verbal collateral reference (e.g. personnel from the child or youth's school, if applicable).
- 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 or 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 or youth is placed with a non-custodial parent, the parent shall be advised that if they make 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 CYFA.
- 5. The social worker shall follow departmental policies and procedures relating to children and youth in care when a child or youth is placed with the non-custodial parent, with the exception of providing financial support.
- 6. Where the non-custodial parent does not have a Protective Intervention file, documentation related to the assessment and approval of a non-custodial parent shall be placed in the child or youth's in care file.

**Exceptions:** None

**Relevant Documents:**

- Letter of Reference
- Child Protection Clearance Check
- Children's Law Act

## Relative/Significant Other Foster Home Approval

**Policy no.: 4.3**

**Effective Date:** March 2007

**Date Revised:** March 7, 2013; October 1, 2013; March 28, 2018; June 28, 2019; November 3, 2020; August 12, 2021; September 6, 2022; March 15, 2023; March 27, 2024

**Policy Cross References:** Foster Care Placement Monitoring

**Legislative References:** s.65 Placement considerations, s.67 Agreement for service

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

### Policy:

1. The social worker shall first consider placement of a child or youth with kin, which includes members of the child or youth's Indigenous community, relatives and/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 or youth, (where age and developmentally appropriate), the family, the **Indigenous representative** (where applicable), and other support networks, to determine if there is a family member, or individual significant to the child or youth who could meet the child or youth's needs.
3. When a child or youth is able to be safely placed with a person who is a relative/significant to them, the social worker may expedite the placement of the child or youth with **relative/significant other foster parents** by assessing the individuals using the **preliminary approval** process.

### Procedures:

#### Preliminary Approval Process

1. A social worker may assess a relative/significant other applicant for a preliminary approval if a child or youth requires an immediate placement. This will prevent the child or youth from having to be placed in an unfamiliar environment. A preliminary assessment shall include:
  - a) a home visit and interview with all persons in the home to determine the appropriateness of the living arrangement and the ability of the applicants to meet the needs of the child or youth;
  - b) the wishes of the child or youth;
  - c) the relationship that exists between the child or youth, the applicants and other foster parents;
  - d) the relationship between the parents of the child or youth and the applicants;

- e) a Child Protection Clearance Check granting clearance for the applicants and any other persons over the age of 16 residing in the home. This check shall include all areas of the province and all other jurisdictions where they have previously resided;
  - f) a Provincial Court Check and a verbal Criminal Record Check on the applicants from the local police jurisdiction, including a check from all areas of the province and any other jurisdictions where they previously resided;
  - g) a verbal Criminal Record Check on any other persons age 18 years old or older who resides in the home, from the local police jurisdiction, including a check from all areas of the province and other jurisdictions where they previously resided;
  - h) two verbal references from individuals unrelated to the applicants (the written references should be obtained as soon as possible);
  - i) one verbal collateral reference (e.g. a school teacher if they have school age children of their own); and
  - j) a Foster Home Safety Checklist.
2. The applicants 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 address and support the child or youth's physical, social, emotional, developmental and cultural needs. It is also important that they understand the expectations of the foster care program and are willing and able to work with the child or 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 preliminary assessment, including the social worker's recommendations, shall be documented on the Foster Parent Assessment-Relative/Significant Other (Preliminary Approval) form. The completed form, and supporting documentation shall be forwarded to the supervisor for review. The supervisor shall make the final decision regarding approval.
4. Relative/significant other foster home placements shall not be approved if:
- a) there is an active protective intervention file;
  - b) there were previous child protection concerns that may place the child or youth at risk; or
  - c) a police or reference check indicates that any person residing in the home has a history that may place the child or youth at risk.
5. If the applicants or any other person residing in the home has been charged with or convicted of a criminal offense, the social worker must clinically assess the relationship between the criminal activity and the safety of the child or youth that may be 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 circumstances of the individual since the offence;
  - d) relevance of criminal activity to the provision of care for a child or youth; and,
  - e) age and circumstances of the individual at the time of the offence.

6. If a Criminal Record Check identifies a criminal charge or conviction for a child or youth residing in the home, the social worker shall stamp the Criminal Record Check documentation with the appropriate non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.
7. The social worker may approve the cost of fingerprinting services for applicants or other persons residing in the home, if required for a Vulnerable Sector Check.
8. The foster home must be granted preliminary approval prior to the placement of the child or youth.
9. When a preliminary approval is granted, the foster parents shall be notified verbally, with written notification to follow in a **timely manner**. The approval letter should clearly outline the duration of the preliminary approval as well as the remaining steps that have to be completed to obtain full approval.
10. The social worker shall ensure that all approved relative/significant other foster parents are given copies of the departmental policies on **Positive Discipline, Medical Consent, A Child or Youth Absent Without Permission, A Child or Youth Missing or Abducted, Respite and Child Care, Babysitting and Sleepovers**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of fosterhomes.
11. The social worker shall ensure the approved foster parents sign a Declaration of Confidentiality and the Foster Parent Agreement (**Level 1**) or Foster Parent Agreement (**Level 2**). The Foster Parent Agreement shall be reviewed, updated and signed every 5 years or if the approval level of the foster homechanges.
12. The social worker shall ensure that approved foster parents are given the contact information for the Newfoundland and Labrador Foster Families Association (NLFFA), the Office of the Child and Youth Advocate (OCYA) and their local departmental office, including after hour services.
13. The social worker shall forward the names of the approved foster parents to the Newfoundland and Labrador Foster Families Association (NLFFA) on the NLFFA Registration form. If there is more than one approved foster parent, both names are required on the NLFFA Registration form.
14. The social worker shall advise the foster parents of their requirement to immediately notify the social worker of any change in who is residing in the home, or if any persons will be visiting and/or staying in the home for a period of two months or longer, at which time a foster home review shall be completed.
15. If the applicants are not approved they shall be notified verbally when the decision is made, with written notification to follow in a timely manner.

## Final Approval

16. When a child or youth is placed with a preliminary approval and continues to reside in the foster home, the final approval process must be completed **within 60 days**. This allows a social worker the time to complete a more thorough assessment of the relative/significant foster home and to assess the ability of the foster parents to meet the expectations of the foster care program.
17. Where a preliminary assessment has been completed, the final assessment process shall include, at minimum, an interview with each foster parent (both individually and together), private, in-person interviews with other persons residing in the home, and with the child or youth in care, where age and developmentally appropriate.
18. Where a preliminary assessment has not been completed, the social worker shall, at minimum, complete two private, in-person interviews with each applicant and two joint interviews where a couple is being assessed. The social worker shall also complete private, in-person interviews with other persons residing in the home, and with the child or youth identified to be placed in the home, where age and developmentally appropriate.
19. The social worker shall document the final approval process using the Foster Parent Assessment Relative/Significant Other (Final Approval) form. This form provides a guide for social workers regarding the areas that shall be assessed to inform the final approval process.
20. The social worker shall also ensure the following documentation is obtained:
  - a) Criminal Record Checks on all persons residing in the home age 12 years old and over, including the following:
    - i. persons age 12 years and older must make application to the police jurisdiction where they currently reside and provide consent to have a Criminal Record Check completed for all areas of the province and in all jurisdictions where they previously resided;
    - ii. persons age 18 years and older must select to have the Vulnerable Sector Check on the Royal Newfoundland Constabulary (RNC) Criminal Record Check form or complete a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
    - iii. persons residing in an RCMP jurisdiction are required to make an application to the provincial **court** to have a Provincial Court Check completed prior to submitting the request for a Criminal Record Check and/or Vulnerable Sector check to the RCMP. Applications are available at RCMP detachments or the Provincial Court; and
    - iv. persons residing in a RNC jurisdiction shall make application to the Provincial Court to have a check completed if it is possible that they have a **record** prior to 1980.

- b) A Child Protection Clearance Check granting clearance for all persons residing in the home, including checks from all areas of the province and all other jurisdictions where they previously resided. If this has already been fully completed as part of the preliminary approval process, it does not need to be repeated. If a social worker or applicant is unable to obtain a Child Protection Clearance Check from another jurisdiction, despite documented efforts to do so (e.g. letter from a child welfare agency indicating they do not provide checks or if another jurisdiction does not respond to a request), the applicant shall be requested to sign the Affidavit as outlined in the policy for the Completion of Child Protection Clearance Checks before a decision is made regarding the clearance check.
- c) Two written references from individuals not related to the applicants, and one collateral reference using the Letter of Reference forms. If the applicant has school age children, the teacher is the preferred collateral reference.
- d) Medicals on the applicants using the Physicians Report on the Prospective Foster Parent Applicant form.
- e) Medical letters on all children or other adults living in the home from their physician or a **qualified health practitioner** outlining their general health and any significant findings or concerns. If concerns are documented by the physician or the qualified health practitioner, the social worker shall contact the physician or qualified health practitioner directly to discuss how this may impact the ability of the applicants to provide care to a child or youth placed in the home. The social worker may approve the cost of medical reports to be completed for applicants and other persons residing in the home, to a maximum of \$100 per person. The supervisor may approve the cost of medical reports for applicants and other persons residing in the home where the cost of the medical report exceeds \$100; and
- f) A Foster Home Safety Checklist.

21. Relative/significant other foster home placements shall not be approved if:

- a) There is an active protective intervention file;
- b) There were previous child protection concerns that may place the child or youth at risk; or
- c) A police or reference check indicates that any person residing in the home has a history that may place the child or youth at risk.

22. If the applicants or any other person residing in the home has been charged with or convicted of a criminal offense, the social worker must clinically assess the relationship between the criminal activity and the safety of the child or youth that may be 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 circumstances of the individual since the offence;
- d) relevance of criminal activity to the provision of care for a child or youth; and
- e) age and circumstances of the individual at the time of the offence.

23. If a Criminal Record Check identifies a criminal charge or conviction for a child or youth residing in the home, the social worker shall stamp the Criminal Record Check

documentation with the appropriate non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

24. The social worker may approve the cost for fingerprinting services for applicants or other person residing in the home, if required for a Vulnerable Sector Check.
25. If at any time throughout the final assessment process, concerns are noted regarding the applicants that would impact the approval process, the concerns must be brought to the immediate attention of the supervisor and a decision shall be made regarding the continued assessment of the home. Where a child or youth has already been placed based on a preliminary approval, the child or youth's continued placement shall also be assessed.
26. Upon completion of the final assessment, the social worker shall submit the Foster Parent Assessment-Relative/Significant Other Foster Home Assessment (Final Approval) form and the supporting documentation to the supervisor with their recommendation regarding approval of the applicants.
27. The supervisor shall make the final decision regarding approval.
28. If the relative/significant other foster home is approved, the social worker shall advise the foster parents both verbally and in writing.
29. Where the final assessment indicates that a child or youth should not remain in the foster home, another placement shall be secured. The social worker shall meet with the foster parents to discuss the reasons for not granting final approval. This decision should also be provided in writing in a timely manner following the meeting with the applicants.
30. While Relative/significant other foster parents are not required to complete the PRIDE preservice program, they are encouraged to complete this training.
31. 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 or youth as outlined in the **Foster Care Placement** Monitoring policy.
32. The social worker shall ensure that all approved relative/significant other foster parents are given copies of the departmental policies on **Positive Discipline, Medical Consent, A Child or Youth Absent Without Permission, A Child or Youth Missing or Abducted, Respite and Child Care, Babysitting and Sleepovers**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of foster homes. The social worker shall ensure the approved foster parents sign a Declaration of Confidentiality and the Foster Parent Agreement (Level 1) or Foster Parent Agreement (Level 2). The Foster Parent Agreement shall be reviewed, updated and signed every 5 years or if the approval level of the foster home changes.



33. The social worker shall ensure that approved foster parents are given the contact information for the Newfoundland and Labrador Foster Families Association (NLFFA), the Office of the Child and Youth Advocate (OCYA) and their local departmental office, including after hour services.
34. The social worker shall forward the names of the approved foster parents to the Newfoundland and Labrador Foster Families Association (NLFFA) on the NLFFA Registration form. If there is more than one approved foster parent, both names are required on the NLFFA Registration form.
35. The social worker shall advise the foster parents of the requirement to notify the social worker immediately of any change in who is residing in the home, or if any persons will be visiting and staying in the home for a period of 2 months or longer, at which time a foster home review shall be completed.

### **Subsequent Approval**

36. Where a foster home has received final approval as a relative/significant other placement for a specific child or youth and an additional placement of another child who they are connected with is being explored, a subsequent approval is required before the child or youth can be placed.
37. In exploring the placement of an additional child or youth, the social worker shall determine if the foster home has the physical space and the ability to care for an additional child or youth. This determination shall be made in consultation with other social workers who may be working with the foster parents and/or the other children or youth in care residing in the home.
38. The social worker shall document the subsequent approval process using the Foster Parent Assessment Relative/Significant Other (Subsequent Approval) form. This form provides a guide for social workers regarding the areas that shall be assessed to inform the approval process.
39. The social worker shall have, at minimum, one interview with each foster parent, a joint interview if it is couple, a private, in-person interview with other persons residing in the home (where age and developmentally appropriate) including other children or youth in care in the placement. These interviews will inform the social workers clinical assessment of the foster parent's ability to care for an additional child or youth and how the placement may affect other children and youth already in the placement.
40. If the foster home was granted final approval within one year of starting the subsequent assessment process, the social worker is not required to obtain new supporting documentation, unless such is deemed necessary by the social worker in consultation with the supervisor, to inform the assessment process (e.g. a medical is requested to determine the foster parent's ability to care for an additional child or youth as they have a serious medical condition). If the approval date exceeds a year, the supporting documentation outlined on the Foster Parent Assessment Relative/Significant Other (Subsequent Approval) form must be obtained.

41. The social worker shall submit the Foster Parent Assessment Relative/Significant Other (Subsequent Approval) form including their recommendation and any required supporting documentation, to the supervisor for review.
42. The supervisor shall make the final decision regarding approval.
43. If relative/significant other foster parents are granted the subsequent approval, the social worker shall advise them of the approval in writing.
44. Where the subsequent approval is not granted, the social worker shall meet with the foster parents to discuss the reasons for not granting approval. This decision should also be provided in writing in a timely manner.

### **Exceptions:**

1. The supervisor may grant verbal approval of a relative/significant other foster home without the assessment information that has been gathered being documented on the Foster Parent Assessment – Relative/Significant Other (Preliminary Approval) form, if this will prevent the child or youth from having to be placed in an unfamiliar environment. The required form shall be completed within **2 days**.
2. A supervisor may grant verbal approval of a relative/significant other foster home without the assessment information gathered being documented on the Foster Parent Assessment - Relative/Significant Other (Subsequent Approval) form if this will prevent the child or youth from having to be placed in an unfamiliar environment. The required form shall be completed **within 2 days**.
3. A manager may grant approval of the relative/significant other foster home if a child/youth does not have their own bed, but it has been determined there are suitable sleeping arrangements. This exception may be considered to keep a child/youth in their community and/or with family.
4. A manager may grant approval of a relative/significant other foster home without a medical on the applicant(s) and other children or adults living in the home if there are barriers to having medicals completed (e.g. unable to secure a family doctor, difficulty obtaining a medical).
5. If barriers exist (e.g. language barriers, literacy, cognitive ability) in obtaining written Letters of Reference from any/all of the 3 references required as part of the foster home assessment, a clinical program supervisor may approve verbal references. The social worker shall document the conversations with the individuals providing the reference as part of the foster home assessment.

### **Relevant Documents:**

- Foster Parent Assessment-Relative/Significant Other (Preliminary Approval) form
- Foster Parent Assessment-Relative/Significant Other (Final Approval) form

- Foster Parent Assessment-Relative/Significant Other (Subsequent Approval)form
- Letter of Reference form
- Application for a Child Protection Clearance Check form
- Physicians Report on the Prospective Foster Parent Applicantform
- Declaration of Confidentiality form
- Foster Home Safety Checklist
- Foster Parent Agreement (Level1)
- Foster Parent Agreement (Level2)

## Interim Approval for Regular Foster Homes

**Policy no.: 4.4**

**Effective Date:** March 2007

**Date Revised:** October 1, 2013; March 26, 2018; June 28, 2019; July 6, 2022; August 10, 2022; September 6, 2022; March 27, 2024

**Policy Cross References:** **4.5** Regular Foster Home Approval; **4.11** Positive Discipline; **3.19** Medical Consent; **3.14** A Child or Youth Absent Without Permission; **3.15** A Child or Youth Missing or Abducted; **3.28** Respite; **3.29** Childcare, Babysitting and Sleepovers; **3.26** Block Funding; Youth Corrections Records Management

**Legislative References:** **s.65 Placement considerations, s.67 Agreement for service**

**Purpose:** To outline the process for assessing and approving regular foster parent applicants for an **interim approval**.

### Policy:

1. In situations where a suitable foster home is not available for a child or youth in the care or custody of a manager, a manager may assess the suitability of foster parent applicants to be processed for an interim approval, and may grant an interim approval of applicants to facilitate a placement that is in the best interests of a child or youth.
2. The complete regular foster home approval process must be completed within **90 days** of the interim approval if the applicants completed the PRIDE Preservice sessions prior to the interim approval.
3. The complete regular foster home approval process must be completed **within 120 days** after the interim approval if the applicants did not complete the PRIDE Preservice sessions prior to the interim approval.

### Procedures:

#### Interim Assessment

1. The social worker, in consultation with a supervisor, may assess the suitability of applicants to be processed for an interim approval if it will facilitate a placement in the best interests of a child or youth requiring a foster homeplacement.
2. In determining suitability, the social worker must ensure applicants meet the screening requirements outlined in the Regular Foster Homes Approval Process policy and shall also consider the following factors:
  - a) past or current parenting or caregiving experience;
  - b) cultural and community connections;
  - c) experience working with children or youth; and
  - d) experience with either the foster care program or other departmental programs.

3. The social worker shall ensure that applicants understand the requirements of both the interim approval and full PRIDE approval process before starting an interim approval.
4. If applicants have not completed the PRIDE Preservice sessions the social worker shall first discuss the five PRIDE competencies with them.
5. As outlined in the Regular Foster Home Approval policy, a social worker shall ensure that the Foster Home Application form is completed and submitted by the applicants and that the following documentation is obtained:

### **Criminal Record Check**

6. Criminal Record Check on all persons residing in the home age 12 years and older, including the following:
  - a) persons age 12 years and older must make application to the police jurisdiction where they currently reside and provide consent to have a Criminal Record Check completed for all areas of the province and in all jurisdictions where they previously resided;
  - b) persons age 18 years and older must select to have the Vulnerable Sector Check on the Royal Newfoundland Constabulary (RNC) Criminal Record Check form or complete a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
  - c) persons residing in an RCMP jurisdiction are required to make an application to the provincial court to have a Provincial Court Check completed prior to submitting the request for a Criminal Record Check and/or Vulnerable Sector check to the RCMP. Applications are available at RCMP detachments or the Provincial Court; and
  - d) persons residing in a RNC jurisdiction shall make application to the Provincial Court to have a check completed if it is possible that they have a record prior to 1980.
7. If the applicants or any other person residing in the home has a current criminal charge or a previous criminal conviction, the social worker must clinically assess the relationship between the criminal activity and the safety of a child or youth that may be 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 circumstances of the individual since the offence;
  - d) relevance of criminal activity to the provision of care for a child or youth; and
  - e) age and circumstances of the individual at the time of the offence.

Applicants shall not be approved if there are any previous convictions of a child-related crime.

8. If a Criminal Record Check identifies a current criminal charge or a previous criminal

conviction for a child or youth residing in the home, the social worker shall stamp the Criminal Record Check documentation with the appropriate non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

9. The social worker may approve the cost of fingerprinting services for applicant or other persons residing in the home, if required for a Vulnerable Sector Check.

### **Child Protection Clearance Checks**

10. The social worker shall ensure that Child Protection Clearance Checks granting clearance is obtained for all persons residing in the home, including record checks from all areas of the province and other jurisdictions they have resided.
11. If a social worker or applicant is unable to obtain a Child Protection Clearance Check from another jurisdiction, despite documented efforts to do so (e.g. letter from a child welfare agency indicating they do not provide checks or if another jurisdiction does not respond to a request), the social worker shall request that the applicants sign an Affidavit as outlined in the policy for the Completion of Child Protection Clearance Checks, before a decision is made regarding the clearance check.
12. If there has been previous, or if there is current involvement, the social worker shall explore the circumstances and nature of the involvement, review all file information and consult with the supervisor before a decision is made to continue with the approval process. Applicants shall not be approved if there are unresolved child protection concerns.

### **Birth Certificates**

13. The social worker shall obtain certified copies of birth certificates for all persons living in the home. The birth dates shall be cross-referenced with the dates given on the Criminal Record Check/Vulnerable Sector Check forms and the Application for a Child Protection Clearance Check forms.

### **Medicals**

14. Medicals shall be completed on the applicants by a physician (preferably their family doctor or other qualified health practitioner, where necessary) using the Physicians Report on Foster Parent Applicant form. All children, youth or other adults living in the home shall also be examined by a physician (or other qualified health practitioner, where necessary) who shall provide a letter outlining their general health and any significant findings or concerns. If concerns are documented, the social worker shall contact the physician (or qualified health practitioner) directly to discuss how this may impact the ability of the applicant to provide care for a child or youth placed in the home.

15. The social worker may approve the cost of medical reports completed for applicants and other persons residing in the home, to a maximum of \$100 per person. The supervisor may approve costs of medical reports for applicants and other persons residing in the home where the cost of the medical report exceed \$100.

## **References**

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

## **Financial Assessment**

17. The social worker shall request that applicants complete the Foster Parents Budget Analysis form and review the financial circumstances of the applicants with them. This is to ensure that applicants 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 concerns that they will need to rely on foster parent remuneration to meet their own day-to-day financial obligations.

## **Home Safety Check**

18. A thorough check of the applicant's home shall be completed by the social worker to determine whether there is adequate physical space to accommodate a child or youth, and to ensure that the home meets all physical requirements as outlined on the Foster Home Safety Checklist. Social workers shall consult with Service NL and/or other appropriate community resources (e.g. local fire department) if questions arise about the safety of the home.

## **Automobile Insurance**

19. A social worker shall advise applicants that valid automobile insurance is required for all vehicles they may use for transporting a child or youth, and shall recommend that they discuss if it is necessary to obtain business insurance with their insurance provider. The social worker shall obtain a valid copy of the applicant's automobile insurance for all vehicles to be used for transporting a child or youth in care.

## **Declaration of Confidentiality**

20. Applicants are required to sign a Declaration of Confidentiality. The social worker shall explain what is meant by maintaining confidentiality and clearly outline the importance of such. The social worker shall provide examples of situations involving confidentiality and shall outline the circumstances when it is appropriate to share information relating to children or youth.
21. 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, including a private individual interview with each applicant and a joint interview;
- b) minimum of two interviews must be held with single applicants;
- c) minimum of one private interview with all other persons residing in the home; and
- d) minimum of two interviews must occur in the home of the applicants.

The social worker shall document the interim approval process using the Regular Foster Home (Interim Approval) form. This form provides a guide for social workers regarding the areas that shall be assessed to inform the interim approval process including;

- f) a summary of how the applicants were protected and nurtured;
- g) the applicants history of having their developmental needs met, including how they were disciplined as a child;
- h) the loss history of the applicants and their understanding of the impact of their loss history on their ability to support a child or youth in care with their feeling of loss. This should include a discussion of the role of foster parents as a loss manager and the impact that children or youth's losses can have on a foster family, especially if they have significant unresolved losses.
- i) A clinical assessment of the ability of the applicants to meet the five PRIDE competencies with their own children (if applicable), as well as a child or youth in care who may be placed in the home.

## **Approval Process**

- 22. The social worker shall document the interim assessment on the Regular Foster Home (Interim Approval) form and forward it with their recommendation and the supporting documentation to the supervisor.
- 23. The supervisor shall review the interim assessment and forward it with their recommendation to the manager.
- 24. 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 a child or youth, or if the applicant(s) is currently involved in the Protective Intervention Program or there are active child protection concerns.
- 25. When an interim approval is granted the applicants shall be notified in writing by the manager 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 regular foster home approval.
- 26. Where interim approval is granted a copy of the Foster Parent Agreement (Level 1) or Foster Parent Agreement (Level 2) shall be signed by the social worker and the foster parents following approval. A copy shall be provided to the foster parents and a copy shall be placed on the foster home file. The Foster Parent Agreement shall be reviewed, updated and signed every 5 years or if the approval level of the foster home changes



27. The social worker shall ensure that interim approved foster parents receive a copy the In Care policies on **Positive Discipline; Medical Consent; A Child or Youth Absent Without Permission; A Child or Youth Missing or Abducted; Respite; Child Care, Babysitting and Sleepovers; and Block Funding**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of foster homes.
28. The social worker shall provide the approved foster parents with the contact information for the NLFFA, the Office of the Child and Youth Advocate (OCYA), and their local departmental office, including the number for after-hour services.
29. The social worker shall forward the names of interim approved foster parents to the NLFFA on the NLFFA Registration form. If there is more than one approved foster parent both names are required on the NLFFA Registration form.
30. The social worker shall also advise interim approved foster parents of the requirement to notify the social worker at the time of any change in who is residing in the home, or if any persons will be visiting and staying in the home for a period of 2 months or longer, at which time a foster home review shall be required.
31. If applicants 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 by the manager of the decision in a timely manner after the meeting with the social worker.

### **Exceptions:**

2. A manager may grant interim approval of a foster home without a medical if barriers exist in having the medical completed (e.g. unable to secure a family doctor, difficulty obtaining a medical etc.). If physical or mental health concerns arise during the interim foster home assessment (e.g. through self-reporting, reports from references etc.) that may cause potential risk to a child or youth, an exception to the requirement for a medical shall not be granted.
3. If barriers exist (e.g. language barriers, literacy, cognitive ability) in obtaining written Letters of Reference from any/all of the 3 references required as part of the foster home assessment, a clinical program supervisor may approve verbal references. The social worker shall document the conversations with the individuals providing the reference as part of the foster home assessment.

### **Relevant Documents:**

- Foster Home Application form
- Letter of Reference form
- Application for a Child Protection Clearance Check form
- Physicians Report on Foster Parent Applicant form
- Foster Parent Agreement (Level1)
- Foster Parent Agreement (Level2)
- Declaration of Confidentiality form
- Foster Home Safety Checklist form
- NLFFA Registration form
- Family Budget Analysis form

## Regular Foster Home Approval

**Policy no.: 4.5**

**Effective Date:** March 2007

**Date Revised:** April 30, 2013; October 1, 2013; March 28, 2018; June 28, 2019; September 6, 2022; March 27, 2024

**Policy Cross References:** **3.14** A Child or Youth Absent Without Permission; **3.15** A Child or Youth Missing or Abducted; **3.19** Medical Consent; **3.28** Respite; **3.29** Childcare, Babysitting and Sleepovers; **3.26** Block Funding; **4.4** Interim Approval of Regular Foster Homes; **4.11** Positive Discipline; Youth Corrections Records Management

**Legislative References:** **s.65** Placement considerations; and **s.67** Agreement for service.

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**Purpose:** To outline the requirements and process for assessing and approving regular foster parent applicants.

### Policy:

1. Single persons or couples, with or without children, may apply to become regular foster parents providing they meet the following criteria:
  - a) at least one applicant is 25 years of age or older; and
  - b) the applicants are willing to participate in the Parent Resources for Information, Development and Education (PRIDE) assessment process including completion of the PRIDE Preservice training sessions.

### Procedures:

#### Application and Screening

1. All persons interested in becoming approved regular foster parents shall complete and submit a Foster Parent Application form, a Consent for Release of Information form (providing the applicant's consent for provincial court checks to be completed) and the Application for a Child Protection Clearance Check form.
2. During the initial intake call, or when an application has been received, the social worker shall discuss the following areas with the foster parent applicants:
  - a) the application and approval process, including information about PRIDE Preservice sessions;
  - b) how the applicants heard about fostering;
  - c) the motivation of the applicants for applying;
  - d) whether the applicants have adequate and appropriate physical space to accommodate a child or youth.

- e) the views of the applicants about working as part of a team with departmental staff, other professionals, the child or youth, and the birth family; and
  - f) the preference of the applicants regarding age, gender, sibling groups and service needs of child or youth in care.
3. When the application is received, the social worker shall check whether the applicants had any previous involvement with the department. Where there has been previous involvement, the social worker shall explore the circumstances of that involvement. Contact shall be made, where possible, with any social worker previously involved, all information shall be reviewed, and there shall be supervisory consultation before a decision is made regarding the continuation of the assessment process. Applicants shall not be assessed as foster parents where there are unresolved child protection concerns.
  4. If concerns are identified during the application and screening process, the social worker shall complete an initial assessment related to the identified concerns to assist in the decision of whether to continue with the assessment and approval process.
  5. If an application is not recommended for processing, the social worker shall explain the reasons to the applicants. The supervisor must confirm the decision in writing to the applicant **within 30 calendar days**.

### **Assessment Process**

6. All applicants who apply to become approved regular foster parents shall complete the PRIDE Preservice sessions and be assessed by a social worker using the PRIDE assessment model. All children or youth and other adults residing in the home shall be included in the assessment process.
7. Where applicants are requested by the department to travel an extended distance to attend PRIDE Preservice training, a supervisor may approve the cost of travel, accommodations and meals. Mileage and meals shall be reimbursed based on the government rate.
8. PRIDE is a standardized, competency-based framework for preparing and assessing foster parent applicants. PRIDE is based on five essential competencies that outline the knowledge and skills that are needed by foster parents to successfully care for children and youth placed in their home and include:
  - a) protecting and nurturing children;
  - b) meeting children's developmental needs and addressing developmental delays;
  - c) supporting relationships between children and their families;
  - d) connecting children to safe, nurturing relationships intended to last a lifetime; and
  - e) working as a member of a professional team.
9. The PRIDE assessment process involves a mutual identification of strengths and needs pertaining to the past and current functioning of the applicants. The Preservice information sessions and the mutual assessment process enables the applicants and

the social worker to make a well-informed decision about their willingness and ability to meet the five PRIDE competencies and other expectations of becoming foster parents. It is important that all applicants participate in the assessment process, given that a well-informed decision can better prepare foster parents for their role and reduce placement disruptions for children and youth.

10. In addition to completing the home assessment, the social worker shall obtain supporting documentation to further identify strengths or concerns that may impact the ability of the applicants to provide quality care to a child or youth. Supporting documentation provides insight into how friends, co-workers and other professionals in the community view the ability of the applicants to meet the expectations of fostering.
11. If the applicants are a couple and have been in a newly established relationship (less than 1 year), the social worker shall assess the stability of the couple's relationship as a family unit, taking into consideration the duration of the relationship, separations or identified issues, and the impact fostering may have on the relationship.
12. If the applicants had a significant life event (e.g. birth of a child, serious illness, death of a significant person), particularly in the past year, the social worker shall assess their readiness to start the assessment process, including whether they should be deferred to allow the individual/family time to adjust to the changes they have experienced.
13. If the applicants indicate that they are being treated or have been treated for, or are diagnosed with a psychiatric and/or psychological illness, are undergoing treatment for substance abuse and/or are otherwise involved in counselling, the social worker shall carefully assess whether they are able and ready to take on the responsibilities of fostering.
14. If applicants are currently receiving services from a mental health professional, the social worker shall, with the written consent of the applicants, obtain the professional opinion of the mental health professional regarding the duration, status and progress of the intervention and whether the presenting issues could potentially affect their ability to fulfill the foster parent role. The social worker shall ensure that the mental health professional is aware of the expectations for foster parents and the demands fostering may have on an individual by reviewing the PRIDE competencies with them.
15. All persons residing in the home shall be included in the home assessment process and shall have the applicable record checks completed. This would include any person that is residing in the home as a long-term boarder. If applicants have short-term boarders that will not be consistent in the home, applicants shall not be approved.

### **Child Protection Clearance Check**

16. The social worker shall ensure that a Child Protection Clearance Check granting clearance is obtained for all persons residing in the home, including record checks from all areas of the province and other jurisdictions they have resided. (If this has

already been fully completed as part of the initial application and screening process it does not need to be repeated). If a social worker or applicant is unable to obtain a Child Protection Clearance Check from another jurisdiction, despite documented efforts to do so (e.g. letter from a child welfare agency indicating they do not provide checks or if another jurisdiction does not respond to a request), the social worker shall request that the applicants sign an Affidavit as outlined in the policy for the Completion of Child Protection Clearance Checks, before a decision is made regarding the clearance check. If there has been previous, or if there is current involvement, the social worker shall explore the circumstances and nature of the involvement, review all file information and consult with the supervisor 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 Check**

17. All persons residing in the home age 12 years and older shall complete a Criminal Record Check as follows:
  - a) all persons age 12 years and older 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) all persons age 18 years and older must also select to have the Vulnerable Sector Check on the Royal Newfoundland Constabulary (RNC) Criminal Record Check form or complete a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
  - c) all persons residing in an RCMP jurisdiction are required to make an application to the Provincial Court to have a Provincial Court Check completed prior to submitting the request for a Criminal Record Check and/or Vulnerable Sector check to the RCMP. Applications are available at RCMP detachments or the Provincial Court; and
  - d) all persons residing in a RNC jurisdiction shall make application to the Provincial Court to have a check completed if it is possible (based on their age) that they have a record prior to 1980.
18. If the applicants or any other person residing in the home has a current criminal charge or a previous criminal conviction, the social worker must clinically assess the relationship between the criminal activity and the safety of a child or youth that may be 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 circumstances of the individual since the offence;
  - d) relevance of criminal activity to the provision of care for a child or youth; and
  - e) age and circumstances of the individual at the time of the offence.
19. Applicants shall not be approved if there are any previous convictions of a child-related crime.

20. If a Criminal Record Check identifies a current criminal charge or a previous criminal conviction for a child or youth residing in the home, the social worker shall stamp the Criminal Record Check documentation with the appropriate non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.
21. The social worker may approve the cost of fingerprinting services for applicant or other persons residing in the home, if required for a Vulnerable Sector Check.

### **Medicals**

22. A medical shall be completed on the applicants by a physician (preferably their family doctor or other qualified health practitioner, where necessary) using the Physicians Report on Foster Parent Applicant form. All children, youth or other adults living in the home shall also be examined by a physician (or other qualified health practitioner as necessary) who shall provide a letter outlining their general health and any significant findings or concerns. If concerns are documented, the social worker shall contact the physician (or qualified health practitioner) directly to discuss how this may impact the ability of the applicant to provide care for a child or youth placed in the home.
23. The social worker may approve the cost of medical reports completed for applicants and other persons residing in the home, to a maximum of \$100 per person. The supervisor may approve costs of medical reports for applicants and other persons residing in the home where the cost of the medical report exceed \$100.

### **References**

24. The social worker shall obtain Letters of Reference from three individuals who are not related to either applicants and who have known the applicants for at least **three (3) years**. In addition, there shall be a verbal reference from a collateral community contact (e.g. minister, community leader, or teacher). If the applicants have school age children, the teacher is the preferred collateral reference.

### **Financial Assessment**

25. The social worker shall request that applicants complete the Foster Parents Budget Analysis form and review the applicant's financial circumstances with them. This is to ensure that applicants 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 concerns that they will need to rely on foster parent remuneration to meet their own day-to-day financial obligations.

### **Home Safety Check**

26. A thorough check of the applicant's home shall be completed by the social worker to determine whether there is adequate physical space to accommodate a child or youth,

and to ensure that the home meets all physical requirements as outlined on the Foster Home Safety Checklist. Social workers shall consult with Service NL and/or other appropriate community resources (e.g. local fire department) if questions arise about the safety of the home.

### **Automobile Insurance**

27. A social worker shall advise applicants that valid automobile insurance is required for all vehicles they may use for transporting a child or youth, and shall recommend that they discuss if it is necessary to obtain business insurance with their insurance provider. The social worker shall obtain a valid copy of the applicant's automobile insurance for all vehicles to be used for transporting a child or youth in care.

### **Birth Certificates**

28. The social worker shall obtain certified copies of birth certificates for all persons living in the home. The birth dates shall be cross-referenced with the dates given on the Criminal Record Check/Vulnerable Sector Check forms and the Application for a Child Protection Clearance Check forms.

### **Declaration of Confidentiality**

29. Applicants are required to sign a Declaration of Confidentiality. The social worker shall explain what is meant by maintaining confidentiality and clearly outline the importance of such. The social worker shall provide examples of situations involving confidentiality and shall outline the circumstances when it is appropriate to share information relating to children or youth.

### **Approval**

30. The PRIDE assessment is a clinical assessment of the ability of applicants to meet the five PRIDE competencies. Applicants must demonstrate, based on the Preservice training and the assessment process, that they can meet each of the five PRIDE competencies.
31. The social worker shall document the assessment on the PRIDE Foster Home Assessment (Regular Foster Home Approval) form.
32. When the social worker has completed the PRIDE assessment, they shall review and discuss the assessment with the applicants, and the applicants will be requested to sign the PRIDE assessment.
33. The social worker shall submit the completed PRIDE assessment and the supporting documentation to the supervisor with their recommendations, including any recommended **placement restrictions** and/or conditions.

34. A **placement restriction** is determined by the social worker, in consultation with the supervisor, where it is assessed that particular attributes of a child or youth would not be a good match for a foster home. Placement restrictions may be identified as part of the approval process or during ongoing monitoring of an approved home and may be mutually identified by the social worker and foster parents. Where a placement restriction is not mutually identified, the social worker shall ensure the placement restriction and the rationale for the decision are discussed with fosterparents.
35. A **placement condition** is determined by the social worker, in consultation with the supervisor, and is a requirement foster parents must fulfil within an agreed upon timeframe to continue to meet the PRIDE competencies or other expectations of fostering. Examples of conditions include a home renovation, required training, or counselling for foster parents. A condition may be identified as part of the approval process or during ongoing monitoring of an approved home. The social worker shall discuss the rationale for the condition with foster parents and work with foster parents to identify how they will meet the expectation in the agreed upon timeframe.
36. The final decision regarding approval of foster parents rests with the supervisor. Approval shall not be granted if any person residing in the home has ever been charged or convicted of a crime against children or youth, or if the family is currently involved in the Protective Intervention Program and there are active child protection concerns.
37. Where approval is granted a copy of the Foster Parent Agreement (Level 1) or Foster Parent Agreement (Level 2) shall be signed by the social worker and the foster parents following approval. A copy shall be given to the foster parents and a copy shall be placed on the foster home file. The Foster Parent Agreement shall be reviewed, updated and signed every 5 years or if the approved level of the foster home changes.
38. Where approval is granted, foster parents shall be notified in writing and the social worker shall forward the names of the approved foster parents to the Newfoundland and Labrador Foster Families Association (NLFFA) on the NLFFA Registration form. If there is more than one approved foster parent, both names are required on the NLFFA Registration form.
39. Approved foster parents, shall also be advised of the requirement to immediately notify the social worker of any change in who is residing in the home, or if any persons will be visiting and staying in the home for a period of 2 months or longer, as a review of the foster home may be required.
40. The social worker shall ensure that all approved foster parents receive a copy of the departmental policies on **Positive Discipline; Medical Consent; A Child or Youth Absent Without Permission; A Child or Youth Missing or Abducted, Respite, Child Care, Babysitting and Sleepover, and Block Funding**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of fosterhomes.



41. The social worker shall ensure that all approved foster parents receive a copy of the PRIDE assessment and a copy shall be on the foster home file.
42. The social worker shall provide the approved foster parents with the contact information for the NLFFA, the Office of the Child and Youth Advocate (OCYA), and their local departmental office, including the number for after-hour services.
43. If applicants are not approved, the social worker shall meet with the applicants in a timely manner to discuss the reasons for the decision. Applicants should also be advised, in writing, by the supervisor as soon as possible following the meeting with the social worker.

### **Exceptions:**

1. If a foster parent applicant is not 25 years of age or older, but is close to their 25<sup>th</sup> birthday, the application may be accepted with the understanding that the applicant may attend the PRIDE Preservice sessions and commence the home assessment process prior to their 25<sup>th</sup> birthday; however, if approved, a child would not be placed prior to their 25<sup>th</sup> birthday.
2. If barriers exist (e.g. language barriers, literacy, cognitive ability) in obtaining written Letters of Reference from any/all of the 3 references required as part of the foster home assessment, a clinical program supervisor may approve verbal references. The social worker shall document the conversations with the individuals providing the reference as part of the foster home assessment.
3. A manager may grant approval of a foster home without a medical if barriers exist in having the medical completed (e.g. unable to secure a family doctor, geographical challenges, cultural reasons etc.) and efforts have been made to mitigate the barriers, where possible. The rationale for granting approval of a foster home without a medical must be clearly documented in case notes on ISM. If physical or mental health concerns arise during the foster home assessment (e.g. through self-reporting, reports from references etc.) that may cause potential risk to a child or youth, an exception to the requirement for a medical shall not be granted

### **Relevant Documents:**

- Foster Parent Application form
- PRIDE Foster Home Assessment (Regular Foster Home Approval) form
- Letter of Reference form
- Application for Child Protection Clearance Check form
- Physicians Report on Foster Parent Applicant form
- Foster Parent Agreement (Level1)
- Foster Parent Agreement (Level2)
- Declaration of Confidentiality form
- Foster Home Safety Checklist
- Consent for Release of Information form
- NLFFA Registration form

## Respite Foster Home Approval

**Policy no.: 4.6**

**Effective Date:** March 2007

**Date Revised:** March 7, 2013; October 1, 2013, June 28, 2019

**Policy Cross References:** **3.28** Respite; **4.3** Relative/Significant Other Foster Home Approval; **4.5** Regular Foster Home Approval

**Legislative References:** **s.65** Placement considerations; **s.67** 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 regular foster homes and as outlined in the **Regular Foster Home Approval** policy.
2. Regular foster homes may provide respite if they have the capacity and ability, and if they are not receiving respite services themselves during the same period.
3. A relative/significant other may be approved to provide respite to children and youth, as outlined in the **Relative/Significant Other Foster Home Approval** policy.

### Procedures:

1. When it is identified that a foster home requires out of home, overnight respite services, the social worker shall explore whether 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 **Relative/Significant Other Foster Home Approval** policy.
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 placed in a regular respite home or regular foster home that can accommodate a respite placement.
4. A regular respite home must be approved using the procedures outlined in the **Regular Foster Home Approval** policy.
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.

**Exceptions:** None

**Relevant Documents:**

- Foster Home Application, **Form 14-607**
- Letter of Reference, **Form 14-687**
- Child Protection Clearance Check, **Form 14-609**
- Medical Report, **Form 14-644**
- Foster Home Agreement (Level 1), **Form 1014a**
- Foster Home Agreement (Level 2), **Form 1015a**
- Declaration of Confidentiality
- Foster Home Safety Checklist

## Specialized Foster Home Approval

**Policy no.: 4.7**

**Effective Date: August 18, 2014**

**Date Revised: April 2016, March 28, 2018, June 28, 2019**

**Policy Cross References:** **3.14** A Child or Youth Absent Without Permission; **3.15** A Child or Youth Missing or Abducted; **3.19** Medical Consent; **3.25** Basic Foster Care Rate; **3.26** Block Funding; **3.27** Level Fee; **3.28** Respite; **3.29** Childcare, Babysitting and Sleepovers; **4.3** Relative/Significant Other Foster Home Approval; **4.4** Interim Approval of Regular Foster Homes; **4.5** Regular Foster Home Approval; **4.6** Respite Foster Home Approval; **4.11** Positive Discipline; Youth Corrections Records Management

**Legislative References:** **s.65** Placement considerations and **s.67** Agreement for services

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**Purpose:** To outline the requirements and process for assessing and approving specialized foster parent applicants.

### **Policy:**

1. All foster parents must be approved as regular or relative/significant other foster parents prior to being considered for assessment as specialized fosterparents.
2. Foster parents may be assessed to become specialized foster parents based on the following expectations:
  - a) there is at least one stay-at-home foster parent that is not employed either inside or outside of the home for the duration of time that the foster parent is providing specialized foster care. This includes any form of full or part-time employment;
  - b) completion of PRIDE Pre-service training;
  - c) completion of Nonviolent Crisis Intervention Training (NVCI)®, Applied Suicide Intervention Skills Training (ASIST), and Module 1 of the Specialized Foster Parent Training;
  - d) completion of further specialized training in Module 2 (as necessary);
  - e) demonstrates the ability to care for children and youth with highly complex physical, emotional, behavioral and developmental needs;
  - f) demonstrates the ability to work effectively as members of the In Care Planning Team to develop and implement specialized programming for children and youth;
  - g) agrees to participate in self-initiated, self-directed learning (e.g. at home reading, internet research, training in the community, etc.) to supplement training provided by the department; and
  - h) has a vacancy (or will have a vacancy in 30-60 days) to accommodate a child or youth who is best matched with a specialized foster home.

## Procedures:

### Application and Screening

1. There are **three avenues** for identifying potential specialized fosterparents:
  - a) approved relative/significant other foster parents with PRIDE or regular foster parents may self- identify by contacting their social worker and expressing their interest in being assessed as specialized parents; or
  - b) a social worker in consultation with their supervisor, may identify relative/significant other foster parents with PRIDE or regular foster parents who they feel present with the knowledge, competencies (skills and abilities) and willingness to meet the expectations of specialized foster parents; or
  - c) persons who are not currently foster parents with the department may express an interest in becoming specialized foster parents, particularly if they have significant training and/or experience that would be an asset as specialized foster parents. In these cases, the applicants must first be approved as regular foster parents before being assessed as a specialized foster parents.
2. When approved regular foster parents self-identify or is identified by the social worker as potential specialized foster parents, the social worker shall meet with the foster parents to discuss the following:
  - a) the application and approval process and the requirements for specialized foster parents;
  - b) the additional expectations involved in becoming specialized foster parents and the ability to meet these expectations;
  - c) that the assessment and subsequent approval as specialized foster parents is based on the competencies of foster parents, not the needs of the child or youth currently placed or potentially to be placed in the home following approval.
  - d) foster parents shall receive the **level 3** level fee for any new child or youth placed in their home once granted conditional or final approval and not for children or youth placed in their home prior to becoming specialized foster parents.
  - e) foster parents will continue to receive the level fee currently in place for any children and youth in their care prior to obtaining specialized foster parent approval.
3. Relative/significant other foster parents with PRIDE may be identified as a potential specialized foster home for a child or youth with highly complex needs with whom they have a familial or significant relationship. The social worker shall meet with foster parents to determine their interest, discuss the expectations of becoming specialized foster parents and explain the application and approval process. In discussing the assessment and approval process the social worker shall advise foster parents that they will be assessed as specialized foster parents to care specifically and only for the child or youth with whom they have a relative/significant other relationship. Only if relative/significant other foster parents indicate a willingness to meet specialized foster parent expectations and is assessed as potentially meeting these expectations, shall

the social worker proceed to complete Part A of the Specialized Foster Home Assessment and Approval form and submit it to the supervisor, who will then make a recommendation to the manager for the approval.

4. Persons who are not currently foster parents with the department may express an interest in applying to become specialized foster parents, particularly if they have significant training and/or experience that would be an asset as specialized foster parents. The social worker shall discuss the eligibility requirements for fostering, the assessment and application process and the expectations of foster parents, particularly as it relates to specialized foster care.
5. Given that the requirement is for all specialized foster parent applicants to be approved as regular foster parents before consideration for specialized, the Regular Foster Home Application form is required for submission, in addition to the Specialized Foster Home Application. If deemed appropriate by the social worker, in consultation with the supervisor, both assessments may be completed concurrently. Each application will be assessed on a case by case basis.

### **Assessment Process**

6. When regular foster parents indicate a willingness to meet the expectations outlined and the social worker, in consultation with a supervisor, assesses the foster parents as potentially meeting these expectations, the social worker shall complete Part A of the Specialized Foster Home Assessment and Approval form and submit this form to the supervisor who will then make a recommendation and forward the completed form to the manager for approval. Only when Part A has been approved by the manager, will the social worker meet with the foster parents, give them the Specialized Foster Home Application and further review the expectations and competencies for specialized foster parents using the Foster Parent Competencies form as a guide. If foster parents are relative/significant other foster parents, the social worker shall remind them that they are being assessed as a specialized foster home for the child or youth with which they have a relative/significant other relationship, not for other children and youth in care.
7. If Part A is not approved the social worker shall meet with foster parents to discuss the reason why they were not approved to be assessed as specialized foster parents. The social worker shall also notify foster parents of this decision in writing, in a timely manner.
8. When the completed Specialized Foster Home Application form is received from foster parents the social worker shall complete the home assessment which is documented using Part B of the Specialized Foster Home Assessment and Approval form.
9. The social worker completing the specialized foster home assessment shall conduct at least:

- a) one interview with each person who resides in the home;
  - b) two interviews with the applicant who will be the stay at home foster parent with primary responsibility for the care of the children and youth placed in the foster home; and
  - c) where applicable, one joint interview with the applicants.
10. The specialized foster home assessment interviews shall include discussion on the following topics, along with other relevant issues that are identified:
- a) the training, education, skills and experience of the applicants in dealing with the complex needs of children and youth, including the strengths and limitations;
  - b) a review of the PRIDE competencies and an overview from the applicants perspective, of how they meet the required competencies, and how their skill and experience demonstrates enhanced competencies suitable for specialized foster parents;
  - c) their understanding and perception of the role of specialized foster parents and how that role differs from regular foster parents, the philosophy of specialized foster care as it relates to the competency of foster parents rather than the needs of the child or youth, and the importance of ongoing and self-initiated training for specialized foster parents;
  - d) the willingness of applicants to complete NVCI, ASIST and other ongoing training related to the complex needs of children and youth;
  - e) the potential impact of becoming specialized foster parents on family members and the family unit, how each family member feels about the potential impacts, and the strategies and supports the family will avail of in addressing the challenges and the adjustment that may be experienced in becoming specialized foster parents;
  - f) the financial implications for the family of having a stay at home foster parent that is not employed inside or outside the home, and the financial plan for accommodating any gaps in funding from the department as a result of not having a child or youth placed in the home;
  - g) the views of applicants about working extensively with biological families and with the In Care Planning Team, and the related skills that applicants would use to support these working relationships; and
  - h) the support network available to foster parents and families and how they will avail of the support network.
11. The social worker shall consult with all available social workers that have worked with the applicants, the children and youth in care that are currently residing in the foster home, and any other relevant professionals or collaterals (e.g. teacher, counsellor, behavior management specialist, etc.) to gather information that may assist in assessing the suitability of the applicants for approval as specialized foster parents.
12. The social worker shall review the Foster Parent Competencies form with applicants and explore their existing competencies, goals, and willingness to enhance existing competencies, knowledge and skills. Applicants must demonstrate an ability and willingness to meet the expectations of specialized foster parents as outlined in the Foster Parent Competencies form.

13. The social worker shall also contact the two collateral references provided in the Specialized Foster Home Application. Collateral references must have known applicants for at least 2 years and be able to speak to the skills and abilities of foster parents to care for children and youth with complex needs.
14. When all information has been gathered, the social worker shall complete Part B of the Specialized Foster Home Assessment and Approval form and review the information with foster parents. Part B of the form shall be forwarded to the supervisor for review. The supervisor shall make a recommendation to the manager regarding whether to conditionally approve the applicants.

### **Conditional Approval**

15. The final decision regarding conditional approval shall be made by the manager. If the manager is satisfied that the applicants have demonstrated throughout the assessment process that they meet the eligibility requirements, and have the ability and willingness to meet the expectations of specialized foster parents, the manager may grant conditional approval as specialized fosterparents.
16. When a manager grants conditional approval, applicants shall be notified in writing of the conditional approval and the expectation of satisfactory completion of NVCI, ASIST, and Module 1 of the Specialized Foster Parent training prior to final approval. The social worker shall work with applicants to arrange for attendance at NVCI, ASIST, and Module 1 of the Specialized Foster Parent Training.
17. The social worker shall review and obtain the signature of specialized foster parents on the Declaration of Confidentiality form.
18. The social worker shall ensure that specialized foster parents receive a copy of the policies on **Positive Discipline; Medical Consent; A Child or Youth Absent Without Permission; A Child or Youth Missing or Abducted, Respite, Child Care, Babysitting and Sleepover, and Block Funding**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of foster homes.
19. The social worker shall ensure that approved specialized foster parents have the contact information for the Newfoundland and Labrador Foster Families Association (NLFFA), the Office of the Child and Youth Advocate (OCYA) and the local departmental office including the on-call number for after-hour services.
20. If Part B is not approved, the social worker shall meet with applicants to discuss the reason why they were not conditionally approved as specialized foster parents. This decision shall not impact their approval as a regular foster home unless the specialized foster home assessment indicates that there are concerns that need to be addressed.
21. The social worker shall notify foster parents in writing in a timely manner, of the reasons why they were not conditionally approved.



## **Specialized Foster Parent Training**

22. The social worker shall arrange for the stay-at-home foster parent to attend Module 1 of the specialized foster parent training, NVCI and ASIST. If a couple has applied to become specialized foster parents both will be encouraged to attend the training; however, attendance is a requirement for the stay-at-home foster parent. If the foster parent who is not identified as the stay-at-home parent is unable to attend training, it is expected that they review all training materials provided, and participate in self-directed learning.
23. Following the completion of NVCI, ASIST and Module 1 of the Specialized Foster Parent training, the social worker shall meet with foster parents to:
  - a) discuss their learning and understanding of the training material and how they will integrate the material in their existing competencies and practices to improve the care provided to children or youth;
  - b) address any concerns or challenges stemming from the new information; and,
  - c) identify future learning goals for them that would assist in the further development and enhancement of their knowledge and skills.
24. The social worker shall contact the training facilitators and document feedback related to the participation and progress of foster parents in the training, any concerns or challenges identified during the training sessions, and the learning goals that may be relevant for applicants.

## **Approval**

25. When applicants have completed NVCI, ASIST, and Module 1 of the specialized foster parent training and the social worker has completed an assessment regarding the participation, progress and suitability for final approval (Part B of the assessment process), the social worker shall complete Part C of the Specialized Foster Home Assessment and Approval form. Part C outlines the social worker's assessment of the applicant's learning and integration of the training material based on discussion with the applicants and the training facilitators. The supervisor shall make a recommendation regarding the final approval on Part C of the Specialized Foster Home Assessment and Approval form and forward the completed Part C to the manager for final approval.
26. If it is confirmed that the applicants have completed NVCI, ASIST, and Module 1 of the Specialized Foster Parent training in a satisfactory manner, the manager may approve them as specialized foster parents.
27. When a manager grants final approval of applicants as specialized foster parents, the manager shall notify them of the final approval in writing in a timely manner.

28. When final approval is granted, the social worker shall ensure that the Foster Home Agreement (level 3) is signed and the foster parent(s) has a copy of the policies on **Positive Discipline; Medical Consent; A Child or Youth Absent Without Permission; A Child or Youth Missing or Abducted, Respite, Child Care, Babysitting and Sleepover, and Block Funding**. The social worker shall also review the content of these policies with foster parents upon approval and at other times as needed during the monitoring of foster homes.
29. Completion of Module 2 training is not required to grant final approval of specialized foster parents. However, the social worker shall discuss the availability of Module 2 and provide them with a list of the training topics. The social worker shall encourage them to engage in ongoing training and education through the department, in the community and through self-directed learning.
30. When applicants receive final approval as specialized foster parents, the social worker shall forward the names of the approved foster parents to NLFFA on the NLFFA Registration form. If there is more than one approved foster parent, both names are required on the form.
31. The social worker shall provide the approved foster parent(s) with the contact information for the NLFFA, the OCYA and their local departmental office, including the number for after - hour services.
32. If applicants are not approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. Applicants shall be advised of the decision in writing, as soon as possible after the meeting with the social worker.

### **Exceptions:**

1. If specialized foster parent applicants have already completed any of the training required for final approval (i.e. NVCI, ASIST, Module 1 of the Specialized Foster Parent Training), and if the training is still valid, the manager may exempt the applicant from having to complete the training. If applicants have previously completed all required training, the manager may grant final approval without having to first grant conditional approval.
2. Where an existing regular foster home does not have a current vacancy and is providing care for a child or youth that is in the **continuous custody** of a manager, and the child or youth has highly complex needs requiring services consistent with the competencies and expectations of a specialized foster parent **and** the current foster parent demonstrate the willingness and ability to meet the competencies and expectations of a specialized foster parents, Part A of the Specialized Foster Home Assessment may be submitted to a manager for consideration.

If this exceptional circumstance is approved by a manager, level 3 funding would **only** apply to the child or youth identified with highly complex needs requiring the skills and competencies of specialized foster parents and **only** when conditional or final approval is granted by the manager.

**Relevant Documents:**

- Foster Home Application form
- Specialized Foster Parent Application form
- Specialized Foster Home Assessment and Approval form
- Foster Parent Competencies Chart
- Declaration of Confidentiality form
- Foster Parent Agreement (level3)
- NLFFA Registration form

## Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories

**Policy no.: 4.8**

**Effective Date: March 2007,**

**Date Revised: June 28, 2019; June 30, 2011; July 12, 2016, June 28, 2019; December 2, 2022**

**Policy Cross References:** 3.31 Out of Province Placements: Approval; 3.32 Out of Province Placements: Placement and Monitoring; 3.33 Out of Province Placements: Investigations; 4.3 Relative/Significant Other Foster Home Approval; 4.5 Regular Foster Home Approval; 4.15 Foster Parents Moving Between Provinces and Territories; **Appendix B** Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories

**Legislative References:**

**Purpose:** To outline the process for responding to, or requesting the provision of, services for children or youth in the care, custody, or guardianship of a child welfare organization, when moving between provinces or territories. This also applies to young person's formerly in care or in an out of care placement and due to their age are not eligible to be admitted to care but are eligible for, and may have entered into, an agreement for post care or extended services (e. g. Youth Services Agreement).

### **Policy:**

1. When the option of an **out of province placement** is being explored for a child or youth in the care/custody of a manager, the social worker in consultation with a supervisor, shall ensure all relevant policies and procedures related to the approval and monitoring of an out of province placement are reviewed and followed.
2. The social worker shall follow the **Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (PT Protocol)**, effective April 1, 2016, where a child or youth in the care or custody of a manager is moving to another PT. This shall include the negotiation of an Interprovincial Placement Agreement (IPPA), which outlines the obligations of the originating and receiving PTs and case planning expectations, in accordance with the PT Protocol.

Where a request is made by another PT to transfer a child or youth who is in the care, custody, or guardianship of a child welfare organization to this province, the social worker in consultation with a supervisor, shall follow the PT Protocol and respond in accordance with the obligations and responsibilities outlined for the receiving PT. This will also apply where a request is made on behalf of a young person formerly in care or in an out of care placement but due to their age are ineligible to be admitted to care but eligible for, and may have entered into, an agreement for post care or extended services with the originating PT.

## Procedures:

1. When considering an out of province placement in a residential program (e.g., Ranch Ehrlo) for a child or youth in the care or custody of a manager, the social worker shall follow the **Out of Province Placements: Approval** policy and the **Out of Province Placements: Placement and Monitoring** policy.
2. When a child or youth in the care or custody of a manager is moving to another PT with a foster family, or to a foster family in another PT, the social worker shall follow the **Foster Parents Moving Between Provinces and Territories** policy.
3. Where a child or youth in the care or custody of a manager is moving to another PT, the social worker shall adhere to Sections 3, 4 and 8 of the PT Protocol, which outline the responsibilities of the originating and receiving PT in relation to: coordination of services, financial responsibilities, notification, case planning and management, documentation, placement disruptions, and visitation.
4. When a child or youth in the custody of a manager is moving to another PT as part of an adoption plan, the social worker shall follow the relevant policies outlined in the Adoption Policy and Procedures Manual.
5. Where a child or youth in custody of a manager is moving to another PT as part of an adoption plan, the social worker shall adhere to Sections 3, 4, 10.3, 10.4 and 10.5 of the PT Protocol.
6. Where a home study is being requested as part of the plan for a child or youth who is moving to foster home in another PT, the social worker shall make this request using the Interprovincial Request for Services form.
7. Prior to a child or youth moving to another PT, the social worker shall consult with the receiving PT regarding the case plan and negotiate an IPPA (using the IPPA form) in accordance with the PT Protocol and its timelines. In accordance with the PT Protocol, the originating PT maintains legal, financial and case management responsibility for the child or youth and the receiving PT will provide the day-to-day supervision and monitoring services in collaboration with the originating PT.
8. The IPPA shall be signed by the manager and the social worker shall ensure a copy of the finalized IPPA signed by both the originating and receiving PT, is placed on the child or youth's file and another copy is forwarded to the Interprovincial Coordinator.
9. Where a request is received from another PT to transfer a child or youth to this province, the social worker shall follow the PT Protocol and adhere to the responsibilities outlined for a receiving PT, including the negotiation of an IPPA. A manager shall sign the IPPA as the Local and Central Signing Authority for the receiving PT. A copy of the IPPA shall be placed on the child or youth's file and another copy shall be forwarded to the Interprovincial Coordinator. The social worker shall ensure a file is set up (electronic and paper copy) when a child or youth transfers from another PT.

10. Once an IPPA is finalized and signed by both the originating and receiving province, the social worker shall add the required information regarding the IPPA on the summary tab on the child or youth's in care file on ISM.
11. Where a child or youth is moving to this province with a foster family approved in another PT or with a foster family approved in this province at the request of another PT, the social worker shall refer to the PT Protocol, as well as, the **Foster Parents Moving Between Provinces and Territories** policy to ensure requirements in relation to the approval of the foster family are met.
12. Where at the request of another PT, a child or youth is moving to this province as part of an adoption plan, the social worker shall refer to the PT Protocol, as well as, relevant policies outlined in the Adoption Policy and Procedures Manual, to ensure interprovincial adoption requirements are followed.
13. Where a child or youth from this province is placed in another PT and a placement disruption occurs, the social worker shall ensure:
  - a) the supervisor and manager are notified as soon as possible;
  - b) the parent(s) are notified (as appropriate based on care/custody status and level of involvement) as soon as possible;
  - c) the supervisor and in care planning team are consulted regarding ongoing placement planning ; and
  - d) the PT Protocol is followed and the social worker works with the receiving PT to renegotiate a case plan taking into consideration the following factors:
    - i. best interests of the child or youth;
    - ii. needs of the child or youth and the ability of each PT to meet them;
    - iii. appropriate placement options in both the receiving and originating PTs that would meet the needs of the child or youth;
    - iv. where parents, guardians or other significant persons reside;
    - v. preferences of the child or youth;
    - vi. length of time the child or youth has resided in the receiving PT;
    - vii. for an Indigenous child or youth, ensuring a placement supports the child or youth's connection to their culture; and,
    - viii. any applicable legislative requirements that apply.

The final decision as to where a child or youth is placed is the responsibility of the originating PT.

14. Where a child or youth is placed in this province from another PT and a placement disruption occurs, the social worker shall adhere to the PT Protocol, including ensuring the originating PT is notified as soon as possible, and work with the originating PT to renegotiate a case plan in the best interest of the child or youth.

## **Exceptions:**

1. If a child or youth is receiving short-term medical treatment/care in a **facility** in another PT and they are accompanied, for the duration on their stay, by an appropriate adult as approved by a social worker (e.g., foster parent, social worker, birth parent), and it is determined in consultation with a manager, that it is not necessary to request that the receiving PT provide supervision or monitoring, the receiving PT does not need to be notified and an IPPA is not required

## **Relevant Documents:**

- Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories - April 1, 2016
- Interprovincial Placement Agreement form
- Interprovincial Request for Services form

## Foster Care Placement Monitoring

**Policy no.: 4.9**

**Effective Date:** March 2007, June 28, 2019, May 31, 2021

**Date Revised:** June 30, 2011; April 16, 2015, June 28, 2019, May 31, 2021, April 16, 2024

**Policy Cross References:** 3.5 Sharing of Information Relevant to the Care of a Child or Youth; 3.9 In Care Progress Report; 4.22 Family-based Placement Inspections; 4.24 Residential Placement Inspections

**Legislative References:** s.67 Agreement for services

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**Purpose:** To outline the process for monitoring of placement resources through social worker contact with all foster care placements (i.e. relative/significant other, regular, specialized, and respite foster homes, family-based placements, and residential placements).

### Policy:

1. A social worker shall visit a foster care placement prior to the placement of a child or youth to ensure the foster care providers are ready to start receiving placements.
2. A social worker shall have, at minimum, one monthly in-person visit to a foster care placement to monitor quality of care provided and address any concerns.
3. In addition to a minimum monthly in-person visit, the social worker shall have contact with foster care providers through telephone, email, or other forms of communication, as needed.
4. In addition to the monitoring outlined in this policy, annual reviews and/or inspections are required on foster care placements, as outlined in applicable annual review and inspection policies.

### Procedures:

1. The social worker responsible for the foster care placement shall visit a foster care placement before children or youth are placed to ensure the foster care provider and foster care placement is prepared to receive child or youth placements.
2. The social worker shall have ongoing contact (e.g. telephone, email, in person meetings) with the foster care provider, as needed, and shall address any issues as they arise with the foster care provider.
3. The social worker for the foster care placement shall consult with the social worker for the child or youth, at minimum, monthly, and as needed, to determine whether the foster care provider is providing care consistent with the **Plan for the Child**, the in care plan, and the **In Care Progress Report** (IPR) and jointly address any concerns.



4. Where the social worker is unable to effectively address concerns, they shall advise the supervisor, who will determine the next steps, in consultations with a manager.

### **Foster Homes**

5. In addition to regular, on-going contact the social worker shall visit a foster home and the foster parents, at minimum, monthly. The purpose of the visit is to:
  - a) identify and address any issues impacting the foster home;
  - b) discuss and observe the foster family's relationship with the child or youth;
  - c) identify any concerns to be addressed in consultation with the social worker for the child or youth;
  - d) assess the foster parent's strengths and needs using the PRIDE competencies as a guide;
  - e) identify and arrange any **supportive services** the foster parents may require; and
  - f) identify any factors that may impact the foster parent's ability to meet child or youth needs and develop a plan with the foster parents to address these factors. The social worker for the child or youth shall be involved in these discussions, as appropriate. This includes a review of recommendations from a previous annual review (if applicable).
6. Where there is a transition plan in place for children/youth residing in a relative/significant other foster home and it is anticipated that the placement may no longer be required, the social worker shall review the file and in consultation with the supervisor determine if the foster parents will be approached about submitting an application to be assessed as regular foster parents.
7. Where a foster home does not have children or youth placed at the request of the foster parent, the social worker shall visit every six months, at minimum, and immediately prior to children or youth being placed in the home.
8. Where a foster home does not have children or youth placed due to a departmental decision (e.g. conditions placed on the home), the social worker, in consultation with the supervisor, shall determine when visits are required. A visit shall occur immediately prior to children or youth being placed in the home.
9. The social worker shall document the visit, including those items listed in procedure 5, in the case notes of the placement file.

### **Family-based Placements**

10. In addition to regular, on-going contact, the social worker shall visit a family-based placement and the caregivers, at minimum, monthly. The purpose of the visit is to:
  - a) monitor the quality of care provided, as outlined in the regulations; and
  - b) identify and address any issues. This includes a review of an action plan from a previous Inspection Report (if applicable).

11. The social worker shall document the visit in the case notes on the placement file and comment on the following:
  - a) the general condition of the home (including the storage of medications and other substances or objects assessed as dangerous to the child or youth);
  - b) whether programming, activities, and items (e.g. toys) meet the developmental, social, cultural, and emotional needs of the child or youth;
  - c) family-based placement strengths;
  - d) any concerns observed and addressed;
  - e) any current or recent action plans; and
  - f) any other relevant information and analysis.
12. Where a family-based placement does not have children or youth placed, a visit is not required. A social worker shall visit the home immediately prior to children or youth being placed in the home and every month thereafter, in accordance with this policy.
13. Information gathered through visits and necessary follow-up shall be used to inform the next inspection process, as outlined in the **Family-based Placement Inspections** policy.

## **Residential Placements**

14. In addition to regular, on-going contact, the monitoring process shall include, at minimum, one site visit per month by a social worker to the residential placement resource. The purpose of the visit is to:
  - a) assess the quality of care provided and compliance with the Act and regulations;
  - b) complete a walk-through and visual inspection of the placement resource, and meet with licensee staff to discuss and address any issues identified;
  - c) complete a review of an existing Inspection Report Action Plan from a previous Inspection and review the status of any previous recommendations identified in the last monthly monitoring report (if applicable).
15. The social worker shall document the visit in the case notes on the placement location file in ISM, commenting on any issues identified and plan to address with the licensee.
16. Based on information obtained through the monthly monitoring process, and site visit, the social worker shall complete the Residential Placement Resource Monthly Monitoring Report and provide a copy of the completed form to the licensee.
17. A copy of the completed Residential Placement Resource Monthly Monitoring Report shall be printed, reviewed and signed by the licensee. A copy of the signed report shall be placed on the regional placement location file.
18. Information gathered through the site visits, and monthly monitoring activities shall be used to inform the next Residential Placement Resource Inspection Report as outlined in the **Residential Placement Inspections** policy.

Information gathered through site visits and necessary follow up will shall be used to inform the next inspection process, as outlined in the **Residential Placement Inspections** policy.

**Exceptions:** None

**Relevant Documents:**

- In Care Progress Report Template
- Provincial Territorial Protocol on Children and Families Between Provinces and Territories
- Residential Placement Monthly Monitoring Report
- Residential Placement Resource Inspection Report

## Maximum Number of Children or Youth Placed in Regular and Specialized Foster Homes

**Policy no.: 4.10**

**Effective Date: March 2007**

**Date Revised: March 7, 2013; December 5, 2013; April 16, 2015, June 28, 2019**

**Policy Cross References: 4.5** Regular Foster Home Approval; **4.7** Specialized Foster Home Approval; **4.12** Annual Review of Regular or Specialized Foster Homes

**Legislative References: s.65** Placement considerations; **s.67** Agreement for service

**Purpose:** To outline the number of children or youth that can be placed in a regular or specialized foster home.

### **Policy:**

1. A regular foster home may be approved to care for a maximum of three children or youth.
2. A specialized foster home may be approved to care for a maximum of two children or youth.

### **Procedures:**

1. The social worker, as part of the PRIDE assessment process, shall make a recommendation to the supervisor regarding the total number of children or youth that may be placed in a regular foster home based on, but not limited to, the following:
  - a) time, experience, knowledge of foster parents;
  - b) number and age of children or youth currently in the home; and
  - c) physical space available in the home.
2. The social worker, as part of the specialized foster home approval and assessment process, shall make a recommendation regarding the total number of children or youth that may be placed in a specialized foster home based on, but not limited to, the following:
  - a) skills, abilities, competencies, knowledge and experience of the fosterparents;
  - b) the number, age and range of complex needs of the children or youth currently in the home; and
  - c) physical space available in the home.
3. Foster parents shall be notified in their approval letter of the total number of children or youth that may be placed in their home.
4. The total number of children or youth that a foster home is approved to care for shall be reviewed as part of the annual review process.

**Exceptions:**

1. A manager may approve a regular foster home to care temporarily for more than three children or youth in an exceptional circumstance to allow for the placement of a sibling group or for a child or youth who has a pre-existing relationship with the foster family.
2. A manager may approve a specialized foster home to care temporarily for more than two children or youth in an exceptional circumstance to allow for the placement of a sibling group or a child or youth who has a pre-existing relationship with the foster family.
3. When a manager approves regular foster home to care for more than three children or youth, or a specialized foster home to care for more than two children or youth, this approval will only be in effect for the duration of the exceptional circumstance.

**Relevant Documents:** None

## Positive Discipline

**Policy no.: 4.11**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, March 28, 2018, June 28, 2019**

**Policy Cross References:** 4.3 Relative/Significant Other Foster Home Approval; 4.4 Interim Approval of Regular Foster Homes; 4.5 Regular Foster Home Approval; 4.6 Respite Foster Home Approval; Intervention Services Policy and Procedures Manual  
**Legislative References:**

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**Purpose:** To outline the expectations of the department regarding positive discipline practices with children and youth in the care and custody of a manager.

### Policy:

1. Positive discipline practices used in a foster care placement shall be age and developmentally appropriate and must comply with the procedures outlined in this policy for foster homes and in the **Children, Youth and Families Regulations** for family-based and residential placement provider licensees.
2. Physical guidance practices may be required and used by foster care providers as necessary (e.g. to physically guide or escort a child or youth away from danger or to escort a child or youth to non-exclusionary time out.)
3. Physical discipline shall not be used with a child or youth in the care and custody of a manager.
4. Physical restraint shall only be used as a **last resort** to protect a child or youth from serious self-injury or to prevent others from serious physical harm.

### Procedures:

#### Foster Homes

1. The social worker must explain to foster parents that physical discipline/punishment is **not permitted**. The use of physical discipline or corporal punishment increases a child or youth's feelings of fear and avoidance and violates a child or youth or youth's right to feel safe and secure.
2. It is important for foster parents to understand that a children or youth who is 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 behaviors 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 when a child or youth is

placed in their home, the social worker shall connect them with the appropriate resources or supports.

3. 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 Foster/Adopt PRIDE book.

### **Acceptable Forms of Positive Discipline**

4. The following are examples of **acceptable** forms of positive discipline and skill teaching strategies:
  - a) positive reinforcement and praise, use of rewards for positive behaviors (e.g. sticker charts, token charts, points charts etc.);
  - b) modeling;
  - c) prompting;
  - d) ignoring selected maladaptive behavior while reinforcing adaptive behavior;
  - e) establishing routines and limits;
  - f) establishing clear expectations with consistent follow through;
  - g) redirection/distraction;
  - h) withholding or granting privileges for reasonable timeframes;
  - i) grounding;
  - j) age appropriate, non-exclusionary time out;
  - k) logical consequences which are directly related to the behavior;
  - l) negotiating, choices; and
  - m) removing the child or youth from the situation.

### **Non- acceptable Forms of Discipline**

5. 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 youth or the undermining of a child or youth's self-respect;
  - b) verbal or physical threats or intimidation;
  - c) punching, shaking, shoving, or other forms of aggressive physical assault;
  - d) requiring that a child or youth maintain an uncomfortable position (e.g. prolonged sitting or standing);
  - e) forced repetition of physical movements;
  - f) forced feeding;
  - g) ignoring or failure to provide for the child or youth's basic needs (e.g. not permitting a child or youth to use the washroom);
  - h) placing or keeping a child or youth in a closed or locked room;
  - i) threatening the **removal** of a child or youth in care from the foster home as a form of behavioral control;
  - j) ignoring the child or youth (i.e. instead of ignoring the behavior);

- k) extensive and prolonged withholding of emotional response or stimulation after the undesirable behavior of the child or youth has stopped;
- l) threatening to withhold or withholding family visits; or
- m) any action which infringes upon the basic rights of a child or youth to care, protection, safety, and security.

## **Physical Restraint in Foster Homes**

6. Social workers shall advise foster parents that the use of physical restraint shall:
  - a) only be used by a foster parent with current certification from the 2 day Nonviolent Crisis Prevention Intervention® training; and,
  - b) where such intervention has been approved by the Regional Manager of Intervention Services as part of a Behavioral Support Plan developed by a Behavior Management Specialist (BMS).
7. Social workers shall advise foster parents that the use of an approved physical restraint shall only be used as last resort under two specific circumstances: to protect a child or youth or youth from serious self-injury; or to prevent others from serious physical harm; and under the requirements as outlined above.
8. If a foster parent uses an approved physical restraint procedure, they must notify a social worker as soon as possible following the incident and a written report documenting the incident must be submitted to the social worker **within one (1) day** of the implementation of a restraint.
9. A copy of the written report shall also be forwarded to the BMS. The BMS shall review and analyze the incident report received from the foster parents as part of the BMS's ongoing role in behavior monitoring, and to ensure the safe use of physical restraint.
10. The report must include:
  - a) a description of possible antecedents;
  - b) a description of the behavior;
  - c) a description of the consequences or intervention used, including a description of the type of restraint used;
  - d) efforts made to resolve the issue, up to and including the final stage;
  - e) the decision to implement physical restraint; and
  - f) a description of the restraint used.
11. The social worker must also compile a written report on the incident. Both the foster parent's report and the social worker's report must be submitted to supervisor **within one (1) day** of the incident. This report shall also be copied and forwarded to the BMS.

## **Family-based and Residential Placements**

12. Social workers shall advise licensees to refer to the **Children, Youth and Families Regulations** for direction regarding additional standards for Discipline and Managing Behavior, Crisis Intervention and Physical Restraint.



**Exceptions:** None

**Relevant Documents:**

- Intervention Services Policy and Procedures Manual
- Children, Youth and Families Regulations

## Annual Review of Regular and Specialized Foster Homes

**Policy no.:** 4.12

**Effective Date:** March 2007

**Date Revised:** June 30, 2011; October 1, 2013; April 16, 2015; December 5, 2016; March 28, 2018, June 28, 2019

**Policy Cross References:** **4.5** Regular Foster Home Approval; **4.7** Specialized Foster Home; **4.14** Closure of a Foster Home; Youth Corrections Records Management

**Legislative References:** **s.65** Placement considerations; **s.67** Agreement for service.

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**Purpose:** To outline the annual review process for regular and specialized foster homes.

### Policy:

1. The approval of a regular or specialized foster home shall be reviewed annually from the date of the initial approval and 12 months following each review and approval thereafter.
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. As part of the annual review process, social worker may request updated medicals, references or other supporting documentation, where determined necessary.
4. The applicable Foster Home Agreement shall be reviewed with foster parents annually and a new agreement signed **every five (5) years** from the date of the initial agreement and from the date of the most current Foster Home Agreement, where a subsequent agreement is signed.
5. A Criminal Record Check for every person 12 years of age or older; a Vulnerable Sector Check for every person 18 years or older; and a Child Protection Clearance Check for every person 16 years or older, who resides in the home, will be required **every five (5) years** from the date of approval.
6. If a Criminal Record Check identifies a current criminal charge or a previous criminal conviction for a child or youth, the social worker shall stamp the Criminal Record Check documentation with the non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

### Procedures:

1. The social worker shall interview all persons residing in the foster home (where age and developmentally appropriate) as part of the annual review process.

2. The social worker must complete a thorough review of the competencies demonstrated by foster parents. The annual review shall be documented using the Annual Foster Home Review form and should include the following:
  - a) the names of the children and youth placed in the home and the dates when they entered and/or left the home since the previous review;
  - b) the ability of the foster parents to meet the PRIDE competencies relevant to their level of approval, including their strengths, needs and challenges;
  - c) the impact of fostering on their family and their biological children;
  - d) the quality of care being provided to the child and youth placed in their care;
  - e) training and educational sessions the foster parents have attended;
  - f) training opportunities offered to the foster parents that were not attended and the reasons why they did not attend;
  - g) supports and services required for the foster parents, including training;
  - h) placement conditions or restrictions that may be placed on the home; and,
  - i) recommendations regarding continued approval or closure of the home.
3. Any information gathered during the initial approval process may form part of an annual review of a regular or specialized foster home.
4. In addition to the annual review of a regular or specialized foster home, a review may be conducted at any time to review foster parent competencies.

#### **Placement Restrictions, Conditions and On Hold**

5. A **placement restriction** is determined by the social worker, in consultation with the supervisor, where it is assessed that particular attributes of a child or youth would not be a good match for a foster home. Placement restrictions may be identified as part of the approval process or during ongoing monitoring of an approved home and may be mutually identified by the social worker and foster parents. Where a placement restriction is not mutually identified, the social worker shall ensure the placement restriction and the rationale for the decision are discussed with the foster parents.
6. A **placement condition** is determined by the social worker, in consultation with the supervisor, and is a requirement foster parents must fulfil within an agreed upon time frame to continue to meet the PRIDE competencies or other expectations of fostering. Examples of conditions include a home renovation, required training, or counselling for foster parents. A condition may be identified as part of the approval process or during ongoing monitoring of an approved home. The social worker shall discuss the rationale for the condition with the foster parents and work with them to identify how they will meet the expectation in the agreed upon timeframe.
7. A social worker, in consultation with a supervisor, may place a regular foster home or one or more approved beds within that foster home **on hold**. This may be identified as part of the annual review process or during ongoing monitoring of an approved home. It may be at the request of the foster parents or a decision that is made by the department. For example, foster parents may request to place their home on hold as

they had a significant life event and as a result are unable to foster for a period of time or a social worker in discussion with the foster parent and in consultation with the supervisor, may place a vacant bed on hold given the complexity of the children already placed in the home.

8. A foster home shall not be placed **on hold** indefinitely and the decision should be reviewed at regular intervals with the foster parents. If a foster home has requested that their home be placed on hold for a period exceeding one year, the social worker shall meet with the foster parents to assess if they wish to continue fostering. If the foster parents are unable to resume fostering, the social worker shall close the home, as outlined in the **Closure of a Foster Home** policy.
9. 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 in care planning team. If concerns present during the review, the social worker may request that any supporting documentation outlined in the **Regular Foster Home Approval Process** policy or the **Specialized Foster Home Approval Process** policy be updated. Updated medicals, references, criminal records checks, etc. can assist the social worker in compiling a thorough review of the current strengths, needs and challenges communicated by the foster parents, and may also identify issues impacting their ability to provide care to the child or youth.
10. The social worker shall submit the Annual Foster Home Review form and any required supporting documentation 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 **Closure of a Foster Home** policy.
11. The social worker shall provide the foster parents with a copy of the Annual Foster Home Review and a letter notifying them of the outcome of the review, within a timely manner of the supervisor making a final determination.

**Exceptions:** None

**Relevant Documents:**

- Annual Foster Home Review form
- Letters of Reference form
- Application for Child Protection Clearance Check form
- Physicians Report on Foster Parent Application form
- Foster Parent Agreement (Level2)
- Foster Parent Agreement (Level3)
- Declaration of Confidentiality form
- Foster Home Safety Checklist

## Annual Review of a Relative/Significant Other Foster Home

**Policy no.:** 4.12.1

**Effective Date:** November 10, 2023

**Date Revised:** April 16, 2024

**Policy Cross References:** 4.3 Relative/Significant Other Foster Home Approval

**Legislative References:** s.65 Placement considerations; s.67 Agreement for service.

**Purpose:** To outline the process for an annual review of a Level 1 or 2 Relative/Significant Other Foster Home. Annual reviews of Level 3 Relative/Significant Other Foster Homes shall be completed in accordance with the **Annual Review of a Regular or Specialized Foster Home** policy.

### Policy:

1. The approval of a Relative/Significant Other Foster Home shall be reviewed annually and 12 months following each review and approval thereafter.
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 documentation, as deemed necessary, as part of the annual review process.
4. The applicable Foster Home Agreement shall be reviewed with the foster parents annually and a new Foster Home Agreement shall be signed **every five (5) years** or if the approval of the foster home changes.
5. A Criminal Record Check for every person 12 years of age or older; a Vulnerable Sector Check for every person 18 years or older; and a Child Protection Clearance Check for every person 16 years or older, who resides in the home, will be required **every five (5) years** from the date of approval or as deemed necessary.
6. If a Criminal Record Check identifies a current criminal charge(s) or previous criminal conviction(s) for a child/youth, the social worker shall stamp the criminal record check documentation with the non-disclosure date. Please refer to the Youth Corrections Records Management policy for additional information.

### Procedures:

1. As part of the monthly contact standard with the child or youth in care and the foster parent(s), the social worker is expected to provide ongoing support to the child or youth and the foster parent(s). Annually, the social worker shall designate one or more of the monthly contacts with the foster parent(s) to specifically review with them their willingness and ability to continue in their role as relative/significant other foster parent(s).

2. The social worker in collaboration with the foster parents shall explore the following areas to inform the annual review:
  - a) How they provide a safe, caring and supportive environment for the child/youth that promotes the child/youth's wellbeing and meets the child/youth's needs (e.g., emotional, social, educational);
  - b) How they preserve the child or youth's connection to their parents (where appropriate), extended family, community, sense of identity and culture;
  - c) The foster family's experience with the dual role of caring for a child or youth and maintaining a relationship with the child/youth's parent(s) who is also a family member or an individual with whom the foster parents have a significant connection. This includes assessment of any dynamics (positive or negative) that may be created as a result of this dual role and support that the family may require to navigate these dynamics.
  - d) The foster family's experience in working with the Department and other professionals in the community (e.g., teachers, counselors) involved with the child or youth they are caring for; and
  - e) Self-care and the supports and services (including training) the foster parent(s) have utilized and/or may require.
3. In completing the annual review, the social worker shall also meet with all other individuals living in the home to discuss their experience of being part of a foster family and their relationship with the child(ren)/youth placed in the home. The social worker shall review any concerns noted with the foster parents.
4. 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 in care planning team.
5. Where there is a transition plan in place for children/youth residing in a relative/significant other foster home and it is anticipated that the placement may no longer be required, the social worker shall review the file and in consultation with the supervisor determine if the foster parents will be approached about submitting an application to be assessed as regular foster parents.
6. The social worker shall document the annual review information and recommendations on the Annual Relative/Significant Other Foster Home Review form.

### **Supporting Documentation**

7. The social worker shall review the Foster Home Safety Checklist and sign a new Declaration of Confidentiality with the foster parent(s) as part of the annual review process.
8. The social worker shall ensure that **every five (5) years** from the date of approval that a new Foster Home Agreement is reviewed and signed with the foster parent(s) and that the following documentation is provided by the foster parents and other persons residing in the home:

- a) Criminal Record Checks for every person 12 years of age or older;
  - b) Vulnerable Sector Checks for every person 18 years or older; and
  - c) Child Protection Clearance Checks for every person 16 years or older.
9. The social worker may also request that other types of supporting documentation (e.g. medicals, references) outlined in the **Relative Significant Other Foster Home Approval** policy be updated if it is felt necessary to inform the completion of an annual review.
10. The social worker shall submit the Annual Relative/Significant Other Foster Home Review form and any required supporting documentation 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 **Closure of a Foster Home** policy.
11. The social worker shall provide the foster parent(s) with a copy of the Annual Relative/Significant Other Foster Home Review form within a timely manner of the supervisor making a final determination.

**Exceptions:** None

**Relevant Documents:**

- Annual Relative/Significant Other Foster Home Review form
- Letter of Reference form
- Child Protection Clearance Check form
- Medical Report form
- Foster Home Agreement (Level 1)
- Foster Home Agreement (Level 2)
- Declaration of Confidentiality form
- Foster Home Safety Checklist

## Foster Home Investigations

**Policy no.: 4.13**

**Effective Date: March 2007**

**Date Revised: June 5, 2015, March 28, 2018, June 28, 2019**

**Policy Cross References:** **4.3** Relative/Significant Other Foster Home Approval; **4.4** Interim Approval of Regular Foster Homes; **4.5** Regular Foster Home Approval; **4.6** Respite Foster Home Approval; **4.11** Positive Discipline; **4.12** Annual Review of a Regular and Specialized Foster Home

**Legislative References:** **s.66** Persons who provide care, **s.67** Agreement for services and **s.69** Change of placement of a child or youth without notice

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**Purpose:** To outline the process for assessing and investigating allegations of maltreatment and/or quality of care concerns regarding a child or youth in care placed in a foster home.

### **Policy:**

1. All concerns regarding the quality of care or the maltreatment of a child or youth placed in a foster home shall be assessed on the same day of receiving the information to determine what action is necessary to ensure the safety and well-being of the child or youth and to determine whether a foster home investigation is required.
2. All referrals of physical and sexual abuse shall be referred to the local police on the same day of receiving and assessing the information.
3. When it is determined that an investigation is necessary, the foster parents shall be notified of the decision to investigate and whether the concerns are quality of care, maltreatment or both, as soon as possible. This notification shall occur the same day of determining that an investigation is required.
4. The safety of the child or youth currently placed in the foster home shall be assessed on the **same day** that the investigation decision is made to determine if the child or youth should be moved to an alternate placement while the investigation is being completed. This shall include face-to-face contact with the child or youth and the foster parents.
5. A social worker and supervisor shall be assigned to complete the investigation. The persons assigned shall not be responsible for the foster home or any child or youth placed in the foster home.
6. If the child or youth is in a **protective care agreement**, **interim care**, or interim or **temporary custody**, the parents shall be notified of the investigation. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth.



7. The foster home investigation, including all required documentation and the final decision regarding the continued approval or closure of the foster home, shall be **completed within 45 days** of determining that an investigation is required.
8. Foster home payments (i.e. basic rate, level fee and block funding) shall continue to be paid to the foster home for the period of the investigation **up to 45 days**.

## **Procedures:**

1. All referral information regarding quality of care or maltreatment in a foster home shall be assessed on **the same day** of receiving the information to determine what action is necessary to ensure the safety and well-being of the children or youth. This assessment shall assist in determining whether any action is required by the social worker and/or whether the action required involves an investigation of the concerns.
2. Maltreatment in a foster home includes physical, sexual or emotional harm of a child or youth that is non-accidental and is as a result of an action, inaction or lack of appropriate action by a foster parent. Examples include, but are not limited to, the following:
  - a) deliberately using force against a child or youth in such a way that the child/youth is injured or at risk of being injured;
  - b) hitting, shaking, pushing, and kicking;
  - c) harmful use of an approved restraint,( the use of a restraint can only occur where such behavior management strategies has been requested by a Behavior Management Specialist and approved by a Regional Manager, as part of formal Behavior Support Plan. The foster parents must be trained in Non-Violent Crisis Intervention® prior to engaging in physical restraints.
  - d) verbal threats, social isolation, intimidation, exploitation, and unreasonable demands;
  - e) family violence;
  - f) sexual assault including kissing, touching, intercourse, exposure to or involvement in pornography, etc.;
  - g) chronic and/or serious quality of care concerns that have resulted in a child or youth being harmed or at risk of being harmed. Examples of quality of care concerns may include, but are not limited to, the following:
    - i. lack of age and developmentally appropriate supervision;
    - ii. absence of an adequate and healthy diet (including nutritious meals, snacks and school lunches, etc.);
    - iii. lack of adequate and seasonally appropriate clothing;
    - iv. insufficient or unexplained delays in access to education, health and medical services;
    - v. absence or lack of support for children and youth to maintain family, community, social and cultural connections: and
    - vi. absence/lack of support for children and youth to participate in age/developmentally appropriate activities.

## Assessing and Determining the Response to a Referral

1. When a referral is received that a child or youth in care is or may be at risk of maltreatment or there are quality of care concerns in a foster home, the information shall be documented on the Referral on a Foster Care Placement form.
2. When there is an allegation of physical or sexual abuse a social worker shall refer the allegation to the local police immediately, using the Referral on a Foster Care Placement form, and, in consultation with the local police, make a joint decision regarding how to proceed with the investigation.
3. A supervisor shall screen the referral information on the **same day** the referral is received and make one of the following decisions:
  - a) **No Action Required** - If no action is required the social worker responsible for the foster home shall document the decision in the foster home case notes and place a hard copy of the referral on the foster home file. The foster parents shall be informed of the referral information as soon as possible following the decision that no action is required.
  - b) **Follow up by a Social Worker (No Investigation Required)** - Where it is determined that an investigation is not required, but follow-up with the foster parents is necessary, the social worker responsible for the fosterhome shall:
    - i. Document the decision in the foster home case notes and place a hard copy of the referral on the foster home file;
    - i. Meet with the foster parents **within 7 days** of the **screening decision** to discuss the referral information, provide an opportunity for the foster parents to respond to the referral, and identify any outstanding issues or concerns that may require follow up. Where necessary, the social worker and foster parents will identify ways to address any issues or concerns and/or supports that may be required and the social worker shall document any tasks or activities requiring follow up, in the case notes.
    - i. Conduct a follow up private, in-person interview with the child or youth (where age and developmentally appropriate) **within 7 days** of making the decision that no investigation is required. The purpose of this contact is to determine if/how the referral information has impacted the child oryouth.
    - iv. If a child or youth cannot be interviewed due to their age or developmental level, the social worker shall observe the child or youth.
    - v. If the social worker responsible for the foster home receives additional information as a result of meeting with the foster parents or interviewing the child or youth placed in the foster home, and the additional information indicates that an investigation may be necessary, the social worker responsible for the foster home shall discuss the additional information with the supervisor and, where necessary, complete a new Referral on a Foster Care Placement form, and screen the information received.

- c) **Investigation Required** -Where it has been determined that an investigation is required, an investigating social worker and supervisor shall be **assigned within 3 days** of making the decision to investigate.
  - i. The persons assigned to conduct the investigation shall not be responsible for the foster home or any child or youth placed in the foster home.
  - i. The investigating social worker and supervisor shall also be trained in **Structured Decision Making (SDM)** and knowledgeable of the five PRIDE competencies.
  - i. The investigating social worker shall conduct a thorough investigation with the supervisor monitoring and overseeing the investigative process.
  - iv. If the referral information alleges that a child of the foster parents is or may be at risk of maltreatment, the information shall be assessed under s.12 (1) of the CYFA to determine whether a protective intervention investigation is required. If a protective intervention investigation is required, the standards set out in SDM shall be followed.
  - v. Where it is determined that both a foster home investigation and a protective intervention investigation are to occur at the same time, the two assigned social workers shall collaborate to avoid any unnecessary duplication and to ensure the integrity of the investigations is not compromised.

#### **Assessing the Immediate Safety of Children and Youth in Care Residing in a Foster Home**

- 4. The social worker for the foster home, in consultation with the supervisor, shall determine whether the child or youth can safely remain in the home while the investigation is being completed. This decision shall be made on **the same day** the decision is made to investigate.
- 5. The social worker responsible for the foster home shall use the Alternate Care Provider Safety Assessment (ACPSA) to guide and document the safety decision and determine whether the child or youth should be moved to another placement location.
- 6. The social worker for the foster home shall familiarize themselves with the items included in the ACPSA in SDM and shall use their clinical social work skills to gather information to inform the ACPSA. In making the decision of whether the child or youth is safe, the social worker for the foster home shall have face-to-face contact with the child or youth and the foster parents. The social worker may also speak to other foster family members, and other social workers who have been involved with the child or youth, and other collateral contacts.
- 7. When it is determined that a child or youth cannot safely remain in the foster home during the investigation, the social worker shall notify the foster parents of the decision **immediately** and ensure that another placement is located for the child or youth and that the child or youth is supported during the transition.

8. The social worker shall complete the ACPSA in ISM by the **end of the next business day** following the first face-to-face contact with the child or youth and place a hard copy of the ACPSA on the foster homefile.
9. Where a decision is made to **not** move a child or youth during the investigation process and where additional information is received that indicates the child or youth may be unsafe, a subsequent ACPSA shall be completed by the social worker for the foster home in consultation with the supervisor. A second ACPSA is not required if additional referral information is received and the child or youth has already been moved to another placement.

### **Providing Information and Support to the Child or Youth**

10. The social worker for the child or youth shall provide regular, ongoing support to the child or youth throughout the investigation process. The nature of this support should be assessed on a case-by-case basis depending on the age and developmental level of the child or youth. Support may also include referring a child or youth to counselling services, arranging medical appointments, etc., if necessary. Where it is assessed to be in the child or youth's best interest, the social worker may arrange contact between the child and youth and the foster parents/foster family (e.g. telephone calls, supervised visits).
11. The social worker shall also provide the child or youth with age and developmentally appropriate information about the status and progress of the investigation.

### **Providing Information to the Parents of the Child or Youth**

12. If the child or youth is in a protective care agreement, interim care or interim or temporary custody, the social worker shall **immediately** notify the parents of the plan to investigate, and the placement plan for their child or youth, unless the integrity of the investigation could be jeopardized by this notification.
13. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth, unless the integrity of the investigation could be jeopardized by this notification.

### **Providing Information and Support to the Foster Parents**

14. The social worker for the foster home shall meet with the foster parents on the **same day** that the decision is made to investigate and inform them whether the concerns are quality of care, maltreatment, or both, unless there are documented concerns that providing this information will interfere with the investigation process (e.g. interfere with the police investigation, if applicable). Where possible, the foster parents shall also be provided with details of the nature of the concerns outlined in the referral. The timeframe for the provision of this information shall not exceed **two days** unless there are documented reasons why this information should not be provided.

15. During this meeting, the social worker shall advise the foster parents that they may have a person present with them when the decision is made to conduct an interview as part of the investigation process. The social worker shall advise the foster parents that should they wish for such to occur, they must advise the social worker in advance of the interview so that the social worker can assess the suitability of the person and to determine that the person identified by the foster parent is not part of the investigation.
16. The social worker for the foster home shall provide information and support to the foster parents throughout the investigation process. This shall include but is not limited to:
  - a) explaining and clarifying the role of the social worker for the foster home and how that differs from the role of the investigating social worker;
  - b) providing policy information regarding the investigation process including the department's responsibility to investigate, how decisions are made, and when they can expect to receive updates regarding the progress of the investigation;
  - c) providing the contact information for the Newfoundland and Labrador Foster Families Association (NLFFA), explaining the nature of allegation support that is available through the NLFFA, and providing them with the NLFFA Allegation Support Card;
  - d) maintaining regular contact with the foster parents and responding to questions raised by the foster parents;
  - e) if a child or youth has been moved during the investigation process, the social worker shall discuss the parameters around continued contact with the child or youth and where contact is determined to be in the child or youth's best interest, develop a plan with the foster parents;
  - f) Informing the foster parents of the policy regarding the financial remuneration that will be received during the investigation process; and,
  - g) acknowledging and respecting the foster parents feelings and concerns regarding the investigation process and remaining neutral while providing support, so as to not interfere with the outcome of the investigation process.

### **Conducting an Investigation on a Foster Home**

17. The assigned investigating social worker, in consultation with the assigned supervisor, shall be responsible for conducting the foster home investigation. The supervisor is required to provide ongoing, regular, clinical direction and support to the investigating social worker.
18. The investigating social worker, in consultation with the supervisor shall develop a plan regarding the investigation process. The plan should include a clear focus on the nature of the concerns and what is being investigated, the role of the police, what information will be gathered and from whom, the approach regarding how information will be gathered, critical timelines for the investigation, information compilation process and other steps or information deemed to be relevant in the investigation process.

19. In determining who should be interviewed, the investigating social worker should include all children or youth in care currently residing in the foster home (where age and developmentally appropriate), the foster parents, other individuals residing in the home (if possible), parents of the child or youth (where deemed appropriate), the social worker responsible for the foster home and/or for the child or youth placed in the foster home, children or youth in care who previously resided in the foster home, and other collaterals and professionals working with the child or youth currently residing in the home.
20. In situations where the referral information has been forwarded to the police and the police are also investigating, the investigating social worker shall contact the police to determine how both parties can collaborate to conduct a joint investigation. Where the time frames of the police investigation do not correspond with the time frames required by the department, the manager shall consult with the police to determine whether the department can proceed with their investigation to ensure the investigation is concluded in a timely manner.
21. The outcome of a foster home investigation is not dependent or contingent on the outcome of a police investigation. The social worker, in consultation with the supervisor may make a recommendation to the manager to close the foster home prior to the conclusion of the police investigation.
22. In a situation where the department has concluded its investigation and the allegations were not verified, and the police are continuing to investigate the allegations, the manager may place the foster home on hold, pending the outcome of the police investigation. It is the responsibility of the manager for the foster home to make the final decision regarding the continued approval of the home.
23. If during the process of investigation new referral information is received, the investigating social worker shall consult with the supervisor and develop a plan to address the new referral information.
24. The investigating social worker, in consultation with the supervisor shall complete the investigation and document all information regarding the investigation, and the outcome, on the Investigation Report on a Foster Care Placement form.
24. This form shall contain all information regarding the investigation, which shall include, but is not limited to:
  - a) summary of the referral information;
  - b) nature of police involvement;
  - c) length of time fostering;
  - d) children or youth who have resided in the foster home;
  - e) training completed (PRIDE or other);
  - f) ability to meet the PRIDE competencies to date;
  - g) list of persons interviewed;
  - h) relevant information from interviews completed;
  - i) relevant information from files reviewed;

- j) clinical assessment and analysis of the information gathered related to the referral information;
  - k) whether the referral was verified;
  - l) the foster parents ability to continue to meet the five PRIDE competencies; and
  - m) findings, conclusions and recommendations regarding continued approval (including any restrictions or conditions) or closure of the foster home.
25. The social worker shall submit the completed Investigation Report on a Foster Care Placement form to the supervisor assigned to the investigation for review.
26. The supervisor shall review, recommend and forward the Investigation Report on a Foster Care Placement form to the manager responsible for the foster home.
27. The manager responsible for the foster home shall make the final determination regarding the continued approval (including any restrictions or conditions) or closure of the foster home. In making this determination, the manager may request a meeting with the investigating social worker and supervisor to discuss the outcome of the investigation and the recommendations regarding the continued approval of the foster home. When the manager responsible for the foster home has made the final decision regarding the continued approval or closure of the foster home, the investigating social worker shall notify the social workers for the foster home and the parents, who shall notify the child and youth, and the parents, (where applicable), of the outcome of the investigation.
28. The investigating social worker, the social worker for the foster home and, the supervisor responsible for the investigation, shall meet with the foster parents, **within 2 days** of the conclusion of the investigation, to notify them of the outcome of the investigation and provide them with a letter regarding the outcome. This letter shall contain the following information:
- a) nature of the allegations;
  - b) findings/outcome of the investigation;
  - c) manager's decision regarding the foster home;
  - d) reasons for the manager's decision, including how this relates to the PRIDE competencies; and
  - e) Any conditions or restrictions (if applicable).
29. If the continued approval includes conditions and/or restrictions, the conditions and/or restrictions shall be discussed with the foster parents, as the foster parent will need to agree to and comply with the conditions and/or restrictions as part of continued approval. All restrictions and/or conditions shall be documented on the foster home file and regularly monitored by the foster home social worker as part of the ongoing work with the foster family.
30. The child or youth (where age and developmentally appropriate) shall be informed of the outcome of the investigation and shall be consulted regarding any continued placement decisions in the foster home. Where a home does not close as a result of an investigation it shall be determine if this placement continues to be in the child or

youth's best interests.

31. The child or youth's parents (if notified of the investigation) shall be informed of the outcome of the investigation and any placement change that has occurred as a result.
32. A paper copy of the Investigation Report on a Foster Care Placement form shall be placed on the foster home file and on each child or youth's in care file.
33. Where the parents have been notified of the investigation, a case note shall be entered on the parents file documenting the outcome of the investigation.

### **Exceptions:**

1. If there are extenuating circumstances that interfere with the completion of an investigation **within the 45 day** time frame, an extension may be granted with the approval of the manager. This extension request must outline the reason for the extension and the anticipated additional time required for completion, including the new anticipated completion date. The foster parents shall be **immediately** notified in writing, by the investigating social worker, of the extension and the new anticipated completion date.
2. Where the time frame for the completion of the foster home investigation by the Department has been extended **beyond the 45 day period**, the foster home payments (i.e. basic rate, level fee, block funding) shall continue to be paid for the period of the extension.

### **Relevant Documents:**

- PRIDE Facilitators Manual
- Foster Parent Competency Chart
- Structured Decision Model (SDM) Manual
- Memorandum of Understanding with RNC/RCMP
- Working Relationship Agreement
- Investigation Report on a Foster Care Placement



## Closure of a Foster Home

**Policy no.: 4.14**

**Effective Date:** March 2007

**Date Revised:** June 30, 2011, June 28, 2019, April 16, 2024

**Policy Cross References:** **4.3** Relative/Significant Other Foster Home Approval; **4.4** Interim Approval of Regular Foster Homes; **4.5** Regular Foster Home Approval; **4.6** Respite Foster Home Approval; **4.11** Positive Discipline; **4.12** Annual Review of Regular and Specialized Foster Homes; **4.13** Foster Home Investigations

**Legislative References:** **s.67** Agreement for service

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**Purpose:** To outline the process for closing a foster home.

### Policy:

1. A foster home may close following a request from a foster parent, an investigation, annual review or at any other time deemed necessary by a manager.
2. The foster parents shall be notified in writing of the foster home closure.
3. The social worker shall notify the Newfoundland and Labrador Foster Families Association of the closure of a foster home.
4. The social worker shall notify the Newfoundland and Labrador Foster Families Association (NLFFA) of the closure of a foster home with the completion of the NLFFA Registration form.

### Procedures:

#### Reasons for Closure

1. Foster homes may close for a number of reasons including, but are not limited to:
  - a) at the request of foster parents;
  - b) the foster home is a relative/significant other placement and the child or youth placed in the home no longer requires a placement;
  - c) illness or changes in family composition that affect their ability to care for a child or youth;
  - d) inactivity for one year;
  - e) concerns regarding **child maltreatment**;
  - f) criminal conviction of a child related crime; and
  - g) failure to adhere to the PRIDE competencies, or departmental policies regarding the care of children and youth.

2. Where a foster home closes, the manager shall provide written notification of the closure to the foster parents.

### **At the Request of Foster Parents**

3. When foster parents indicate that they plan to close their home, the social worker shall meet with them to:
  - a) discuss the reasons for closure and note the reasons 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 and be assessed and approved as outlined in the **Regular Foster Home Approval Process** policy.

### **Inactivity of a Foster Home for a Period Exceeding One Year:**

4. 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 parents to assess if they wish to continue fostering. If the foster parents are 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**

5. When a relative/significant foster home is closed because the children or youth no longer require a placement, the social worker shall:
  - a) review the file and in consultation with the supervisor decide if the foster parents should be approached about making an application to be assessed as regular foster parents; and
  - b) collect any documentation the foster parents may have in their possession in relation to the child or youth in care.

### **Closure of a Relative /Significant Other Respite Foster Home**

6. When a relative/significant other respite foster home is closing because the children/youth no longer require the respite placement, the social worker shall review the file and in consultation with the supervisor determine if the relative/significant other respite foster parents will be approached about submitting an application to be assessed as a regular respite home or regular foster home.

### **The Manager Decides to Close a Foster Home**

7. If a manager decides to close a foster home the social worker shall meet with the foster parents to:
  - a) discuss the reasons for closure;
  - b) collect any documentation the foster parents may have in relation to the child or youth in care;
  - c) advise them they can contact the NLFFA if they feel they need support regarding the closure of their home.
8. Upon the closure of a foster home, the social worker shall ensure that the Newfoundland and Labrador Foster Families Association (NLFFA) is notified of the closure. Notification shall be completed by the social worker using the NLFFA Registration form. If there is more than one approved foster parent, both names are required on the NLFFA Registration form.

**Exceptions:** None

**Relevant Documents:** None

## Foster Parents Moving Between Provinces and Territories

**Policy no.: 4.15**

**Effective Date: March 2007**

**Date Revised: June 30, 2011; July 12, 2016, June 28, 2019, December 2, 2022**

**Policy Cross References:** 4.3 Relative/Significant Other Foster Home Approval; 4.5 Regular Foster Home Approval; 4.8 Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories

**Legislative References:** s.65 Placement considerations; s.67 Agreement for services.

**Purpose:** To outline the process for assessing foster parent applicants who were previously approved in another province or territory, and for responding to or requesting the provision of services to children and youth in care and/or custody, or the guardianship of a child welfare organization, when moving with or to a foster family in another province or territory.

### **Policy:**

1. When foster parent applicants have been previously approved in another province or territory, the social worker shall advise the applicants that they will be required to sign a Release of Information granting consent for a social worker to speak with the other province or territory and request a copy of any relevant documentation regarding the applicants foster home assessment and approval in the other province or territory.
2. The social worker shall advise the applicants that relevant information provided by another province or territory will inform their assessment to become foster parents in this province and it will be determined whether the documentation relating to their previous approval may meet approval requirements in this province.
3. The social worker shall follow the **Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (PT Protocol)** effective April 1, 2016, when a child or youth in the care or custody of a manager is moving with a foster family to another province or territory or to a foster family in another province or territory.
4. The social worker shall follow the PT Protocol where there is a plan identified by another province or territory, that a child or youth in care, custody or guardianship of a child welfare organization in that province or territory, will be moving with or to a foster family in this province.

## Procedures:

Applicants previously approved in another province or territory, applies to become foster parents in this province

1. : The social worker shall discuss the following with the applicants:
  - a) the approval requirements in the jurisdiction where they were previously approved as foster parents including the type of approval;
  - b) their fostering history including when they last provided care for children or youth in care;
  - c) reasons for their relocation; and
  - d) the assessment process and approval requirements for this province, which includes requesting information about their foster home approval from the province or territory where they were previously approved.
2. The social worker shall request that the applicants sign a Release of Information form providing consent for the social worker to obtain a copy of their previous foster home file or relevant file information from the other province or territory, including; their foster home assessment and approval, supporting documentation, foster home reviews, investigations, etc. This consent will also include grant permission for the social worker to discuss the file information with the province or territory where the applicants were previously approved.
3. The social worker shall review the applicant's foster home file and file information received from the other province or territory and in consultation with the supervisor, determine the next steps in processing their application in accordance with the Regular Foster Home Approval Process policy.
4. If concerns are identified during the application and screening phase and a decision is made to not proceed with the assessment, the social worker shall explain the reason to the applicants. The supervisor shall communicate the decision to the applicants in writing **within 30 calendar days**.

## Assessment Process

5. If the foster home of the applicants has been closed **for less than a year**, the social worker, in consultation with the supervisor, shall determine whether the foster home assessment and approval that was completed in another province or territory, including any supporting documentation (e.g., references, medicals, etc.) or training, meets some of the approval requirements in this province or whether the full foster home assessment process outlined in the **Regular Foster Home Approval** policy must be completed. The social worker shall open an Interprovincial Foster Home Service on ISM for the purpose of documenting the assessment process.

6. If the social worker in consultation with a supervisor, determines that the foster home assessment and approval completed in another province or territory meets some of the approval requirements in this province, the social worker shall document in the applicant's file which requirements have been met and what remaining requirements must be completed to meet the requirements of the Regular Foster Home Approval policy
7. The social worker shall ensure, at minimum, the following is completed:
  - a) one (1) interview is conducted with all persons residing in the home,
  - b) each person residing in the home over 12 years of age provides a Criminal Record Check;
  - c) each person residing in the home over 18 years of age provides a Vulnerable Sector Check;
  - d) a Child Protection Clearance Check is completed for any jurisdiction where they resided after leaving the province or territory where they were approved;
  - e) the Foster Home Safety Checklist is completed and confirmation of automobile insurance is obtained for any vehicle the foster parent applicants may use to transport a child or youth;
  - f) a Declaration of Confidentiality and the applicable Foster Parent Agreement is signed;
  - g) the Newfoundland and Labrador Foster Families Association (NLFFA) is notified on the NLFFA Registration form, if the applicants are approved;
  - h) the foster parents are provided with the contact information for the NLFFA, the Office of the Child and Youth Advocate (OCYA), and their local departmental office, including the number for after-hours services; and
  - i) any other documentation to meet the approval requirements in this province is obtained.
8. Once the foster home has been approved, the Interprovincial Foster Home Service shall be closed and a Regular Foster Home Service opened. All documentation moving forward shall be documented in the Regular Foster Home Service file.
9. If foster home does not meet approval requirements in this province and it is determined a full PRIDE home assessment is needed, the social worker shall close the Interprovincial Foster Home Service and open a Regular Foster Home Service. The social worker shall then complete a Regular Foster Home Approval in accordance with policy 4.5.
10. If the foster home of the applicants has been closed **for more than a year**, the social worker shall ensure that a new PRIDE Foster Home assessment is completed and applicants provide new supporting documentation (e.g. criminal records checks, child protection clearance checks, references, medicals, etc.) as outlined in the **Regular Foster Home Approval** policy. If it is documented that the applicants have already completed Pride pre-service training, this training will not need to be repeated, unless it is determined to be necessary based on the review of the applicants previous file

information or on the current assessment. Relevant information from the previous home assessment that would not have changed may be incorporated into the PRIDE Foster Home Assessment (e.g. family history). The social worker shall open a Regular Foster Home Service for the purpose of documenting the assessment process

**Foster Parents moving to another province or territory with a child or youth in the care or custody of a manager**

11. The social worker shall follow the PT Protocol when a decision has been made by a manager that it is in the best interests of a child or youth in the care or custody of a manager to move with a foster family to another province or territory.
12. The social worker shall notify the receiving province or territory **60 days prior to the move** to:
  - a) confirm the details of the move;
  - b) discuss the case plan;
  - c) provide documentation related to the approval of the fosterfamily;
  - d) provide all assessments or reviews of the foster home completed **within the past 24 months**; and
  - e) in accordance with section 8 of the PT Protocol, complete the IPPA form and negotiate an Interprovincial Placement Agreement (IPPA) for each child or youth moving with the foster family. Once the IPPA is finalized and signed by both the originating and receiving province, the social worker shall add the required information regarding the IPPA on the summary tab on the child or youth's file on ISM.
13. The social worker shall ensure that prior to the move, the foster family is provided with the following information:
  - a) information regarding eligibility for supports and services including financial supports in the receiving province or territory;
  - b) contact information for the office in the receiving province or territory that will be providing supervision and monitoring services; and
  - c) the receiving province or territory will complete an assessment of the fosterfamily in accordance with its legislation and polices to ensure the family meets the receiving province or territory's requirements to provide foster care services.
14. Once the child or youth in the care or custody of a manager and their foster family have moved to another province or territory, the child's in care file shall remain open and the child or youth's placement on the ISM file shall be updated to reflect the placement. The social worker shall close the existing foster home file.

### **Child or youth in care and/or custody of a manager moving to a foster family in a receiving province or territory**

15. The social worker shall follow the PT Protocol when a decision has been made by a manager that it is in the best interests of a child or youth in the care and/or custody of a manager, to move with a relative or significant other person in another province or territory
16. The social worker shall consult with the receiving province or territory and provide **60 days written notice** of the plan to move the child or youth to the receiving province or territory. The social worker shall use the Interprovincial Request for Services form to request that the receiving province or territory complete a foster home assessment of the relative or significant other person.
17. In accordance with the PT Protocol, the receiving province or territory shall complete the home assessment in accordance with its legislation, policy and **format within 60 days of receiving the notice** unless an earlier time frame is negotiated. Prior to the child or youth moving to the receiving province or territory, the social worker shall ensure that the home assessment also meets the requirements of the **Relative/Significant Other Foster Home Approval** policy.
18. The social worker shall not place a child or youth with the relative or significant person if the receiving province or territory does not recommend the home. If the social worker in consultation the supervisor or manager does not agree with the decision, the matter should be addressed through the receiving province or territory's review/appeal process or the **dispute resolution** process in the PT Protocol.
19. The final decision regarding the placement of a child or youth in an approved home in another province or territory is the responsibility of a manager. Once the child or youth in the care or custody of a manager has moved to another province or territory to reside in an approved placement, the child's in care file shall remain open and the child or youth's placement on the ISM file shall be updated to reflect the placement. **Child or youth from another province or territory moving with a foster family or to a foster family in this province**
20. When a social worker in this province is notified that another province or territory has identified a plan that a child or youth in care, custody or guardianship of a child welfare organization in that province or territory, will be moving with a foster family, or to a foster family in this province, the social worker shall refer to the PT Protocol.
21. The social worker shall provide the originating province or territory with information about the policies relating to the approval process and the supports and services provided to foster parents in this province.



22. If the originating province or territory requests that a home assessment be completed on a prospective foster home in this province, the social worker shall complete the home assessment **within 60 days** following receipt of the written request, unless an earlier period is negotiated.
23. The applicants shall be assessed following the approval requirements outlined in the **Relative/Significant Other Foster Home Approval** policy. If the originating province or territory requests information in addition to the assessment completed in this province, a response to the requested information shall be negotiated between the province or territory. If a response cannot be negotiated, the originating province or territory will be responsible for making alternate arrangements to support the child, youth or placement, including contracting with a **third party**. If the applicants are not approved, the social worker shall advise the originating province or territory, and in accordance with the PT Protocol, the child or youth shall not be placed in this province
24. If the originating province or territory does not agree with the decision made by this province, the matter should be addressed through the dispute resolution process in the PT Protocol.
25. Where a child or youth is moving to this province with or to a foster family, the social worker shall advise the originating province or territory that according to the PT Protocol, the following shall be provided prior to the move:
- a) details of the move;
  - b) the case plan;
  - c) documentation related to the approval of the foster family (if moving with the child or youth);
  - d) all assessments or reviews of the foster home completed **within the past 24 months** (if moving with the child or youth); and
  - e) an IPPA for each child or youth moving with the foster family, as outlined in the IPPA form. Once the IPPA is finalized and signed by both the originating and receiving province, the social worker shall add the required information regarding the IPPA to the summary tab on the child or youth's in care file on ISM.
26. Where a foster family approved in another province or territory has moved with a child or youth to this province, the social worker, in consultation with the supervisor, shall review the foster home assessment completed by the originating province or territory to determine if the foster family meets the requirements of the this province as outlined in the Relative/Significant Other Foster Home Approval policy. Where a foster family approved in another province or territory has moved with a child or youth to this province, the social worker shall:
- a) open an in care file for the child on ISM;
  - b) the social worker shall obtain confirmation of the child or youth's in care status from the originating Province/Territory and shall then ensure the in care status is added to the child or youth's in care file;

- c) open a Foster Home or Relative/Significant Other Foster Home service file on ISM; and
- d) once the IPPA is finalized and signed by both the originating and receiving province, the social worker shall add the required information regarding the IPPA to Interprovincial Placement Agreements on the child or youth's in care file

27. At minimum, the social worker shall ensure the following is completed and placed on the foster home file **within 30 days** of the foster family moving to this province:

- a) Foster Home Safety Checklist;
- b) confirmation of automobile insurance is obtained for any vehicle the foster parent applicants may use to transport a child or youth;
- c) Declaration of Confidentiality;
- d) applicable Foster Parent Agreement is signed;
- e) Newfoundland and Labrador Foster Families Association (NLFFA) is notified on the NLFFA Registration form, if the applicants are approved;
- f) foster parents are provided with the contact information for the NLFFA, the Office of the Child and Youth Advocate (OCYA), and their local departmental office, including the number for after-hours services; and
- g) any other documentation to meet the approval requirements in this province is obtained.

If additional documentation/or information is required to meet the requirements of this province as outlined in the **Relative/Significant Other Foster Home Approval** policy, this shall also be completed **within 30 days** and documented in the foster home file.

- 28. If the foster parents express an interest in also providing care to children or youth in care or custody of a manager from this province, the social worker shall refer to Procedures 1-7 of this policy.
- 29. When the foster family has relocated to this province, the social worker shall ensure the policies and procedures related to monitoring children and youth in care and foster care placements are followed (e.g., contact standards, investigations, annual reviews, etc.).

**Exceptions:** None

**Relevant Documents:**

- Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories, April 1, 2016
- Interprovincial Placement Agreement form
- Interprovincial Request for Services form

## Family-based Placements

**Policy no.: 4.16**

**Effective Date: May 10, 2016**

**Date Revised: June 28, 2019**

**Policy Cross References:** 4.22 Family-based Licensee Inspections, 4.23 Family-based Placement Investigations, 4.9 Foster Care Placement Monitoring

**Legislative References:** s. 71(3) Issuance of licenses, s.65 Placement considerations, s.66 Persons who provide care, s.67 Agreement for services.

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**Purpose:** to outline the process for referring and placing children and youth who are in the care or custody of a manager, in a family-based placement.

### Policy:

1. Family-based placements are placements that are established by a licensee once licensed to do so by a **provincial director**. A family-based placement shall be fully established as prescribed in the regulations, prior to accepting the placement of a child or youth. A licensee can establish both long term and short term family-based placements.
2. A family-based placement may be considered where a manager has determined that children or youth in care cannot be placed in an existing foster care placement because of a range of complex needs, and/or because they are a large sibling group.
3. The decision to approve the use of a family-based placement is the responsibility of the Deputy Minister of the department (DM).
4. Following approval by the DM, the manager shall identify the family-based placement licensee that best meets the needs of the child or youth.
5. Where a child or youth is placed in a family-based placement, the social worker is responsible for in care planning and placement monitoring, in accordance with applicable departmental policies.
6. All family-based placements must comply with the Act, the regulations, and departmental policies and procedures.

### Procedures:

#### Approval and Placement

1. Family-based placements shall only be considered when it has been determined by a manager that there are no placements available in existing foster home resources to

meet the complex needs of a child or youth, and/or the children or youth are a large sibling group that cannot be placed in an existing foster home.

2. Where a manager has determined, that a child or youth cannot be placed in an existing foster home as a result of a range of complex needs, and/or the children and youth are a large sibling group that cannot be placed in an existing foster home, the manager may request approval to use a long term family-based placement.
3. The manager must submit a written request for a long-term placement to the regional director (RD) outlining the steps taken to secure a placement in an existing foster home and the rationale for requesting a family-based placement. Where available, the request should include supporting documentation, such as letters from professionals involved with the child or youth (e.g. doctors and counsellors) which outline the child's or youth's needs.
4. Where the RD is supporting the request, the written request, along with a letter of recommendation from the RD, must be forwarded to the ADM. The ADM will make a recommendation to the DM for consideration. The final decision to approve the use of a long term family-based placement will be made by the DM.
5. Where approval has been given by the DM to use a family-based placement, the social worker shall complete and submit the Family-based Placement Referral form to all family-based licensees.
6. Once the referral(s) have been submitted, the child/youth may be placed on a wait list for potential matching by licensees, or one licensee may identify an appropriate match. In the case of one match, once the family-based placement has been identified and confirmed by the licensee and the manager, the social worker will work with the licensee and the caregiver to begin the process of placement.
7. If more than one licensee indicates they have a possible match, the manager shall consult with each licensee to discuss the match and determine which option is best suited to meet the needs of the child or youth. To inform their assessment, the manager should ask the licensee to describe the manner in which they intend to meet the needs of the children or youth to be placed (e.g., programming or services available, the location of the placement, the other children in the home, specific skills or competencies of the caregivers, etc.). The manager selects the most appropriate match based on the information gathered from the licensees.
8. Once a family-based placement has been selected by the manager, the social worker will work with the licensee and the caregiver to begin the process of placement.
9. The manager shall notify, via email, any other licensees who had identified a possible match and advise them that another licensee has been selected. If asked, the manager may outline the reason for this selection.

## **Responsibilities of a Licensee:**

10. A **family-based placement provider license** authorizes a licensee to provide both long term and short term placements. Long term placements are identified for specific children or youth. Short term placements are available to children or youth in emergency situations where there are no other emergency placements available, or where the current emergency placements are unable to meet the placement needs of children or youth.
11. Under a family-based placement option, a licensee uses a family-based model as prescribed in the regulations, to assess and establish both long term and short term placements to provide care for children and youth who are in the care or custody of a manager.
12. The licensee shall ensure that the following supporting documentation is included in the assessment and establishment of placements:
  - a) Child Protection Clearance Checks granting clearance from all jurisdictions where the individuals have resided, for all persons residing in the home;
  - b) Criminal Record Checks for all persons residing in the home age 12 years and older;
  - c) Vulnerable Sector Checks for all persons residing in the home age 18 years and older;
  - d) Provincial Court Checks;
  - e) Medical Reports on the caregiver applicants;
  - f) A letter from a physician outlining the general health and any significant findings or concerns on all children or other adults residing in the home;
  - g) Three Letters of Reference from persons unrelated to the caregiver applicants;
  - h) One Verbal Collateral Reference for the caregiver applicants;
  - i) Financial Assessment;
  - j) Home Safety Checklist;
  - k) Valid Automobile Insurance;
  - l) Certified Copies of Birth Certificates for all persons residing in the home;
  - m) Declaration of Confidentiality; and
  - n) Written consent from the caregiver applicants granting the department access to the home to monitor, evaluate and/or investigate the care being provided.
13. All identified and necessary supportive services, for a child or youth residing in a family-based placement are to be arranged and provided by the licensee, caregivers, and staff of the licensee, as outlined in the regulations. Supportive services include the establishment of respite placements to support the child or youth and the caregivers of family-based placements.
14. A licensee shall notify a manager in writing when a caregiver/facility has been approved to provide family-based placements and shall provide a copy of the assessment and all supporting documentation to the manager.

15. Following receipt of notification of a newly established family-based facility, by the manager from the licensee, the manager shall ensure that the family-based facility is added to ISM as a new placement resource location.
16. Prior to a child or youth being placed in a short term or long term family-based placement, the caregivers must have been fully assessed and the placement must be fully established by the licensee, as prescribed in the regulations.

#### **Short Term Family-based Placements:**

17. Short term family-based placements are used when a placement is needed in an emergency situation and where no other emergency placement option is available in existing foster homes to meet the needs of the child or youth.
18. A written request or DM approval is not required for a short term family-based placement.
19. A manager shall contact the licensees to determine the availability of an established short term placement and to request placement.
20. Short term family-based placements **shall not exceed 90 days** and are used while a longer term placement is being secured for a child or youth.

#### **In Care Planning and Monitoring**

21. Where a child or youth is placed in a family-based placement, all applicable regulations, departmental policies and procedures, in care services, and placement resources shall apply.
22. The social worker is responsible for:
  - a) in care planning and placement resource monitoring through regular in placement contact, observing the interaction between a child or youth and the caregivers, and consulting with the child or youth, as outlined in the **Foster Care Placement Monitoring** policy;
  - b) completing inspections of the licensee in accordance with policies and procedures outlined in the **Family-based Licensee Inspections** policy;
  - c) conducting investigations in accordance with policies and procedures outlined in the **Family-based Placement Investigations** policy;
  - d) providing support and consultation services to the caregivers consistent with the range of complex needs of children and youth; and
  - e) discussing with the caregivers and the licensee, the availability of and access to the Act, regulations, policies and procedures and any changes and updates to policies and procedures, relevant to providing care, (e.g. medical consent, home safety, child or youth absent without permission, positive discipline, investigations).

23. The social worker shall inform the caregivers and licensee that the caregivers and the licensee must:

- a) comply with the Act, regulations, and departmental policies and procedures;
- b) participate and engage, as part of the in care planning team, in case conferences and ongoing planning, including informing and following through on the goals and tasks outlined in the In Care Progress Report form (IPR) and developing and implementing interventions and programming unique to each child or youth's needs;
- c) consult with the social worker, regarding their decision making authority for a child or youth;
- d) provide, for all children and youth placed, high quality and safe care, except the provision of consents (e.g. medical consent, consent to travel), as outlined in departmental policy;
- e) provide all relevant information, as may be requested by an inspector, social worker or manager; and
- f) permit access to the child or youth in care or custody by the social worker or manager, persons authorized by the manager, and persons authorized access by a court order.

**Exceptions:** None

**Relevant Documents:**

- Children, Youth and Families Act (the Act)
- Children, Youth and Families Regulations
- In Care Progress Report form
- Family-based Placement Referral form

## Approval of Residential Placement Resources

**Policy no.: 4.17**

**Effective Date: June 28, 2019 Date Revised:**

**Policy Cross References: 4.18** Selecting a Licensee for a Residential Placement

**Legislative References: s.65** Placement considerations, **s.66** Persons who provide care, **s.67** Agreement for services.

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**Purpose:** To outline the process for approving new residential placement resources (individualized living arrangements, **emergency placement homes** and group homes).

### **Policy:**

1. Requests for new residential placement resources must be approved by the Deputy Minister.

### **Procedures:**

#### **Individualized Living Arrangements (ILAs)**

1. When assessed that a child or youth or sibling group requires placement in an **ILA**, the social worker, in consultation with the supervisor, shall complete a written request demonstrating the need for a new ILA.
2. The written request shall include:
  - a) a summary of children or youth's needs and rationale for recommending an ILA, including the existing placement resources that have been explored and why they are not suitable;
  - b) recommendations and/or reports from other professionals (e.g. BMS, psychiatrist) regarding placement needs; and
  - c) a completed ILA Summary Request form.
3. The supervisor shall forward the request to the manager and regional director (RD) for review. If in agreement, the RD shall forward the request to the Assistant Deputy Minister (ADM). If recommending approval, the ADM shall forward the request to the Deputy Minister (DM) who shall decide whether the request will be approved.

#### **Emergency Placement Homes (EPHs) and Group Homes**

4. In determining whether a new EPH or group home is needed, the RD shall consider the overall needs of children or youth in their region, including:



- a) the number of children or youth requiring placement and the type of placement they are best matched with;
  - b) the number and type of placements within and outside the region; and,
  - c) current and anticipated vacancies within current placement resources.
5. Where the RD determines that a new EPH or group home is needed, they shall make a request to the ADM who shall forward to the DM for consideration and approval.

### **Selecting a Licensee**

6. Where a request is approved for a new residential placement resource, the manager or RD, in consultation with the program and policy development specialist for residential placements, shall initiate the process of selecting a licensee to establish the new placement resource in accordance with the **Selecting a Licensee for a Residential Placement** policy.

**Exceptions:** None

### **Relevant documents:**

- ILA Summary Request form

## Selecting a Licensee

**Policy no.: 4.18**

**Effective Date: June 28, 2019 Date Revised:**

**Policy Cross References: 4.17** Approval of Residential Placements

**Legislative References: s. 65** Placement considerations, **s.67** Agreement for services

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**Purpose:** To outline the process of selecting a licensee to establish a new residential placement resource.

### **Policy:**

1. Requests for new residential placement resources must be approved by the Deputy Minister (DM) in accordance with the **Approval of Residential Placements** policy.
2. Only individuals or corporations licensed in accordance with the **Children, Youth and Families Act** and its regulations to provide the type of residential placement resource required shall be considered for selection.
3. The manager or regional director shall select a licensee by determining which licensee can best meet the required placement need.

### **Procedures:**

#### **Individualized Living Arrangements (ILAs)**

1. Once an ILA has been approved by the DM, the manager who requested the ILA will consult with the program and policy development specialist for residential placements (PPDS) regarding the licensees that are licensed to provide ILAs.
2. The manager shall email applicable licensees to determine whether they are able to provide the ILA. The manager will select a licensee from those who indicate they are able to provide the ILA. The email shall include:
  - a) the number of beds required;
  - b) the preferred location of the ILA;
  - c) the date by which placement must occur; and
  - d) the date by which the licensee must respond to the email.
3. To determine which licensee can best meet the needs of the children or youth, the manager may share information with licensees regarding the needs of the children and youth. Detailed information shall only be provided to those licensees who have indicated their availability to provide the ILA, as per procedure 2 (i.e. not all licensees require information about the child or youth, only those wishing to provide this particular ILA).

4. The manager may also request that the licensee provide information regarding the manner in which they intend to meet the needs of the children or youth to be placed (e.g., programming or services available). This information will assist the manager in determining which licensee is best able to meet the child or youth's needs.
5. Once the manager has selected the licensee, they must consult with the PPDS and advise of their decision. Once this consultation has occurred, the manager shall notify the selected licensee in writing and provide a copy of the notification to the PPDS. Notifications shall include the agreed upon number of beds, location, and placement date.
6. The manager shall notify, via email, all other licensees that indicated they were able to provide the ILA and advise them that another licensee has been selected.
7. If the selected licensee is unable to provide the placement as agreed, the manager shall determine if it is in the best interests of the children or youth to negotiate with the selected licensee regarding these matters (e.g. new placement date, different location), or whether selecting another licensee to provide the ILA would best meet the needs of the children or youth. The manager shall notify the PPDS of their decision.
8. The manager shall document the selection process in the placement file.

### **Emergency Placement Homes (EPHs) and Group Homes**

9. Once a new EPH or group home is approved by the DM, the regional director (RD) who requested the placement resource will consult with the PPDS regarding which licensees are licensed to establish the placement resource. The RD shall email the applicable licensees to determine whether they are able to provide the EPH or group home. This email shall include:
  - a) the placement type required;
  - b) the number of beds required;
  - c) the preferred placement location;
  - d) the date by which placement must be established; and
  - e) the date by which the licensee must respond to the email.
10. The RD shall select the licensee best able to meet the needs of the region from those who indicate they are able to provide the placement resource. The RD may request information regarding placement and program details from the licensees being considered to determine which can best meet the placement needs of children and youth in the region.
11. Once the RD has selected the licensee, they must consult with the PPDS and advise of the decision. Once this consultation has occurred, the RD shall notify the selected licensee in writing and provide a copy of the notification to the PPDS. Notifications shall include the agreed upon placement type, number of beds, location, and

placement date.

12. The regional director shall notify, via email, all other licensees that indicated they were able to provide the placement resource and advise them that another licensee has been selected.
13. If the selected licensee is unable to provide the placement as agreed upon, the RD shall determine if it is in the best interests of the children or youth in the region to negotiate with the selected licensee regarding these matters (e.g. new placement date, different location), or whether selecting another licensee to provide the placement is necessary. The RD shall notify the PPDS of their decision.
14. The RD shall provide all documentation regarding the selection process to the manager who will ensure it is placed in the placement resource file.

**Exceptions:** None

**Relevant Documents:**

- Children, Youth and Families Regulations
- Individualized Living Arrangements (ILA) Summary Report

## Residential Placements Admissions Protocol

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**Policy No.: 4.19**

**Effective Date: June 28, 2019**

**Date Revised: September 1, 2023**

**Policy Cross References:** 3.5 Sharing of Information Relevant to the Care of a Child or Youth; 3.7 Placement Procedures; 3.8 Consulting and Informing a Child or Youth; 4.17 Approval of Residential Placements; 5.3 Youth Services Agreements

**Legislative References:** s.65 Placement considerations; s.67 Agreement for Services

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**Purpose:** To outline the process to refer a child or youth to a staffed residential placement resource.

### **Definitions:**

#### **Staffed Residential Placements:**

Staffed residential placements provide care to children and youth who may experience a range of care needs including complex social, emotional, behavioral and/or developmental needs. These needs include but are not limited to:

- medical, psychiatric, cognitive, mental/emotional, developmental or behavioral diagnoses or symptoms;
- substance use;
- violent, aggressive or defiant behavior;
- running;
- sexualized behavior;
- significant parent–child conflict;
- youth corrections involvement; and
- self-harming or suicidal ideation.

There are three types of staffed residential placements:

1. **Emergency Placement Homes (EPH)** – EPHs provide emergency care to children and youth who may experience a range of complex care needs while assessing the child or youth's placement needs and transitioning them to a long-term placement.
2. **Group Homes (GH)** – GHs provide group care to children and youth who experience a range of complex care needs and who cannot be cared for in a foster or family-based setting.

3. **Individualized Living Arrangement (ILA)** – ILAs provide care to specific children and youth who experience complex care needs and cannot be cared for in a foster, family-based or group home setting.

## **Policy:**

1. Staffed residential placements provide care to children and youth in care as well as to youth and young people, up to the age of 21, who were previously in care and elected to remain in their residential placement under a Youth Services Agreement.
2. Where there are no other suitable placements available, a social worker, in consultation with the supervisor, may refer a child or youth to an EPH.
3. Where there are no other suitable placements available and the child or youth's needs can be met in a group setting, the social worker, in consultation with the supervisor, may refer a child or youth to a GH.
4. Where there are no other suitable placements available to meet the child or youth's needs, the social worker may request an ILA in accordance with the **Approval of Residential Placements** policy.
5. The social worker shall share all information with the licensee necessary to facilitate successful transition into the staffed residential placement in accordance with the **Sharing of Information Relevant to the Care of a Child or Youth** policy.
6. The social worker shall consult with the licensee regarding suitability of the placement, however, the final decision regarding placement rests with the manager.
7. A licensee shall not refuse to continue the placement of a child or youth.

## **Procedures:**

### **Emergency Placement Homes**

1. EPHs provide emergency care to children and youth who require immediate placement and who may experience a range of care needs including complex social, emotional, behavioral and/or developmental needs.
2. A child or youth may be placed in an EPH for up to 90 days while an assessment of placement needs is completed and a plan to transition the child or youth to a long-term placement is developed.
3. The social worker shall complete the referral form provided by the licensee and provide information to the licensee, as outlined in the **Sharing of Information Relevant to the Care of a Child or Youth** policy.

4. The social worker shall consult with the licensee regarding suitability of the placement. If a licensee identifies a concern, the manager shall give this full consideration; however, final decision regarding placement rests with the manager.
5. The licensee shall review referral information and place the child or youth on the same day as receipt of the referral (within three hours, where determined to be necessary by the manager).

### **Group Homes**

6. GHs provide long-term placements, therapeutic programming, support and planned interventions based on a comprehensive assessment of needs, including assistance with social and life skill development.
7. GHs provide therapeutic group care for the following children and youth:
  - a) children and youth who are 12 years of age or older;
  - b) children and youth placed together as a sibling group to maintain family connections;
  - c) children under the age of 12 where no other suitable placement is available and it is assessed as being in the best interests of the child and based on their identified needs. Assessment of placement suitability shall consider, but is not limited to, the following matching criteria for the child and the children currently placed in the GH: safety and well-being, complexity of care needs, required programming and supports, and whether children are within a similar developmental age.
8. The social worker, in consultation with the in-care planning team and supervisor, shall assess whether a child or youth is an appropriate match for a group home.
9. The social worker shall complete the referral form provided by the licensee and provide information to the licensee, as outlined in the **Sharing of Information Relevant to the Care of a Child or Youth** policy.
10. The social worker shall consult with the licensee regarding suitability of the placement. If a licensee identifies a concern, the manager shall give this full consideration, however, final decision regarding the placement rests with the manager.
11. The licensee shall review referral information and place the child or youth in accordance with the transition plan for that child or youth (within a maximum of five calendar days or sooner where possible).

### **Individual Living Arrangements**

12. ILAs are established on an as needed basis for children and youth where another suitable placement is not available and the child or youth has highly complex social, emotional, behavioral and/or developmental needs that cannot be met in another

placement setting.

13. The social worker, in consultation with the supervisor, in-care planning team, and other professionals, shall determine if a child or youth requires an ILA. Where it is determined that a child or youth requires an ILA, the **Approval of Residential Placements** policy must be followed.

### **Transition Planning**

14. The social worker, in consultation with the in-care planning team and the licensee, shall collaborate to develop and implement a placement transition plan for the child or youth, which may include preplacement visits.

### **Exceptions:**

1. In exceptional circumstances, a manager may approve an EPH placement for longer than 90 days where there are no long-term placements available and extension of the EPH placement is assessed as in the best interest of the child or youth.

### **Relevant Documents:**

- Children, Youth and Families Regulations
- Relevant Licensee Intake/Referral forms
- Youth Services Agreement



## Family-based and Residential Placement Operational Costs

**Policy no.: 4.20**

**Effective Date: June 28, 2019**

**Date Revised: September 6, 2022**

**Policy Cross Reference:** **3.11** Access for Children and Youth in a Foster Care Placement; **3.21** Health Services for the Child or Youth; **3.23** Financial Services for the Child or Youth; **5.15** Post-Secondary Education and Career Planning

**Legislative Reference:** **s.67** Agreement for services, **s.78** Payments to licensee

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**Purpose:** To outline costs covered by licensees and the process for approving requests for costs covered by the department.

### Policy:

1. The licensee shall receive payments from the department in accordance with their Funding Agreement.
2. The licensee shall cover all costs with the exceptions of vision care, dental care, prescription medications, medical equipment, exceptional transportation, post-secondary tuition, and fees associated with personal identification.

### Procedures:

1. The licensee covers all costs, except the following, and must request a Service Authorization from the social worker to cover these expenses:
  - a) vision care;
  - b) dental care;
  - c) prescription medications not covered by the Newfoundland and Labrador Prescription Drug Program (NLPDP) (excluding those that could otherwise be purchased without a prescription);
  - d) medical equipment not covered by MCP, NLPDP, another available program, or private insurance;
  - e) exceptional transportation, as defined below;
  - f) post-secondary tuition; and
  - g) fees associated with applying for, and obtaining, personal identification for a child or youth (e.g. passport).
2. Upon placement, the social worker shall provide the licensee with MCP and NLPDP cards for each child or youth.
3. The social worker shall ensure all financial requests and approvals are documented on a Financial Benefits Request form.

4. Upon approval, a service authorization number shall be provided to the licensee or other vendor directly (e.g. dental office, optical company), as agreed upon in consultation with the licensee.
5. All financial services outlined in this policy shall be approved for a **maximum of six months**, at which time reassessment and approval is required.

### **Vision and Dental Care**

6. Where vision or dental care is not covered by MCP, another program, or private insurance, it may be approved in accordance with policy 3.21, **Health Services for the Child or Youth**.

### **Prescription Medication and Medical Equipment**

7. Where prescription medication (excluding those that could be otherwise purchased without a prescription), or special medical items or equipment are not covered by another source (e.g. MCP, NLPDP, other government department program, health authority, private insurance, etc.), it may be approved in accordance with the **Health Services for the Child or Youth** policy.

### **Transportation**

8. The licensee is responsible for all transportation for a child or youth, except:
  - a) transportation exceeding 400 kilometers in a calendar day;
  - b) travel by air; and
  - c) out-of-province transportation.
9. Exceptional transportation may be approved as follows:
  - a) transportation within the province that does not include travel by air, may be approved by the supervisor;
  - b) travel by air within the province may be approved by the manager; and
  - c) out-of-province transportation may be approved by the regional director.

### **Post-secondary Tuition**

10. Post-secondary expenses may be approved in accordance with the **Post-Secondary Education and Career Planning** policy.

## **Personal Identification**

11. The social worker for the child or youth is responsible for obtaining necessary personal identification documents for the child or youth, including photo identification and passports. Costs associated with applying for, and obtaining, photo identification and passports may be approved in accordance with the **Financial Services for the Child or Youth** policy.

## **Exceptions:**

1. The licensee shall submit any exceptional financial request in writing to the social worker. The social worker shall document the request on the Financial Benefits Request form. Any exceptional request shall be forwarded to the ADM for consideration for approval.

## **Relevant Documents:**

- Financial Benefits Request form
- Eligibility Requirements NLPDP
- Eligibility Requirements MCP

## Incident Reporting in Family-based and Residential Placements

**Policy no.: 4.21**

**Effective Date: June 28, 2019**

**Date Revised:**

**Policy Cross Reference:** 3.14 Child or Youth Absent Without Permission; 3.15 Child or Youth Missing or Abducted; **QM-2014-001** Critical Injury and Death Protocol **Legislative References:**

**Purpose:** to outline the requirements regarding incident reporting in family-based and residential placements.

### Policy:

1. Family-based and residential placement licensees are required to complete incident reports and provide the reports to the social worker for the child or youth in the foster care placement, in a timely manner.
2. The social worker shall review all incident reports and ensure appropriate follow up is completed.

### Procedures:

1. A **critical incident** is an incident of extraordinary or life-threatening nature that directly impacts the safety and well-being of a child or youth, such as: violence, assault, injury and other serious criminal matters. A **critical incident** includes significant threats of self-injury, self-harm, or suicidal ideation requiring hospitalization beyond the initial assessment and treatment. A critical incident may also constitute a **critical injury**, as defined in the **Critical Injury and Death Protocol**. A **critical injury** is an injury, including a physical or psychological injury, which may result in the death of a child or youth or may cause serious long-term impairment of the health of a child or youth.
2. A licensee shall **immediately** notify the social worker, supervisor or manager and complete and forward an incident report to the social worker **as soon as possible** where:
  - a) a critical incident has occurred (see definition of a critical incident above);
  - b) a child or youth is in need of protective intervention, including allegations of maltreatment of the child or youth by staff, caregivers, or other persons; or,
  - c) an incident has occurred, which has the same potential degree of impact on a child or youth's safety or well-being as those events listed above.
3. The licensee shall notify the social worker, supervisor or manager and complete and forward an incident report to the social worker **within one (1) day** where:

- a) a child or youth requires immediate medical intervention;
  - b) a physical restraint has been used;
  - c) a medication is administered incorrectly;
  - d) a child or youth has been involved in a vehicle accident;
  - e) a child or youth has witnessed a critical incident or event where a child or youth was in need of protective intervention; or
  - f) an incident has occurred, which has the same potential degree of impact on a child or youth's safety or well-being as those events listed above.
4. Where a child or youth is absent without permission, missing, or abducted, the licensee shall, in accordance with departmental policies, complete an incident report and forward it to the social worker **as soon as possible** once all other required procedures are completed:
- a) where a child or youth is missing or abducted; and
  - b) where a child or youth is absent without permission and an incident occurs while they are absent (e.g. youth is located and is injured).
5. For all other incidents, the licensee shall complete and forward an incident report to the social worker **within three (3) days**. This includes but is not limited to:
- a) crisis intervention that did not require physical restraint;
  - b) illness or injury that did not require immediate medical intervention;
  - c) child or youth substance use;
  - d) seizure of a dangerous or illicit item; or
  - e) any incident which has the same potential degree of impact on a child or youth's safety or well-being as those events listed above.
6. The social worker for the child or youth shall:
- a) consult with the foster care placement social worker, supervisor and other relevant departmental staff, as appropriate;
  - b) review all incident reports **as soon as possible**;
  - c) consult and collaborate with the licensee, as appropriate; and
  - d) ensure appropriate follow up is completed.
7. Incident reports shall be reviewed and discussed with the licensee and other professionals involved with the child or youth, as appropriate.
8. The social worker shall retain a copy of each incident report in the child or youth's file.

**Exceptions:** None

**Relevant Documents:** None

## Family-Based Licensee Inspections

**Policy no.: 4.22**

**Effective Date: June 28, 2019**

**Date Revised: January 6, 2021**

**Policy Cross References:** **4.9** Foster Care Placement Monitoring; **4.20** Family-based and Residential Placement Operational Costs; **4.23** Family-based Placement Investigations policy.

**Legislative References:** **s.79** Inspectors, **s.80** Investigations, **s.81** Inspections, **s.82** Warrants, **s.83** Telewarrants, **s.84** Inspection report, **s.85** Consequences of Non-compliance

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**Purpose:** to outline the process for completing inspections on family-based licensees.

### Policy:

1. Family-based care homes shall be inspected annually from the date of the initial approval and 12 months following each inspection thereafter to assess the quality of care provided and compliance with the **Children, Youth and Families Act** (the Act) and regulations.
2. A manager or social worker may be appointed as an inspector and shall perform inspections which may include, but not limited to, inspecting or examining the facilities, premises, processes, books and records of a licensee or a person that the inspector may consider relevant, for the purpose of determining compliance with the Act or the regulations.
3. Where an inspector is denied access or has **reasonable grounds** to believe there has been a contravention to the Act or the regulations, an inspector may file an application with Provincial Court for a **warrant** or **telewarrant** authorizing access.
4. A family-based licensee is responsible for completing the Family-based Care Home Annual Review on each family-based care home operated by the licensee.
5. An inspector is responsible for completing the Inspection of a Family-Based Licensee form.
6. The inspector shall provide the completed Inspection of a Family-based Licensee form to the licensee who was the subject of the inspection, **within 30 days** of the completion of the Inspection of a Family-based Licensee form.
7. In addition to the required annual inspection, an inspection may occur at all reasonable times, for a purpose related to the administration or enforcement of the Act or the regulations.

8. Where it has been determined during or following an inspection that a licensee has failed to comply with the Act or the regulations, the manager shall take action in a manner that is appropriate based on the identified concerns.

## **Procedures:**

1. A social worker shall complete the regular monthly monitoring for family-based care homes as outlined in the **Foster Care Placement Monitoring** policy.
2. In addition to the regular monthly monitoring, an inspector shall conduct an annual inspection as outlined in this policy, using the Inspection of a Family-based Licensee form.

## **Annual Inspection of Family-based Licensee**

3. A family-based licensee is responsible for the completion of the Family-based Care Home Annual Review form.
4. The licensee is responsible for submitting the Family-based Care Home Annual Review form to the inspector in a timely manner for review and completion of the Inspection of a Family-based Licensee form.
5. Upon receipt of the Family-based Care Home Annual Review from the licensee, an inspector shall:
  - a) contact the licensee in writing to acknowledge receipt of the Family-based Care Home Annual Review; and
  - b) advise the licensee that the annual inspection will be completed by an inspector.
6. The inspector shall interview, where available, social workers who have placed a child or youth in the family-based placement to discuss the quality of care provided.
7. All relevant information gathered through the interviews with social workers, review of documentation, site visit and other information deemed necessary by the inspector, in consultation with the supervisor shall be documented on the Inspection of Family-based Licensee form. This form shall also include a summary and analysis that outlines the licensee's compliance with the Act and the regulations.
8. Where concerns have been identified through the inspection process, an agreed upon action plan shall be developed in collaboration with the licensee to address all identified concerns. This plan shall be reviewed and signed by both parties and a copy shall be provided to the licensee with a copy maintained on the family-based care home file.
9. The completed Inspection of Family-based Licensee form shall be reviewed by the supervisor and forwarded to the manager who will review and make a decision regarding continued use of the family-based care home.

10. **Within 30 days** of the completion date of the annual inspection, the inspector shall meet with the licensee and review the contents of the Inspection of a Family-based Licensee form. The inspector shall provide the licensee with a copy of the completed Inspection of Family-based Licensee form during this meeting.
11. The inspector shall monitor and have regular contact as identified in the action plan, with the licensee for the family-based care home, to ensure the identified issues and concerns are being addressed or necessary changes are being implemented (if applicable).
12. The inspector shall document all progress and updates in the family-based care home file as such are identified. A summary of all issues, concerns, action items and the plan for resolution resulting from an inspection, shall be provided in the next annual inspection.
13. If an action plan is inadequate to address the seriousness of the concerns, a manager may issue a Violation Order as outlined in the Act.

### **Additional Inspections**

14. In addition to the required monthly contact and annual inspections, an inspector, in consultation with a supervisor or manager, may determine an additional inspection is required to assess the quality of care provided and compliance with the Act and regulations.
15. This inspection may include examining the facilities, premises, processes, books and records of a licensee or a person that the inspector may consider relevant, for the purpose of determining compliance with the Act or the regulations.
16. Where an additional inspection has been completed, the inspection shall be documented as outlined above in procedures 6-13.

### **Warrants and Telewarrants**

17. Where an inspector is denied entry to a facility or the premises of a family-based licensee to carry out an inspection, or believes on reasonable and probable grounds that there has been a contravention of the Act or the regulations, the inspector may file an application with the Provincial Court for a warrant.
18. The **judge** may issue a warrant authorizing the inspector to:
  - a) enter the facility or the premises of a licensee and carry out an inspection; or
  - b) seize or remove any of the books or records that may be required as evidence of contravention and may retain those documents until the time they are required in a court **proceeding**.



19. Where, in the opinion of an inspector, it would not be practical to appear in person before a Provincial Court judge to apply for a warrant, the inspector may make the application by telephone or other means of telecommunication.
20. At the request of an inspector, a **peace officer** shall assist in enforcing a warrant.
21. The inspector shall provide a copy of the warrant or telewarrant to the licensee, an employee of the licensee, an owner, operator, or employee of the facility or premises, or an occupant or staff person who is present at the time the warrant or telewarrant is carried out.
22. The warrant or telewarrant shall be retained on the family-based care home file and provided to the Provincial Director of In-care and Adoptions for the licensee's file.

**Exceptions:** None

**Relevant Documents:**

- Children, Youth and Families Act
- Children, Youth and Families Regulations
- Inspection of a Family-based Licensee form
- Family-based Care Home Action Plan

## Family-Based Placement Investigations

**Policy no.: 4.23**

**Effective Date: June 28, 2019**

**Policy Cross References:** 4.9 Foster Care Placement Monitoring; 4.22 Family-based Placement Inspections

**Legislative References:** s.80 Investigations

**Purpose:** To outline the process for assessing and investigating concerns in a family-based placement.

### Policy:

1. All concerns regarding the care of children or youth placed in a family-based placement shall be assessed on the **same day** the information is received to determine what action is necessary to ensure the safety and wellbeing of children or youth, and to determine whether an investigation is required.
2. All allegations of physical and sexual maltreatment shall be referred to the local police the **same day** the information is received and assessed.
3. Where an investigation is required, the manager shall notify the licensee and the caregivers of the investigation, unless notification will compromise the investigation.
4. Parents of children or youth in a protective care agreement, interim care or interim or temporary custody shall be notified of an investigation. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth.
5. An inspector and supervisor shall be assigned to complete the investigation. The persons assigned shall not be responsible for the family-based placement or any child or youth in the placement.
6. The investigation, including all required documentation, shall be completed as soon as possible and **within a maximum of 45 calendar days**.

### Procedures:

1. All referral information regarding quality of care or maltreatment in a family-based placement shall be assessed on **the same day** of receiving the information to determine what action is necessary to ensure the safety and well-being of the children or youth. This assessment shall assist in determining whether any action is required and/or whether the action required involves an investigation of the concerns.

2. Quality of care concerns that do not meet the definition of maltreatment shall be addressed through the processes and measures outlined in **Foster Care Placement Monitoring** and **Family-based Placement Inspections** policies.
3. Maltreatment in a foster care placement includes the physical, sexual or emotional harm of a child or youth that is non-accidental and is as a result of an action, inaction or lack of appropriate action by caregivers or other persons providing care. Examples include, but are not limited to, the following:
  - a) deliberately using force against a child or youth in such a way that the child or youth is injured or at risk of being injured;
  - b) hitting, shaking, pushing, and kicking;
  - c) harmful use of an approved restraint;
  - d) verbal threats, social isolation, intimidation, exploitation, and unreasonable demands;
  - e) family violence;
  - f) sexual assault including kissing, touching, intercourse, exposure to or involvement in pornography, etc.
  - g) chronic and/or serious quality of care concerns that have resulted in a child or youth being harmed or at risk of being harmed. Examples of quality of care concerns may include, but are not limited to, the following:
    - i. lack of age and developmentally appropriate supervision;
    - ii. absence of an adequate and healthy diet (including nutritious meals, snacks and school lunches, etc.);
    - iii. lack of adequate and seasonally appropriate clothing;
    - iv. insufficient or unexplained delays in access to education, health and medical services;
    - v. absence or lack of support for children and youth to maintain family, community, social and cultural connections; and
    - vi. absence or lack of support for children and youth to participate in age and developmentally appropriate activities.

### **Assessing and Determining the Response to Allegations**

4. When maltreatment allegations are received, the social worker for the foster care placement shall immediately consult with the supervisor and notify the social worker for the child or youth.
5. The social worker for the foster care placement shall document the information on the Referral on a Foster Care Placement form.
6. The social worker for the foster care placement, in consultation with the social worker for the child or youth and the supervisor, shall determine the need for a child or youth to be medically examined immediately, when there is an allegation of physical or sexual abuse.

7. The social worker for the foster care placement, in consultation with the supervisor, shall immediately refer all allegations of physical or sexual maltreatment to the police using the Referral on a Foster Care Placement form. In consultation with the police officer assigned, the social worker for the foster care placement, in consultation with the supervisor, shall make a decision regarding how to proceed with the investigation. Where a police officer is not assigned or does not respond to the department's request to consult in a timely manner, the department may proceed without this consultation, in accordance with the Conducting an Investigation on a Family-based Placement section of this policy.
8. On the **same day** the information is received, the supervisor, in consultation with the social worker and manager, shall make a screening decision to determine what action is necessary to ensure the safety and wellbeing of the child or youth by choosing one of the following responses:
  - a) **No Action Required** - If no action is required, the social worker responsible for the foster care placement shall document the decision in the foster care placement file case notes and place a copy of the referral on the paper file. The caregivers and licensee shall be informed of the referral information as soon as possible following the decision that no action is required.
  - b) **Follow up by a Social Worker (No Investigation Required)** - Where it is determined that an investigation is not required, the social worker responsible for the foster care placement shall:
    - i. document the decision in the foster care placement file case notes and place a hard copy of the referral on the paper file;
    - ii. meet with the licensee and caregivers within **seven (7) days** of the screening decision to discuss the referral information, provide an opportunity for them to respond to the referral, and identify any outstanding issues or concerns that may require follow up. Where necessary, the social worker for the foster care placement, licensee and caregivers shall identify ways to address any issues or concerns and/or supports that may be required. The social worker shall document any tasks or activities requiring follow up, in the foster care placement file; and
    - iii. conduct a follow up private, in-person interview with the child or youth (where age and developmentally appropriate) within **seven (7) days** of making the decision that no investigation is required. The purpose of this contact is to determine if/how the referral information has affected the child or youth. If a child or youth cannot be interviewed due to their age or developmental level, the social worker shall observe the child or youth.

If the social worker responsible for the foster care placement receives additional information as a result of meeting with the caregivers or interviewing/observing the child or youth in the foster care placement, and the additional information indicates that an investigation may be necessary, the social worker responsible for the placement shall discuss the additional information with the supervisor and, where necessary, complete a new the Referral on a Foster Care Placement form, and screen the information received.

- c) **Investigation Required** – A social worker and supervisor who are not responsible

for the foster care placement or the children or youth, shall be assigned within **three (3) business days** to conduct a thorough investigation of the allegations. The investigating social worker (inspector) shall:

- i. document the decision in the case notes of the foster care placement file and place a copy of the referral on the paperfile;
- ii. conduct a thorough investigation with the supervisor monitoring and overseeing the investigative process. The inspector and supervisor shall also be trained in Structured Decision Making (SDM) and knowledgeable of the five PRIDE competencies.
- iii. If the referral information alleges that, a child of the caregivers is or may be at risk of maltreatment, the information shall be assessed under s.12(1) of the Act to determine whether a protective intervention investigation is required. If a protection intervention investigation is required, the standards set out in SDM shall be followed.
- iv. Where it is determined that both a family-based placement investigation and a protective intervention investigation are to occur at the same time, the inspector and the protective intervention social worker shall collaborate to avoid any unnecessary duplication and to ensure the integrity of the investigations is not compromised.

### **Assessing the Immediate Safety of Children and Youth in Care Residing in a Family-based Placement**

9. On the **same day** the decision is made to investigate, the social worker responsible for the foster care placement, in consultation with the supervisor, shall decide if the child or youth in care can safely remain in the foster care placement while the investigation is being completed.
10. The social worker responsible for the foster care placement shall use the Alternate Care Provider Safety Assessment Tool (ACPSA) to guide and document the safety decision and make a determination regarding whether the child or youth should be moved to another placement.
11. The social worker for the foster care placement shall familiarize themselves with the items included in the ACPSA tool in SDM and shall use their clinical social work skills to gather information to inform the ACPSA assessment. In making the decision regarding whether the child or youth is safe, the social worker for the foster care placement shall have face-to-face contact with the child or youth and the caregivers. The social worker may also speak to family members of the caregivers, and other social workers who have been involved with the child or youth, as well as other collateral contacts.
12. When it is determined that a child or youth cannot safely remain in a foster care placement during an investigation, the social worker shall immediately notify the licensee and the caregivers of the decision, and shall ensure that an alternate placement is arranged for the child or youth, and that the child or youth is supported during the transition.

13. The social worker shall complete the ACPSA form in ISM by the **end of the next business day** following the first face-to-face contact with the child or youth and place a hard copy of the ACPSA on the foster care placement file.
14. Where a decision is made to not move a child or youth during an investigation and where additional information is received that indicates the child or youth may be unsafe, a subsequent ACPSA shall be completed by the social worker for the foster care placement and screened by their supervisor. A second ACPSA is not required if additional referral information is received and the child or youth has already been moved to an alternate placement.

### **Providing Information and Support to the Child or Youth**

15. The social worker for the child or youth shall provide regular, ongoing support to the child or youth throughout the investigation process. The nature of this support shall be assessed on a case-by-case basis depending on the age and developmental level of the child or youth. Support may also include referring a child or youth to counselling services, arranging medical appointments, etc. Where it is assessed to be in the child or youth's best interest, the social worker shall arrange contact between the child or youth and the caregivers (e.g. telephone calls, supervised visit).
16. The social worker shall also regularly provide the child or youth with age and developmentally appropriate information about the status and progress of the investigation.

### **Providing Information to the Parents of the Child or Youth**

17. If the child or youth is in a protective care agreement, interim care, or interim or temporary custody, the social worker shall immediately notify the parents of the plan to investigate and the placement plan for the child or youth, unless the integrity of the investigation could be jeopardized by this notification.
18. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth, unless the integrity of the investigation could be jeopardized by this notification.

### **Providing Information to the Licensee and Caregivers**

19. The social worker for the foster care placement shall meet with the caregivers, no later than **two (2) days** from the date the decision is made to investigate, to inform them of the nature of the concerns outlined in the referral, unless there are documented concerns that providing this information will interfere with the investigation process. In advance of this meeting, the social worker shall advise the caregivers that the licensee may attend this meeting should the caregivers request their presence.
20. The manager for the foster care placement shall notify the licensee in writing and where possible, provide details of the nature of the concerns outlined in the referral. This information shall be shared within **two (2) days** from the date the decision is made to

investigate, unless there are documented reasons why this detail should not be provided.

21. This notification shall also advise the licensee that at the request of a caregiver or a staff person, and where applicable, the licensee, union representative, or lawyer may attend the meeting with an interviewee. This shall occur as long as the inspector, upon assuming their role, has been notified in advance by the interviewee, and has had the opportunity to assess the suitability of the identified person to determine the person is not part of the investigation process.
22. In cases where the interviewee indicates they would like to have a lawyer present, the inspector shall consult with their supervisor for direction.
23. The social worker for the foster care placement shall acknowledge and respect the feelings and concerns of caregivers and staff regarding the investigation process and remain neutral while providing support, so as to not interfere with the investigation process.
24. The social worker for the foster care placement shall provide information to the caregivers and the licensee. This shall include, but is not limited to:
  - a) explaining and clarifying the role of the social worker for the home and how that differs from the role of the inspector;
  - b) providing policy information regarding the investigation process including the department's responsibility to investigate, how decisions are made, and when they can expect to receive updates regarding the progress of the investigation; and,
  - c) if a child or youth has been moved during the investigation process, the social worker shall discuss the parameters around the continued contact of the child or youth with the caregivers and licensee, and where contact is determined to be in the child or youth's best interest, develop a plan with the licensee and caregivers for this contact.

### **Conducting an Investigation on a Family-based Placement**

25. The inspector is responsible for conducting the investigation with the support of their supervisor.
26. The inspector, in consultation with the supervisor shall develop a plan regarding the investigation process. The plan should include a clear focus on the nature of the concerns and what is being investigated, the role of the police, what information will be gathered and from whom, the approach regarding how information will be gathered, critical timelines for the investigation, the information compilation process and other steps/information deemed to be relevant to the investigation.
27. In determining who should be interviewed, and in an order that fits within the **investigation plan**, the inspector may interview:
  - a) all children or youth in care currently residing in the foster care placement (where

age and developmentally appropriate);

- b) the caregivers, other individuals residing in the placement (if possible);
  - c) parents of the child or youth (where deemed appropriate);
  - d) the social workers responsible for the foster care placement and/or for the child or youth in the placement;
  - e) children or youth who previously resided in the foster care placement (where deemed appropriate); and
  - f) other collaterals, professionals and staff working with the child or youth currently residing in the foster care placement.
28. In situations where the referral information has been forwarded to the police and the police are investigating, the inspector shall consult with the police to determine how both parties can collaborate to conduct a joint investigation. Where the time frames of the police investigation do not correspond with the time frames required by the department, the supervisor or manager shall consult with the police to determine whether the department will proceed with their investigation to ensure the investigation is concluded in a timely manner.
29. The outcome of a family-based investigation is not dependent or contingent on the outcome of a police investigation. The inspector, in consultation with the supervisor may make a recommendation to the manager regarding the continued use of the foster care placement prior to the conclusion of the police investigation.
30. In a situation where the department has concluded its investigation and the allegations are not verified, and the police are continuing to investigate the allegations, the manager may place the foster care placement on hold, pending the outcome of the police investigation. Following an investigation, the manager has the final decision regarding the continued use of the foster care placement.
31. If, during the course of the investigation, new maltreatment allegations are received, the inspector shall consult with the supervisor and manager to develop a plan to address these allegations (i.e. screening decision to determine whether a separate investigation is required).
32. The inspector, in consultation with the supervisor, shall complete the investigation and document all information regarding the investigation, and the outcome, on the Investigation Report on a Family-based Placement form and place a copy on the foster care placement file.
33. The Investigation Report on a Family-based Placement form shall be completed with all information relevant to the investigation documented in the Investigation Report section of the form. This information shall include, but is not limited to:
- a) summary of the referral information;
  - b) whether the referral was verified;
  - c) nature of police involvement;
  - d) length of time as caregivers;



- e) training completed (PRIDE or other);
  - f) ability to meet the PRIDE competencies to date;
  - g) children or youth who have resided in the foster care placement;
  - h) list of persons interviewed;
  - i) relevant information obtained from each interview conducted;
  - j) relevant information obtained from files reviewed;
  - k) clinical assessment and analysis of the information gathered related to the referral information;
  - l) ability to continue to meet the five PRIDE competencies;
  - m) findings, conclusions and recommendations regarding continued use of the placement; and,
  - n) any restrictions or conditions (as necessary) placed on the foster care placement, should the manager decide to maintain the foster care placement as a continued placement option.
34. All necessary supporting documents shall be scanned and attached to the Investigation Report on a Family-based Placement form.
  35. The inspector shall submit the completed Investigation Report on a Family-based Placement form to the supervisor assigned to the investigation for review.
  36. The supervisor shall review, recommend and forward the Investigation Report on a Family-based Placement form to the manager responsible for the foster care placement.
  37. The manager responsible for the foster care placement shall make the final determination regarding the continued use of the foster care placement. In making this determination, the manager may request a meeting with the inspector and supervisor to discuss the outcome of the investigation and the recommendations regarding the continued use of the foster care placement.
  38. When the manager responsible for the foster care placement has made the final decision regarding the continued use of the foster care placement, the inspector shall notify the social workers for the placement, the child and youth, and the parents, (where applicable), of the outcome of the investigation. The manager shall notify the licensee of the outcome of the investigation in writing.
  39. The inspector, the social worker for the placement and where deemed necessary, the supervisor responsible for the investigation, shall meet with the licensee and the caregivers **within two (2) days** of the conclusion of the investigation, to notify them of the outcome of the investigation. The inspector will provide the licensee with a letter regarding the outcome. The letter shall contain the following information:
    - a) nature of the allegations;
    - b) findings/outcome of the investigation, including failure to comply with, legislation, regulation, policies, etc. (if applicable);
    - c) the manager's decision regarding the continued use of the placement;
    - d) reasons for the manager's decision, including how this relates to the PRIDE

- competencies; and,
- e) any terms, conditions, restrictions, or violation orders resulting from the investigation (if applicable).
40. If as a result of an investigation, it was verified that a licensee failed to comply with the Act or the regulations, a manager may issue a Violation Order against the licensee.
41. If a Violation Order has been issued, the terms and conditions shall be discussed with the licensee and where appropriate, with the caregivers, as they will need to comply with the terms and conditions. All terms and conditions shall be documented and placed on the foster care placement file, and regularly monitored by the social worker for the foster care placement, as part of the ongoing work with the licensee and caregivers.
42. The child or youth (where age and developmentally appropriate) shall be informed of the outcome of the investigation and shall be consulted regarding any continued placement decisions. Where it is decided that the foster care placement will continue to be utilized following an investigation, it shall be determined if this foster care placement is still in the child or youth's best interest.
43. The child or youth's parents (if notified of the investigation) shall be informed of the outcome of the investigation and any placement change as a result of same. A case note shall be entered on the parent file documenting the outcome of the investigation.
44. A hard copy of the Investigation Report on a Family-based Placement form and all attached documents shall be placed on the foster care placement file and on each child or youth's file.

### **Exceptions:**

1. If there are extenuating circumstances that interfere with the completion of an investigation **within 45 days**, the manager may approve an extension. This decision must be documented and include reasons for the extension and the new timeframe for completion. The manager shall notify the licensee and the caregivers in writing of the extension, the rationale for the extension, and the new timeframe. Reasons for exceptions may include, but are not limited to delays as a result of a police investigation or locating a person who has critical information.

### **Relevant Documents:**

- Alternate Care Provider Safety Assessment
- Referral on a Foster Care Placement form
- Investigation Report on a Family-based Placement form

## Residential Placement Inspections

### Policy no. 4.24

**Effective Date:** June 28, 2019; May 31, 2021

**Date Revised:** May 31, 2021

**Policy Cross Reference:** 4.9 Foster Care Placement Monitoring; 4.25 Residential Placement Investigation; 4.28 Consequences of Non-Compliance for Licensees

**Legislative Reference:** s.79 Inspectors, s.80 Investigations, s.81 Inspections, s.82 Warrants, s.83 Telewarrants, s.84 Inspection report, s.85 Consequences of Non-compliance

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**Purpose:** To outline the inspection process for licensed residential placement providers.

### Policy:

1. Inspections may occur at all reasonable times for a purpose related to the administration or enforcement of the **Children, Youth and Families Act** (the Act) or the **Children, Youth and Families Regulations** (the Regulations).
2. Residential placement resources shall be inspected at minimum, every 12 months, to assess the quality of care provided and compliance with the Act and regulations.
3. A manager or social worker may be appointed as an inspector, and shall perform inspections which include, but are not limited to, completing interviews with licensee staff and social workers that have placed children in the placement resource, inspecting or examining the residential placement facilities, processes, protocols, documentation, and records of a licensee, for the purpose of assessing compliance with the Act and regulations.
4. Where an inspector is denied access or has reasonable grounds to believe there has been a contravention to the Act or its regulations, an inspector may file an application with Supreme Court or Provincial Court for a warrant or telewarrant authorizing access.
5. The inspector shall complete the **Residential Placement Resource Inspection Report** in ISM based on information gathered through the inspection process, and submit this report to the manager for final approval in ISM. A copy is provided to the licensee for review and signature within 30 days.
6. Where it has been determined during or following an inspection that a licensee has failed to comply with the Act or the regulations, the manager shall take action in a manner that is appropriate based on the identified concerns.

## Procedures:

1. Residential Placement Inspections may occur at all reasonable times for a purpose related to the administration or enforcement of the Act or regulations, and shall occur, at minimum, every 12 months.
2. The inspection process shall include, at minimum, one site visit to the placement resource to assess the general condition of the home, and ensure it complies with the monitoring areas outlined in the regulations and on the Residential Placement Resource Inspection Report.
3. Any concerns identified through the course of the inspection site visit shall be addressed with the licensee immediately.
4. The **inspector** shall consult with social workers who have placed children or youth in the placement resource during the inspection covering period to discuss the quality of care provided and any concerns they may have.
5. The inspector shall consult with any social workers who are completing, or have completed, an investigation into the placement resource during the inspection covering period, and review the Investigation Report and any recommendations resulting from a residential placement investigation. Information gathered through the course of an investigation shall inform completion of the Residential Placement Resource Inspection Report.
6. The inspection process shall include interviews with relevant licensee staff, and a review of documentation in relation to the operation of the placement resource and care and supervision of children and youth placed in the home (protocols, log recordings, incident reports, crisis response plans, quarterly reports, etc.).
7. The inspector shall complete the Residential Placement Resource Inspection Report, which compiles all relevant information regarding the following:
  - a) follow through on previous action plans (if applicable);
  - b) monthly site visits, as documented in the Residential Placement Resource Monthly Monitoring form;
  - c) any concerns addressed with the licensee;
  - d) strengths highlighted with the licensee;
  - e) consultations with social workers;
  - f) interviews with licensee staff;
  - g) review of documentation;
  - h) the inspection site visit;
  - i) ongoing or completed investigations and any resulting recommendations; and,
  - j) all other information deemed relevant.
8. The Inspection Report includes an analysis of compliance with the Act and its regulations and, if necessary, includes an Inspection Report Action Plan developed in collaboration with the licensee to address any identified concerns.

9. The completed Residential Placement Resource Inspection Report shall be reviewed and recommended by the supervisor in ISM, and forwarded to the manager who will review and approve the report in ISM.
10. Within 30 days of the inspection site visit, the **inspector** shall meet with the licensee to review and discuss the Residential Placement Resource Inspection Report. Where assessed as necessary, the supervisor and/or manager may attend the meeting with the inspector. If an Inspection Report Action Plan has been developed, this shall be reviewed and signed by the licensee during the meeting. The inspector will provide the licensee with a copy of the Residential Placement Resource Inspection Report, which includes the signed Inspection Report Action Plan (if applicable).
11. A copy of the Residential Placement Resource Inspection Report (with signed Action Plan, if applicable) shall be placed on the residential placement file. The completed Inspection Report Action Plan, with signatures, is scanned as an attachment to the placement location case in ISM.
12. The inspector shall follow up with the licensee to ensure any issues identified have been addressed in accordance with the Inspection Report Action Plan. An update on the issues identified and status shall be documented on the Residential Placement Monthly Monitoring Report. An update on the status of the Action Plan shall be included in the next Residential Placement Resource Inspection Report (i.e. issues resolved or still outstanding, etc.).
13. Where it has been determined either during or following an inspection that there are issues with a licensee's ability to meet requirements of the Act or regulations, the manager shall take action in a manner that is appropriate based on the identified concerns.
14. Concerns regarding non-compliance with the Act or regulations should first be addressed through regular case management, collaboration with the placement provider, placement monitoring procedures, inspection procedures, and investigation procedures; as appropriate, and in accordance with applicable policy.
15. If all other collaborative methods of resolution are believed to be exhausted or inadequate to address the seriousness of a concern, a manager may issue a Violation Order as outlined in the Act.

### **Additional Inspections**

16. In addition to the required monthly contact and annual inspections, an inspector, in consultation with a supervisor or manager, may determine an additional inspection is required to assess the quality of care provided and compliance with the Act and regulations.
17. This inspection may include examining the facilities, premises, processes, documentation and records of a licensee or a person that the inspector may consider relevant, for the purpose of determining compliance with the Act or the regulations.
18. Where an additional inspection has been completed, the inspection shall be documented

in a Residential Placement Resource Inspection Report, and provided to the manager and licensee as outlined in this policy.

### **Warrants and Telewarrants**

19. Where an inspector is denied entry to a facility, premises, or dwelling-house to carry out an inspection, or believes on reasonable and probable grounds there has been a contravention of the Act or regulations, the inspector may file an application with Supreme Court or Provincial Court for a warrant.
20. The judge may issue a warrant authorizing the inspector to:
  - a) enter the facility, premises or dwelling-house and carry out an inspection; and/or
  - b) seize or remove any of the books or records required as evidence of contravention and may retain those documents until they are required in a court proceeding.
21. Where, in the opinion of an inspector, it would not be practical to appear in person before a Provincial Court judge to apply for a warrant, the inspector may make the application by telephone or other means of telecommunication.
22. At the request of an inspector, a peace officer shall assist in enforcing a warrant.
23. The inspector shall provide a copy of the warrant or telewarrant to the licensee, an employee of the licensee; an owner, operator, or employee of the facility or premises; or an occupant or staff person who is present at the time the warrant or telewarrant is carried out.
24. The warrant or telewarrant shall be retained on the placement resource file.

**Exceptions:** None

### **Relevant Documents:**

- Residential Placement Resource Inspection Report
- Inspection Report Action Plan
- Residential Placement Resource Monthly Monitoring form
- Information to Obtain a Warrant/Telewarrant to Search and Inspect
- Warrant/Telewarrant to Search and Inspect

## Residential Placement Investigations

**Policy no. 4.25**

**Effective Date: June 28, 2019**

**Date Revised:**

**Policy Cross Reference:** 4.9 Foster Care Placement Monitoring; 4.24 Residential Placement Inspections

**Legislative Reference:** s.80 Investigations

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**Purpose:** To outline the process for assessing and investigating concerns in a residential placement.

### Policy:

1. All concerns regarding the care of children or youth placed in a residential placement shall be assessed on the **same day** the information is received to determine what action is necessary to ensure the safety and wellbeing of the children or youth, and to determine whether an investigation is required.
2. All allegations of physical and sexual maltreatment shall be referred to the local police the **same day** the information is received and assessed.
3. Where an investigation is required, the manager shall notify the licensee of the investigation, unless notification will compromise the investigation.
4. Parents of a child or youth in a protective care agreement, interim care or interim or temporary custody shall be notified of an investigation. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth.
5. An inspector and supervisor shall be assigned to complete the investigation. The persons assigned shall not be responsible for the residential placement or any child or youth in the placement.
6. The investigation, including all required documentation, shall be completed as soon as possible and **within a maximum of 45 calendar days**.

### Procedures:

1. All referral information shall be assessed on the **same day** of receiving the information to determine what action is necessary to ensure the safety and wellbeing of the children or youth. This assessment shall assist in determining whether any action is required by the social worker and/or whether the action required involves an investigation of the concerns.

2. Quality of care concerns that do not meet the definition of maltreatment shall be addressed through the processes and measures outlined in the **Foster Care Placement Monitoring**, and **Residential Placement Inspection** policies.
3. Maltreatment in a residential placement includes physical, sexual or emotional harm of a child or youth that is non-accidental and is as a result of an action, inaction or lack of appropriate action by a staff or other persons providing care. Examples include, but are not limited to, the following:
  - a) deliberately using force against a child or youth in such a way that the child/youth is injured or at risk of being injured;
  - b) hitting, shaking, pushing, and kicking;
  - c) harmful use of an approved restraint;
  - d) verbal threats, social isolation, intimidation, exploitation, and unreasonable demands;
  - e) family violence;
  - f) sexual assault including kissing, touching, intercourse, exposure to or involvement in pornography, etc.
  - g) chronic and/or serious quality of care concerns that have resulted in a child or youth being harmed or at risk of being harmed. Examples of quality of care concerns may include, but are not limited to, the following:
    - i. lack of age and developmentally appropriate supervision;
    - ii. absence of an adequate and healthy diet (including nutritious meals, snacks and school lunches, etc.);
    - iii. lack of adequate and seasonally appropriate clothing;
    - iv. insufficient or unexplained delays in access to education, health and medical services;
    - v. absence or lack of support for children and youth to maintain family, community, social and cultural connections; and
    - vi. absence or lack of support for children and youth to participate in age and developmentally appropriate activities.

### **Assessing and Determining the Response to Allegations**

4. When maltreatment allegations are received, the social worker for the placement shall immediately consult with the supervisor and notify the social worker for the child or youth.
5. The social worker for the placement shall document the information on the Referral on a Foster Care Placement form.
6. The social worker for the placement, in consultation with the social worker for the child or youth and their supervisors, shall determine the need for a child or youth to be medically examined immediately, when there is an allegation of physical or sexual abuse.



7. The social worker for the placement, in consultation with the supervisor, shall immediately refer all allegations of physical or sexual maltreatment to the police using the Referral on a Foster Care Placement form. In consultation with the police officer assigned, the social worker for the placement, in consultation with the supervisor, shall make a decision regarding how to proceed with the investigation. Where a police officer is not assigned or does not respond to the department's request to consult in a timely manner, the department may proceed without this consultation, in accordance with the Conducting an Investigation on a Residential Placement section of this policy.
8. On the **same day** the information is received, the supervisor, in consultation with the social worker for the placement and manager, shall make a screening decision to determine what action is necessary to ensure the safety and wellbeing of the children or youth by choosing one of the following responses:
  - a) **No Action Required** - If no action is required, the social worker responsible for the placement shall document the decision in the case notes of the placement file and place a copy of the referral on the paper file. The licensee shall be informed of the referral information as soon as possible following the decision that no action is required.
  - b) **Follow up by a Social Worker (No Investigation Required)** - Where it is determined that an investigation is not required, the social worker responsible for the placement shall:
    - i. document the decision in the placement file case notes and place a copy of the referral on the paper file;
    - ii. meet with the licensee within **seven (7) days** of the screening decision to discuss the referral information, provide an opportunity for them to respond to the referral, and identify any outstanding issues or concerns that may require follow up. Where necessary, the social worker for the placement and licensee shall identify ways to address any issues or concerns and/or supports that may be required. The social worker shall document any tasks or activities requiring follow up, in the placement file.
    - iii. conduct a follow up private, in-person interview with the children or youth (where age and developmentally appropriate) within **seven (7) days** of making the decision that no investigation is required. The purpose of this contact is to determine if/how the referral information has affected the child or youth. If a child or youth cannot be interviewed due to their age or developmental level, the social worker shall observe the child or youth.

If the social worker for the placement receives additional information as a result of meeting with the licensee or interviewing/observing the children or youth in the placement, and the additional information indicates that an investigation may be necessary, the social worker responsible for the placement shall discuss the additional information with the supervisor and, where necessary, complete a new Referral on a Foster Care Placement form and screen the information received.

- c) **Investigation Required** - A social worker and supervisor who are not responsible for the placement or for the child or youth, shall be assigned within **three (3) business days**, to conduct a thorough investigation of the allegations. The investigating social worker (inspector) shall:
- i. document the decision in the case notes of the placement file and place a copy of the referral on the paper file;
  - ii. conduct a thorough investigation with the supervisor monitoring and overseeing the investigative process;
  - iii. where appropriate, if the referral information alleges that a child or youth of a staff person is or may be at risk of maltreatment, the information shall be assessed under s.12 of the Act. If a protective intervention investigation is required, the standards set out in SDM shall be followed by the social worker.
  - iv. where it is determined that both a residential placement investigation and a protective intervention investigation are to occur at the same time, the inspector and the protective intervention social worker shall collaborate to avoid any unnecessary duplication and to ensure the integrity of the investigations is not compromised.
9. On the **same day** the decision is made to investigate, the social worker responsible for the placement, in consultation with the supervisor, shall identify any measures necessary to ensure the safety of the children or youth while the investigation is being completed.
10. The manager for the placement social worker shall collaborate with the managers for the child or youth's social worker and the social workers for the parents, and notify them of the referral information and discuss the measures to be taken to ensure the safety of the children and youth.
11. The manager for the placement shall immediately notify the licensee of measures to be taken to ensure the safety of each child or youth during the investigation. These measures may include staff persons being prohibited from working with children and youth during the investigation.
12. Where additional information is received that indicates a child or youth in the placement may be unsafe, the information shall be assessed by the social worker for the placement and screened by their supervisor to ensure that measures are taken to ensure the safety of each child or youth in the placement.

### **Providing Information and Support to the Child or Youth**

13. The social worker for the child or youth shall provide regular, ongoing support to the child or youth throughout the investigation process. The nature of this support shall be assessed on a case-by-case basis depending on the age and developmental level of the child or youth. Support may also include referring a child or youth to counselling services, arranging medical appointments, etc. Where it is assessed to be in the child or youth's best interest, the social worker shall arrange contact between the child or youth and the staff persons or other persons providing care to the child (e.g. telephone calls, supervised visit).

14. The social worker for the child or youth shall also regularly provide the child or youth with age and developmentally appropriate information about the status and progress of the investigation, as received from the inspector.

### **Providing Information to the Parents of the Child or Youth**

15. If the child or youth is in a protective care agreement, interim care, or interim or temporary custody, the social worker shall immediately notify the parents of the plan to investigate and the placement plan for the child or youth, unless notification could compromise the investigation.
16. If the child or youth is in continuous custody, the parents may be notified depending on their level of involvement with the child or youth, unless notification could compromise the investigation.

### **Providing Information to the Licensee**

17. The social worker for the placement shall meet with the appropriate staff, no later than **two (2) days** from the date the decision is made to investigate, to inform them of the nature of the concerns outlined in the referral, unless there are concerns that providing this information could compromise the investigation.
18. The manager for the foster care placement shall notify the licensee of the investigation in writing and where possible, provide details regarding the nature of the concerns outlined in the referral. This information shall be shared within **two (2) days** from the date the decision is made to investigate, unless there are documented reasons why this detail should not be provided. This letter should include any measures necessary to ensure the safety of children and youth during the investigation.
19. The social worker for the placement shall acknowledge and respect the feelings and concerns of the licensee and their staff regarding the investigation process and remain neutral while providing support to the licensee during the process, so as to not interfere with the investigation process.
20. The social worker for the placement shall provide information to the licensee. This shall include, but is not limited to:
  - a) explaining and clarifying the role of the social worker for the placement and how that differs from the role of the inspector;
  - b) providing policy information regarding the investigation process including the department's responsibility to investigate, how decisions are made, and when they can expect to receive updates regarding the investigation progress; and,
  - c) shall notify the licensee of the measures required to ensure the safety of the children and youth.

## **Conducting an Investigation on a Residential Placement**

21. The inspector (i.e. the social worker assigned to complete the investigation) is responsible for conducting the investigation with the support of their supervisor.
22. The inspector in consultation with the supervisor shall develop an investigation plan. The plan should include:
  - a) a clear focus on the nature of the concerns and what is being investigated;
  - b) the role of the police;
  - c) what information will be gathered and from whom;
  - d) the approach regarding how information will be gathered;
  - e) critical timelines for the investigation; and,
  - f) other relevant steps/information.
23. The inspector, in consultation with the supervisor shall determine who should be interviewed, and in what sequence. The inspector may interview:
  - a) all children or youth in care currently residing in the placement (where age and developmentally appropriate);
  - b) the social workers responsible for the placement and/or for the children or youth in the placement;
  - c) children or youth who previously resided in the placement (where appropriate);
  - d) parents of the child or youth (where appropriate);
  - e) staff of the licensee who are believed to have information to inform the investigation; and,
  - f) other collaterals, professionals and staff working with the child or youth currently residing in the foster care placement (where appropriate).
24. The inspector shall advise the licensee that, at the request of a staff person, the licensee, a union representative, or lawyer may attend an interview with an interviewee, as long as the inspector has been notified in advance by the interviewee. Once advised, the inspector will assess the suitability of the identified person and confirm the person is not part of the investigation process.
25. In cases where the interviewee indicates they would like to have a lawyer present, the inspector shall consult with their supervisor for direction.
26. In situations where the referral information has been forwarded to the police and the police are investigating, the inspector shall consult with the police to determine how both parties can collaborate and conduct a joint investigation. Where the time frames of the police investigation do not correspond with the time frames required by the department, the supervisor or manager shall consult with the police to determine whether the department will proceed with their investigation to ensure it is concluded in a timely manner.
27. The outcome of a residential placement investigation is not dependent or contingent on the outcome of a police investigation. The inspector, in consultation with the

supervisor may make a recommendation to the manager regarding the continued use of the placement prior to the conclusion of the police investigation.

28. In a situation where the department has concluded its investigation and the allegations are not verified, and the police are continuing to investigate, the manager may prohibit placement of children and youth in the placement pending the outcome of the police investigation. Following an investigation, the manager has the final decision regarding the continued use of the placement.
29. If during the course of the investigation, new maltreatment allegations are received, the inspector shall consult with the supervisor and manager to develop a plan to address these allegations (i.e. screening decision to determine whether a separate investigation is required, further action to ensure the safety of the children or youth).
30. The inspector, in consultation with the supervisor, shall complete the investigation and document all information regarding the investigation and its outcome on the Residential Placement Investigation Report form and place a copy on the placement file.
31. The Residential Placement Investigation Report form shall be completed with all relevant information documented in the Investigation Report section. This shall include, but is not limited to:
  - a) summary of the referral information;
  - b) whether the referral was verified;
  - c) nature of police involvement;
  - d) length of time the licensee has been licensed;
  - e) length of time the facility has been in operation;
  - f) list of children or youth who have resided in the foster care placement;
  - g) list of persons interviewed;
  - h) relevant information obtained from each interview conducted;
  - i) relevant information obtained from files reviewed;
  - j) clinical assessment and analysis of the information gathered related to the maltreatment allegations;
  - k) ability for licensee to continue to meet regulatory requirements; and,
  - l) findings, conclusions and recommendations.
32. All necessary supporting documents shall be scanned and attached to the Investigation Report section on the Residential Placement Investigation Report form.
33. The inspector shall submit the completed Residential Placement Investigation Report form to the supervisor assigned to the investigation.
34. The supervisor shall review, recommend and forward the form to the manager responsible for the placement.
35. The manager responsible for the placement shall make the final determination

regarding the continued use of the placement. In making this determination, the manager may request a meeting with the inspector and supervisor to discuss the outcome of the investigation and any recommendations.

36. When the manager responsible for the placement has made the final decision regarding the outcome of the investigation, the inspector shall notify the social workers for the placement, each child and youth, and the parents (where applicable), of the outcome. The manager shall notify the licensee of the outcome of the investigation in writing.
37. The inspector, the social worker for the placement, and where deemed necessary, the supervisor responsible for the investigation, shall meet with the licensee **within two (2) days** of the conclusion of the investigation, to notify them of the outcome of the investigation and provide written notice regarding the outcome. The written notice shall contain the following information:
  - a) nature of the allegations;
  - b) findings/outcome of the investigation; including failure to comply with legislation, regulation, policies, etc. (if applicable);
  - c) whether staff may resume working with children and youth in care or residing in a residential placement (if applicable);
  - d) the manager's decision regarding the continued use of the placement;
  - e) reasons for the manager's decision; and
  - f) any terms, conditions, restrictions, or violation orders resulting from the investigation (if applicable).
38. If as a result of an investigation, it was verified that a licensee failed to comply with the Act or the regulations, a manager may issue a Violation Order against the licensee.
39. If a Violation Order has been issued, any requirements shall be discussed with the licensee as they will need to comply with the requirements as outlined by the manager. All action taken to address the concerns shall be documented and placed on the placement file, and regularly monitored by the social worker for the placement, as part of the ongoing work with the licensee.
40. The child or youth (where age and developmentally appropriate) shall be informed of the outcome of the investigation and shall be consulted regarding any continued placement decisions. Where it is decided that the foster care placement will continue to be utilized following an investigation, it shall be determined if this foster care placement is still in the child or youth's best interest.
41. The child or youth's parents (if notified of the investigation) shall be informed of the outcome of the investigation and any resulting placement change. A case note shall be entered on the parent file documenting the investigation outcome.
42. A paper copy of the Residential Placement Investigation Report form and all attached documents shall be placed on the placement file and on each child or youth's file.

43. The manager shall notify the regional director and the program and policy development specialist for residential placement resources in writing of the conclusion of the investigation, its outcome, and any recommendations.

### **Exceptions:**

1. If there are extenuating circumstances that interfere with the completion of an investigation **within 45 days**, the manager may approve an extension. This decision must be documented and include reasons for the extension and the new timeframe for completion. The manager shall notify the licensee in writing of the extension, the rationale for the extension, and the new timeframe. Reasons for exceptions may include, but are not limited to delays as a result of a police investigation or locating a person who has critical information.
2. If information is received regarding an incident that occurred in a residential placement that has since closed, or if information has been received that a staff person who is alleged to have maltreated a child or youth no longer works in a residential placement or with the licensee, this information shall be forwarded to manager to determine the appropriate response.

### **Relevant Documents:**

- Referral on a Foster Care Placement
- Residential Placement Investigation Report
- Child, Youth and Family Regulations

## License Application, Approval and Renewal

**Policy no.: 4.26**

**Effective Date: June 28, 2019**

**Date Revised:**

**Policy Cross References:** 4.22 Family-based Placement Inspections; 4.24 Residential Placement Inspections; 4.27 Foster Home Agency Inspections

**Legislative References:** s.71 Issuance of licenses, s.72 Renewal and variation, s.73 Refusal to issue renew or vary, s.74 Licenses generally, s.75 Duties of licensee, s.76 Variation, suspension or revocation, s.77 Consequences of suspension or revocation, s.78 Payments to licensee

**Purpose:** To outline processes regarding the application, approval, and renewal of foster home agency, family-based placement provider, and residential placement provider licenses, as well as, processes related to when a licensee chooses to cancel their License.

### Policy:

1. In accordance with the **Children Youth and Families Act** (the Act), an individual or corporation must be issued a License to:
  - a) recruit, assess, train, and approve foster parent applicants;
  - b) recruit, assess, train, establish, monitor and support family-based placements;
  - c) establish and operate residential placements.

This License must be obtained prior to carrying out any activities or prior to commencing operations.

2. License applications shall be submitted to a provincial director, as prescribed in the Act and regulations.
3. A provincial director is responsible for the issuing and renewal of licenses.
4. A provincial director may attach terms and conditions to a License.
5. A licensee shall comply with the Act, regulations, and applicable departmental policies.
6. A License is valid for up to **three (3) years** from the issue date and is non- transferrable.
7. A provincial director may vary, suspend or revoke a License.
8. A licensee may choose to cease operations and cancel its License.



## Procedures:

### License Application and Approval

1. Applicants shall apply in writing to the provincial director in accordance with the Act and regulations by completing the License Application form and submitting all required supporting documentation.
2. Where the provincial director has reviewed and accepted a License Application form for a License, a social worker must complete a visit with the applicant at their place of operations.
3. During the visit the social worker shall confirm, in accordance with the regulations:
  - a) that the applicant has the means and ability to keep confidential all information regarding the services to be provided;
  - b) that confidential information will be securely stored; and
  - c) that any other requirements identified by a provincial director have been met.
4. Where the above requirements have not been met, the applicant shall have 30 days to meet the requirements, at which time the social worker shall return to complete a reassessment of the above requirements.
5. A provincial director shall inform the applicant that:
  - a) they shall only provide those services for which they are licensed;
  - b) they will be required to adhere to the Act, the regulations, and applicable departmental policies;
  - c) they will be required to have on-site inspections completed;
  - d) they will be required to provide reports regarding their activities and statistical information;
  - e) they shall display their License visibility at their head office;
  - f) a License is valid for **up to three (3) years** unless it is suspended or revoked by a provincial director, or issued for a shorter period of time;
  - g) a License is non-transferable;
  - h) a manager may issue a violation order on their License, in accordance with the Act; and,
  - i) a provincial director may vary, suspend or revoke a License, in accordance with the Act.
6. The final approval of a License shall be made by a provincial director.
7. If approved, a provincial director will send written notification to the licensee advising of the following:
  - a) that they are being approved for a License;
  - b) the specific services they will be licensed to provide;

- c) any requirements to be met prior to a License being issued; and
  - d) information as outlined in procedure 5.
8. If the application is not approved, a provincial director shall send written notification to the applicant, including the reasons why they were not approved, and provide an opportunity to meet and discuss the decision.
9. When a License has been approved and all requirements met (if applicable), a provincial director shall issue the License to the licensee in person or by registered mail, provide copies to the manager and the regional director, and retain a copy at provincial office.
10. The License shall contain the following information:
- a) name of the licensee;
  - b) type of License;
  - c) issue date and expiration date;
  - d) any terms or conditions attached to the License; and,
  - e) that the License is issued in accordance with the **Children, Youth and Families Act** and **Children, Youth and Families Regulations**.
11. Where there are terms and conditions attached to a License, the licensee may make a written request to a provincial director to have their License varied by removing, adding, or changing the terms and conditions. A provincial director shall determine whether to approve a request to vary a License and may request that the licensee provide information or documentation to support the request.
12. Where a License is varied, a provincial director shall issue a new license.

### **License Renewal**

13. A licensee shall apply to a provincial director to renew a License at least **60 days** before the License expires. Where an application to renew a License is submitted, the existing License shall remain valid until the decision is made to renew the License.
14. A provincial director can approve or deny a License renewal. Where a License is renewed, it may be renewed for **up to three (3) years** with or without terms and conditions.
15. Where an application for renewal is not received **60 days** before the License expires, a provincial director shall contact the licensee to determine whether they wish to renew. If the licensee expresses interest in renewal, a provincial director shall direct them regarding the process to apply for renewal.

16. Where a licensee has not expressed an interest in renewing a License, the licensee shall notify a provincial director in writing. A provincial director shall provide the licensee with written confirmation of receipt of the notification, including direction regarding surrendering confidential information. A copy of the notification shall be provided to the manager and the regional director, and a copy shall be retained at provincial office.
17. An application to renew a License must be completed by submitting the Application for Renewal form to a provincial director along with all required supporting documentation, as required in regulations.
18. The final decision regarding the renewal of a License shall be made by a provincial director. As part of the renewal process, a provincial director shall review the information provided in the Application for Renewal form and any Inspection Reports completed in accordance with the **Foster Home Agency Inspection, Family-based Placement Inspection, Residential Placement Inspection** policies, and any other information deemed relevant by a provincial director. A provincial director may request further information from the licensee when determining whether to renew a License.
19. If the application is not approved, a provincial director shall send written notification to the licensee, including the reasons why they were not renewed, and direction regarding the surrendering of confidential information, and provide an opportunity to meet to discuss the decision.
20. When a License has been renewed, the provincial director shall issue a License to the licensee in person or by registered mail, provide copies to the manager and the regional director, and retain a copy at provincial office.
21. Where a License is varied, a provincial director shall issue a new License.

### **Refusal to Issue, Renew or Vary**

22. A provincial director may refuse to issue, renew or vary a License where:
  - a) the applicant does not meet requirements prescribed in the Act or the regulations;
  - b) the applicant was previously issued a License that was revoked;
  - c) a provincial director determines the applicant made false or misleading statements in the application process; or
  - d) a provincial director determines it would not be appropriate to issue, renew or vary a License.
23. Where a provincial director refuses to issue, renew, or vary a License, the written reasons must be provided to the applicant, as per procedure 24.
24. The applicant may request a review of the decision in writing to the minister **within 30 days** of receiving the written notification. A review shall be performed **within 60 days** of the receipt of the request and a written decision, including the reasons, shall be sent

to the applicant within **five (5) business days** of the decision being made. An appeal of the decision of the minister lies with the Supreme Court.

### **Licensee Chooses to Cancel their License**

25. Where a licensee wishes to cancel their License and cease operations they shall notify a provincial director in writing, including the date at which operations will cease.
26. A provincial director shall provide written confirmation of receipt of notification to the licensee, including direction regarding the surrendering of confidential information, and instructions to return their License to the provincial director upon the date operations cease.
27. Foster home agency licensees shall advise a provincial director of any foster parent applicant files which need immediate attention and provide information necessary to enable alternate arrangements for that file, and advise all foster parent applicants in writing that the licensee is ceasing operations and canceling their License.
28. Family-based placement provider licensees shall advise a provincial director of any caregiver applicant files which need immediate attention and provide information necessary to enable potential alternate arrangements for that file; and advise all caregiver applicants in writing that they are ceasing operations and canceling their License.
29. Family-based placement provider and residential placement provider licensees shall adhere to all regulations regarding the closure of facilities, the planning of alternate placements for children and youth, and the canceling of licenses.
30. A provincial director shall provide the licensee with written notification confirming that the licensee is no longer licensed and that they must surrender their License. A copy of the written notification shall be provided to the manager and the regional director, with a copy retained at provincial office.

**Exceptions:** None

### **Relevant Documents:**

- Children, Youth and Families Act
- Children, Youth and Families Regulations
- Application for a License form

## Foster Home Agency Inspection

**Policy no.:** 4.27

**Effective Date:** June 28, 2019

**Date Revised:**

**Policy Cross References:**

**Legislative References:** s.81 Inspections, s.82 Warrants, s.83 Telewarrants, s.84 Inspection report, s.85 Consequences of non-compliance

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**Purpose:** To outline the inspection process for foster home agency licensees.

### **Policy:**

1. Inspections may occur at all reasonable times for a purpose related to the administration or enforcement of the **Children, Youth and Families Act** (the Act) or the regulations.
2. Agency licensees shall be inspected, at minimum, annually to determine compliance with the Act and the regulations.
3. The inspector shall enter and inspect or examine the facilities, premises, processes, books, and records of a licensee, or persons relevant for the purpose of the inspection.
4. Where an inspector is denied access or has reasonable grounds to believe there has been a contravention to the Act or the regulations, an inspector may file an application with Provincial Court for a warrant or telewarrant to gain access.
5. **Within 30 days** of the completion of the inspection, the inspector in consultation with the supervisor, shall prepare an inspection report and submit this report to the manager for approval. A copy of the inspection report shall be provided to the licensee.
6. Where it has been determined during or following an inspection that a licensee has failed to comply with the Act or the regulations, the manager shall take action in a manner that is appropriate based on the identified concerns.

### **Procedures:**

1. Inspections may occur at all reasonable times for a purpose related to the administration or enforcement of the Act or the regulations, and shall occur, at minimum, annually, and be documented on the Inspection Report form.
2. The inspection process shall include, at minimum, one site visit to observe the licensee's place of operation, meet with licensee and employees (where applicable) and ensure compliance with the Act and the regulations, as outlined in the Inspection Report form.

3. Any concerns identified during the inspection site visit shall be addressed with the licensee immediately.
4. The inspector shall review the licensee's policies, records and processes regarding the recruitment, screening and assessment of foster parent applicants. The inspector shall also review the policies, records and processes used for the completion of foster parent assessments, including the final assessment packages and approval documentation.
5. The inspection report includes an analysis of compliance with the Act and its regulations and, if necessary, includes an action plan developed in collaboration with the licensee to address identified concerns.
6. The inspector shall complete an inspection report which confirms that:
  - a) the inspection site visit has been completed;
  - b) policies, records, process and finalized assessment packages have been reviewed;
  - c) interviews have been conducted with the licensee and all employees performing functions and duties as required under the Act or regulations;
  - d) outlines the licensee's compliance with previous action plans (if applicable);
  - e) any previous or current concerns are addressed with the licensee immediately (where appropriate), or noted to be addressed in an action plan that forms part of this inspection; and
  - f) notes all other information deemed relevant for the inspection process and report.
7. The completed inspection report shall be reviewed by the supervisor and forwarded to the manager who shall review and approve the report and its contents. and provide a copy to the provincial director.
8. **Within 30 days** of the inspection site visit, the inspector shall meet with the licensee to review the inspection report. If in consultation with the licensee, an action plan has been developed, the action plan shall be reviewed and signed by the licensee during this meeting. The inspector shall provide a copy of the inspection report to the licensee. Where an action plan has been developed, the inspector shall provide a copy of the signed action plan to the licensee (if applicable).
9. A copy of the inspection report and the signed action plan, where an action plan is required, shall be placed on the foster home agency file.
10. Where an action plan is required, the inspector shall follow up with licensee to ensure the action plan is implemented in accordance with the timelines set out in the investigation report and the action plan. An update regarding the action plan shall be included in the subsequent inspection report.

## **Warrants and Telewarrants**

11. Where an inspector is denied entry to a facility, premises or dwelling-house to carry out an inspection or believes on reasonable and probable grounds there has been a contravention of the Act or the regulations, the inspector may file an application with Provincial Court for a warrant.
12. The judge may issue a warrant authorizing the inspector to:
  - a) enter the facility, premises or dwelling-house and carry out an inspection; and/or
  - b) seize or remove any of the books or records required as evidence of contravention and may retain those documents until they are required in a court proceeding.
13. Where, in the opinion of an inspector, it would not be practical to appear in person before a Provincial Court judge to apply for a warrant, the inspector may make the application by telephone or other means of telecommunication.
14. At the request of an inspector, a peace officer shall assist in enforcing a warrant.
15. The inspector shall provide a copy of the warrant or telewarrant to the licensee, an employee of the licensee, an owner, operator, or employee of the facility or premises, or an occupant of the dwelling-house who is present at the time the warrant or telewarrant is carried out.
16. A copy of the warrant or telewarrant shall be retained on the foster home agency file.

**Exceptions:** None

### **Relevant Documents:**

- Inspection Report form
- Action Plan form
- Children, Youth and Families Regulations

## Consequences of Non-Compliance for Licensees

**Policy no. 4.28**

**Effective Date: May 31, 2021**

**Date Revised:**

**Policy Cross Reference:** Foster Care Placement Monitoring, Foster Home Agency Inspection, Residential Placement Inspections, Family-based Licensee Inspections, Family-based Placement Investigations and Residential Placement Investigations.

**Legislative Reference:** **s.85** Consequences of non-compliance, **s.86** Requirements of violation orders, **s.87** Review of violation orders.

**Purpose:** To outline the measures to be taken to address licensee non-compliance with the Children, Youth and Families Act (the Act) or its regulations.

### Policy:

1. Where a licensee fails to comply with the Act or its regulations, and other measures to address concerns are not appropriate or effective, a manager may issue a violation order requiring the licensee to comply; and/or recommend a provincial director vary, suspend, or revoke a license.

### Procedures:

1. Concerns regarding non-compliance with the Act or regulations should first be addressed through regular case management, collaboration with the placement provider, placement monitoring procedures, inspection procedures, and investigation procedures; as appropriate, and in accordance with applicable policy.
2. Where concerns cannot be appropriately or effectively addressed through the measures outlined in procedure 1, the manager shall consult with the policy specialist for family-based or residential placement providers regarding the necessary response which may include issuing a violation order or a recommendation to the provincial director to vary, suspend, or revoke the license.

**Exceptions:** None

**Relevant Documents:** None



## Overview: Youth Services

The Youth Services Program (YSP) is a **voluntary** program that provides support to vulnerable **youth** between the ages of 16 and 18 years of age who are in **need of protective intervention** in accordance with s.10 of the Children, Youth and Families Act (CYFA). The YSP assists youth who are:

- At risk of maltreatment and can no longer reside with their **parents**;
- Residing with their parents and there is a risk they will be 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.

The type of services a youth is eligible for through the YSP depends on the youth's circumstances, and whether or not the youth is living at home. There are two types of programs from which youth can receive service:

1. **Supportive Services**: provided for youth who are living at home with their parents (e.g. counselling services). These services are aimed at preserving the family unit, and preventing the youth from having to leave home.
2. **Residential Services**: financial and **supportive services** for youth who can no longer live at home, and live independently in the community.

All eligible youth who enter into a **Youth Services Agreement (YSA)** can receive services until their **21<sup>st</sup>** birthday. When assessing a youth's eligibility for services, options are explored to determine if a plan can be implemented to preserve the family unit or support a young person to safely return to the family home. The YSP partners with youth to initiate and maintain connections with supports, and provides youth with **information** about how to access available services once they leave the program. The YSP makes every effort to help youth transition more successfully to adulthood by providing them with necessary supports, and focusing on achieving educational goals and becoming gainfully employed.

Effective January 1, 2023, The Youth Services Program is being used as the mechanism to implement a basic income for youth receiving residential services. Additional financial support is being provided to program participants who receive residential services in recognition that participants in this program face significant barriers to achieving a successful transition to adulthood. The amount of this additional financial support is based on achieving a Basic Income for these individuals. The Youth Services Program will continue to include a Youth Services Agreement and Youth Services Plan with each client, focusing on promoting a successful transition to adulthood, including financial support, health benefits, housing stability, help with life skills and relationships, career planning, education, treatment programs, and emotional support.

Measuring success of the Youth Services Plan is to be done with a trauma informed lens and in recognition of the parental role government has for youth who are part of the child protection and youth services system. Paramount principles continue to be safety and supporting well-being of these vulnerable youth.

Maintaining life-long connections to family and other significant persons is crucial to a youth's well-being and making a successful transition to adulthood. Efforts are made to support youth receiving services to live with their families where it is safe to do so. A supportive living arrangement with family or significant others is the preferred alternative to youth living on their own in the community. Assisting the youth with Interdependence; or the feeling of being connected to and supported by family and/or significant persons will be important for youth as they can continue to rely on these connections and relationships after youth services involvement and into adulthood.

### **Youth Services Agreements**

Youth who are eligible for services through the YSP sign a **voluntary** YSA and are **not** in the **care** or **custody** of the **Manager**. A YSA is completed where a youth, determined to be in need of protective intervention, requests and is approved for **Residential Services** or **Supportive Services**. By entering into a YSA, the program assists vulnerable youth to meet their basic needs and improve their quality of life, and focus on educational and or employment achievement for each youth. Supports available through the program focus on areas that are known to enhance a youth's life, and are often barriers to achieving education, and employment goals, including, financial support, health benefits, housing stability, help with life skills and relationships, career planning, education, treatment programs, and emotional support.

### **Youth Services Plans**

Through the program, youth engage in an individualized plan to build upon their strengths, identify needs, and help a youth work toward education and/or gainful employment. Completion of high school diploma or equivalent is almost always a prerequisite to enter and progress through employment and career opportunities.

The **Youth Services Plan** is developed with a youth in collaboration with a **social worker**, a family member, significant other or a supportive **third party** identified by the youth, community agencies, and an Indigenous government or organization, if the youth is Indigenous. Where possible, the **Youth Services Plan** identifies goals to: support a youth to remain with their family, facilitate a youth's return to live with their parents, or secure a supportive living arrangement with relatives or significant others as ways to increase supports to youth. Collaboration between the youth and identified formal and informal supports, including community organizations and other government departments, occurs throughout the youth's involvement with the YSP to coordinate services, and to assist and support the young person to achieve identified goals. The goals set may vary, and the youth's plan may include goals to maintain or strengthen a youth's identity and cultural connections. The social worker and others will work with a youth to address the barriers

and identify the specific supports needed to achieve educational and or employment success, at pace and in a manner that respects a youth' current circumstances and ability to make progress. The YSP aims to support youth in need of protection, and the **Youth Services Plan** can be updated at any time to ensure identified goals are achievable for the youth. To whatever extent possible, youth are provided with the information they need to participate in service planning, and make informed decisions regarding their lives during their involvement in the program.

## Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention

**Policy no.: 5.2**

**Effective Date:** June 30, 2011,

**Date Revised:** June 28, 2019; January 1, 2023

**Policy Cross References:** 3.18 Transitioning to Youth Services from the In Care Program; 5.3 Youth Services Agreements; 5.5 Financial Services for Youth; 5.6 Financial Maintenance

**Legislative References:** s.10 Definition of Child in Need of Protective Intervention, s.11 Duty to Report, s.12 Determining Need for Protective Intervention, s.88 Youth Services Agreement

**Purpose:** To outline the process utilized to determine when a **youth** is in need of protective intervention.

### Policy:

1. When information is received indicating that a youth may be in need of protective intervention, including a report under s. 11, the social worker shall attempt to engage the youth to assess their need for protective intervention.
2. When information is received indicating that a youth may be unable to protect themselves due to a lack of mental capacity, the social worker shall assess whether the youth is in need of protective intervention.
3. Youth between the ages of 16 and 18 years old, who are determined to be in need of protective intervention in accordance with s.10 of the CYFA, are eligible for Residential Services or Supportive Services under the Youth Services Program (YSP). To be eligible for service, a youth must be a **voluntary** participant, and meet one of the following criteria:
  - a) being maltreated, or is at risk of being 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.
4. A youth who is transitioning from the Children and Youth In Care Program is automatically eligible for Residential and Supportive Services under the YSP. Completion of the **Youth Screening and Assessment Tool (YSAT): Intake and YSAT: Assessment** is required for youth transferring from In Care to the Youth Services Program. Refer to the Children and Youth In Care policy, Transitioning to Youth Services from the In Care Program for direction on the transfer process.

5. **Interim Services** may be provided to youth, with supervisory approval, pending completion of the YSAT: Intake.

## **Procedures:**

### **Intake**

1. Information regarding a youth who may be in need of protective intervention may be accepted via written report, phone or in person from the following **(including but not limited to)**:
  - a) a youth
  - b) the parent(s) of a youth
  - c) a professional (e.g. police)
  - d) an extended family member
  - e) member of the public
2. When service is requested by a youth or information is received in accordance with s. 12 of the CYFA, a social worker shall attempt to engage with the youth to complete the YSAT: Intake 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 YSP, including the services available and limits of confidentiality.
3. The YSAT: Intake must be completed no later than **14 days** of receiving the information or service being requested by a youth.
4. A social worker shall complete an initial screening as per s.10 of the CYFA and in accordance with the YSAT: Intake 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 not eligible for service, the youth and/or the youth's family, where applicable, shall be provided with information about other community resources that may assist the youth.
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 exclude information requested by a court of law, and any disclosure of information that indicates an intention to harm oneself or another person, or disclosure that a **child** or another youth is at risk of harm.
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 their parent(s) will be contacted, and that the youth's consent is not required;

- c) in the event that a parent/guardian cannot be contacted, or contact with the 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(s) of the youth to obtain additional information regarding the request for service, and to assess if the youth can safely return to the parent's care on a short term basis;
  - e) a Department Records Check, including a discussion with the youth about their history of involvement;
  - f) documentation of demographic information regarding the youth, their 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;
7. If the parent(s) cannot be reached, or the intake process is delayed, Interim Services may be provided with supervisory approval once the YSAT: Intake has been completed, and is signed by the social worker and the youth. Interim Services shall only be provided until the YSAT: Assessment has been completed (**within 45 days** of receiving the request).

### **Assessment of Youth's Need for Protective Intervention**

8. During the assessment, a social worker shall:
- a) arrange additional meetings with the youth, as required, to make a determination regarding the youth's need for protective intervention;
  - 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, the 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 this assessment process will 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.
  - d) explain the purpose of the YSP to the parent(s), and provide an overview of the services available. A social worker shall ensure the parents are aware that the Department is not in a custodial relationship with a youth who has signed a YSA;
  - e) contact a youth's formal and informal supports (e.g. counsellor, doctor, aunt, or friend), with the youth's consent. In the event a youth does not provide consent, a social worker shall consult with a supervisor to determine if contact with the youth's supports is required to determine the youth's need for protective intervention. The social worker shall advise the youth that contacting collaterals is required to assess service eligibility, and without this information, the assessment cannot proceed;
9. Further assessment of a youth's situation is documented on the YSAT: Assessment, and includes the reason for service, individual strengths, risk and protective factors, and the youth's 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 their parents in the short or long term, and what supports are necessary to achieve this outcome. Upon completion of the YSAT: Assessment, if 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. As part of the YSAT: Assessment, the social worker shall explore sources of support with the youth and complete a two generation genogram. In addition to its usefulness as a clinical tool, completing a genogram may help identify additional supports and residential options for the youth. Refer to <http://www.genopro.com/genogram/> for assistance.
11. Where a parent wants a youth to return home, and a youth is refusing due to a reported risk of maltreatment, the social worker shall consult with a supervisor to decide if the youth's request for service will be supported. The decision will be based on information gathered during the assessment that validates the risk of maltreatment to a youth.
12. The social worker's assessment of a youth's need for protective intervention shall be completed and documented on the YSAT: Assessment. 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.
13. Following the completion of the YSAT: Assessment, if a social worker determines that a youth is in need of protective intervention, a 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.
14. If a social worker determines that a youth lacking mental capacity is in need of protective intervention and unable to remain in their home, please refer to the **Removal of Youth** policy.
15. If a social worker determines that a youth is in need of protective intervention, and the youth is unable to return home, the social worker shall assess the parent's ability to contribute financially to the youth's care. Refer to the **Financial Maintenance** policy for additional information.
16. If a social worker determines that a youth is in need of protective intervention, they shall refer to the **Financial Services for Youth** policy for direction regarding services a youth is eligible to receive.

**Exceptions:** None.

**Relevant Documents:**

- Youth Screening and Assessment Tool (YSAT: Intake) **Form 43-04a**
- Youth Screening and Assessment Tool (YSAT: Assessment) **Form 43-04b**

## Youth Services Agreements

**Policy no.: 5.3**

**Effective Date: March 2007**

**Date Revised: October 31, 2014, June 28, 2019, January 1, 2023**

**Policy Cross References:** 5.4 Cancellation of Youth Services Agreements; 5.5 Financial Services for Youth; 5.9 Removal of Youth

**Legislative References:** s. 21 Removal of youth; s. 88 Youth services agreements; s.89 Effect of an agreement.

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**Purpose:** To outline when a Youth Services Agreement (YSA) shall be signed with a youth, 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 in accordance with s. 10 of the Children, Youth and Families Act, requests and is approved for Residential or Supportive Services.
4. Where the youth is engaged in an individualized Youth Services Plan, a YSA may be extended and services provided until the youth's 21<sup>st</sup> birthday.
5. Services outlined in the YSA are based on a youth's individual needs and identified goals.

### **Youth Lacking Mental Capacity**

6. A YSA shall **not** be signed with a youth when it has been determined that the youth lacks mental capacity. Arrangements **cannot** be made to have an extended family member or significant other sign the YSA on behalf of a youth who lacks mental capacity.
7. Where a youth lacks the mental capacity to enter into a 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.
8. An assessment of a youth's mental capacity 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 need for protective intervention.



9. An assessment of a youth's mental capacity for the purposes of this policy is **not** meant to include a youth who engages in drug and/or alcohol use, which **temporarily** alters their 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 their decision but continues to act in a way that may compromise his/her safety and well-being.

## **Procedures:**

### **Informed Decision Making**

1. A youth's participation in the Youth Services Program (YSP) is voluntary, and the engagement of youth in the development of an individualized Youth Services Plan is critical to maximizing a youth's success through the program. Social workers make every effort to engage youth as active participants in service planning through the signing of a YSA and development of an individualized Youth Services Plan. Social workers work with youth to identify goals and explore choices using the Youth Services Plan, to ensure youth have all the information needed to make informed decisions regarding their lives.
2. The social worker shall provide the youth with information about the YSP, including information about the voluntary nature of signing a YSA, the youth's right to refuse services, and that a YSA may be cancelled by a youth or social worker upon request at any time. The social worker will discuss with the youth the potential implications of their choices, any identified risks or benefits to the youth, and their willingness to accept services and supports.

### **Youth Services Agreement**

3. 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 an individualized Youth Services Plan which has been developed in collaboration with the youth, and in consultation with any appropriate third parties identified by the youth;
  - c) Be reviewed for progress toward goal achievement, and updated with the youth's participation, **every six months**; and
  - d) Be kept on the youth's file with a copy provided to the youth.
4. Before signing a YSA, a social worker shall:
  - a) Explain the purpose of a YSA to the youth, including a discussion about the age and eligibility criteria (e.g. to ensure the youth receives needed assistance and support, and that the youth will engage in an individualized Youth Services Plan to work toward goals);
  - b) Advise the youth that a YSA constitutes a legally binding agreement notwithstanding he or she is less than 19 years of age (the age of majority in this province);

- c) Inform the youth that he or she may seek independent legal advice prior to signing the agreement and that legal counsel may be present for the signing of the agreement. The social worker shall offer to facilitate a referral to Legal Aid for this purpose, if the youth so wishes;
- d) Invite and encourage the youth to have a support person present for the signing of the agreement, if he or she so wishes; and
- e) Use simple, clear, and developmentally appropriate language to explain the above to the youth, and invite the youth to ask any questions he or she may have;
- f) The social worker shall document this discussion on the youth's file.

## **Youth Services Plan**

- 5. The Youth Services Plan shall be based on the youth's individual needs. Goals are developed in partnership with the youth, and supported by the social worker to address the youth's identified needs.
- 6. The Youth Services Plan shall assist the youth to work toward interdependence; identifying supports in the community and/or assisting the youth to re/establish positive relationships with family and/or significant others. These strengthened, lifelong relationships will be available to the youth upon leaving the YSP.
- 7. The Youth Services plan shall also focus on achieving educational goals and becoming gainfully employed. During the development and review of the YSP, the social worker shall work with the youth to address the barriers and identify the specific supports needed to achieve educational and or employment success. The development of educational and career goals must occur at pace and in a manner that respects a youth's current circumstances and ability to make progress.
- 8. All planning shall occur in consultation with the youth, and any appropriate third parties identified by the youth.
- 9. The goals set may vary and will reflect one of the following circumstances:
  - a) A youth who is seeking financial and supportive services to meet their basic needs and to improve the quality of their life; or
  - b) A youth who requests Supportive Services to prevent family breakdown, and to avoid them from having to leave home.
- 10. A social worker shall use the Youth Services Plan to explore available services and supports with the youth, and identify goals based on the youth's individual needs. The youth will be provided with information about the steps that may be taken if there is no progress toward meeting goals in the plan (e.g. the plan may be updated if there are challenges for the youth meeting goals), and the timeline for reviewing the Youth Services Plan.
- 11. Where a youth receives supports from multiple service providers, the social worker shall, with the youth's informed consent, contact others involved in the youth's life to coordinate services and supports. This will include regular information sharing and consultation between service providers, the social worker and the youth.

## Assessing a Youth's Mental Capacity

12. 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.
13. 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.
14. 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.

## Youth Services Plans with Youth Lacking Mental Capacity

15. While a YSA is not signed with youth lacking mental capacity, a Youth Services Plan shall be developed, signed by and reviewed with the parent(s), in accordance with this policy.

## Required Contact

16. A social worker shall have at minimum, one face-to-face contact per month with the youth to review progress toward achieving goals in the Youth Services Plan.

17. If the youth is in agreement, additional contact may occur as often as reasonably required to provide support as determined by the youth's needs and life circumstances. The frequency of contact will be agreed upon by the youth and social worker, and will be documented in the Youth Services Plan.

**Exceptions:** None.

**Relevant Documents:**

- Youth Services Agreement **Form 43-01**
- Youth Services Plan **Form 43-03**

## Cancellation of Youth Services Agreements

**Policy No.: 5.4**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, April 16, 2015, June 28, 2019, January 1, 2023**

**Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; Youth Services Agreements; Cohabiting Youth; File Transfers

**Legislative References:** s. 88 Youth Services Agreements; s.89 Effect of an Agreement

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**Purpose:** To outline the process for cancellation of a Youth Services Agreement (YSA).

### **Policy:**

1. A YSA may be cancelled by a youth or a social worker at any time 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 as a result of a sentence of open custody or secure custody;
  - b) the youth has chosen to relocate outside of the province;
  - c) the youth returned to live with their parents and does not want supportive services;
  - d) the youth is in a cohabitating relationship and is not requesting supportive services;
  - e) when the youth has reached 18 years of age and the social worker assesses and determines that the youth is consistently not fulfilling the goals outlined in the Youth Services Plan after several attempts have been made to review and modify the plan to better meet the youth's needs;
  - f) the youth no longer requests service;
  - g) the youth dies;
  - h) other exceptional circumstances not listed above.
3. If a YSA has been cancelled, a youth may reapply for service provided the youth continues to meet the age and eligibility requirements for the program in accordance with s. 88 of the CYFA.
4. The finality of the termination of the YSA shall be carefully considered given the vulnerabilities of this population, the factors that impact their ability to progress through identified goals, and the need to support youth into their transition into adulthood.

### **Procedures:**

1. If it is determined that a youth is not consistently fulfilling the goals outlined in the Youth Services Plan, the social worker shall consider the following clinical factors in consultation with a supervisor to determine if a YSA should be cancelled (including but not limited to:

- a) Whether the youth has a history of being maltreated
  - b) Trauma history
  - c) Age of the youth
  - d) Vulnerability factors including mental illness and addiction (historical and current)
  - e) Social and family connections
  - f) Physical, emotional or developmental issues
  - g) Current life circumstances (e.g. is the youth is currently in a crisis)
  - h) Willingness of youth to engage with the social worker regarding the development and commitment to the plan
  - i) Whether the youth can be serviced better by other community programs
  - j) The finality of the termination of the YSA shall be considered as the youth is unable to return to the program once the youth turns 18 yearsold.
2. Prior to cancelling the YSA, the social worker shall discuss with the youth the reasons cancellation is being considered and alternatives to avoid cancellation (e.g. revision of the Youth Services Plan to include more achievable goals for the youth). If the youth declines these options, the social worker shall inform them of the potential consequences of cancellation, as well as their options to reapply.
  3. With the youth's informed consent, social workers can facilitate referrals to services outside the Youth Services Program (YSP) that may be beneficial to the youth. If a youth is transitioning to the Income Support Program, this could include arranging a meeting with an Income Support Social Worker to discuss the supports and services available to youth provided. If the youth declines referrals for service, the social worker shall provide the youth with information about available services and how to self-refer once their involvement with the Department ends.
  4. 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) the social worker shall make every effort to provide the youth with a written notice outlining the reason for cancellation, either in person or via registered mail, to the youth's last known mailing address. A copy shall be placed on the youth's file;
    - c) the social worker shall document the reasons for the cancellation on the youth's file; and
  5. The Youth Services Agreement Cancellation form must be completed and signed by the social worker and the supervisor for the cancellation to take effect. The youth shall be encouraged to sign the form; however, their signature is not require for the cancellation to take effect. Where a youth is returning to live with their parent(s), a social worker shall discuss with the youth whether supportive services may assist with the youth's transition home. If the youth wishes to receive supportive services, the YSA remains in effect. A new Youth Services Plan shall be developed in consultation with the youth to reflect the change in the youth's circumstances, and currentgoals.

6. Where a youth has entered a cohabitating relationship, the youth no longer qualifies for Residential Services unless an exception is made in accordance with the **Cohabitating Youth** policy. Youth in a cohabitating relationship who request support shall be provided with Supportive Services and the YSA remains in effect. A new Youth Services Plan shall be developed to reflect the change in the youth's circumstances.
7. If a youth relocates to another area of the province and requests service, the YSA remains in effect and the youth's file shall transfer in accordance with the **File Transfer** policy

**Exceptions:** None

**Relevant Documents:**

- Youth Services Agreement Cancellation **Form 43-02**
- Youth Services Plan **Form 43-03**

## Financial Services for Youth

**Policy no.: 5.5**

**Effective Date: June 30, 2011**

**Date Revised: February 1, 2017; June 28, 2019; September 6, 2022; January 1, 2023**

**Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention, Youth Services Agreements, Removal of Youth, Planning: Transitioning to Youth Services from the In Care Program

**Legislative References:** s. 28 When Sixteenth Birthday Intervenes, s. 88 Youth Services Agreement

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**Purpose:** To outline the financial support available to youth who have been approved for residential and/or supportive services under the Youth Services Program (YSP).

### **Policy:**

1. Residential Services shall be approved for youth who:
  - a) are in need of protective intervention,
  - b) are voluntarily requesting support from the YSP,
  - c) meet the eligibility requirements set out in s. 88 of the CYFA, and
  - d) are living outside the parental home.
2. 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.
3. Where a youth has signed a Youth Services Agreement (YSA) and continues to reside in their foster home or **placement**, refer to the **Transitioning to Youth Services from the In Care Program** policy for direction related to the financial supports available to the youth and the **foster parent**.
4. A housing allowance shall be provided to a youth to cover the costs of accommodation including:
  - a) Board and lodging;
  - b) Bedsitters;
  - c) Emergency shelters/accommodations; or
  - d) Apartments
5. Youth are responsible for securing their own accommodations. Youth are encouraged to obtain a living arrangement with other relatives or significant others where possible, given the importance of a youth's enduring connection to adults who can be a positive influence and support to them. A social worker may assist a youth to find safe and appropriate housing, reflective of the youth's needs. While a social worker may raise



concerns with a youth about their chosen accommodations, they are not responsible for approving the suitability of the accommodations.

6. The youth shall receive a monthly personal allowance.
7. The youth shall receive a monthly grocery allowance, if meals are not included in the youth's accommodations.
8. The youth shall receive an annual clothing allowance.
9. The youth shall receive an annual Christmas allowance.
10. Youth participating in an educational program shall receive an annual school supplies allowance.
11. Youth graduating from high school shall receive a graduation allowance to cover graduation costs.
12. The youth shall receive basic medical, dental, and vision care.
13. Youth may receive funding for moving costs, security deposits, and necessary furniture or household items to assist them with securing accommodations when it is assessed as necessary to meet their needs.
14. Parenting youth may receive funding for child care costs where required for educational or employment purposes.
15. Parenting youth may receive funding to cover the cost of babysitting if required, to attend to health related matters or other activities identified in the Youth Services Plan.
16. All Financial Benefit Requests for the youth shall be completed and approved through ISM.
17. Approvals for financial services as outlined in this policy shall not exceed a six-month period, at which time reassessment is required to determine if the service or benefit continues to be required.
18. The social worker shall inform the youth of the financial services available to them, and explain to the youth any limitations or conditions associated with receiving these services.
19. Where it has been determined that providing the youth with allowances as a lump sum (e.g. \$500 personal allowance or \$300 clothing allowance in one payment) may increase the level of risk to the youth, the social worker, in consultation with the supervisor, may determine an alternate schedule for payment of allowances to the youth (e.g. the youth's personal allowance may be divided into weekly payments).

20. The social worker shall request that youth provide receipts for purchases made with benefits that have been provided to them. Where receipts cannot be provided, the social worker shall consult with the supervisor to determine an appropriate response. Receipts are not required for the youth's monthly/annual allowances (e.g. housing, personal, grocery allowance).

## Procedures:

### Accommodations:

1. The following table outlines the housing allowances for youth approved for residential youth services. The housing rates vary based on the type of accommodation secured by a youth.

Housing Type	Allowance Provided
Board and lodging or bedsitting	Actual cost up to \$500 per month
Emergency Housing	Shelters: Shelter per diem as set out by the shelter operator Hotel/Bed & Breakfast: Most economical means in youth's community
Apartments	Pregnant/Parenting youth: <b>Income</b> Support Rates for single youth with dependents Single youth: Board and lodging rates apply to shared apartment accommodations

2. A board and lodging arrangement is the preferred type of accommodation for youth as meals are typically included and additional support may be provided, particularly if the youth is residing with a relative or significant other.
3. Youth services clients choose where they reside, however, the social worker shall offer support and assistance to the youth in making their own arrangements for accommodations. The social worker shall provide the youth with information and guidance to assist the youth in making an informed decision regarding housing.
4. Prior to a youth leaving his or her placement and/or during the development of the Youth Services Plan, and where the youth is agreeable, the social worker shall:
- a) Assist the youth to explore options for safe supportive housing, including:
    - i. Board and lodging with family (grandparents, aunts, uncles, or other relatives/significant others);
    - ii. Safe, supportive housing options available within the community;

- b) Assist the youth to secure a living arrangement in the community if housing options with family or significant others are not available;
- c) Work with the youth to review classified ads and to identify possible housing options that fit within their budget and otherwise meets their needs (e.g. near school or other necessities);
- d) Support the youth to make contact with a housing provider, and offer to visit housing options with the youth;
- e) Educate the youth about safe housing options and provide the youth with information about housing safety (e.g. considering who else may reside in a home or checking to be sure they can safely secure their personal belongings);
- f) Meet with the youth to discuss the challenges of living independently;
- g) Assist the youth with developing a budget;
- h) Provide the youth with information on the rights and responsibilities of living independently;
- i) Make referrals to community agencies that may provide support to youth; and
- j) Ensure supports and services are arranged in a **timely manner**, or prior to a youth leaving their placement, to ensure a smooth transition to living independently with no gaps in services for the youth (e.g. financial arrangements should be set-up so the youth is not delayed in receiving financial support).

5. Where a youth is approved for residential services, a social worker shall:

- a) **obtain** the name and address of the prospective board and lodging or bedsitting provider from the youth;
- b) **promptly** complete a Child Protection Clearance 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 a home if the board and lodging or bedsitting provider has an open Protective Intervention Program. Notification is provided to ensure that the PI social worker may determine if the youth moving into the home impacts the Family Centered Action Plan or Safety Plan that is currently in place with a family.

6. Although youth are responsible for finding their own accommodations the social worker may make arrangements to pay the housing provider directly in an effort to reduce or prevent evictions due to non-payment of rent.

7. 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 require, or have required, an out-of-home placement (due to a **removal, Kinship Services, PCA, or YSA**), 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) assist the youth to find alternate housing.

Youth will continue to receive all other monthly allowances and supports when the monthly housing allowance is declined.

8. 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 (e.g. living with a known sex offender or in a home where drug trafficking is allegedly occurring), the social worker shall consult with a supervisor to determine if the monthly housing allowance shall be declined. If the housing allowance is declined:
  - a) the youth shall be advised of this decision and the social worker shall assist the youth to secure an alternate housing option, if the youth accepts this assistance;
  - b) the youth will continue to receive all other monthly allowances and supports when the monthly housing allowance is declined.
9. If a youth has arranged to share an apartment with friends, the youth's housing allowance shall not exceed the board and lodging rates set out in this policy.
10. Emergency funding to pay for a shelter, hotel, or a bed and breakfast stay may be approved by supervisor for a maximum of 14 nights per year for a youth who is homeless. A social worker shall determine the availability of emergency housing options, and assist the youth in securing the most appropriate and economical accommodation available in the youth's community. Emergency accommodations in excess of 14 nights per year require the approval of a manager.
11. A social worker shall apply for the Children's Special Allowance for youth under the age of 18 who are receiving residential services. Information regarding this application can be found online at: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/childrens-special-allowances-fact-sheet.html>

### **Personal Allowance**

12. A \$500 personal allowance shall be provided monthly to cover the costs of personal hygiene items, entertainment, and transportation for a youth.

### **Grocery Allowance**

13. A \$560 grocery allowance shall be provided monthly if the youth's accommodation does not include daily meals.

14. Based on a recommendation from a **qualified health practitioner**, an additional \$60 per month may be approved by a social worker to cover the cost of extra food for youth with a documented medical condition that requires a special diet.

### **Clothing Allowance**

15. A \$300 clothing allowance shall be approved annually by the social worker and provided to the youth to purchase necessary clothing.

### **Christmas Allowance**

16. A \$400 Christmas allowance shall be approved by a social worker and provided to the youth to purchase Christmas gifts.

### **School Supplies Allowance**

17. A \$300 school supplies allowance shall be approved by a social worker once per school year for youth enrolled in high school or GED/ABE program or a post-secondary program, to purchase school supplies. The allowance should be issued before studies begin to allow the youth to purchase supplies in advance.

### **High School Graduation Allowance**

18. A high school graduation allowance of up to \$750 may be approved by a social worker to be provided to a youth when they are graduating from high school to cover graduation costs such as graduation tickets, clothing, a graduation ring, yearbook, etc.

### **Health Services**

19. Prior to recommending approval of any medical, dental or vision services, a social worker shall first explore with the youth if his or her medical or drug costs can be covered under one of the following:
  - a) Parent's private insurance
  - b) Newfoundland and Labrador Prescription Drug Program\_  
<http://www.health.gov.nl.ca/health/prescription/>
  - c) Health Canada's Non-Insured Health Benefits through Indigenous and Northern Affairs Canada
  - d) Nunatsiavut Health Services Medical Transportation Assistance Program  
<http://www.health.gov.nl.ca/health/mcp/travelassistance.html>
20. Youth are eligible to receive coverage for prescription drugs through the Newfoundland and Labrador Prescription Drug Program (NLPDP). The social worker is responsible for submitting the application to the NLPDP unless the youth is already enrolled. Additional information regarding the NLPDP may be obtained online at: <http://www.health.gov.nl.ca/health/prescription/>

21. Prescription medication that is not covered by another external source may be approved as follows:
  - a) The social worker may approve up to \$100 per month
  - b) The supervisor may approve up to \$250 per month
  - c) A manager may approve amounts over \$250 per month
22. The cost of special items or equipment to meet an identified medical or special need may be approved by the manager if these costs are not covered by another external source (e.g. MCP, a Department of Health and Community Services or Regional Health Authority Program). The social worker shall explore alternate funding sources before recommending funding approval by CSSD.

### **Dental Services**

23. Where dental services are not covered by another program or private insurance, the social worker may approve:
  - a) an examination and cleaning every 12 months;
  - b) routine fillings, extractions and procedures;
  - c) diagnostic x-rays once every two years;
  - d) emergency examinations and treatment.
24. Where a youth requires orthodontic follow-up for braces that were approved for the youth as a child or youth in care, the manager may approve the cost of the treatment as recommended by the youth's orthodontist.

### **Vision Care**

25. Youth are eligible to receive annual vision care including eye examinations, prescription glasses or contact lenses, as well as repairs to prescription glasses. A social worker may approve the following:
  - a) the cost of an annual eye exam, at the most economical rate available in the youth's area;
  - b) the cost of glasses or contact lenses up to \$350.00 per year; and
  - c) the cost to repair glasses up to the cost of a new pair of glasses.
26. Additional vision care costs may be approved by a manager, where upon the recommendation of a health professional, a child or youth requires.

### **Counselling**

27. When counselling is required for a youth as outlined in the Youth Services Plan, the social worker shall work with the youth to explore available and timely public/insured counselling services to meet the youth's counselling needs, including any service the youth may be eligible for through an Employee Assistance Program. If public/insured counselling services have been explored but are unavailable, a manager may approve funding for private counselling services.

## Moving Costs

28. All or part of the cost associated with moving a youth's personal items to a new accommodation may be approved by a supervisor to maximum of \$150 per year. The social worker shall assist the youth to explore community assistance or the support of family and friends to supplement available funding. The social worker shall advise the youth to secure the most economical mode of transportation.

## Damage Deposit

29. The supervisor may approve the cost of one damage deposit each year at a maximum rate of 75% of the cost of one month's rent. If required, the manager may approve funding for additional damage deposits. The youth will be expected to repay the entire amount of **additional** damage deposits through deductions from their monthly personal allowance. The repayment rate will be set at 5% of the youth's monthly personal allowance.

## Furniture and Household Items

30. A supervisor may approve up to \$500 in funding to assist youth in purchasing necessary furniture and household items when securing accommodations. Funding shall only be approved in cases where the youth has demonstrated that they cannot make alternate arrangements to secure necessary items. Where funding is approved, the social worker shall provide guidance to the youth to ensure the youth acquires the necessary items in the most economical manner. A manager may approve furniture and household related costs exceeding \$500.

## Driver's Education Program/Road Test/Driver's License

31. When a youth requests funding for the purpose of obtaining a driver's License and this goal is included in the Youth Services Plan, a supervisor may approve the cost of the following:

Item	Maximum Cost
Driver's education program	\$1250
Road test	Up to the maximum rate set by the Motor Registration division of Service NL
Driver's License	Up to the maximum rate set by the Motor Registration division of Service NL

## Other Youth Specific Costs

32. The social worker may approve the following to meet the needs of a youth:

Item	Maximum Cost
Birth certificate	Up to the maximum rate set by the Vital Statistics division of Service NL
Photo identification	Up to the maximum rate set by the Vital Statistics division of Service NL
Suitcase	\$100, if necessary

## Transportation

33. For youth who are attending an educational or rehabilitation program and where transportation is not provided by the particular program, the cost of a bus pass or other transportation shall be approved by the social worker.
34. Funds may be approved for the youth to attend health related appointments or to attend to other matters as outlined in the Youth Services Plan, including meetings with the social worker, family contact, and social/recreational activities. Transportation costs for these appointments may be approved as follows:
- a) A social worker may approve up to \$100 per month
  - b) A supervisor may approve up to \$200 per month
  - c) A manager may approve amounts over \$200 per month
35. Where mileage costs are paid to a board and lodging provider for transportation of the youth to school, health appointments or other pre-approved activities as outlined in the Youth Services Plan, reimbursement shall be calculated using a rate of \$0.30 per kilometer.

## Meals

36. Where a youth is required to be away from their home community to attend medical appointments, school activities, family visitation, and or in other situations as approved by the supervisor, the youth may be provided with a meal allowance of up to \$20 per day to a maximum of \$200 per year.

## Social/Recreational Activities

37. The cost of social/recreational activities may be approved by a supervisor to a maximum of \$500 annually, if the activity is outlined in the Youth Services Plan. Community subsidies, such as the Jump Start Program shall first be explored prior to the social worker requesting the approval of funding from the Department.



## Support for Pregnant and Parenting Youth

1. Youth who are pregnant are eligible to apply for the **Prenatal Infant Nutritional Supplement**, where they may receive benefits throughout their pregnancy **and up to their child's first birthday**. Information on this program can be accessed online at: <https://www.gov.nl.ca/cssd/income-support/nutritionalsupplement/#:~:text=This%20is%20a%20monthly%20financial,food%20during%20pregnancy%20and%20infancy>
2. The social worker shall encourage the youth to file their annual income tax return in order to be eligible for assistance provided by the Governments of Canada and Newfoundland and Labrador, including the Canada Child Benefit and Newfoundland and Labrador Child Benefit.

## Child Care and Babysitting for Parenting Youth

3. The social worker shall assess the need for child care services on a case-by-case basis and may recommend approval of funding for child care for a parenting youth, where the youth is employed full time or is attending an educational program. Based on the assessment and recommendation of the social worker, a supervisor may approve up to 40 hours of child care per week.
4. Where full-time child care is approved, the social worker shall work with the youth to secure a placement for the child in a regulated child care centre or regulated family child care home.
5. A child care subsidy, administered by the Department of Education, shall be explored if the child is to attend a regulated child care centre or family child care home. If required, the social worker shall assist the youth in completing the application for this program.
6. The social worker shall first explore available child care spaces at regulated child care centers or family child care homes **in receipt of the Operating Grant Program (OGP)** offered by the Department of Education. The cost of child care in a regulated child care center or family child care home in receipt of the OGP is covered in full by the Child Care Subsidy Program. When child care is arranged in a child care centre or family child care home in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which time, the Department of Education will assume full payment for the requested duration of the service.
7. If there are no available or appropriate child care spaces in a regulated child care center or family child care home that is in receipt of the OGP, the social worker shall explore available child care spaces in regulated child care centers or family child care homes **not in receipt of the OGP**. When child care is arranged in a child care center or family child care home not in receipt of the OGP, CSSD will pay for the child care service for the first 30 calendar days, after which the Department of Education will assume payment for the subsidy rate and CSSD will pay any required top up fees for the requested duration of the service.

If there is no space available in a regulated child care center or family child care home, the social worker shall explore non-regulated child care providers. As these child care spaces are not eligible for the OGP or for the Child Care Subsidy Program, CSSD will pay the full cost of child care for non-regulated child care providers. In these cases, the social worker shall advise the youth that Canada Revenue Agency's guidelines must be followed. Please refer to:

<https://www.canada.ca/en/revenueagency/services/tax/businesses/topics/payroll/payroll-deductions-contributions/special-situations/employing-a-caregiver-baby-sitter-domestic-worker.html>

8. Babysitting is short-term care for a child to provide the youth with an ability to attend to personal matters. A social worker may approve funding for 5 hours of babysitting per month on a case-by-case basis when the youth must attend health related appointments or other appointments as outlined in his or her Youth Services Plan.

### **Child Care and Babysitting Rates**

9. Maximum daily child care rates for OGP and non-OGP child care providers are set by the Department of Education. These are outlined in accordance with age ranges and part-time/full-time attendance in the Child Care Subsidy Policy Manual: [Child Care Subsidy Program - Education \(gov.nl.ca\)](#).
10. The rates for payment, as established by the Department, for child care where the youth is the employer are as follows:

<b>Number of Children</b>	<b>Rate</b>
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

11. The rates for payment, as established by the Department, for babysitting where the youth is the employer are as follows:

<b>Number of Children</b>	<b>Rate</b>
One - two children	Minimum wage hourly rate
More than two children	Up to a maximum of \$15 per hour

12. If a youth is considered the employer for an hourly child care provider or babysitter, the employer benefits are in addition to the hourly rates outlined in this policy.

### **Burial Expenses**

13. A social worker may approve the costs of burial expenses, including the purchase of a headstone for a deceased youth in accordance with the rates established by the Income Support Program:

## Exceptions:

1. Due to a limited number of affordable housing options, a youth may be unable to find accommodations within the monthly housing allowance limit. In these circumstances:
  - a) a supervisor may approve up to \$700 per month
  - b) a manager may approve up to the basic **foster care** rate
2. Where a youth requires financial support that exceeds the rates outlined in this policy, the Regional Director may consider approval of additional funding.
3. Where tutoring is recommended by the youth's school, and is included in the Youth Services Plan, the supervisor may approve funding up to a maximum of \$125 per week for tutoring services from a qualified tutor.
4. Single youth without dependents will only be provided with financial support to rent their own apartment in exceptional circumstances and as approved by the manager.
5. A youth who is receiving rates higher than those which are outlined in this policy (when this policy comes into effect) may continue to receive the higher rate until their YSA is cancelled.

## Relevant Documents:

- 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/prescription/>
- Children's Special Allowances <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/childrens-special-allowances-fact-sheet.html>
- Canada Revenue Agency <https://www.canada.ca/en/revenue-agency.html>
- Department CSSD- Income Support <https://www.gov.nl.ca/cssd/policymanual/>
- Vital Statistics <http://www.servicenl.gov.nl.ca/birth/fees/index.html>
- Motor Registration <http://www.servicenl.gov.nl.ca/drivers/index.html>

## Financial Maintenance

**Policy no.: 5.6**

**Effective Date: March 2007**

**Date Revised: June 30, 2011, June 28, 2019**

**Policy Cross References:** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; Youth Services Agreements, Financial Services for Youth

**Legislative References: s.88 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 (YSA) may be recovered by the Department.

### **Policy:**

1. Where a youth is provided with services under a YSA, the cost of those services may be recovered by the Department.

### **Procedures:**

1. When completing the Youth Screening and Assessment Tool (YSAT): Intake and YSAT: Assessment, 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 for the recovery of costs** associated with providing services to the youth. A social worker shall consult with a Department 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: Intake (YSAT: Intake), **Form 43-04a**
- Youth Screening and Assessment Tool: Assessment (YSAT: Assessment), **Form 43-04b**

## Youth with Income

**Policy no.:** 5.7

**Effective Date:** June 30, 2011

**Date Revised:** February 8, 2017; June 28, 2019; January 1, 2023

**Policy Cross References:** 5.5 Financial Services for Youth

**Legislative References:** s.88 Youth Services Agreement

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**Purpose:** To outline the approach when supporting youth with income.

**Policy:**

1. Youth receiving Residential Youth Services shall keep all income earned in addition to the financial supports provided through the program.
2. Other income sources (e.g., Canada Pension Plan Surviving Child benefit), to a youth will not be deducted.
3. Social workers shall work with youth with income to develop a monthly savings, and budgeting plan. This plan shall be documented on the Youth Services Plan.
4. Social workers shall request, on a monthly basis, a copy of a youth's pay stubs to assist with budgeting plans, evaluations and savings.

**Procedures:**

**Supporting Youth with Income**

1. A social worker will provide youth with information on supports and services where they exist in the community, to assist youth with financial literacy and budgeting.
2. A social worker shall document a youth's savings and budgeting plan (where it has been developed), on the YSP and review with the youth.
3. If a young person works part-time and it is anticipated that this person will transition to Income Support, a social worker may consult with the Income Support Social Worker on allowable savings and expected income deductions from employment.

**Exceptions:** None

**Relevant Documents:** None

## Cohabiting Youth

**Policy no.: 5.8**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:** 5.3 Youth Services Agreements; 5.5 Financial Services for Youth

**Legislative References:** s.88 Youth Services Agreement, s.89 Effect of Agreement

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**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), the youth shall be referred to the Income Support Program administered by the Department of Advanced Education, Skills and Labour (AESL). The youth's written consent to allow the Department to share their information with AESL 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, the youth 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. A social worker shall provide a cohabitating youth with information about other services available to them, and provide the youth with information about how to access such services and supports.

2. Emergency funding may be provided, with supervisory approval, to cover the cost of items or services for the youth that cannot be obtained from another source.

### **Youth Residing with a Partner's Family**

3. 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 youth have separate bedrooms;
  - b) the youth's partner has not sought support from the Youth Services Program (YSP);
  - c) the youth seeking Residential Services is actively engaged in a Youth Services Plan with goals identified to make a successful transition to early adulthood (i.e. is seeking more than income support);
  - d) the partner's parents' do not have a history of verified **child maltreatment, and do not have a child that has required an out-of-home placement** (due to a removal, Kinship Services, **Protective Care Agreement** or a Youth Services Agreement);
  - 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 AESL – Income Support Program**

4. A cohabitating youth who is seeking monthly financial support (i.e. Residential Services) shall be referred to AESL for an assessment of eligibility in accordance with the Income and Employment Support Act and accompanying regulations. AESL may contact the youth's social worker for additional information.
5. Following an assessment, AESL may request that the Department remain involved to provide Supportive Services to a youth in order for him/her to qualify for income support. In this situation, the Department will collaborate with AESL and the youth to determine their eligibility for various departmental programs that may meet the youth's needs. The youth shall be provided with information about what is required of them to receive such support. Additional information about AESL may be obtained online at <http://www.aesl.gov.nl.ca>

### **Leaving a Cohabiting Relationship**

6. Where a youth who is in receipt of Supportive Services advises a social worker that they plans to leave, or has left, a cohabitating partner, the youth shall be immediately assessed for Residential Services if they are in agreement.
7. 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.

8. The social worker shall notify AESL when the youth has been approved for Residential Services to avoid duplication of financial supports. This may be done verbally or in writing.

### **Exceptions:**

1. Residential services may be provided to a cohabitating youth who is engaged in a Youth Services Plan, and is 18 years of age or over and enrolled in a post-secondary educational program. . The decision to support a 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
- AESL – Youth in Conjugal Relationships policy



## Removal of Youth

**Policy no.: 5.9**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:** **2.11** Removal of a Child with a Warrant; **2.12** Removal of Child with a Telewarrant; **2.25** Application for Protective Intervention When a Child has Been Removed; **3.7** Placement Procedures; **5.2** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; **5.3** Youth Services Agreements.

**Legislative References:** **s.21** Removal of youth; **s.23** Notice of removal of child

**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. When information is received indicating that a youth may be unable to protect themselves due to a lack of mental capacity, the youth's need for protective intervention shall be assessed in accordance with the **Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention** policy.
2. 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 CYFA;
  - 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.
3. 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 the youth's removal.
4. This policy is **not** meant to include a youth who engages in drug and/or alcohol use, which **temporarily** alters the youth's 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 their decision but continues to act in a way that may compromise their safety and well-being.

## 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 their 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 their 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 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 CSSD solicitor when a **judge** has not issued a warrant. The social worker, supervisor and CSSD 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 their family. The social worker shall explain to the youth, in a developmentally appropriate manner, the reasons for the removal, where they 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, the youth 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 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 their parent(s). 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:** 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

**Policy no.: 5.10**

**Effective Date: June 30, 2011**

**Date Revised: December 1, 2011; June 1, 2015**

**Policy Cross-References: 3.15 A Child or Youth Missing or Abducted; 5.3 Youth Services Agreements**

**Legislative References:**

**Purpose:** To outline the process for responding when a youth who has signed a Youth Services Agreement (YSA) and is **residing independently in the community** is missing or has been abducted.

### Policy:

1. Where a youth who has signed a 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 Manager of Service Delivery and Regional Operations;
  - b) efforts are undertaken to locate the youth; and
  - c) support is provided to the youth following their 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) 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 the Department and the RCMP/RNC about issuing a media release. Further discussions between the 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 the Department 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 the Department 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 the Department 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 the Department 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 bedsitting 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 the Department immediately if he/she receives updated information regarding the youth's whereabouts.

### **Responsibility of Supervisor**

11. The supervisor shall **immediately** notify the manager the Manager of Service Delivery and Regional Operations 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 the Manager of Service Delivery and Regional Operations as outlined in procedure 11. 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 their 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 their residence, a social worker shall **immediately** notify the supervisor, the manager, the police and the Manager of Service Delivery and Regional Operations 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:**

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 **A Child or Youth Missing or Abducted** policy applies to youth in these circumstances.

### **RELEVANT DOCUMENTS:**

- On-Call Notification **Form 42-06**



## Supporting Youth With Transitions: Eligibility

**Policy no.: 5.11**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019**

**Policy Cross References:** **5.2** Assessing Service Eligibility and Determining a Youth's Need for Protective Intervention; **5.12** Supporting Youth with Transitions: Screening & Prioritization; **5.13** Supporting Youth with Transitions: Assessment & Intervention; **5.14** Supporting Youth with Transitions: Termination of Service

**Legislative References:**

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**Purpose:** To identify youth eligible to be referred to the Supporting Youth with Transitions Program and to outline the referral process.

### **Policy:**

1. Youth in receipt of Residential Services are eligible to be referred to the Supporting Youth with Transitions Program.
2. Youth must have a current Youth Services Plan, which indicates life skill areas that require development.
3. The Supporting Youth with Transitions Program is voluntary; therefore, the youth must agree to be referred and to participate in the program.

### **Procedures:**

1. The youth's social worker shall discuss the program with the youth prior to completing and submitting a referral.
2. The referral shall be completed with the youth's participation. A copy of the Youth Screening and Assessment Tool (YSAT): Intake and YSAT: Assessment and the current Youth Services Plan shall be submitted with the referral form.
3. The completed referral package shall be submitted to the supervisor responsible for the Supporting Youth with Transitions Program (the program). A copy of the referral shall be placed on the youth's file.

### **Exceptions:**

1. Where capacity exists and where a youth requires additional support in life skill development, youth in care or youth receiving Supportive Services may be referred to the Program with the approval of a manager. Where a youth in care is referred, the

social worker shall complete the referral form with the youth's consent and participation and a copy of the youth's most recent **In Care Progress Report** (IPR) shall be submitted with the referral form.

**Relevant Documents:**

- Supporting Youth with Transitions Referral, **Form 14-1008a**
- Youth Screening and Assessment Tool: Intake (YSAT: Intake), **Form 43-04a**
- Youth Screening and Assessment Tool: Assessment (YSAT: Assessment), **Form 43-04b**
- Youth Services Plan, **Form 43-03**
- In Care Progress Report

## Supporting Youth With Transitions: Screening & Prioritization

**Policy no.: 5.12**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019**

**Policy Cross References:** **5.11** Supporting Youth with Transitions: Eligibility; **5.13** Supporting Youth with Transitions: Assessment & Intervention; **5.14** Supporting Youth with Transitions: Termination of Service

**Legislative References:**

**Purpose:** To outline the process for accepting, screening and prioritizing referrals for the Supporting Youth with Transitions program.

### **Policy:**

1. Referrals to the Supporting Youth with Transitions program shall be accepted, screened, and prioritized by the supervisor responsible for the Supporting Youth with Transitions program to ensure appropriate and timely intervention.

### **Procedures:**

1. Referrals for the Supporting Youth with Transitions program (the Program) will be submitted to the supervisor responsible for the Program in accordance with the **Supporting Youth with Transitions: Eligibility** policy.
2. All referrals must include a copy of the youth's Youth Screening and Assessment Tool: Intake and YSAT Assessment (if applicable) and a current Youth Services Plan. The Youth Services Plan must identify needs and goals for life skill development.
3. Youth must consent to be referred to the Program. Referrals that do not include the youth's signature will not be accepted and the social worker will be contacted for further information.
4. Once the youth has been accepted to the Program the referral will be prioritized by the supervisor in consultation with the life skills coordinator to ensure timely intervention.
5. The following shall be considered in order to determine the response priority:
  - a) risk of breakdown in living arrangements;
  - b) history of out-of-home placements;
  - c) history of housing instability;
  - d) any issues that may impact the youth's ability to benefit from the service;

- e) if there are other services available that would more adequately meet the needs of the youth;
  - f) length of time remaining in the Youth Services Program; and
  - g) all other relevant factors.
6. The youth's social worker shall be notified in writing of the youth's acceptance to the Program.
  7. Services shall be provided to youth in a timely manner; however, youth may be waitlisted for a period where demand for service exceeds the ability of the life skills coordinator to intervene.
  8. Where a youth is waitlisted for service and as directed by the supervisor of the Program, the life skills coordinator shall provide emergency services and/or consultations with the youth's social worker as an interim supportive measure.
  9. Where a youth has been waitlisted, their status may be updated based on changes in the youth's circumstances, including risk of breakdown in living arrangements or other challenges. In these cases, the youth's social worker shall notify the life skills coordinator who will consult with the supervisor of the Program to determine an appropriate response.

**Exceptions:** None

**Relevant Documents:**

- Youth Services Plan, **Form 43-03**
- Supporting Youth with Transitions Referral, **Form 14-1008a**

## Supporting Youth With Transitions: Assessment & Intervention

**Policy no.: 5.13**

**Effective Date: October 1, 2013**

**Date Revised: June 28, 2019**

**Policy Cross References:** **5.11** Supporting Youth with Transitions: Eligibility; **5.12** Supporting Youth with Transitions: Screening & Prioritization; **5.14** Supporting Youth with Transitions: Termination of Service

**Legislative References:**

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**Purpose:** To outline the assessment process and interventions used for youth accessing the Supporting Youth with Transitions program.

### **Policy:**

1. Where a social worker has referred a youth to the Supporting Youth with Transitions program, they will facilitate the youth's access to the program and will provide active and on-going support to the youth through regular contact, service provision and overall case management.
2. The interventions of the life skills coordinators in the Supporting Youth with Transitions Program will be purposeful and responsive to the needs and goals identified by youth in the Youth Services Plan and as determined by the Casey Life Skills Assessment.

### **Procedures:**

1. Where a youth has been accepted to the Supporting Youth with Transitions Program (the program), intervention by the life skills coordinator shall commence as soon as possible.

### **Assessment and Intervention:**

2. The youth's social worker shall accompany the life skills coordinator during their initial contact with the youth.
3. The life skills coordinator shall complete the Casey Life Skills Assessment with the youth to assess the level of need in a variety of areas, including daily living, self-care, relationships and communication, housing and money management, work and study life, career and education planning and looking forward. The assessment shall be completed as soon as possible following a youth's acceptance to the Program.
4. A copy of the Casey Life Skills Assessment and the assessment results will be provided to the youth's social worker to be placed on the youth's file.

5. The life skills coordinator, and the youth, with input from the social worker as required, will develop a Support Plan to address the areas of need identified in the Casey Life Skills Assessment. A copy of the Support Plan will be provided to the youth. A copy will also be provided to the youth's social worker for review and placement on the youth's file. The Support Plan is a working document that may be updated by the youth and life skills coordinator at any time to accurately reflect the youth's goals and progress.
6. The social worker and life skills coordinator will work collaboratively to ensure the youth's needs are met and services are provided to assist the youth in meeting their goals. In addition to on-going consultation, case management and the coordination of services provided to the youth, monthly contact (in person or via Skype) shall occur between the social worker and the life skills coordinator. Where possible, the youth may be included in these meetings.
7. The youth's social worker shall maintain case management of the youth's file.
8. The life skills coordinator will work directly with the youth and provide interventions to address areas of need identified in the Support Plan. Life skills coordinators will use resources included in the **Resources to Inspire Guide: Casey Life Skills, Supporting Youth with Transitions Life Skills Modules** and other case specific interventions developed to address the needs of the youth. For example, where a youth requires assistance with money management, the life skills coordinator may work with the youth to develop a budget based on the youth's income and may visit the grocery store with the youth to assist the youth in purchasing groceries within the budget.
9. The interventions of the life skills coordinator shall be provided in accordance with approved Youth Services policy (e.g. financial and other supports).
10. Wherever possible, the life skills coordinator shall connect the youth with supports and services available within the community.
11. The life skills coordinator shall work with the youth to develop a personal portfolio, which will contain certificates related to accomplishments within this program as well as other notable events, (e.g. diplomas, report cards, resumes).
12. Where possible, the Casey Life Skills Assessment should be completed **every six months**. Repeating the assessment at regular intervals will be an important tool to track the success of interventions and the progress the youth has made towards reaching their goals. When the Casey Life Skills Assessment is updated, the Support Plan shall also be updated to reflect any changes in the youth's needs or goals.

**Documentation:**

13. The life skills coordinator shall document all interventions on the youth's file.

14. Where a social worker receives written documentation from the life skills coordinator (e.g. progress reports, assessment results, Support Plans) the social worker shall review these documents and place them on the youth's file.
15. The youth's progress towards meeting the goals outlined in the Support Plan shall be documented in the file by the life skills coordinator and/or the youth's social worker.
16. The life skills coordinator is responsible to track program indicators as required and as directed by the supervisor of the Program.
17. The youth's social worker maintains the master clinical file for the youth. All **records** pertaining to the youth shall be provided to the youth's social worker for placement on the file.

**Exceptions:** None

**Relevant Documents:**

- Casey Life Skills Assessment <http://lifeskills.casey.org/>
- Resources to Inspire Guide [http://lifeskills.casey.org/clsa\\_help\\_quickStartGuide](http://lifeskills.casey.org/clsa_help_quickStartGuide)
- Supporting Youth with Transitions Life Skills Modules

## Supporting Youth with Transitions: Termination of Service

**Policy no.:** 5.14

**Effective Date:** October 1, 2013

**Date Revised:** June 28, 2019

**Policy Cross References:** 5.11 Supporting Youth with Transitions: Eligibility; 5.12 Supporting Youth with Transitions: Screening & Prioritization; 5.13 Supporting Youth with Transitions: Assessment & Intervention.

**Legislative References:**

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**Purpose:** To identify when a youth's involvement with the Supporting Youth with Transitions program may terminate.

### **Policy:**

1. A youth's involvement with the Supporting Youth with Transitions Program may be terminated at any time by the youth or upon the recommendation of the life skills coordinator in consultation with the youth's social worker.
2. Termination of a youth's involvement with the Supporting Youth with Transitions Program shall not affect a youth's eligibility for the Youth Services Program.

### **Procedures:**

1. A youth may request to end their involvement with the Supporting Youth with Transitions program (the Program) at any time.
2. Where the youth requests to terminate services, the life skills coordinator and the social worker shall meet with the youth to identify the reason for the request. In cases where identified needs have yet to be addressed, the youth should be encouraged to continue their involvement in the Program. Where a youth has agreed to continue with the Program, the Support Plan and/or the Youth Services Plan must be updated to reflect changes in the plan to meet the youth's needs.
3. Where a youth is not making progress towards the goals identified, or is not participating in the planned interventions to meet these goals, the life skills coordinator and the social worker shall meet with the youth to explore the reason for this and attempt to address any issues that may affect the youth's ability to participate before terminating the youth's involvement in the Program. The Support Plan and/or the Youth Services Plan must be updated to reflect changes in the plan to meet the youth's needs.
4. A youth's involvement with the Program shall terminate upon the completion of all goals identified through the Casey Life Skills Assessment.
5. As the youth's involvement with the Program is ending and where the youth is



agreeable, the life skills coordinator shall complete the Casey Life Skills Assessment with the youth to document the progress they have made.

6. Upon termination of a youth's involvement with the Program, the life skills coordinator and/or the social worker shall complete the Service Termination form. The youth's input and signature shall be included whenever possible. The completed form shall be placed on the youth's file.
7. Upon termination of service, the life skills coordinator shall return all documents related to the youth to the social worker to be placed on the youth's file.

**Exceptions:** None

**Relevant Documents:**

- Youth Services Plan, **Form 43-03**
- Supporting Youth with Transitions Support Plan, **Form 14-1006a**
- Supporting Youth with Transitions Termination form, **Form 14-1005a**

## Post-Secondary Education and Career Planning

**Policy no.: 5.15**

**Effective Date: November 25, 2013**

**Date Revised: February 1, 2017; June 28, 2019; September 6, 2022**

**Policy Cross References: 3.25 Basic Foster Care Rate; 5.5 Financial Services for Youth; 5.7 Youth with Income**

**Legislative References: s.88 Youth Services Agreement**

**Purpose:** To outline the post-secondary educational supports available to youth, including supports provided to foster parents who are providing care to youth attending post-secondary educational programs. This policy is also applicable to youth in care or custody attending post-secondary education programs.

### **Policy:**

1. Youth who have signed a Youth Services Agreement and are engaged in a Youth Services plan approved by a manager or social worker **and** are in receipt of Residential Services are eligible to have post-secondary education costs covered up to the age of 21.
2. Eligible youth shall be provided with financial support to complete one post-secondary education program.
3. Financial support shall only be provided to youth attending post-secondary institutions in this province that are recognized by the Canada Newfoundland and Labrador Student Financial Assistance Program.

### **Procedures:**

#### **Career Planning:**

1. Social workers shall engage with youth to assist them with identifying their educational, training, and career goals as part of the Youth Services Plan. Advanced planning is essential to meeting program application deadlines, and to ensure youth have access to educational opportunities they are interested in pursuing without being placed on waitlists.
2. Youth should research and determine program application deadlines to ensure applications are received by their school of choice in advance of deadlines.
3. Youth should meet with school personnel and/or contact the post-secondary institutions they are considering in advance. Youth may also be able to access career planning services offered through the Department of Advanced Education, Skills and Labour (AESL). Youth can access these services by contacting the AESL office in their area.

### **Post-Secondary Expenses for Youth:**

4. A social worker may approve the cost of up to two post-secondary program application fees for youth planning to attend a post-secondary institution. In exceptional circumstances, the supervisor may approve one additional program application fee.
5. A social worker shall submit a written recommendation to the supervisor for consideration and approval of post-secondary costs. The recommendation must identify the youth's program of choice, supports the youth will require, and details regarding the cost of tuition, books, student fees, required clothing and uniforms, tools and other related costs. If the program is not available within the youth's community, details regarding necessary travel, living expenses, and accommodations shall be provided.
6. Where the purchase of specific tools and/or uniforms is required by the program of study (e.g. tool list issued by the school for a trades program), the youth and social worker must identify the most economical means of purchase. (e.g., used books or equipment).
7. Where a supervisor has approved the cost of a post-secondary program, the social worker shall arrange to have the youth's tuition paid in accordance with the payment schedule requirements of the educational institution (e.g. by semester or full payment up front).
8. The social worker shall evaluate and document on the youth's file, the youth's attendance, commitment, and performance in the preceding semester before recommending to a supervisor that the Department pay the youth's tuition for the upcoming semester. The social worker will consider any factors that affected the youth's performance during the previous semester (e.g. difficulty with transitioning to adult education, illness, and family complications.) prior to recommending that the Department pay the youth's tuition for the next semester.
9. Where a youth reaches their 21<sup>st</sup> birthday during a semester, the youth's tuition fees and all other Youth Services allowances shall be paid up to the end of the semester in which the youth's 21<sup>st</sup> birthday occurs.
10. Where the youth intends to continue with post-secondary studies beyond their 21<sup>st</sup> birthday, the social worker shall assist the youth in advance with applying for student aid in accordance with the application schedule set out by the Canada Newfoundland and Labrador Student Financial Assistance Program.
11. Where a youth has enrolled in a post-secondary program and the Department is paying the youth's tuition and school fees, all other allowances shall be paid in accordance with the Financial Services for Youth policy.
12. Where a youth is attending a post-secondary program outside of the community where they reside in a foster home, and the plan is for the youth to regularly return to the foster home for weekends and during school breaks, the foster parent shall continue to receive funding equal to the basic foster care rate while the youth is enrolled in the

post-secondary program up to the end of the semester in which the youth turns 21.  
Where the foster parent continues to receive the basic foster care rate:

- a) The social worker shall discuss with the foster parent that when the youth returns home for weekends, the foster parent is responsible for costs as outlined in the Basic Foster Care Rate policy. While receiving the basic rate, the foster parents are also responsible to ensure the youth has adequate personal care items (e.g. shampoo, deodorant);
  - b) The foster parent shall not displace the child or youth by taking another child or youth into their home; and
  - c) The youth will receive support in accordance with the rates set out in the In Care or Youth Services policies (e.g. support for tutoring, monthly personal allowance, clothing allowance, school supply allowance, etc.) and where applicable, the social worker shall arrange for all Youth Services allowances to be paid directly to the youth.
13. Where a youth is attending a post-secondary institution outside the community in which they normally reside, a social worker may approve the cost of travel for the youth to return home during recognized school breaks (e.g. mid-term break, Christmas, and Easter Holidays). If it is recommended by the social worker that the youth should have more frequent visits to the foster home, a supervisor may approve this. The Department shall cover the cost of the most economical means of travel for the youth (e.g. bus versus air travel). Foster parents may be reimbursed for mileage at the established fluctuating basic Provincial Government rate where this is considered the most economical means of transportation for the youth.
14. Where a youth may be eligible for alternate forms of financial support (e.g. parental contribution, RESP, entitlement to support through Indigenous and Northern Affairs Canada), the youth is expected to access these financial supports prior to seeking funding from the Department. In these cases, the Department may off-set the outstanding financial costs with supervisory approval.
15. Where a youth is working part-time or is participating in a paid student placement, the youth's income shall be considered as outlined in the Youth with Income policy, and when determining the youth's need for financial assistance for post-secondary education. The youth will be expected to contribute to their education wherever possible.

## **Exceptions:**

1. Where a youth has requested to change their program of study, the social worker shall work with the young person to identify why switching programs is necessary and offer support to assist the young person to continue with their current program if possible (e.g. tutoring). If it is determined that the youth will not continue with the current program, a supervisor may approve **one** change to a youth's program of study.
2. Where a youth has successfully completed a post-secondary education program and has secured employment outside of the community in which they normally reside, the supervisor may approve one-time only funding to assist the youth to travel to their place of employment to a maximum of travel costs, and an additional \$500 for set-up costs when relocation expenses are not provided by the employer.

## **Relevant Documents:**

- Canada Newfoundland and Labrador Financial Assistance Program  
<http://www.aesl.gov.nl.ca/studentaid/index.html>

## Transition to the Income Support Program

**Policy no.: 5.16**

**Effective Date: April 16, 2015**

**Date Revised: June 28, 2019**

**Policy Cross References:**

**Legislative References:**

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**Purpose:** To outline the process for a youth's transition from the Youth Services program to the Income Support program with the Department of Advanced Education and Skills (AES).

### **Policy:**

1. Where a youth has identified they will require financial support from the Income Support program once their involvement with the Youth Services program (YSP) ends, the social worker shall, with the youth's agreement, assist the youth to make the transition.

### **Procedures:**

1. Where the youth determines they will require financial support from the Income Support program, the social worker shall assist the youth in completing an application for Income Support, if required. Youth can complete a paper application or complete an application over the telephone. Telephone numbers, the paper application form and other contact information can be accessed online at [www.aes.gov.nl.ca](http://www.aes.gov.nl.ca)
2. If assistance is required, the social worker shall assist the youth to complete and submit the application and other required documentation **30 days** prior to the youth's anticipated transition to the Income Support program.
3. With the youth's consent, the social worker shall complete a letter to accompany the youth's application for Income Support. This letter will outline the length of time a youth has been involved with the YSP, the amount of financial support the youth currently receives from the department and when this will terminate. This letter will also identify any complex needs the youth may have. The social worker shall explain to the youth that this letter is required to ensure he or she receives the maximum benefit they are eligible to receive. Both the youth and the social worker shall sign the letter prior to submitting with the application. The social worker shall place a copy of the letter on the youth's YSP file.
4. The social worker shall encourage the youth to be referred to the Employment and Training Programs division of AES for assistance in connecting to educational and/or career opportunities. This referral is included in the application for Income Support.

5. The social worker shall help prepare the youth for the transition to the Income Support program by:
  - a) Informing the youth of their responsibilities as a client of the Income Support program as outlined in the **Declaration** and consent form included in the Income Support application and signed by the youth (e.g. the youth is required to notify of change in income, family size or living arrangement);and
  - b) Providing the youth with contact information for AES and explaining any differences in how the youth may connect with supports when required (e.g. using a telephone system rather than dropping into an office to speak with a social worker).
6. The social worker shall confirm when the youth will begin to receive financial support from the Income Support program and shall close the youth's file **within 30 days** of the transition. The social worker shall continue to be a support to the youth during this transition period.
7. There shall be no overlap in financial benefits paid to the youth or on the youth's behalf. All YSP financial support shall end once the youth begins to receive financial support from the Income Support program.

**Exceptions:** None

**Relevant Documents:**

- Income Support Application [http://www.aes.gov.nl.ca/forms/income\\_support\\_app.pdf](http://www.aes.gov.nl.ca/forms/income_support_app.pdf)
- Income Support Policy Manual <https://www.aesl.gov.nl.ca/default.htm>

## Overview: Disclosure of information

The **Department** is legislatively responsible for providing services to children, **youth** and families. As part of the requirements to carry out the duties of the Children, Youth and Families Act (CYFA), the Department has a legislative responsibility to have appropriate safeguards for access to and disclosure of **information** pertaining to the **care** and protection of children and youth. The Department is responsible to ensure privacy and confidentiality of client information. Only Department employees who are required to access **client files** as part of their duties shall access client files. Department employees shall not access client files unless they are required to so as part of their duties. Information collected to carry out the duties of the CYFA shall only be disclosed in accordance with the CYFA and Departmental policies.

Part X, Confidentiality and Disclosure of Information, of the CYFA outlines the parameters as to when information is permitted to be disclosed and to whom. The Access to Information and Protection of Privacy Act (ATIPPA) and the Personal Health Information Act (PHIA) do not apply to **records** collected for the care and protection of children and youth which are governed by CYFA. Departmental records that were not created under the CYFA may be governed by ATIPPA and PHIA. The policies discussed in this section only apply to information gathered to carry out the duties of the CYFA.

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 should be coordinated through the provincial office. Policy relating to these requests is contained in the Information Management and Protection Policies and Procedures Manual.

### Right to Information

Section 96 of the CYFA provides the authority to permit public bodies and/or persons to provide information to a manager or **social worker** necessary to enable the manager or social worker to exercise their powers or perform their duties or functions under the CYFA. It identifies the responsibilities of public bodies or a person to provide all necessary information that is in the **custody** or control of public bodies or a person regarding a **child**, youth or a **parent** to a social worker or manager. Policy 6.2 outlines more details regarding the right to information and information sharing.

### Information not to be Disclosed

Section 93 of the CYFA identifies information that shall not be disclosed. Policy 6.3 outlines more details regarding what information can be disclosed and information that shall not be disclosed.



## Disclosure without Consent

Section 94 of the CYFA sets out exceptional circumstances whereby information contained in a client file or record may be disclosed without consent. The circumstances whereby disclosure of information may be provided without consent are outlined in policy 6.4.

## Person who may Obtain Information

Section 92 of the CYFA sets out eligibility requirements to determine who is authorized to receive information contained in client files and records. The Department receives a number of different types of requests for disclosure of client records. Policy 6.5 provides more detail regarding who is entitled to disclosure of information from Department records. Policy 6.7 to 6.9 outlines the different types of disclosure. (i.e., Client Initiated Requests, Custody and Access Requests and Disclosures for Criminal Matters.)

## Disclosure for CYFA Court Proceedings

Section 59 of the CYFA provides the authority to disclose **relevant information** in a **timely manner** to parties involved in CYFA **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. These requests will typically be processed in the regional offices. Policy 6.6 outlines more detail regarding this type of disclosure.

## Disclosure of Client Initiated Requests

Section 92 of the CYFA contains provisions outlining who is eligible to receive information from client files and 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 they were removed from their parent; information relating to the continuation of a court order; and the identity of **foster parents**, family-based caregivers or **residential placements**. In addition, there are specific requirements regarding a person’s right to obtain information about their child for the period they had custody of the child. Policy 6.7 outlines more detail regarding who is entitled to information and what information can be and shall not be disclosed.

## Disclosure of Information for Custody/Access Proceedings

On occasion, information contained in client files is required for custody/ access **proceeding** that is not part of a current CYFA matter. 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 client file. As well, a **party** to the proceeding may request a copy of their client file. Most such requests should come to the Department as client-initiated requests, but if a court order is made in regard to same, the order should be directed to the provincial office immediately for processing. Policy 6.8 outlines more detail regarding who is entitled to information and what information can be and shall not be disclosed.

## **Disclosure of Information for Criminal Matters**

There may be information contained in a client file 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 client file. As well, documents contained in a client file, such as investigative notes taken by a social worker who interviewed the child, may need to be made available to the court. The client files may be subpoenaed in criminal matters or be the subject of production orders issued at the request of police investigating a crime; production orders should be directed to the provincial office immediately for processing. Policy 6.9 outlines more detail regarding the process for disclosure in criminal matters.

## **Non-disclosure of Information Review Process**

Section 97 of the CYFA permits a person who has requested and been refused information from Department records the right to a review of the decision to refuse to provide them with 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. Policy 6.9 outlines more detail regarding the review process.

## Right to information and information sharing

**Policy no: 6.2**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:** Memorandum of Understanding on Information Sharing;  
Order to produce records

**Legislative References: s.96** Right to information

**Purpose:** To outline the process to access information from public bodies or persons that is required by a social worker to perform their duties under the CYFA.

### **Policy:**

1. In accordance with s.96 of the CYFA, a social worker has the right to information with respect to a child, youth or parent that is in the custody of, or under the control of, a **public body** or person that is necessary to perform their duties under the CYFA. This includes information about a parent or significant other (e.g., mental health or addiction treatment) required to determine if a child may be in need of protection or to assess ongoing level of risk for a child in need of protection.
2. A social worker shall obtain consent from an individual to access information about them from a public body or person, whenever possible, as long as obtaining the consent would not jeopardize an investigation under the CYFA, criminal investigation or there are **reasonable grounds** to believe the act of obtaining consent might result in risk to a child or youth. Requests for information under s.96 of the CYFA are only necessary when consent from the individual is not obtained.
3. Before requesting information from a public body or person, a social worker shall have reasonable grounds to believe the public body or person may possess information with respect to a child or youth that is necessary to allow the social worker to perform their duties (e.g., parent discloses service involvement).
4. A social worker shall make a request for information in writing from a public body or person when they require information held by the public body or person that is necessary to perform their duties under the CYFA. A Request for Information Form shall be completed when requiring information held by a public body or person.
5. A social worker shall request that the information be received from the public body or person within **30 days** or another mutually agreed upon timeframe. Phone contact with the public body or person should occur prior to sending the written request if possible to advise them of the request.

6. In urgent circumstances, the social worker shall contact the public body or person via telephone and outline why the information is required sooner than 30 days (e.g., placement of a child) and the social worker shall forward the written request as soon as possible but no later than 5 days.
7. When information is required from the police, the social worker shall also refer to the Memorandum of Understanding on Information Sharing for direction on the established protocol for disclosure of information.
8. When requested by a social worker to provide information, a **peace officer** may refuse to disclose information where the disclosure would:
  - a) be an offence under an Act of Parliament;
  - b) be harmful to law enforcement; or
  - c) reasonably be expected to interfere with public safety; unless the information is required to be disclosed under section 11 of the CYFA.
9. Information held by a public body or person 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 CYFA.

## Procedures:

1. When it has been determined that consent from the individual about whom information is required cannot be obtained, or attempting to obtain consent would jeopardize an investigation under the CYFA, criminal investigation or there are reasonable grounds to believe the act of obtaining consent might result risk to a child or youth , the social worker shall contact the public body or person by telephone and advise them of the request for information under s.96 of the CYFA and immediately follow up with a written request using the Request for Information form.
2. When the information is required in urgent circumstances, the social worker shall explain the nature of the urgent request to the person from whom the information is being requested and the reason why it is required (e.g., conducting a **protection investigation**) and the time frame in which the information is needed, without revealing any more personal information than is necessary.
3. The social worker shall document the name of the person they spoke to, the date of the contact, and the details of the conversation in the client file in accordance with the Documentation Guidelines. The social worker shall also document the request on the Request for Information form and send to the person, even if this occurs after the information has been provided. The content of the form should reflect the circumstances (i.e., if sent for record purposes, and information was provided verbally or in advance of form being sent, form should indicate same).

4. The social worker shall include the following information on the Request for Information form:
  - a) name of the person about whom the information is being requested, including date of birth;
  - b) reason the information is being requested;
  - c) the specific information that is being requested; and
  - d) the timeline to receive the information (within 30 days unless another mutually agreed upon time is determined).
5. The completed Request for Information form shall be signed by the social worker (s.96 of the CYFA only permits a social worker or manager to obtain information) and forwarded to the public body or person in a manner which protects the confidentiality of the request (i.e., Win-Zip or Managed File Transfer).
6. When the information is received from the public body or person, if it is in written form, the information provided should be date stamped upon receipt.
7. The social worker shall review the information requested upon receipt and take any action necessary.
8. The written information obtained from a public body or person shall be included in the client file in accordance with the Documentation Guidelines.
9. If a public body or person refuses to disclose the requested information, the social worker shall try to determine the reason for refusal, and consult with a supervisor regarding the next steps which may include:
  - a) a discussion with the public body or person regarding other legislative authorities that authorize the release of information including:
    - i. the Personal Health Information Act (s.40, 42 and 43) which provides authority to disclose personal health information without the consent of the individual who is the subject of the information for the purpose of an investigation being conducted under another Act of Canada, including the Children, Youth and Families Act, and to prevent or reduce risk of harm to an individual; and
    - i. the Access to Information and Protection of Privacy Act s.68 (d) and (f) provides authority for the disclosure of personal information for the purpose of complying with other legislation and where the information is necessary for the performance of duties; or
  - b) consultation with the appropriate Department solicitor to determine any legal action available to obtain the information including an application for an **Order to Produce Records** under s.17 of the CYFA.

**Exception to policy:** None

**Relevant documents:**

- Memorandum of Understanding on Information Sharing
- Documentation Guidelines
- Access to Information , Privacy and Protection Act
- Personal Health Information Act
- Canadian Association of Social Workers Code of Ethics, 2005
- Child Protection Referral
- Request for Information Form

## Information not to be Disclosed

**Policy no:** 6.3

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019

**Policy Cross References:** Disclosure of information for criminal matters

**Legislative References:** **s.93** 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 Department files or records.

### Policy:

1. If information is contained in a client file that was collected and governed under the Adoption Act, the Youth Criminal Justice Act or the Young Person's Offences Act, consultation shall occur with the **provincial director** or designated staff to determine what information is accepted from release.
2. 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.
3. The identity of a **referral source** under s.11 of the CYFA shall not be disclosed unless the person consents or a **judge** orders its release.
4. Information shall not be disclosed if the disclosure could reasonably be expected to jeopardize an investigation under the CYFA.
5. Information shall not be disclosed if the disclosure could reasonably be expected to jeopardize a criminal investigation.
6. The provincial director or manager may refuse to disclose information that is a **transitory record**, as defined in the Management of Information Act.

### 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, the Department should determine if 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.** Disclosure of file information is normally completed by Information Management Technicians (IMT). The social worker should make the IMT aware of any concerns with disclosure of information. The IMT will consult with the Manager of Information Services regarding the release of information that might result in physical or emotional harm to a person.

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 or youth who is a subject of an investigation under the CYFA, 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. Consultation may occur with the manager and/or appropriate Departmental solicitor to determine the appropriate response to disclosure of information regarding criminal investigation or public safety.
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 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.

**Exception:** None

**Relevant documents:**

- Adoptions Standards and Policy Manual
- Adoptions Act (<http://www.assembly.nl.ca/Legislation/sr/statutes/a02-1.htm>)
- Children, Youth and Families Act.
- Youth Criminal Justice Act (<http://laws.justice.gc.ca/en/Y-1.5/index.html>)
- Young Persons Offences Act
- 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: June 28, 2019**

**Policy Cross References:** Information not to be disclosed; Placement: Sharing of information relevant to the care of a child or youth

**Legislative References: s.94** Disclosure without consent

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**Purpose:** To identify when information obtained under the CYFA 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 CYFA if the disclosure is in the best interest of a child or youth.
2. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the CYFA 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 CYFA if the disclosure is necessary for case planning or integrated service delivery purposes, including disclosure for these purposes to **Indigenous representatives**.
4. The provincial director or manager may, without the consent of another person authorize the disclosure of information obtained under the CYFA 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.
5. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the CYFA or the regulations where the disclosure is for a criminal proceeding investigation by the Chief Medical Examiner or the Child Death Review Committee under the Fatalities Investigation Act and the person who is requesting the information has signed an agreement to comply with the conditions set by the minister.
6. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the CYFA or the regulations where the disclosure is for the review of or investigation of a matter relating to a child

or youth by the Child and Youth Advocate under the Child and Youth Advocate Act and the person who is requesting the information has signed an agreement to comply with the conditions set by the minister.

7. The provincial director or manager may, without the consent of another person, authorize the disclosure of information obtained under the CYFA if the disclosure is necessary for the administration of the CYFA. (i.e., the purpose may be for quality control or for development of policy).

## Procedures:

1. If there are reasonable grounds to believe there is a potential for risk of maltreatment for an identified child or youth after assessing the information provided, the social worker shall provide the information (or a portion thereof) to a person providing care for the child or youth and consent to release the information is not required. Consultation is required with a supervisor prior to release of any information. It should also be noted that sharing of information does not mean sharing of documents; it may only involve discussion of information that is relevant to the person providing care for the child or youth, so they may meet the best interests of that child or youth. A social worker shall refer to **Placement: Sharing of information relevant to the care of a child or youth** policy to determine what information is relevant to provide to a person providing care for a child or youth.
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, should obtain consent, if there is no concern that the person would interfere with or jeopardize the investigation.
3. A social worker may be required to contract outside individuals or agencies to complete assessments (e.g., parenting capacity assessment) to assist with case planning or for integrated service delivery purposes. If possible, consent from the client should be obtained prior to providing access to the records. If it is not possible to obtain client consent, or if the act of obtaining consent would impact the best interest of a child or youth, the information can be provided without the consent of another person. The social worker shall consult with the supervisor and/or manager to determine what information should be disclosed to outside individuals or agencies.
4. When a request is received for information obtained under the CYFA for the purpose of research or evaluation, the request shall be routed to the Director of Quality Assurance for follow up.
5. If a request is received for information under the CYFA for a criminal proceeding, an investigation by the Chief Medical Examiner or the Child Death Review Committee, the request should be forwarded to the Office of the Deputy Minister.
6. If a request is received for information under the CYFA for a review or investigation by the Child and Youth Advocate under the Child and Youth Advocate Act, the request should be forwarded to the Office of the Deputy Minister. Staff should refer to the **Joint**

**protocol for requests for information between the Department of Children, Seniors and Social Development and the Office of the Child and Youth Advocate** for more procedural information.

7. If a request is received from another government agency or regulatory body for information under the CYFA, the request shall be forwarded to the Manager of Information Services. The Manager will discuss the request with the Director or designate.
8. If a request is received from other statutory child welfare organizations for file information to assist them in conducting child protection investigations, obtaining child welfare record prior contact checks, carrying out guardianship duties for a child in care and assessing the suitability of potential caregivers, the information would be provided either with the client's consent or as per s.94 without the client's consent, if it was deemed in the best interest of the child or youth, for case planning or for integrated service delivery purposes. If it is necessary to provide file documents or a file summary, the information should be redacted as per s.93 of the CYFA prior to being forwarded to the statutory child welfare organization. Staff should refer to the **Provincial/Territorial protocol on children, youth and families moving between provinces and territories** for the procedure to share information.

**Exceptions:** None

**Relevant Documents:**

- Placement: Sharing of information relevant to the care of a child or youth
- Joint protocol for requests for information between the Department of Children, Seniors and Social Development and the Office of the Child and Youth Advocate.
- Provincial/Territorial protocol on children, youth and families moving between provinces and territories
- Fatalities Investigation Act
- Child and Youth Advocate Act

## Persons who may Obtain Information

**Policy no:** 6.5

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019

**Policy Cross References:** Disclosure for Department court proceedings; Disclosure for client initiated requests; Disclosure without consent.

**Legislative References:** **s.92** Persons who may obtain information; **s.59** Disclosure to parties in court proceedings

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**Purpose:** To identify who may obtain information contained in a Department file.

### Policy:

1. The Department shall disclose relevant information in their possession to parties to a proceeding under the CYFA.
2. Upon request, the Department shall disclose relevant information in their possession contained in a client file, to a person over 12 years of age relating to their selves.
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 their selves including:
  - a) information relating to their 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 the individual was removed from their 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, family-based caregivers 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 themselves and the child only for the period of time that the person had custody of the child. Verification of custody may be 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 their selves. 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 CYFA shall be processed pursuant to the **Disclosure for the Department court proceedings** policy.
2. Upon receipt of a written request for disclosure of information from an individual, the Application for Client File Information Request shall be completed to determine the information being requested (e.g., period of time the child was in care, name of foster parent(s)) and will be forwarded to the designated staff for processing. Refer to **Disclosure of client initiated requests** policy.
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 their 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 of information regarding their children, they should provide a court custody order. The person will be entitled to information for the period of time they had care and custody of their child. If the individual does not have a court order, the Department staff designated to complete disclosure will review the file and in consultation with the Manager, will determine, based on file review, whether the person is entitled to the information.
5. When a person is requesting disclosure regarding their youth corrections information, they shall have to specifically request this information. Consult with the supervisor, manager or program consultant may be required. Refer to the Youth Criminal Justice Act, Young Persons Offences Act and Community Youth Corrections Policy and Procedures Manual for more detailed direction.
6. A person providing care for a child within a Kinship Service does not have custody of the child and is not entitled to receive information regarding the child from the child's file.

**Exception:** None

## Relevant Documents:

- Adoptions Standards and Policy Manual
- Application for Client File Information Request
- Youth Criminal Justice Act ( <https://laws.justice.gc.ca/eng/acts/Y-1.5/rpdc.html> )
- Young Persons Offences Act
- Community Youth Corrections Policy and Procedures Manual

## Disclosure for Department Court Proceedings

**Policy no: 6.6**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:** Information not to be disclosed; Non-Disclosure of information review process

**Legislative References: s.59** Disclosure to parties in court proceedings

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**Purpose:** To identify the information that shall be disclosed to parties involved in Department court proceeding.

### **Policy:**

1. A party to a Department court proceeding, including a parent, shall disclose information when requested to do so by another party to the proceedings.
2. 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.
3. Relevant information in the possession of the Department shall be disclosed to all parties named in the court proceeding, but does not include disclosure of information under s.11 of the CYFA received from another party.
4. Information identifying a person who has provided referral information to a manager or social worker with respect to a child or youth **shall not** be disclosed unless the person who provided the information consents or a judge orders its disclosure.
5. Information identifying parties in a Department 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 appropriate Department solicitor shall be made aware that the information is being exempted from disclosure.
6. Original documents shall never be altered and **severing** shall only be done on copies 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. Advice regarding legal proceedings received from an appropriate Department solicitor in private settings is considered privileged as they contain confidential legal advice intended only for the Department and **shall not** be disclosed to other parties. Not all exchanges with a solicitor will be legal advice; discussions and advice received with other parties present may not be protected. External letters or correspondence between the appropriate Department solicitor, social worker and the solicitor(s) for the parties shall be disclosed.
8. Identifying information regarding foster parents, family-based **caregiver** 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, youth and/or foster parents, family-based caregiver or residential placement if the information is released. Personal information regarding foster parents, family-based caregivers or residential placements **shall not** be released.
9. Names of all children, other than the child(ren) who is the subject(s) of the Department involvement and their siblings or step-siblings, will be removed from the disclosed client files unless they are relevant to the proceedings..
10. Names of the parent's present partner, along with any of their personal information relevant to the Department 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, their personal information will not be disclosed unless it is relevant to a proceeding.
12. Supervised access and parent coach reports are released unredacted in disclosure for Department court proceedings. The social worker is responsible for identifying any information in the reports that shall be redacted. Identifying information about a foster parent, family-based caregivers and/or residential placements may be removed if safety concerns have been identified regarding the release of such information. If information is exempted from the reports, the appropriate Department solicitor shall be notified of the redactions and the reasons for the redaction.
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 exempted from disclosure.
14. Disclosure of information to parties linked to the court matter, shall cease at 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 caseconference will be released as they are on the record and there is no expectation of privilege. The

Department 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 to be relevant to the proceedings or it is determined that the person may pose a potential risk to the child.
17. Child protection documents from other jurisdictions are a part of the client's file and will be released in disclosure after severing of the documents as per Department policies unless it is determined to be relevant to the proceedings or it is determined that the person may pose a potential risk to the child.
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. Requests for disclosure for Department court proceedings shall be completed on the Information Disclosure Request form and forwarded to the designated Regional Administrator and Information Management Technician for completion of the disclosure.
2. Priority for severing of a client file shall be based upon the date set for the court proceeding or as directed by the appropriate Manager or Department solicitor.
3. Consultation shall occur with the appropriate Department solicitor to determine the number of copies required and the requirements for frequency of disclosure.
4. 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.
5. 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 manager. This document shall be filed in the correct file.
6. Any documents filed with the court and included in the client file shall be disclosed to parties named in the court proceeding. If information is noted in the court document that includes information regarding individuals not involved in the proceedings, the designated staff completing the disclosure shall discuss the information with the social worker, Department solicitor and/or the Manager of Information Services.
7. 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.



8. Consultation shall occur with the appropriate Department solicitor if there are any questions whether a document shall be disclosed.
9. Consultation is required with the appropriate staff responsible for youth corrections to determine if information in the client file is exempted from release.
10. Consultation is required with the appropriate staff responsible for adoptions to determine if information in the client file is exempted from release.
11. The disclosure should be separated into the following sections for Department court matters: service notes, risk management, service requests, parent coach reports, and professional reports, reports regarding the child's progress, court documents and other file documents (e.g., emails). The sections shall be arranged in chronological order from oldest date to most recent date.
12. A copy of the client file will be provided to the appropriate Department solicitor with excepted information removed. If the Department solicitor requires the excepted information (i.e. an audited copy) for review purposes, it will be clearly identified as an audited copy to the appropriate Department solicitor. The appropriate Departmental solicitor should be informed that the audited copy is only for their review and shall not be disclosed to other parties.
13. Only a copy of the severed client file is released and an exact copy of the released disclosure shall be kept in the appropriate electronic client disclosure file for future reference if required.
14. Disclosure requests will be documented in the client's disclosure file.
15. Information not permitted to be released in disclosure and the reasons why shall be documented in the client's disclosure file.
16. The disclosure package shall be sealed in a water-proof, tamper-resistant envelope and sent via courier to the intended recipient (signature required for receipt of package) or via secure electronic file transfer (i.e., Managed File Transfer).

**Exceptions:** None

**Relevant Documents:**

- Documentation Guideline
- Information Disclosure Request
- Information Management and Protection Guidelines File Management
- Management of Information Act
- Child, Youth and Family Act
- Youth Criminal Justice Act
- Young Persons Offences Act
- Adoptions Act

## Disclosure for Client-Initiated Requests

**Policy no:** 6.7

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019

**Policy Cross References:** Persons who may obtain information; Protocol for redaction of Department records

**Legislative References:** s.92 Persons who may obtain information

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**Purpose:** To outline the process for disclosing information for client-initiated requests.

### **Policy:**

1. Persons eligible to receive information from a client record (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 the Department 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. Department 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, family-based caregivers 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, family-based caregivers and/or residential placements if the information is released. Disclosure of file information is normally completed by Information Management Technicians (IMT). In the case of an active file, the social worker may make the IMT aware of any concerns with disclosure of information. In the case of an inactive file, the IMT will consult with the Manager of Information Services regarding the release of information that might result in physical or emotional harm to a person. The threshold of reasonable grounds may be applied in assessing potential harm.
5. Original documents shall never be altered and severing shall only be done on copies 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, then 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. The Application for Client File Information request shall be completed by the person requesting the information. The request shall be forwarded to the Manager of Information Services who will assign the request to the designated staff for disclosure.
2. A search for the client file shall include accessing the following: the designated information system (i.e., Integrated Service Management (ISM)); 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.
3. 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 and notify the staff completing disclosure of any concerns with the release of information in the file.
4. 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.
5. The Manager of Information Services may consult with a Departmental solicitor should questions arise regarding the disclosure of information.
6. All actions completed relating to the disclosure request shall be documented within 5 days in the client's disclosure file.
7. If there is any information regarding youth corrections or adoptions in a client file, the Manager of Information Services shall consult with the Provincial Director or designate to determine if such information is exempted from release.
8. Information not permitted to be released and the reasons why shall be documented in the client's disclosure file.
9. Where a client is eligible to receive information, such information may be disclosed to their solicitor as long as the Department has been provided with the client's written consent and the completed Application for Client File Information form.
10. A copy of the severed client file is released and an exact copy of the released disclosure shall be kept in the client's electronic disclosure file.
11. 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).

12. 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.
13. 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.
14. The disclosure package should be arranged in the following order: notes, risk documents, requests for services, supervised access/parent coach reports, medical/professional reports, reports regarding the child(ren), court documents and all other documents (e.g., emails). The sections should be prepared and arranged in chronological order from the oldest date to most recent date.
15. The identity of the client shall be confirmed (i.e., photo identification) prior to the release of the disclosure package.
16. Every separate page to be released shall contain the date of disclosure and the client shall sign a Receipt of form, if they are personally picking up the disclosure package. If the client is not able to personally pick up the disclosure package, it must be sent to the client via courier with client's signature required in a sealed, water-proof, tamper-resistant envelope with the date of release stamped on each page or through secure email or other electronic methods if the client has requested disclosure through that method (i.e., win-zip, Manager File Transfer, thumbdrive)

**Exceptions:** None

**Relevant Documents:**

- Application for client file information request
- Documentation guidelines
- Guidelines for severing records for disclosure of information requests
- Receipt of file form.
- Children, Youth and Family Act
- Youth Criminal Justice Act
- Young Persons Offences Act
- Adoptions Act
- Manager of Information Act

## Disclosure for Custody/Access Proceedings

**Policy no:** 6.8

**Effective Date:** June 30, 2011

**Date Revised:** June 28, 2019

**Policy Cross References:** Disclosure for Client-Initiated Requests

**Legislative References:** s.92 Persons who may obtain information

**Purpose:** To outline the process for the release of information contained in a 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, they will release the requested information at the proceeding by giving sworn evidence. A subpoena may require that the social worker bring documentation; the subpoena does not necessarily 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 they are scheduled to give evidence. It shall be transported in a locked briefcase.
3. If a court order to release all or a portion of a client's file has been served on a social worker or other designate for the Manager, the court order shall immediately be forwarded to the Manager of Information Services. The Manager of Information Services will consult with the appropriate Department solicitor regarding the court order to determine the appropriate response to the court order. The client file shall be redacted in accordance with **Disclosure for client initiated requests** and the **Guidelines for severing records for disclosure of information** requests unless otherwise stated in the court order.
4. Requests for client file information for custody and access matters that are not court ordered will be processed as client-initiated requests and will require the client to complete the Application for client file information form.

**Exceptions:** None

**Relevant Documents:**

- Application for Client File Information request
- Documentation Guidelines
- Guidelines for Severing Records for Disclosure Requests.
- 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:** June 28, 2019

**Policy Cross References:** Information Not To Be Disclosed; Right to Information and Information Sharing

**Legislative References:** s.93 Information not to be disclosed; s.96 Right to information and information sharing

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**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 upon receipt of a subpoena 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 the Department 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.
3. Consultation shall occur with the Manager prior to appearing to testify. The Manager or designate may consult with an appropriate Department solicitor prior to appearing to testify.

### 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 social worker or designate at all times when they are 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. Department 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.
3. The Department 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 CSSD 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, they shall be redacted and it must be recorded what information was released. A photocopy is a copy of convenience and the true copy rests with the Department.

4. Disclosure requests will be documented in the client disclosure file.

**Exception:** None

**Relevant Documents:**

- Memorandum of Understanding on Information Sharing
- Children, Youth and Family Act
- Management of Information Act <http://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.html>
- Access to Information Privacy and Protection Act <http://www.assembly.nl.ca/Legislation/sr/statutes/a01-1.html>
- Adoptions Act <http://www.assembly.nl.ca/Legislation/sr/statutes/a02-1.html>
- Youth Criminal Justice Act <https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/page-1.html>
- Young Persons Offences Act <https://www.assembly.nl.ca/legislation/sr/statutes/y01.htm>
- Criminal Code of Canada <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-1.html>



## Non-disclosure of Information Review Process

**Policy no: 6.10**

**Effective Date: June 30, 2011**

**Date Revised: June 28, 2019**

**Policy Cross References:**

**Legislative References: s.97 Internal Review**

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**Purpose:** Outline the process for an internal review within the Department when a person is refused information that is requested from the file.

### **Policy:**

1. An internal review process shall be completed if requested by a person who was refused information from the file and the Minister will appoint a person to perform the review.

### **Procedure:**

1. Department staff designated to disclose information contained in the 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 request is required to review a refusal to provide information.
3. The Minister shall be notified immediately if a request is received for a review of a refusal to provide information from the client 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's electronic 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 anyway.
5. An internal review shall be performed within 30 days of the receipt of the written request.
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, they 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 in the client disclosure file.

**Exceptions:** None

**Relevant Documents:** None

## File Documentation

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**Policy no.:** 7.2

**Effective Date:** July 1, 2012

**Date Revised:** May 25, 2015, June 28, 2019

**Policy Cross References:** IMP-2012-001 Case File Set Up and Maintenance of Paper

**File Legislative References:**

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**Purpose:** To outline the requirements for the documentation of interventions and services to children, **youth** and their families in the **client file**.

### **Policy:**

1. All relevant **information** gathered and actions taken during the provision of services shall be documented in the client's file in either paper or electronic format. Case notes are to be documented in ISM and all required forms.
2. The CSSD Documentation Guide provides guidance for **social workers**, supervisors and **managers** in determining what information shall be recorded in the client file.

### **Procedures:**

1. The social worker shall document all interventions and services provided to clients following the procedures outlined in the CSSD Documentation Guide located in Appendix D of this manual.

**Exceptions:** None

### **Relevant Documents:**

- Documentation Guide
- Newfoundland and Labrador Association of Social Workers: Standards for Social Work Recordings (2014) [www.nlasw.ca](http://www.nlasw.ca)
- Canadian Association of Social Workers: Guidelines for Ethical Practice [http://www.casw-acts.ca/practice/guidelines\\_e.pdf](http://www.casw-acts.ca/practice/guidelines_e.pdf)

## File Transfers

**Policy no.: 7.3**

**Effective Date: October 31, 2014**

**Date Revised: June 28, 2019**

**Policy Cross References:** IMP-2013-001 Client File Transfer Policy; IMP-2012-001 Case File: Setup and Maintenance of Paper File, Child Protection and In-Care Program.

**Legislative References:**

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**Purpose:** To outline the processes followed for the transfer of case management and client files when required.

### Policy:

1. The transfer of files involves both the transfer of a client's paper and electronic file and the transfer of case management responsibilities between social workers.
2. File transfers shall occur in a **timely manner** with cooperation and collaboration between social workers, supervisors, and managers to facilitate smooth transitions and continuity of service for the client.
3. The file transfer process shall not interfere with the safety of a **child** or youth, the assessment of future risk of harm, client interventions, or service delivery.
4. The transferring social worker shall notify the client in writing of the intention to transfer the file, the date the transfer will occur and the contact information for the receiving social worker. A copy of the notification letter shall be retained in the client's file.

### Procedures:

#### Preparing for File Transfer

1. When the decision is made to transfer a file, the transferring supervisor, in consultation with their manager, shall identify the receiving manager and supervisor who shall then identify the receiving social worker who shall assume case management of the file upon transfer.
2. The transferring social worker shall prepare the electronic **record** and paper file for transfer and send the paper file to the receiving social worker within 30 **days** of the receiving social worker being identified.

3. Prior to file transfer, the transferring social worker shall provide the receiving social worker; by phone, or in-person contact, with a verbal summary of the file, including:
  - a) relevant demographic information (e.g. addresses and dates of birth);
  - b) reasons for involvement;
  - c) any safety threats and/or risk factors, including risk level, if applicable;
  - d) reasons for the transfer;
  - e) estimated date of the transfer; and
  - f) any other **relevant information**.
4. Prior to the transfer of the file:
  - a) the transferring social worker shall verbally notify all relevant client service providers of the file transfer and provide them with contact information for the receiving social worker. The social worker shall document these notifications in the case notes;
  - b) the transferring social worker shall complete all outstanding documentation and ensure all required documents are in the paper and electronic file; and
  - c) the transferring supervisor shall complete a file review and ensure all required documentation is complete, including all required signatures on electronic and paper documents. Once this is complete, the transferring supervisor shall document in the case notes that the file has been approved and is ready for transfer.
5. The transferring social worker or a representative (e.g. clerical staff) shall ensure the paper file is transferred to the receiving social worker, as per Information Management and Protection policy (refer to: **Client File Transfer Policy**).

### **Transfer of Case Management**

6. Upon transfer of the file, the transferring and the receiving social workers shall meet (either in person or via conference call) to discuss case management of the file. Transfer meetings shall include both the transferring and receiving supervisors when:
  - a) the file is assessed as high risk and/or the client has complex service needs; and/or
  - b) it is assessed as appropriate by either social worker and/or supervisor.
7. The transferring social worker shall document the transfer meeting in the case notes and include:
  - a) who was in attendance;
  - b) what was discussed; and
  - c) any decisions made.

8. The transferring social worker shall notify the client in writing of the transfer of the file, the date the transfer will occur and the receiving social worker's contact information. A copy of this letter shall be placed on the client's file.
9. Both the transferring and receiving social workers shall work in collaboration to ensure the file transfer process does not interfere with the safety of a child or youth, the assessment of future risk of harm, client interventions, or service delivery.

### **Post File Transfer**

10. Upon receipt of the paper file, the receiving supervisor shall review the file and assign it to the receiving social worker in the electronic record.
11. The receiving social worker shall review the file and make contact with the client within 30 days of receiving the file.
12. When receiving files assessed as high risk and/or the client has complex service needs:
  - a) the receiving supervisor shall review the file and meet with the receiving social worker to review the case plan (unless this has already been discussed in the case transfer meeting), and ensure needed interventions and services are in place; and
  - b) the receiving social worker shall arrange a meeting with the client within 30 days of receiving the file.

**Exceptions:** None

**Relevant Documents:** None

March 18, 2016

## **APPENDIX A**

### **Memorandum of Understanding on Information Sharing Between CYFS and the Royal Canadian Mounted Police**

THIS Memorandum of Understanding, made in quadruplicate as of the 18<sup>th</sup> day of March, 2016

**BETWEEN:**

**THE ROYAL CANADIAN MOUNTED POLICE**

(hereinafter referred to as "RCMP")

**AND:**

**HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR, as represented by the Minister of Child, Youth and Family Services and the Minister of Intergovernmental Affairs**

(hereinafter referred to as "CYFS")

**Collectively referred to as the "Participants"**

**CONSIDERING:**

In 1993 the Department of Social Services, the Department of Justice, the RCMP, and the Royal Newfoundland Constabulary entered into a Memorandum of Understanding on Information Sharing to facilitate the sharing of information to protect the children and youth of this Province from abuse and neglect;

CYFS (formerly the "Department of Social Services") has a legal duty under the *Children and Youth Care and Protection Act* to protect children and youth from abuse and neglect;

The RCMP is accountable to implement the objectives and goals as determined by the Minister of Justice and is responsible for the prompt and thorough investigation of alleged mistreatment of children and youth and may initiate prosecutions under the *Criminal Code* and provincial statutes;

In the interests of inter-agency cooperation for furthering the effectiveness and efficiency of the response and investigation of child and youth maltreatment within the Province of Newfoundland and Labrador, the Participants wish to enter into this Memorandum of Understanding to facilitate the exchange of information;

The Participants are authorized to collect and disclose the information identified in this Memorandum of Understanding pursuant to the following legislation:

- a) ***Children and Youth Care and Protection Act*, SNL 2010, c C - 12.2**  
(including Sections 11, 73 and 74)
- b) ***Access to Information and Protection of Privacy Act, 2015*, SNL 2015, c A 1.2 - (including Sections 61, 62, 66 and 68)**
- c) ***Privacy Act*, RSC 1985, c P - 21**  
(including Section 8)
- d) ***Youth Criminal Justice Act*, SC 2002, c 1**  
(including Section 119)
- e) ***Criminal Records Act*, R.S.C., 1985, C.C-47**



It is the intention of the Participants that this Memorandum of Understanding will replace the Memorandum of Understanding on Information Sharing that was signed in 1993.

**NOW THEREFORE THE PARTICIPANTS INTEND AS FOLLOWS:**

**1. DEFINITIONS**

1.1 In this Memorandum of Understanding the following terms, in singular or plural form according to the context, are defined as follows:

“Child” means a person actually or apparently under the age of 16 years;

“Child Protection Report” means information provided to CYFS by the RCMP that a child is, or may be, in need of protective intervention under section 10 of the *CYCP Act*;

“Child Protection Referral” means information received under section 11 of the *CYCP Act* that a child is, or may be, in need of protective intervention;

“Commanding Officer” means the Commanding Officer of the RCMP “B” Division – Newfoundland and Labrador;

“CYCP Act” means the *Children and Youth Care and Protection Act*, a statute of the Newfoundland and Labrador Legislative Assembly;

“Detachment Commander” means the Non Commissioned Officer (NCO) responsible for police services within a defined jurisdiction;

“MOU” means this Memorandum of Understanding;

“Personal Information” means personal information as defined in Section 3 of the *Privacy Act*, House of Commons, Canada;

“Producible Information” means, where requested:

- a) charges or complaints against a named individual;
- b) convictions against a named individual;
- c) occurrence reports where a named individual is identified as a witness to, or victim of, an offence; and
- d) information that would, if not disclosed, potentially affect the safety and well-being of a child or youth or place the child or youth at risk and is necessary to allow the Participants to perform his/her duties under the *CYCP Act*; and

“Youth” means a person who is 16 years of age or over but under 18 years of age.

**2. PURPOSE AND SCOPE**

2.1 This MOU sets out the roles and responsibilities of each of the Participants as it relates to joint investigations, training and the sharing of information. Its purpose is to enhance cooperation in these areas between the Participants to ensure the safety and well-being of children and youth in Newfoundland and Labrador.

- 2.2 It will afford the Participants the ability to share information pursuant to Section 8(2) (f) of the *Privacy Act* and Section 74 of the *CYCP Act*.

### 3. OBLIGATIONS OF THE RCMP

The RCMP intends to:

#### 3.1 Duty to Report

Immediately report to CYFS by completion of the Child Protection Report (attached) where there is information that a child or youth is or may be in need of protective intervention under Section 10 of the *CYCP Act*. In circumstances where the Child Protection Report cannot be completed immediately or under urgent circumstances, the RCMP should report the information verbally to CYFS and forward the Child Protection Report as soon as possible.

#### 3.2 Joint Investigations

Conduct joint investigations with CYFS where it is believed a criminal offence (i.e. physical or sexual abuse) has been committed against a child or youth and the child or youth is or may be in need of protective intervention under the *CYCP Act*.

#### 3.3 Training

Participate and share in the development of joint training with CYFS as it relates to joint investigations involving children and youth.

#### 3.4 Share Information for Joint Investigations

Upon receipt of a Child Protection Referral from CYFS outlining concerns of a criminal nature the RCMP will share, subject to the exceptions outlined in Section 3.5.3 and 3.5.4, personal and producible information with CYFS.

#### 3.5 Share Information Relating to Investigative Inquiries

3.5.1 Upon receipt of a written request for information (attached) from CYFS pursuant to Section 74 of the *CYCP Act* the RCMP will, subject to Section 3.5.2 – 3.5.4, share personal and producible information with CYFS.

3.5.2 Information that is received from the Canadian Police Information Center (CPIC) cannot be disclosed and does not form part of producible information.

3.5.3 Prior to disclosing any information to CYFS, the Detachment Commander, or his or her designate, should review the information being requested and may refuse to disclose information where:

- (a) the information is subject to solicitor-client privilege, unless the information is required to be disclosed under Section 11 of the *CYCP Act*;
- (b) the disclosure would be an offence under an Act of Parliament;
- (c) the information is protected from disclosure pursuant to the *Youth Criminal Justice Act*, unless the information is required to

be disclosed under Section 11 of the *CYCP Act*; or

- (d) the disclosure would be harmful to law enforcement or could reasonably be expected to interfere with public safety, unless the information is required to be disclosed under Section 11 of the *CYCP Act*.

3.5.4 Types of information that may be withheld from disclosure pursuant to Section 3.5.3 (d) may include information that if disclosed could:

- (a) harm an on-going statutory investigation or on-going internal RCMP investigation;
- (b) reveal the identity of a confidential human source or compromise the safety or security of the confidential human source;
- (c) reveal sensitive police investigative techniques; or
- (d) harm international relations, national defence or security, or federal/ provincial relations.

3.5.5 Provide CYFS with the information requested under Section 4.5 in writing within 30 days of receipt of the request unless urgent circumstances require a more timely response.

3.5.6 Notwithstanding Section 3.5.1, in urgent circumstances a Detachment Commander, or his or her designate, may provide CYFS with a response to a verbal request for information regarding a child or youth where CYFS agrees to forward a written request to the RCMP as soon as practical.

#### **4. OBLIGATIONS OF CYFS**

**CYFS intends to:**

##### **4.1 Report Criminal Offences**

Report verbally, and in written form by completion of a Child Protection Referral, immediately or as soon thereafter as practical, to the RCMP where there is information that a criminal offence against a child or youth may have occurred.

##### **4.2 Joint Investigations**

Conduct joint investigations with the RCMP where it is believed a criminal offence has been committed against a child or youth and the child or youth is or may be in need of protective intervention under the *CYCP Act*.

##### **4.3 Training**

Participate and share in the development of joint training with the RCMP as it relates to joint investigations involving children and youth.

##### **4.4 Share Information for Joint Investigations**

CYFS may share information with the RCMP where it is necessary to ensure the safety, health or well-being of the child or youth.

#### **4.5 Request Information Relating to Investigative Inquiries**

4.5.1 Where information is required by CYFS with respect to a child or a youth that is necessary to enable CYFS to exercise powers or perform duties or functions under the *CYCP Act*, CYFS will provide the RCMP with a written request outlining the following:

- (a) the name of the person about whom the information is being requested, including his or her date of birth and last known address, if available;
- (b) the reason that the information is being requested;
- (c) the specific information being requested; and
- (d) the timeline to receive the information (30 days unless otherwise requested by CYFS).

4.5.2 Notwithstanding Section 4.5.1, in urgent circumstances where CYFS identifies an immediate need for the information, CYFS will make a verbal request to the RCMP and follow-up with a written request as soon as practical.

### **5. FINANCIAL ARRANGEMENTS**

5.1 Each Participant will bear its own costs in carrying out its obligations under this MOU and includes the costs associated with upgrading and maintaining secure office facilities, the acquisition of approved security containers, telecommunication equipment, electronic equipment, room and building design, and carrying out personnel security screenings.

### **6. TERM**

6.1 This MOU will commence upon execution by the Participants and will remain in effect for a five year term from the date of signing unless terminated in accordance with Section 14.

### **7. CONFIDENTIALITY AND USE OF INFORMATION**

Each Participant intends to:

- 7.1 use the information provided by the other Participant solely for the purposes set out in this MOU;
- 7.2 treat information received from the other Participant in confidence and take all reasonable measures to preserve its confidentiality and integrity and to safeguard the information against accidental or unauthorized access, use or disclosure;
- 7.3 mark the information provided with the appropriate security classification for the RCMP;
- 7.4 treat information received from the other Participant in accordance with the security markings on it and to undertake to provide equivalent protection to the information while in its possession;
- 7.5 comply with the provisions of the *Privacy Act* and *Access to Information and Protection of Privacy Act, 2015* and the *CYCP Act* regarding producible

information;

- 7.6 attach terms, conditions, or caveats to the information supplied, as the supplying Participant deems appropriate;
- 7.7 abide by all caveats, conditions or terms attached to the information unless otherwise required by law;
- 7.8 maintain appropriate records concerning the transmission and receipt of information exchanged;
- 7.9 not disseminate the information to any third party without the prior written consent of the supplying Participant (or agency from which the information originated, as appropriate), except as required by law;
- 7.10 limit access to the information to those of its employees whose duties require such access, who are legally bound to keep confidences and who have the appropriate security clearance; and
- 7.11 comply with the provisions governing the use, disclosure, and retention of records in the *Youth Criminal Justice Act* and the *Criminal Records Act*, R.S.C., 1985, C.c-47.

## 8. INFORMATION MANAGEMENT

- 8.1 The information disclosed under this MOU will be administered, maintained, and disposed of in accordance with the law that applies to record retention and personal information and all applicable policies and guidelines and this includes the *Privacy Act*, RSC 1985, c P – 21, the *Library and Archives of Canada Act*, SC 2004, c 11, and the *Policy on Government Security*. In the case of CYFS, this includes the *Management of Information Act*, SNL 2005, c M – 1.01, the *Children and Youth Care and Protection Act*, SNL 2010, c C – 12.2, and the *Access to Information and Protection of Privacy Act*, 2015, SNL 2015, c A - 1.2 and the *Youth Criminal Justice Act*, SC 2002, c.1.
- 8.2 Each Participant will:
  - 8.2.1 promptly notify the other of any unauthorized use or disclosure of the information exchanged under this MOU and will furnish the other Participant with details of such unauthorized use or disclosure. In the event of such an occurrence the Participant responsible for the safeguarding of the information will take all reasonably necessary steps to prevent a re-occurrence;
  - 8.2.2 immediately notify the other of any request under the *Privacy Act*, RSC 1985, c P – 21, the *Access to Information and Protection of Privacy Act* 2015, SNL 2015, c A - 1.2 or other lawful authority, for information provided under this MOU. If requested, the Participant will endeavor to protect the information from disclosure to the extent permitted by law; and
  - 8.2.3 return any information that should not have been provided to it by the other Participant.

9. ACCURACY OF INFORMATION

Each Participant will:

- 9.1 use its best efforts to verify the accuracy and completeness of the information provided to the other Participant; and
- 9.2 promptly notify the other Participant if it learns that inaccurate or potentially unreliable information may have been provided or received and take all reasonable remedial steps.

10. DEPARTMENTAL REPRESENTATIVES

- 10.1 The following officials are designated as the departmental representatives for the purposes of this MOU and any notices required under this MOU will be delivered as follows:

<b>For the RCMP:</b>  <b>Provincial Policing Officer</b> PO Box 9700 100 East White Hills Rd St. John's, NL A1A 3T5  Telephone: (709) 772-6267 Facsimile: (709) 772-3888	<b>For CYFS:</b>  <b>Regional Director (Western Region)</b> PO Box 2006, Noton Building, 3 <sup>rd</sup> Floor 133 Riverside Drive Corner Brook, NL A2H 6J8  Telephone: (709) 637-8027 Facsimile: (709) 637-4062  <b>Regional Director (Metro Region)</b> 3rd Floor, Viking Building Suite 303 136 Crosbie Road, PO Box 8700 St. John's, NL A1B 4J6  Telephone: (709) 729-4947 Facsimile: (709) 729- 2995  <b>Regional Director (Central East Region)</b> 3 <sup>rd</sup> Floor, Provincial Building 3 Cromer Avenue Grand Falls-Windsor, NL A2A 1W9  Telephone: (709) 292-4197 Facsimile: (709) 292-4157  <b>Regional Director (Labrador Region)</b> 45 Tamarack Drive Extension Labrador City, NL A2V 0C5  Telephone: (709) 944-9369 Facsimile: (709) 944-5878
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11. LIABILITY

- 11.1 Each Participant will be responsible for any damages caused by the conduct of its employees or agents in carrying out the terms of this MOU.

**12. DISPUTE RESOLUTION**

12.1 In the event of a dispute arising from the interpretation or operation of this MOU, it will be referred to the departmental representatives, designated in Section 10, who will use their best efforts to resolve the matter amicably. If such negotiation fails, the Participants intend to refer the matter to: the **Director of Protection and In Care for CYFS** and the **Officer In Charge of Criminal Operations for the RCMP, "B" Division**.

**13. MONITORING**

13.1 The Participants will meet on an annual basis to review and assess the operation and effectiveness of this MOU.

**14. TERMINATION**

14.1 This MOU may be terminated by either Participant upon sixty (60) days written notice. Termination does not release a Participant from any obligations which accrued while the MOU was in force.

**15. AMENDMENT**


15.1 This MOU may only be amended by the written consent of the Participants.

Signed by the authorized officers of the Participants:

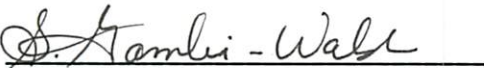
For the RCMP:



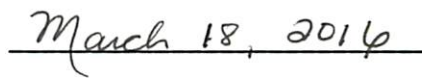
Andrew Boland  
Chief Superintendent  
Acting Commanding Officer "B" Division

  
Date

For Child Youth and Family Services:




Sherry Gambin-Walsh  
Minister  
Department of Child, Youth & Family Services

  
Date

For Intergovernmental Affairs:



Premier Dwight Ball  
Minister for Intergovernmental Affairs

  
Date

July 7, 2015

## **APPENDIX A-1**

### **Memorandum of Understanding on Information Sharing Between CYFS and the Royal Newfoundland Constabulary**



THIS MEMORANDUM OF UNDERSTANDING, made in duplicate on the 9<sup>th</sup> day of JUNE, 2015.

**BETWEEN:**           **THE Royal Newfoundland Constabulary**  
(hereinafter referred as "RNC")

**AND:**               **HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND**  
**LABRADOR, as represented by the Minister of Child, Youth and**  
**Family Services**  
  
(hereinafter referred to as "CYFS")

Collectively referred to as the "Participants"

**WHEREAS:**

In 1993 the Department of Social Services, the Department of Justice, the Royal Canadian Mounted Police, and the RNC entered into a Memorandum of Understanding on Information Sharing: A Coordinated Response to Child Abuse to facilitate the sharing of information to protect the children of this Province from abuse and neglect;

CYFS (formerly the "Department of Social Services") has a legal duty under the *Children and Youth Care and Protection Act* to protect children from abuse and neglect;

The RNC is responsible for the prompt and thorough investigation of alleged mistreatment of children and may initiate prosecutions under the *Criminal Code* and provincial statutes;

In the interests of inter-agency cooperation for furthering the effectiveness and efficiency of the response and investigation of child maltreatment within the Province of Newfoundland and Labrador, the Participants wish to enter into this Memorandum of Understanding to facilitate the exchange of information; and

The Participants are authorized to collect and disclose the information identified in this Memorandum of Understanding pursuant to the following legislation:

- *Children and Youth Care and Protection Act*, SNL 2010, c C - 12.2 (including Sections 11, 73 and 74)
- *Access to Information and Protection of Privacy Act*, SNL 2015, C - A - 1.2 (including Sections 61, 62, 66 and 68)
- *Royal Newfoundland Constabulary Act*, SNL 1992 c. R-17
- *Youth Criminal Justice Act*, SC 2002, c 1 (including Section 119)

- *Criminal Records Act, R.S.C., 1985, C. c-47*

It is the intention of the Participants that this Memorandum of Understanding will replace the Memorandum of Understanding on Information Sharing that was signed in 1993.

## **NOW THEREFORE THE PARTICIPANTS INTEND AS FOLLOWS:**

### **1. DEFINITIONS**

- 1.1 In this Memorandum of Understanding the following terms, in singular or plural form according to the context, are defined as follows:

“Chief of Police” means the Chief of Police of the RNC;

“Child” means a person actually or apparently under the age of 16 years;

“CYCP Act” means the *Children and Youth Care and Protection Act*;

“MOU” means this Memorandum of Understanding;

“Personal Information” means personal information as defined in Section 2(u) of the *Access to Information and Protection of Privacy Act, 2015*;

“Producible Information” means, where requested:

- charges or complaints against a named individual;
- convictions against a named individual;
- occurrence reports where a named individual is identified as a witness to, or victim of, an offence; and
- information that would, if not disclosed, potentially affect the safety and well-being of a child or youth or place the child or youth at risk and is necessary to allow the Participants to perform their duties under the *CYCP Act*; and

“Youth” means a person who is 16 years of age or over but under 18 years of age.

### **2. PURPOSE AND SCOPE**

- 2.1 This MOU sets out the roles and responsibilities of each of the Participants as it relates to joint investigations, training and the sharing of information. Its purpose is to enhance cooperation in these areas between the Participants to ensure the safety and well-being of children and youth in Newfoundland and Labrador.

- 2.2 It will afford the Participants the ability to share information pursuant to Section 73 and 74 of the *CYCP Act*.

### **3. OBLIGATIONS OF THE RNC**

**The RNC intends to:**

#### **3.1 Duty to Report**

Immediately report to CYFS by completion of the Child Protection Report (Appendix A) where there is information that a child is or may be in need of protective intervention under Section 10 of the *CYCP Act*. In circumstances where the Child Protection Report cannot be completed immediately or under urgent circumstances, the RNC shall report the information verbally to CYFS and forward the Child Protection Report as soon as practical.

#### **3.2 Joint Investigations**

Conduct joint investigations with CYFS where it is believed a criminal offence (i.e. physical or sexual abuse) has been committed against a child and the child is or may be in need of protective intervention under the *CYCP Act*.

#### **3.3 Training**

Participate and share in the development of joint training with CYFS as it relates to joint investigations involving children.

#### **3.4 Share Information For Joint Investigations**

Upon receipt of a Child Protection Referral (Appendix B) from CYFS outlining concerns of a criminal nature the RNC shall share personal and producible information with CYFS.

#### **3.5 Share Information Relating to Investigative Inquiries**

3.5.1 Upon receipt of a Request for Information form (Appendix C) from CYFS pursuant to Section 74 of the *CYCP Act*, the RNC shall subject to Sections 3.5.3 – 3.5.5, share personal and producible information with CYFS.

3.5.2 Written requests for information shall be sent to the attention of:

- (a) St. John's: Sergeant in Charge of Crimes Against Children;
- (b) Corner Brook: Inspector in Charge of Operations; or
- (c) Labrador West (Labrador City and Churchill Falls): Inspector in Charge of Operations.

3.5.3 Information that is received from the Canadian Police Information Center (CPIC) cannot be disclosed and does not form part of producible

information.

3.5.4 Prior to disclosing any information to CYFS, the RNC shall review the information being requested and may refuse to disclose information where:

- (a) the information is subject to solicitor-client privilege, unless the information is required to be disclosed under Section 11 of the *CYCP Act*;
- (b) the disclosure would be an offence under an Act of Parliament;
- (c) the information is protected from disclosure pursuant to the *Youth Criminal Justice Act*, unless the information is required to be disclosed under Section 11 of the *CYCP Act*; or
- (d) the disclosure would be harmful to law enforcement or could reasonably be expected to interfere with public safety, unless the information is required to be disclosed under Section 11 of the *CYCP Act*.

3.5.5 Types of information that may be withheld from disclosure pursuant to Section 3.5.4 (d) may include information that if disclosed could:

- (a) harm an on-going statutory investigation or on-going internal RNC investigation;
- (b) reveal the identity of a confidential human source or compromise the safety or security of the confidential human source;
- (c) reveal sensitive police investigative techniques; or
- (d) harm international relations, national defence or security, or federal/ provincial relations.

3.5.6 The RNC shall provide CYFS with the information requested under Section 4.5 in writing within 30 days of receipt of the request unless urgent circumstances require a more timely response.

3.5.7 Notwithstanding Section 3.5.1, in urgent circumstances the RNC may provide CYFS with a response to a verbal request for information regarding a child or youth where CYFS agrees to forward a written request to the RNC as soon as practical.

#### **4. OBLIGATIONS OF CYFS**

**CYFS intends to:**

#### **4.1 Report Criminal Offences**

Immediately report to the RNC by completion of the Child Protection Referral form where there is information that a criminal offence against a child may have occurred. In circumstances where the Child Protection Referral form cannot be completed immediately or under urgent circumstances, CYFS shall report the information verbally to CYFS and forward the Child Protection Referral as soon as practical.

#### **4.2 Joint Investigations**

Conduct joint investigations with the RNC where it is believed a criminal offence has been committed against a child and the child is or may be in need of protective intervention under the *CYCP Act*.

#### **4.3 Training**

Participate and share in the development of joint training with the RNC as it relates to joint investigations involving children and youth.

#### **4.4 Share Information For Joint Investigations**

CYFS will share information with the RNC where it is necessary to ensure the safety, health or well-being of the child.

#### **4.5 Request Information Relating to Investigative Inquiries**

4.5.1 Where information is required by CYFS with respect to a child or a youth that is necessary to enable CYFS to exercise powers or perform duties or functions under the *CYCP Act*, CYFS will provide the RNC with a written request outlining the following:

- (a) the name of the person about whom the information is being requested, including his or her date of birth and last known address, if available;
- (b) the reason that the information is being requested;
- (c) the specific information being requested; and
- (d) the timeline to receive the information (30 days unless otherwise requested by CYFS).

4.5.2 Notwithstanding Section 4.5.1, in urgent circumstances where CYFS identifies an immediate need for the information, CYFS will make a verbal request to the RNC and follow-up with a written request as soon as practical.

## **5. FINANCIAL ARRANGEMENTS**

- 5.1 Each Participant will bear its own costs in carrying out its obligations under this MOU including the costs associated with upgrading and maintaining secure office facilities, the acquisition of approved security containers, telecommunication equipment, electronic equipment, room and building design, and carrying out personnel security screenings.

## **6. TERM**

- 6.1 This MOU will commence upon execution by the Participants and will remain in effect until June 5, 2020 unless terminated in accordance with Section 14.

## **7. CONFIDENTIALITY AND USE OF INFORMATION**

Each Participant intends to:

- 7.1 use the information provided by the other Participant solely for the purposes set out in this MOU;
- 7.2 treat information received from the other Participant in confidence and take all reasonable measures to preserve its confidentiality and integrity and to safeguard the information against accidental or unauthorized access, use or disclosure;
- 7.3 comply with the provisions of the *Access to Information and Protection of Privacy Act, 2015*, the *CYCP Act* and the *Royal Newfoundland Constabulary Act* regarding personal and producible information;
- 7.4 attach terms, conditions, or caveats to the information supplied, as the supplying Participant deems appropriate;
- 7.5 abide by all caveats, conditions or terms attached to the information;
- 7.6 maintain appropriate records concerning the transmission and receipt of information exchanged;
- 7.7 not disseminate the information to any third party without the prior written consent of the supplying Participant (or agency from which the information originated, as appropriate), except as required by law;
- 7.8 limit access to the information to those of its employees whose duties require such access and who are legally bound to keep confidences; and
- 7.9 comply with the provisions governing the use, disclosure, and retention of records in the *Youth Criminal Justice Act* and the *Criminal Records Act*, R.S.C., 1985, C.c-47.

## **8. INFORMATION MANAGEMENT**

- 8.1 The information disclosed under this MOU will be administered, maintained, and disposed of in accordance with the law that applies to record retention and personal information and all applicable policies and guidelines and this includes the *Management of Information Act*, SNL 2005, c M – 1.01, the *Children and Youth Care and Protection Act*, SNL 2010, c C – 12.2, and the *Access to Information and Protection of Privacy Act*, SNL 2015, c A - 1.2, and the *Youth Criminal Justice Act*, SC 2002, c.1.
- 8.2 Each Participant will:
- 8.2.1 promptly notify the other of any unauthorized use or disclosure of the information exchanged under this MOU and will furnish the other Participant with details of such unauthorized use or disclosure. In the event of such an occurrence the Participant responsible for the safeguarding of the information will take all reasonably necessary steps to prevent a re-occurrence;
  - 8.2.2 immediately notify the other of any request under the *Access to Information and Protection of Privacy Act, 2015* or other lawful authority, for information provided under this MOU. If requested, the Participant will endeavor to protect the information from disclosure to the extent permitted by law; and
  - 8.2.3 return any information that should not have been provided to it by the other Participant.

## **9. ACCURACY OF INFORMATION**

Each Participant will:

- 9.1 use its best efforts to verify the accuracy and completeness of the information provided to the other Participant; and
- 9.2 promptly notify the other Participant if it learns that inaccurate or potentially unreliable information may have been provided or received and take all reasonable remedial steps.

## **10. DEPARTMENTAL REPRESENTATIVES**

- 10.1 The following officials are designated as the departmental representatives for the purposes of this MOU and any notices required under this MOU will be delivered as follows:

<p><b>For the RNC:</b></p> <p><b>Legal Services</b>  <b>Royal Newfoundland</b>  <b>Constabulary</b>  <b>1 Fort Townshend</b>  <b>St. John's, NL A1C 2G2</b>  <b>Telephone (709) 729-8739</b>  <b>Facsimile: (709) 729-8214</b></p>	<p><b>For CYFS:</b></p> <p><b>Regional Director (Metro)</b>  <b>3<sup>rd</sup> Floor, Viking Building</b>  <b>Suite 303, 136 Crosbie Road</b>  <b>St. John's, NL A1B 4J6</b>  <b>Telephone: (709) 729-2668</b>  <b>Facsimile: (709) 729-6382</b></p> <p><b>Regional Director (Western)</b>  <b>P. O. Box 2006, Noton Bldg., 3<sup>rd</sup> Floor,</b>  <b>133 Riverside Drive, Corner Brook, NL A2H 6J8</b>  <b>Telephone (709) 637-8027</b>  <b>Facsimile: (709) 637-4062</b></p> <p><b>Regional Director (Labrador)</b>  <b>2nd Floor, CBC Building, 12-16 Loring Drive</b>  <b>P.O. Box 3014, Happy Valley-Goose Bay, NL A0P 1E0</b>  <b>Telephone: (709) 944-9369</b>  <b>Facsimile: (709) 944-5878</b></p>
--	---

## **11. LIABILITY**

- 11.1 Each Participant will be responsible for any damages caused by the conduct of its employees or agents in carrying out the terms of this MOU.

## **12. DISPUTE RESOLUTION**

- 12.1 In the event of a dispute arising from the interpretation or operation of this MOU, it will be referred to the departmental representatives, designated in Section 10, who will use their best efforts to resolve the matter amicably. For CYFS, the matter will be referred to the Regional Director of the region where the dispute originates. If such negotiation fails, the Participants intend to refer the matter to: the Director of Protection and In Care for CYFS and the Officer In Charge of Criminal Investigative Division for the RNC.

## **13. MONITORING**

- 13.1 The Participants will meet on an annual basis to review and assess the operation and effectiveness of this MOU.



#### 14. TERMINATION

14.1 This MOU may be terminated by either Participant upon sixty (60) days written notice. Termination does not release a Participant from any obligations which accrued while the MOU was in force.

#### 15. AMENDMENT

15.1 This MOU may only be amended by the written consent of the Participants.

Signed by the authorized officers of the Participants:

**For the RNC:**



**William J. Janes**  
**Chief of Police**

**For CYFS:**



**Rachelle Cochrane**  
**Deputy Minister**

**Date:** 2015-06-09

**Date:** June 2, 2015

## **APPENDIX B**

### **Provincial/Territorial Protocol On Children, Youth and Families Moving Between Provinces and Territories**

**April 1, 2016**

# Provincial/Territorial Protocol



## On Children, Youth and Families Moving Between Provinces and Territories

February 9, 2023

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# Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories

## 1. Introduction

The purpose of the *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories* (Protocol) is to outline the roles and responsibilities of statutory child welfare organizations (including government ministries, agencies, boards and societies and may include First Nations, Inuit and Métis child welfare organizations) when working together to provide child welfare services to children and families moving between provinces and territories (PTs). In this document these entities will be referred to as “the child welfare organizations”.

The Protocol applies to a wide variety of legislation, policies, governance structures, and service delivery models throughout Canada. To accommodate these variations, it is necessary for this document to be written using generic terminology and should be interpreted in a way that is consistent with the principles described in Section 1.1, Protocol Principles. The Protocol is mandatory for all PTs that are signatories; however, if there is a conflict between the Protocol and the legislation or policies within a PT, the latter shall prevail.

The Protocol covers child protection, children and youth in care, children and youth in out of care placements, and, adoption services. Within these service areas, the Protocol addresses:

- coordinating services, including information sharing and case management;
- financial responsibilities; and
- dispute resolution.

Sections 1-6 are general sections that apply to all services and will assist PTs in understanding the terms used and their respective roles and responsibilities when cases are shared. The nature and scope of the services to which the Protocol applies are specifically outlined in Sections 7-10. Section 11 addresses Protocol administration and forms are appended which will assist to operationalize the Protocol.

The Protocol reflects the commitment of the signatory provinces and territories to:

- promote and support all PTs in meeting their statutory responsibilities under their child welfare legislation;
- support the ongoing operation of the Protocol, including where required, developing PT specific procedures or other materials to assist in interpreting the Protocol;
- provide PTs with an updated list of its interprovincial coordinators/contacts and Directors of Child Welfare;
- monitor the placement of children and youth in care placed outside their PT;
- ensure child welfare organizations providing statutory services to children, youth and families who move between PTs understand their roles and responsibilities under the Protocol;
- facilitate dispute resolution;
- address any systemic issues between the PTs related to the Protocol; and
- consider changes to its legislation and policy that will enhance the provision of services under the Protocol.

## **1.1 Protocol Principles**

- the safety, best interests and well-being of children and youth is the paramount consideration in all decisions;
- this Protocol shall be administered so that the rights of children and youth as defined in the United Nations Convention on the Rights of the Child (1990) are respected;
- the originating PT always maintains the legal responsibility for children and youth in their care, custody or guardianship and this legal responsibility ends in accordance with the originating PT's legislation; however, both PTs have responsibilities for delivering required services to children, youth and families;
- in unique situations, exceptions to the Protocol can be made where necessary to promote the best interests of a child or youth;
- in unforeseen circumstances where the Protocol does not provide sufficient direction, the PTs will work collaboratively to promote the child or youth's best interests consistent with both PTs' legislation; and
- services are not delayed due to budgetary, administrative or jurisdictional issues or disputes and, where these do arise, a timely and effective resolution is promoted.

## 2. Definitions

**First Nations, Inuit and Metis** – includes all First Nations, Inuit and Métis children, youth and families.

**adoptive applicant** – a person or persons who have applied to adopt a child or youth in care, but who have not received a child or youth for purposes of adoption.

**adoptive parent** – 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 or youth.

**case plan** – a planning process used by caseworkers in the receiving and originating PTs when providing services to a child and/or family. The format will depend on the case circumstances, should be mutually agreed and meet the policy requirements of the originating PT. The minimum case plan requirements must address the goals of the child protection services and/or placement, itemization of the services to be provided, and detail on the roles and responsibilities of the various parties.

**child in care** – a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This includes a child or youth under apprehension status.

**child in out of care placement** – a child or youth who is not in care but whose placement is financially supported and/or supervised by a PT.

**child protection alert** – a communication issued to another PT when a person or family cannot be located or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection.

**child protection alert form** – a standardized document used when a child protection alert is issued to another PT.

**child welfare** – statutory services relating to support services, child protection services, services to children or youth in care and in out of care placements, adoption and post-adoption services.



**child welfare organizations** – organizations with the statutory authority to deliver child welfare services, including government ministries, agencies, boards and societies.

**children and youth** – persons who are under 16, 18 or 19 years of age pursuant to child welfare legislation in an originating PT.

**custom adoption** – an adoption that has occurred by way of First Nations, Inuit and Metis customary law and has been recognized by the PT in which the adoption took place.

**days** – all references to “days” in the Protocol refers to calendar days.

**foster parent** – an individual, other than a parent or guardian of a child or youth, approved by a child welfare organization or foster care licensee to provide care for a child or youth in care. This individual may or may not be related to the child or youth (e.g. kinship).

**home study** – the assessment of caregivers being considered to provide care and supervision for a child or youth.

**interprovincial placement agreement (IPPA)** – a standardized agreement negotiated between two PTs that describes their respective roles and responsibilities in serving a child or youth.

**interprovincial coordinator/contact** – the person(s) designated by each PT with responsibility for facilitating the coordination of interprovincial/territorial services and for resolving issues and disputes between the PTs.

**maintenance and service expenditures** – financial assistance, subsidies and other services (refer to 4.2 and 4.3).

**originating PT** - the child welfare organization in the province or territory that requests services from a receiving PT or agrees to the repatriation of a child or youth from a receiving PT.

**PT** – means province and territory and refers to the government ministries, agencies, boards or societies and First Nations, Inuit and Métis agencies (child welfare organizations) within each province or territory with statutory authority for the delivery of child welfare services.

**receiving PT** - the child welfare organization in the province or territory that agrees to provide child welfare services at the request of an originating PT or repatriates a child or youth to an originating PT.

**child and youth caring program resource facility** – a PT approved or licensed child and youth caring program resource placement, other than a foster parent placement, that provides care and supervision of a child or youth in the care of a PT.

**serious occurrence/incident** – reportable incidents for children and youth in both in care and out of care placements, including but not limited to: the death or serious injury of a child or youth; alleged abuse or mistreatment of a child or youth by family members, foster parent, staff, volunteers or others associated with providing the service; serious complaints made by or about a child or youth, or any other serious occurrence involving a child or youth that is considered to be of a serious nature in a receiving PT.

**service delivery costs** – salaries and operating costs (refer to 4.1)

**temporary placement** – an approved temporary and transitional placement or place of safety that may be used prior to a planned placement.

**temporary child and youth caring program resource treatment facility** – an approved facility used for the care and treatment of a child or youth. These are typically short term (up to six months) treatment facilities (e.g. medical, mental health or addictions treatment).

## **3. Co-ordination of Services**

### **3.1 Information Sharing**

Each PT agrees to share information with respect to persons needing or receiving services to the extent permitted by its legislation and policy. Personal information is shared with the consent of the persons who are the subject of the information where possible. However, legislation in all PTs authorizes the sharing of confidential information without the person's consent where necessary to ensure the safety and well-being of a child or youth. This may include, conducting child protection investigations, obtaining child welfare record prior contact checks, carrying out guardianship duties for a child in care and assessing the suitability of potential caregivers.

### **3.2 Case Management Roles and Responsibilities**

Case management begins after an Interprovincial Placement Agreement has been completed in consultation with the receiving PT. Ensuring that the appropriate services are provided to meet the child's or youth's needs is a shared responsibility of each PT. Files must be opened in both PTs and each must comply with its respective file and records management policies.

The child welfare organization in the originating PT maintains the legal responsibility, guardianship or statutory authority and case management role through collaboration and regular or as needed conferencing with the child welfare organization in the receiving PT.

The child welfare organization in the receiving PT is responsible for the day to day monitoring and supervision of the case through collaboration and regular or as needed conferencing with the child welfare organization in the originating PT.

## **4. Financial Responsibilities**

### **4.1 Service Delivery Costs – Receiving Province/Territory**

In providing services under the Protocol, a receiving PT is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- child protection investigations;
- arranging for the signing or renewal of voluntary service or placement agreements;
- serving child welfare court documents;
- preparing safety assessments and home studies;
- participating in case planning;
- monitoring and supervising placements; and
- adoption and post-adoption services.

### **4.2 Maintenance and Service Expenditures – Originating Province/Territory**

In requesting services from a receiving PT, an originating PT agrees to directly pay for:

- in care maintenance and service costs at the receiving PT's rates,
- out of care maintenance and service costs at the originating PT's rates;
- youth receiving post-care services – maintenance and service costs at the originating PT's rates, and in accordance with the originating PT's legislation and policies;
- child and youth caring program resource facilities at the receiving PT's rates;
- temporary child and youth caring program resource treatment facilities (where not covered by health insurance or other publicly funded sources in a receiving PT);
- dental, optical and prescription drugs not covered by the receiving PT publicly funded sources;
- psychological and psychiatric services not paid for by health insurance or other publicly funded sources in a receiving PT;
- adoption subsidy payments;

- where required by the receiving PT's legislation and policy, adoption court completion costs; and
- other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

### **4.3 Maintenance and Service Expenditures – Receiving Province/Territory**

In providing services requested by an originating PT, a receiving PT agrees to pay for:

- expenses related to repatriating children or youth pursuant to Section 7.5; and
- other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

### **4.4 Document Translation Services**

When receiving requests for services from Quebec, Quebec will ensure required documentation is translated to English. When requesting services from Quebec, the requesting PT will be responsible for the translation of required documents to French.

## 5. First Nations, Inuit or Métis Child Welfare Organizations

- 5.1.1 In some PTs, First Nations, Inuit or Métis child welfare organizations have varying levels of authority for the delivery of child welfare services depending on the legislation of the PT. In those circumstances where services from a First Nations, Inuit or Métis child welfare organization is required, the interprovincial coordinator in the receiving PT must be contacted by the originating PT to confirm that the level of statutory authority, capacity, resources and funding models available to the First Nations, Inuit or Métis child welfare organization is consistent with the case plan for a particular child and/or family.
- 5.1.2 When providing services to First Nations, Inuit and Metis children, youth and families under this Protocol, the receiving PT agrees to follow legislative requirements and existing protocols of the originating PT with respect to First Nations, Inuit and Metis children, youth and families to the extent possible under the receiving PT's legislation and policy.
- 5.1.3 As part of negotiations to develop the Interprovincial Placement Agreement to move a child or youth in care who is First Nation or Inuit to another PT, the originating PT shall advise the receiving PT whether any service or maintenance expenditures for the child or youth are currently being funded by the federal government.
- 5.1.4 When applicable, the originating PT shall determine whether the federal government will continue to pay for maintenance and service expenditures for the child or youth in care moving to the receiving PT and advise the receiving PT of financial arrangements for the child or youth.
- 5.1.5 If the federal government is unable to continue to pay maintenance and service expenditures for children and youth in care after the move then the originating PT is responsible for these costs.

## **6. Dispute Resolution**

### **6.1 Dispute Resolution at the Local Level**

It is expected that most issues arising between PTs will be resolved between caseworkers and/ or supervisors/managers directly involved in the matter.

### **6.2 Involvement of Interprovincial Coordinators**

In the event that a dispute or other issue cannot be resolved in a timely fashion at the local level, the matter shall be referred to the interprovincial coordinator for each PT with a view to negotiating a mutually satisfactory resolution of the matter **within 14 calendar days of receiving the matter**.

### **6.3 Involvement of Provincial and Territorial Directors of Child Welfare**

In the event that the dispute or issue cannot be resolved between the interprovincial coordinators for each PT as described in 6.2, the matter shall be referred to the PT Director of Child Welfare in each PT. A mutually satisfactory resolution of the matter will be determined and communicated **within 14 calendar days** of the PT Directors receiving the matter or longer time period agreed to by both PT Directors.

## **7. Child Protection Services**

### **7.1 Introduction**

Section 7 applies to:

- a. child protection alerts issued to one or more receiving PTs;
- b. child protection requests for services from another PT;
- c. child protection referrals to another PT; and
- d. repatriation of children and youth from a receiving PT to an originating PT.

### **7.2 Interprovincial Child Protection Alerts**

#### **7.2.1 Criteria for Issuing Child Protection Alerts**

An originating PT may issue a child protection alert when a child, youth, adult or family is missing or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection. Circumstances that may lead to the issuing of a child protection alert include, but are not limited to the following:

- a. a family, family member or guardian leaves the PT prior to the conclusion of a child protection investigation;
- b. a family, family member or guardian receiving child protection services leaves the PT prior to closing the case;
- c. a family under court-ordered supervision leaves the PT without approval from the PT or court;
- d. a parent or guardian takes a child or youth in care to another PT without prior approval from the originating PT or court;
- e. a child or youth in care is missing from his or her placement and is believed to have left the PT; and
- f. a child or youth is taken or has fled to another PT for a variety of reasons, including child trafficking, sexual exploitation, so called 'honour based' violence or illegal adoption.



## **7.2.2 Issuing and Receiving Child Protection Alerts**

Each PT agrees to implement a process for ensuring that child protection alerts are issued and received in a secure and timely manner. At a minimum, each PT shall designate one or more provincial contacts responsible for issuing and receiving child protection alerts.

## **7.2.3 Content of Child Protection Alerts**

When issuing an alert, the originating PT shall use the Interprovincial Child Protection Alert Form appended to the Protocol. The content of the Interprovincial Child Protection Alert may include, but is not limited to the following information:

- a. the name and birth date of each subject of the alert;
- b. the name, address, email address, telephone number and facsimile of the child welfare organization that issued the alert and the date sent;
- c. if applicable, the name of the interprovincial contact, worker and supervisor, who issued the alert and how to contact them or their alternates;
- d. the reason(s) for issuing the alert including sufficient details of the child protection concerns and risk factors related to the child or youth;
- e. possible destinations and other information that may assist a receiving PT in locating the person or family;
- f. specific actions requested of the PT and, if required collateral agencies in the receiving PTs;
- g. known history or risk of violence; and
- h. expiry date if less than nine months.

## **7.2.4 Responding to Child Protection Alerts**

Upon receiving an alert, the receiving PTs shall:

- a. request additional information from the originating PT if needed, including sufficient information about the child protection concerns and risk factors;
- b. distribute the alert in accordance with the legislation/policy of the receiving PT;
- c. inform designated contacts in the originating PT when the missing person or family is located;
- d. develop a plan of action in consultation with contacts in the originating PT; and
- e. close the alert when it expires or extend it for a further period if requested by the originating PT.

## **7.3 Interprovincial Requests for Services**

### **7.3.1 An originating PT may request a receiving PT to provide services in a child protection case including:**

- a. child welfare record checks;
- b. interviews with alleged perpetrators or victims of abuse;
- c. service of court documents;
- d. supervision of visits or contacts between children or youth and family members; and
- e. other services agreed to by the receiving PT.

7.3.1.1 When requesting services, the originating PT shall use the Interprovincial Request for Services Form appended to the Protocol. Upon receiving the request, the receiving PT agrees to provide services based on the originating PT's case plan if in accordance with the receiving PT's legislation and policy.

## **7.4 Interprovincial Child Protection Referrals**

### **7.4.1 Criteria for Child Protection Referrals**

An originating PT shall refer an individual or family moving to a receiving PT for services when:

- a. the individual or family has requested the referral;
- b. the originating PT 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
- f. there is a need for ongoing services to prepare the family for the return of children or youth.

### **7.4.2 Issuing and Receiving Child Protection Referrals**

7.4.2.1 When making a child protection referral, the originating PT shall:

- a. if appropriate, inform the individual or family of the decision to refer and, if appropriate, obtain consents to share information with the receiving PT;

- b. prior to or as soon as it is known the family is moving, consult with the receiving PT with the goal of reaching an agreement on the services to be provided by the receiving PT; and
- c. send a summary of the case, including investigation reports and findings, risk assessments, case plans, and all relevant court documents to the receiving PT.

7422 Upon receiving a child protection referral, the receiving PT shall:

- a. accept the referral as an intake using the same intake process as normally provided;
- b. if necessary, advise the originating PT which child welfare organization will be responsible for accepting the referral;
- c. if the referral involves an open child protection case, the receiving PT opens a child protection case, according to its own legislation and policy; and
- d. if required by the originating PT, send copies of documents and correspondence to the interprovincial coordinator in that PT.

## **7.5 Repatriation Services**

### **7.5.1 Eligibility**

7511 Repatriation services may be considered for a child or youth who has fled or been abducted to a receiving PT and who:

- a. is in care of an originating PT;
- b. is placed in an out of care placement by an originating PT; or
- c. is or may be in need of protection in a receiving PT.

7512 On learning of a child or youth who may need to be repatriated, a receiving PT agrees to accommodate the concerns of an originating PT and the parents or guardians who reside in the originating PT to the extent possible under its legislation.

7513 When considering repatriation of a child or youth under Section 7.5.1.1 to an originating PT, a receiving PT shall:

- a. check with police or justice/probation officials in the receiving PT to determine if there is a missing person report filed or if the child or youth is under investigation, charged with or found guilty of an offence, on probation or otherwise involved with the *Youth Criminal Justice Act*; and

- b. collaborate with the originating PT and where required, police and justice officials to arrange appropriate escort services.

## **75.2 Exclusions**

This Section does not apply to the return of children or youth who have been abducted and who are the subjects of a custody or access dispute between parents when there are no child protection concerns. These matters should be referred to the appropriate Family Court with jurisdiction by the parent, guardian or police.

## **75.3 Children or Youth in Care or in Out of Care Placement**

7531 With respect to the repatriation of a child who is in the care of or in an out of care placement of an originating PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. notify the originating PT as soon as possible to advise of the child or youth's location;
- c. consult regarding a plan to repatriate the child or youth;
- d. provide necessary services pending repatriation of the child or youth;
- e. arrange for the most expedient form of travel appropriate to the needs of the child or youth and for any supervision required by the child or youth while travelling;
- f. contact the originating PT as required to advise of the repatriation arrangements in a timely manner and to provide any follow-up that is indicated or recommended; and
- g. provides the originating PT a written summary of the services provided and any relevant comments, reports or recommendations.

7532 To assist in repatriating a child or youth under paragraph 7.5.3.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. when necessary, advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

7533 Subject to paragraph 7.5.3.4, the receiving PT assumes all expenses related to the child or youth's care and repatriation, including travel costs for the child or youth (and escort if required) unless otherwise negotiated with the originating PT.

7534 Notwithstanding paragraph 7.5.3.3, the originating PT assumes responsibility for all costs directly related to repatriating a child or youth that the originating PT has placed in a temporary child and youth caring program resource treatment facility or child and youth caring program resource facility in a receiving PT. These costs do not include salaries and operating costs of the receiving PT normally incurred by a child welfare organization in delivering child welfare services.

#### **754 Other Eligible Children**

7541 With respect to the repatriation of a child or youth who is not in care or in an out of care placement in an originating PT, but who is or may be in need of protection in a receiving PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. contact the originating PT to make arrangements for the child or youth's return;
- c. provide necessary services pending repatriation;
- d. arrange for the most expedient form of travel appropriate to the child or youth's needs and for any supervision required for the child or youth while travelling;
- e. contact the originating PT as required to advise of the repatriation arrangements and of any follow-up that is indicated or recommended; and
- f. provide a written summary of the services provided and any relevant comments, reports or recommendations if requested by the originating PT.

7542 When contacted to assist in repatriating a child or youth under paragraph 7.5.4.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

7543      The originating PT is responsible for contacting the parent and determining the parent or guardian's willingness and ability to pay for the costs of repatriation.

If the parent or guardian cannot or will not cover the cost of the repatriation, the receiving PT assumes the full or remaining cost.

## 8. Children and Youth in Care

### 8.1 Introduction

Section 8 applies to a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This also includes a child or youth under apprehension status.

### 8.2 Notification and Negotiation

#### 8.2.1 Child or Youth Moving with Foster Family to Another Province/Territory

8.2.1.1 When planning for a child or youth to move with a foster family to a receiving PT, the originating PT shall:

- a. **60 days prior to the move** (or such shorter period of time as negotiated between the originating and receiving PT's, in accordance with the particular circumstances of the planned move) contact the receiving PT to:
  - confirm the move details;
  - discuss the case plan;
  - provide documentation related to the approval or licensing of the foster family;
  - provide all assessments or reviews of the foster home completed within the past 24 months; and
  - negotiate the Interprovincial Placement Agreement utilizing the form appended to the Protocol.
- b. prior to the move, give the foster family contact information in the receiving PT for the office that will be providing supervision and monitoring services.

8.2.1.2 Approval by Receiving Province/Territory of Foster Family that has Moved with a Child or Youth

**Within 30 days** of the foster family's move, the receiving PT will complete an assessment of the foster family in accordance with its legislation and policy to ensure that the family meets the receiving PT's requirements to provide foster care services in the receiving PT. The receiving PT arranges any further training required by the foster family.

8.2.1.3 Monitoring and Support of a Foster Family that has Moved with a Child or Youth to a Receiving Province/Territory

A foster family approved as a resource in the receiving PT, shall be monitored and supported by the receiving PT in accordance with the legislation and policies of the receiving PT.

**8.2.2 Child or Youth Moving to Family (not currently approved to provide care) in Receiving Province/Territory**

8.2.2.1 When planning for a child or youth to reside with a relative or significant person in a receiving PT, the originating PT shall consult with the receiving PT and shall provide the receiving PT with **60 days prior** written notice of the plan or such shorter period of time as negotiated between the originating and receiving PTs. The request for a home study will be in writing utilizing the Interprovincial Request for Services Form appended to the Protocol.

8.2.2.2 The receiving PT shall complete a home study in accordance with the receiving PT's legislation, policy and format on the home of the relative or significant person **within 60 days** of receiving notice in writing or such period of time as negotiated between the receiving and originating PTs.

8.2.2.3 The home study must also meet the standards of the originating PT; it is the responsibility of the originating PT to determine what is required to meet those standards. Where the originating PT is not satisfied that the home study conducted by the receiving PT meets the originating PT's standards, and the PTs are unable to negotiate a solution, the originating PT is responsible for making alternative arrangements. Alternative arrangements include, but are not limited to, contracting with a third party approved by the receiving PT to complete the study in accordance with the originating PT's legislation and policy; or, sending an approved delegate from the originating PT to complete the study.

8.2.2.4 If the receiving PT, on completing a home study, recommends that a child or youth not reside with a relative or other significant person in the receiving PT, the originating PT shall not place the child or youth unless the matter is resolved either through the receiving PT's review/appeal process or the dispute resolution process.



- 8.2.2.5 Decisions must be based on the best interests of the child including any evidence of child protection concerns pertaining to the prospective caregivers as documented by the receiving PT.

### **8.2.3 Placement in a Child and Youth Caring Program Resource Facility**

- 8.2.3.1 It is recognized that originating PTs may place children or youth in approved or licensed child and youth caring program resource facilities in other PTs. The originating PT will notify the receiving PT in all cases and inform the receiving PT if monitoring and supervision services are requested of the receiving PT. In either circumstance the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

- 8.2.3.2 Prior to placing a child or youth in a child and youth caring program resource facility when supervision and monitoring have been requested the originating PT shall consult with the receiving PT to:

- a. determine whether the facility is licensed in the receiving PT and the status of the license;
- b. identify any concerns the receiving PT has about the use of the facility by another PT;
- c. determine whether the facility is likely to meet the needs of the child in question;
- d. identify available and appropriate community services and resources in the receiving PT;
- e. negotiate the level of day to day case management services the receiving PT will provide; and
- f. complete an Interprovincial Placement Agreement in consultation with the receiving PT.

- 8.2.3.3 An originating PT shall not place a child or youth in a child and youth caring program resource facility in a receiving PT if the receiving PT confirms that:

- a. a facility must be licensed and the facility under consideration is not licensed or the license has been suspended or revoked; or
- b. it is of the opinion that the child and youth caring program resource facility is inappropriate for the child or youth.

- 8.2.3.4 When a child or youth is placed in a child and youth caring program resource facility in a receiving PT and there are supervision and monitoring services being requested of the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement.

- 8.2.3.5 On agreeing to assist the originating PT in supervision and monitoring the placement, the receiving PT shall complete and provide progress reports to the originating PT according to the legislation and policy of the originating PT.

#### **8.2.4 Placement in a Temporary Child and Youth Caring Program Resource Treatment Facility (medical, mental health or addictions treatment)**

- 8.2.4.1 It is recognized that children or youth may attend temporary child and youth caring program resource treatment facilities in other PTs. The originating PT must notify the receiving PT only if monitoring and supervision services are requested of the receiving PT. Whether or not supervision and monitoring is requested, the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.
- 8.2.4.2 When a child or youth is placed in a temporary child and youth caring program resource treatment facility in a receiving PT and there are supervision and monitoring services being requested by the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement. The originating PT shall consult with the receiving PT to complete an Interprovincial Placement Agreement. The originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

### **8.3 Case Planning and Management**

#### **8.3.1 Developing a Case Plan**

- 8.3.1.1 The originating PT shall:
- a. develop a thorough, detailed and long-term plan according to the legislation and policy standards of the originating PT for all children and youth moving to a receiving PT;
  - b. consult with the receiving PT regarding the plan, revision of the plan if necessary and implementing the proposed case plan;
  - c. in circumstances where the youth is close to aging out of care in the receiving PT, the case plan will include, where required, any transition to adult services including services to young adults or extended care services;<sup>1</sup>
  - d. enter into an Interprovincial Placement Agreement prior to the child or youth moving to the receiving PT;

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<sup>1</sup> It is the responsibility of the originating PT to address any gaps in services, including gaps created when a youth ages out of care and the receiving PT's age of majority. This may include the originating PT offering post-care services to the youth in the receiving PT.

- e. where a child or youth has been or is involved with the youth justice system and subject to Part 6 of the *Youth Criminal Justice Act* and policies in the PTs, the originating PT shall:
  - i) share information necessary to ensure the receiving PT is able to meet the child or youth's specific needs; and
  - ii) where required in the originating or receiving PTs, obtain youth justice system involvement and/or approvals.

### **8.3.2 Implementing the Case Plan**

- 8.3.2.1 The case plan should identify the goals of the placement, identify the services to be provided, and the roles and responsibilities of the case workers and any other providers involved.
- 8.3.2.2 In agreeing to a case plan, the receiving PT shall provide supervision and monitoring. The originating PT maintains ongoing contact with the family of the child or youth unless otherwise negotiated with the receiving PT.
- 8.3.2.3 The originating and receiving PT shall review the case plan for a child or youth according to the legislation and policy of the originating PT unless the parties agree more frequent reviews are required.
- 8.3.2.4 The receiving PT will report any significant events such as, serious occurrences, hospitalizations, injuries or other events (e.g. child or youth is missing from their placement, caregiver investigation) to the originating PT immediately or as soon as reasonably possible.
- 8.3.2.5 If a parent or guardian is moving or has moved to the receiving PT, the originating and receiving PTs may 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 or youth. The receiving PT may subsequently enter into a voluntary agreement with the parent or guardian or proceed to court for a new order if required.

## **8.4 Documentation**

### **8.4.1 Information on Child or Youth in Care**

8.4.1.1 When a child or youth moves to a placement to be supervised and monitored by a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT prior to the move if possible or at the latest **within 30 days** of the move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;
- c. in the case of a voluntary agreement, the written consent of the parent or guardian of the child or youth to the placement;
- d. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- e. the child or youth's life book, if available, or a copy of it;
- f. in the case of a First Nations, Inuit and Metis child or youth, details with respect to their status under the *Indian Act* (Canada) and community of origin;
- g. confirmation that the originating PT has involved the appropriate Indian band or First Nations, Inuit or Métis organization as required under the originating PT's legislation and policy;
- h. a social history including documentation of all services and assessments;
- i. any relevant medical, psychological or educational assessments completed within the past two years or longer if they continue to be relevant;
- j. subject to Part 6 of the *Youth Criminal Justice Act* and policies of the PTs, any relevant youth justice system reports;
- k. up-to-date medical reports if the child is receiving treatment;
- l. a current case plan developed in consultation with the receiving PT if available;
- m. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- n. any additional documentation required by the receiving PT.

8.4.1.2 When monitoring or supervising the placement of a child or youth in a temporary child and youth caring program resource treatment or child and youth caring program resource facility, the receiving PT may require some or all of the documentation required under paragraph 8.4.1.1.

#### **8.4.2 Progress Reports**

- 8.4.2.1 Unless otherwise agreed to between the receiving and originating PTs, the receiving PT shall complete and provide to the originating PT all progress reports relating to the child/youth (including a copy of all assessments and follow-up reports) according to the legislation and policy of the originating PT or as agreed to in the Interprovincial Placement Agreement.

#### **8.5 Placement Disruptions**

##### **8.5.1 Temporary or Transitional Placement**

- 8.5.1.1 When the placement of a child or youth is disrupted, a temporary placement may be used. The PTs agree to renegotiate a case plan that is in the best interests of the child or youth.

##### **8.5.2 Placement Decisions**

- 8.5.2.1 The receiving and originating PTs agree to consider the following factors in determining whether a child should remain in the receiving PT or be returned to the originating PT:
- a. best interests of the child or youth;
  - b. needs of the child or youth and the ability of each PT to meet them;
  - c. appropriate placement options in both the receiving and originating PTs that would meet the needs of the child or youth;
  - d. where parents, guardians or other significant persons reside;
  - e. preferences of the child or youth;
  - f. length of time the child or youth has resided in the receiving PT;
  - g. for a First Nations, Inuit and Metis child or youth, access to his or her cultural heritage;
  - h. confirmation that the originating PT has involved the appropriate Indian band or First Nations, Inuit and Metis organization as required under the originating PT's legislation and policy; and
  - i. any applicable legislative requirements regarding placements that apply.
- 8.5.2.2 The receiving PT agrees to make all non-emergency placement changes in consultation with the originating PT where possible and to notify the originating PT of an emergency placement as soon as possible or **within seven (7) days**.

- 8.5.2.3 At the request of the receiving PT, the originating PT shall facilitate the return of a child or youth to the originating PT. Such requests must be based on a review of the factors in paragraph 8.5.2.1.
- 8.5.2.4 The final decision as to where a child or youth is placed is the responsibility of the originating PT.

## **8.6 Visitation**

### **8.6.1 Temporary Visits to a Receiving Province/Territory**

When a child or youth receiving services will be visiting a receiving PT and the receiving PT is being asked to provide supervision and monitoring services during the visit, the originating PT shall request the required services **at least 30 days prior** to the visit or such shorter period of time as negotiated between the originating and receiving PT. When requesting services, the originating PT shall use the Interprovincial Request for Services form appended to the Protocol. The originating PT shall provide, at a minimum, the following information:

- a. the name, address, birth date, health card information and legal status of the child or youth;
- b. the name, address and phone number of the caseworker in the originating PT;
- c. the name, address and phone number of the person the child or youth will be visiting;
- d. the timeframe for the visit;
- e. an outline of the expectations of the receiving PT for supervision and monitoring; and
- f. any other circumstances that the receiving PT should be made aware.

### **8.6.2 Temporary Return to Originating Province/Territory**

- 8.6.2.1 Arrangements for the temporary return of a child or youth to an originating PT shall be planned in advance as part of the case plan. If circumstances do not permit advance planning as part of the case plan, as much prior notice as possible should be provided to the other PT.

## **8.7 Services to Young Persons who were formerly in care or in out of care placement**

- 8.7.1 This section applies to persons formerly in care or in an out of care placement and due to their age are not eligible to be admitted to care but are eligible for and may have entered into an agreement for post care or extended services.

- 8.7.2** The originating PT remains responsible for establishing and maintaining the agreement with the young person, including all payments and supports covered in the agreement.
- 8.7.3** Notification to the receiving PT is not required in situations where supervision and monitoring are not requested of the receiving PT. If an originating PT is requesting supervision and monitoring then an Interprovincial Placement Agreement must be negotiated.

## **9. Children or Youth in Out of Care Placements**

### **9.1 Scope of Legislative Authority**

- 9.1.1 Children or youth in out of care placements are not in the care of a PT, but whose placement is financially supported and/or supervised by the PT.
- 9.1.2 Some PTs do not have the legislative authority to provide services to children or youth in out of care placements from other PTs. Prior to a move to another PT, the originating PT must contact the receiving PT to determine whether they will be able to assist with case planning, monitoring and supervision.
- 9.1.3 If the originating PT is unable to negotiate an appropriate plan for the child or youth through negotiating an exception in the receiving PT or by the originating PT providing or contracting for the service, the child or youth should not be moved to the PT.
- 9.1.4 In circumstances where a child or youth does move to another PT, the originating PT maintains responsibility for meeting the originating PT's policies and standards for children or youth in out of care placements.
- 9.1.5 Although the legal status of the child or youth is different than a child in care, in those circumstances where supervision and monitoring is being provided by a receiving PT, an Interprovincial Placement Agreement is still required along with the case planning and documentation requirements in Section 8, Children and Youth in Care.



## **10. Adoption and Post-Adoption Services**

### **10.1 Introduction**

Section 10 applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

#### **10.1.1 Administration**

When providing services under this Section to persons planning to move to a receiving PT, the originating PT shall:

- a. obtain general information from the receiving PT regarding its policies and services;
- b. inform the person of the information received from the receiving PT regarding its policies and services, noting apparent differences to those in the originating PT; and
- c. provide the person information regarding who to contact in the receiving PT for more information on its policies and services and, the name, address and phone number of the office that will be providing services.

### **10.2 Adoption Inquiry and Application Services**

#### **10.2.1 Originating and Receiving PTs**

The originating PT is the PT where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving PT is the PT to where an adoption inquiry is directed or an adoptive applicant is moving.

#### **10.2.2 Adoption Inquiries**

Section 10.2.2 applies to persons who are inquiring about adoption services and requirements in PTs other than the originating PT and pertains to inquiries about all types of adoptions. The remainder of Section 10 applies to the adoption of children or youth in care of a PT.

- 10.2.2.1 In response to an inquiry about interprovincial adoption services in another PT, the originating PT shall:
- a. provide information to the person about its legislative and policy requirements; and
  - b. refer the person to the appropriate child welfare organization in the receiving PT for information about that PT's legislative and policy requirements.

### **10.2.3 Adoptive Applicant Referrals**

Section 10.2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating PT to a receiving PT.

- 10.2.3.1 With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating PT and who is moving to a receiving PT, the originating PT shall provide the following to the receiving PT **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.
- 10.2.3.2 Upon receiving a referral from the originating PT, the receiving PT shall:
- a. accept the adoption application as if it were made in the receiving PT and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating PT;
  - b. open an adoption file as may be required under its legislation and policy; and
  - c. accept the home study subject to any updates or further adoption preparation and assessments, if the originating PT has completed a home study on the adoptive applicant, required under the receiving PT's legislation, regulations and policy.

## 10.3 Adoption Placement Services

The originating PT is the PT that has the child or youth in care. The receiving PT is where a prospective adoptive applicant resides or to where a child or youth in care and adoptive applicant are moving.

### 10.3.1 Adopting a Specific Child or Youth in Care

10.3.1.1 When a prospective adoptive applicant in a receiving PT inquires about adopting a specific child or youth in care in an originating PT, the originating PT shall contact the receiving PT **within 30 days** of receiving an inquiry to:

- a. advise if the child or youth is legally 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 or youth; and
- c. request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child or youth.

10.3.1.2 When an originating PT inquires about the possibility of placing a specific child or youth in care with a prospective adoptive applicant who resides in a receiving PT, the receiving PT shall **within 30 days** of receiving an inquiry or such period of time as negotiated between the originating and receiving PTs:

- 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 or youth in care;
- b. advise the originating PT in writing if placement seems viable and if the receiving PT will conduct a home study of the prospective adoptive applicant; and
- c. the originating PT will keep copies on file of all documents sent to the receiving PT.

10.3.1.3 The receiving PT shall complete a home study on the adoptive applicant and provide a copy to the originating PT **within six (6) months** from the date the PTs agree to a tentative plan to place the child in care for adoption, or such period of time as negotiated between the originating and receiving PTs.

10.3.1.4 The originating PT shall develop a written adoption placement plan in collaboration with the receiving PT upon:

- a. concluding that it is in the best interests of the child or youth to be placed for adoption with the adoptive applicant in the receiving PT; and
- b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving PT.

10.3.1.5 A written adoption placement plan shall include:

- a. arrangements for pre-placement visits;
- b. provision for the receiving PT 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 paragraph 10.4.2; and
- e. a time frame for applying to court for an order of adoption and confirmation as to the PT where the application will be made.

10.3.1.6 Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving PT:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child as outlined in the adoption placement plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.

10.3.1.7 Subject to Part 6 of the *Youth Criminal Justice Act* and the policies of the PTs, the originating PT shall advise the receiving PT of any relevant youth justice system involvement.

## **10.3.2 Child or Youth in Care Moving with Adoptive Parent**

10.3.2.1 When it becomes known that a child or youth in care and his or her adoptive parent are moving to a receiving PT prior to a court granting an order of adoption, with the written consent of the adoptive parent, an originating PT shall provide **30 days prior** written notice of the move to the receiving PT if the circumstances permit.

10.3.2.2 At the request of the originating PT, the receiving PT shall as soon as reasonably possible after receiving the notice:

- a. advise the originating PT as to which office has responsibility for providing adoption services in the receiving PT; and
- b. provide the notice to the appropriate office in the receiving PT.

10.3.2.3 The originating PT shall develop a written plan for completion of the adoption in collaboration with the receiving PT. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving PT. The plan shall include:

- a. provision for the receiving PT to supervise the placement;
- b. a time frame for applying to court for an order of adoption and confirmation of the province or territory 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 PT; and
- d. if applicable, information about the availability of an adoption subsidy.

10.3.2.4 Prior to the adoptive family moving to the receiving PT, if possible:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child or youth as outlined in the adoption plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision.

10.3.2.5 The originating PT shall provide information on the adoptive parent to the receiving PT **within 30 days** of the adoptive applicant's move to the receiving PT pursuant to paragraph 10.2.3.2.

### **10.3.3 Information on Child or Youth in Care**

When a child or youth in care is placed for adoption in a receiving PT or moves with an adoptive parent to a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT **within 30 days** of the placement or move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;

- c. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- d. the child or youth's life book, if available, or a copy of it;
- e. in the case of a First Nations, Inuit and Metis child or youth, details with respect to the child or youth's status under the *Indian Act* (Canada) and community of origin;
- f. confirmation that the originating PT has involved the appropriate Indian band or First Nations, Inuit and Metis organization as required under the originating PT's legislation and policy;
- g. a social history including documentation of all services provided and assessments conducted with respect to the child or youth;
- h. any medical, psychological or educational assessments completed within the past two years or those that remain relevant;
- i. up-to-date medical reports if the child or youth is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving PT;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- l. additional documentation required by the receiving PT if available.

#### **10.3.4 Progress Reports**

With respect to a child or youth in care who has been placed for adoption, or who has moved with an adoptive parent, the receiving PT shall complete and provide to the originating PT:

- 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 PT;
- b. a copy of the receiving PT'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 PT, a request that the originating PT provide to the receiving PT the required written consents to the adoption.

#### **10.3.5 Placement Disruptions**

When an adoption placement of a child or youth in care is disrupted prior to the granting of an order of adoption, the originating and receiving PTs will, subject to applicable child welfare legislation in the receiving PT, renegotiate a case plan that is in the best interests of the child or youth.

### **10.3.6 Application for Order of Adoption**

10.3.6.1 Depending on where the application to court for an order of adoption is to be made, the receiving PT or the originating PT shall:

- a. provide the required written consents to the adoption to the PT where the application to court is to be made; and
- b. provide required court documentation with respect to the application for an order of adoption.

10.3.6.2 As a general rule, the PT 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 or youth was placed for adoption or such period of time as negotiated between the originating and receiving PTs.

10.3.6.3 The PT where the order of adoption is granted shall notify the other PT in writing as soon as possible, but in all cases **within 30 days** of the order being granted; and then **within 30 days** of receiving the physical order, a copy shall be sent to the other PT.

### **10.3.7 Adoption of Child or Youth in Care in Originating Province/Territory**

At the request of a PT that requires consent to adoption from a person who resides in another PT to complete the adoption of a child or youth in care, the PT that receives the request shall assist in obtaining the required consents to adoption from the person.

## **10.4 Subsidized Adoptions**

### **10.4.1 Child or Youth in Care Placed for Adoption in Receiving Province/Territory**

10.4.1.1 In planning to place a child or youth in care with an adoptive applicant who resides in a receiving PT, the originating PT shall:

- a. advise the receiving PT if the child or youth has special needs or whether there are special circumstances that fall within the originating PT's eligibility criteria for subsidized adoption;
- b. request that the receiving PT explain the child or youth'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.

10.4.1.2 In responding to the originating PT's request for assistance, the receiving PT shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child or youth in care of the originating PT and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating PT as to the availability of needed services in the receiving PT 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 PT.

#### **10.4.2 Child or Youth in Care or Adopted Child or Youth Moving with Adoptive Parent**

10.4.2.1 When it is known that a child or youth and his or her adoptive parent are moving to a receiving PT, with the written consent of the adoptive parent, the originating PT shall provide **at least 30 days prior** notice in writing to the receiving PT if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating PT requires the assistance of the receiving PT 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 PT.

10.4.2.2 With the written authorization of the adoptive parent, the originating PT agrees to provide to the receiving PT **within 30 days** of the move the following information:

- a. information about available adoption subsidies from the originating PT 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.

#### **10.4.3 Services and Subsidies**

10.4.3.1 At the request of the originating PT, the receiving PT agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to provide reports to the originating PT as may be required by the originating PT.



- 10.4.3.2 The originating PT agrees to continue to pay the adoption subsidy to the adoptive parent, where eligible, following the adoptive parent's move to the receiving PT and to negotiate any changes to the subsidy in consultation with the receiving PT.

## **10.5 Post-Adoption Services**

### **10.5.1 Registration**

- 10.5.1.1 When requesting the assistance of a receiving PT to facilitate registering a person for a post-adoption search or reunion, an originating PT (where the adoption order was granted) may request a receiving PT 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.
- 10.5.1.2 In responding to the request, the receiving PT 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 PTs.

### **10.5.2 Searches**

- 10.5.2.1 When there is information to indicate that the person may have moved to a receiving PT, an originating PT may request a receiving PT to check existing search mechanisms to assist in locating a person who is the subject of a search.
- 10.5.2.2 Upon receiving a request under paragraph 10.5.2.1 together with a written consent to conduct a search if required, the receiving PT shall advise the originating PT of the results of the search **within 90 days** or such period of time as negotiated between the originating and receiving PTs.

## **10.6 Custom Adoptions**

Some PTs recognize First Nations, Inuit and Metis customary law for adoptions that take place in their PT. This Protocol does not apply to custom adoptions. Where an originating PT has legislation supporting custom adoptions (e.g. *Custom Adoption Recognition Act* in Nunavut), the unique policies and procedures shall be followed.

## **10.7 Adoptions involving Quebec**

The objective of this section is to present the guidelines of the interprovincial adoption process when Quebec is the child's originating province or receiving province. A detailed procedure is appended to this protocol and is an integral part thereof.

**10.7.1** The Minister of health and social services is Quebec's central authority with respect to intercountry adoption, including interprovincial adoptions. The Minister is represented by the Secrétariat à l'adoption internationale (SAI).

**10.7.2** Private adoption is not permitted in Quebec.

**10.7.3** Any person domiciled in Quebec who wishes to adopt a child domiciled outside Quebec must be represented by a certified body or obtain authorization from the Minister of health and social services. More specifically, the Minister may authorize a person to start the adoption process without going through a certified body if that person is planning to adopt a child who is domiciled in a Canadian province or territory and is under the care of a competent public authority responsible for child protection or adoption in that province or territory.

**10.7.4** Any person domiciled outside Quebec who wishes to adopt a child domiciled in Quebec must apply to the SAI and provide the information required concerning the child who is the subject of this adoption.

**10.7.5** An adoption that requires or did require that the child be transferred from his or her originating province or territory to another province or territory is considered an interprovincial adoption. The principles of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (HAC) apply to such adoptions and serve as the basis for the procedure used by the Province of Quebec.

## **11. Protocol Administration**

### **11.1 Working with Province/Territories that are not Signatories to this Protocol**

This Protocol shall apply to those provinces and territories that have signed the Protocol. The Protocol shall not apply to a party that does not sign the Protocol or subsequently opts out.

When dealing with a PT that is not a signatory to the Protocol, planning and services should be negotiated on a case by case basis and, to the extent possible, consistent with this Protocol.

### **11.2 Opting Into Protocol**

A province or territory 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.

### **11.3 Opting Out of Protocol**

A province or territory may opt out of the Protocol by giving 90 days' notice in writing to all parties to the Protocol.

### **11.4 Amendments to Protocol**

Amendments to the Protocol may be made upon the written consent of all the parties executed by their proper authorities.

### **11.5 Review of the Protocol**

A formal review of the provisions in the Protocol must be conducted every five years or sooner at the recommendation of the Provincial/Territorial Directors of Child Welfare Committee.

### **11.6 Commencing of Protocol**

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories (2016) comes into force on April 1, 2016.

### **11.7 Existing Protocol**

This Protocol replaces all previous versions of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories.

#### **11.8 Existing Agreements Under Former Protocols**

Any existing arrangements or agreements completed under former versions of the Provincial/ Territorial Protocol on Children and Families Moving Between Provinces and Territories Protocol will be grandfathered and remain unchanged unless re-negotiated under this Protocol.

#### **11.9 Signing by Parties**

The 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 the Protocol and such counterparts together shall constitute but one and the same instrument.

## Protocol Signatories

The following provinces and territories endorse the 2016 Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories and adopt it for use within their province or territory:

Alberta  
British Columbia  
Manitoba  
New Brunswick  
Newfoundland and Labrador  
Northwest Territories  
Nova-Scotia  
Nunavut  
Ontario  
Prince Edward Island  
Quebec  
Saskatchewan  
Yukon

## Appendices

**A- Sample Forms**

**B- Quebec Adoptions**

**Confidential**

## Interprovincial Request for Services

### Originating Province/Territory

Child Welfare Organization	Caseworker (contact person)	Date
Phone Number	Fax Number	Email Address

### Receiving Province/Territory

(Interprovincial Coordinator will complete this information prior to forwarding to the regional designate if you do not know)

Child Welfare Organization	Address	Postal Code
Phone Number	Fax Number	Email Address

### Type of Request (check *all* that apply)

<input type="checkbox"/> Background History/Information	<input type="checkbox"/> Child Abuse Registry Information (if applicable in receiving jurisdiction)
<input type="checkbox"/> Home Study (adoption, foster care, place of safety, etc.)	<input type="checkbox"/> Courtesy Supervision of a Visit
<input type="checkbox"/> Service of Court Documents	<input type="checkbox"/> Interview with alleged perpetrator(s) or victim(s) of abuse
<input type="checkbox"/> Other – describe:	

### Child Information

Full Legal Name	Date of Birth (if known)	Location/Address

### Parent/Caregiver

Full Legal Name	Date of Birth (if known)	Relationship to Child or Caregiver	Location/Address

### Reason for Request or Details (briefly describe and attach a separate sheet if necessary)

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- Distribute copies as follows:
- ☐ Originating Interprovincial Coordinator
  - ☐ Receiving Interprovincial Coordinator
  - ☐ Receiving Child Welfare Organization

## Confidential

# Interprovincial Placement Agreement (IPPA Form)

### The Interprovincial Placement Agreement (IPPA):

- is negotiated prior to a child/youth moving to another jurisdiction: with a foster family; to a family member or other approved care provider; to a temporary treatment or a child and youth caring program resource facility where there is supervision and monitoring role for the receiving jurisdiction; to an out of care placement; or, a supervision and monitoring role is required with a young person who was a former ward and has entered into an agreement for post care or extended services.
- must be completed after the review and consideration of each jurisdiction's obligations as outlined in the *Provincial/Territorial Protocol on Children and Family Moving Between Provinces and Territories* (the Protocol); and
- must be reviewed every 12 months or earlier at the request of either jurisdiction.

### Part A - Instructions

Completion of this form involves the following steps:

1. Prior to placement the originating child welfare organization initiates contact with the appropriate receiving child welfare organization. The Interprovincial Coordinator in your jurisdiction may assist with identifying the appropriate contact.
2. The case worker/designate in the originating jurisdiction arranges a planning conference with the case worker/designate in the receiving jurisdiction to review and coordinate services and negotiate the IPPA pursuant to the Protocol.
3. Once plans are finalized between the originating and receiving case workers/designates, the originating case worker/designate completes the IPPA and sends two signed copies to the receiving case worker/designate.
4. The case worker/designate in the receiving jurisdiction has both copies of the form signed, returning one copy to the case worker/designate in the originating jurisdiction.
5. The case worker/designate in each jurisdiction sends copies of this form and related documentation to its Interprovincial Coordinator(s) and others as may be required.
6. The IPPA will be reviewed annually or earlier if circumstances change.

### Part B – An Agreement Between:

**Originating Jurisdiction** (province/territory)

Originating Child Welfare Organization		Contact Person (who can be contacted about this Agreement)
Address		
Telephone	Fax	Email
Alternate Contact (name)		Alternate Contact (phone number and email address)

**Receiving Jurisdiction** (province/territory)

Receiving Child Welfare Organization		Contact Person
Address		
Telephone	Fax	Email
Alternate Contact (name)		Alternate Contact (phone number and email address)



**Part C – Information on Child or Youth** (you must complete a separate agreement for each child/youth)

<b>Full Legal Name of Child/Youth</b>		<b>Alternate Name of Child/Alias</b>
<b>Date of Birth</b>	<b>Gender</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Non-Binary <input type="checkbox"/> Prefers to self-describe	<b>First Nations, Inuit or Métis Status</b> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Status Indian <input type="checkbox"/> Non-Status Indian <input type="checkbox"/> Inuit <input type="checkbox"/> Métis
<b>First Nations, Inuit or Métis Community Band</b> (include applicable contact information and their level of involvement with the child/youth)		
<b>Legal Status</b> (indicate and attach a copy of order or Agreement)		<b>Expiration Date of Legal Status</b>
<b>The receiving jurisdiction agrees to support/enforce/defend the status of the child while monitoring and supervising the child/youth's care in the receiving jurisdiction. Any attempt to change this status will be redirected to the originating jurisdiction.</b>		
<b>The originating jurisdiction agrees to not allow the order/agreement to lapse or terminate without notifying the receiving jurisdiction and the jurisdictions will review/ revise this Agreement in the event there is a significant change in circumstances or placement disruption.</b>		

**Current Placement**

<b>Name(s)</b>	<b>Type of Resource</b> (e.g. family, foster family, child and youth caring program resource facility, out of care placement, etc.)
<b>Address</b>	
<b>Telephone</b>	<b>Email</b>

**Receiving Placement**

<b>Name(s)</b>	<b>Type of Resource</b> (e.g. family, foster family, child and youth caring program resource facility, out of care placement, etc.)
<b>Address</b>	
<b>Telephone</b>	<b>Email</b>

**Part D – Summary of Responsibilities**

<b>Notification &amp; Negotiation</b> <input type="checkbox"/> Child/Youth Moving with Foster Family <input type="checkbox"/> Child/Youth Moving to Family or Other Approved Provider <input type="checkbox"/> Child/Youth Moving to Child and Youth Caring Program Resource Facility <input type="checkbox"/> Child/Youth Moving to Temporary Treatment Facility <input type="checkbox"/> Youth Formerly in Care
--

<b>Case Planning &amp; Management</b> (detail expectations of case workers or any service providers involved and identify schedule/timeframes)  <b>In collaboration, the case plan will be developed according to the legislation and policy standards of the originating jurisdiction (e.g. case conferencing, contact standards, progress reports, case plan reviews, visitation, decisions and consents that may be authorized by the receiving jurisdiction etc.) The receiving jurisdiction agrees to immediately or as reasonably possible notify the originating jurisdiction of any serious occurrences/incidents as per the Protocol. Both jurisdictions will maintain a file record on the child/youth and will have a case worker assigned to the child/youth. Jurisdictions must notify the other of any change in the assignment of case workers.</b>
--

<b>Documentation- 8.4 of the Protocol Outlines information on the child to be shared.</b> (list attachments) <input type="checkbox"/> Certified copy of birth registration <input type="checkbox"/> Legal Order/Agreement <input type="checkbox"/> Copy of Life Book <input type="checkbox"/> Social History <input type="checkbox"/> Medical Assessments <input type="checkbox"/> Psychological Assessments <input type="checkbox"/> Educational Assessments <input type="checkbox"/> Current Case Plan <input type="checkbox"/> Other  i. <b>The originating jurisdiction agrees to provide the required documentation to the receiving jurisdiction pursuant to the Protocol.</b> ii. <b>The receiving jurisdiction agrees to forward to the originating jurisdiction all reports on the progress of a child/youth completed according to the standards in the originating jurisdiction or as otherwise negotiated.</b>
--

Placement Disruption-8.5 of the Protocol outlines placement disruptions and placement decisions in the event of a disruption.

The receiving jurisdiction agrees to make all emergency and non-emergency placement changes wherever possible in consultation with the originating jurisdiction; following placement disruptions the jurisdictions agree to renegotiate a case plan that is in the best interests of the child.

#### Financial Arrangements- Placement and Service Expenditures

As per the Protocol, the originating jurisdiction agrees to:

- i. make maintenance and service payments to the service provider; and
- ii. provide any costs not covered by the receiving jurisdiction's medical plan.

Any expenditure must be pre-approved by the originating jurisdiction.

☐ Other (indicate as negotiated):

Receiving Child/Youth Maintenance Amount	Other	Approved Exceptional Funding
Current Source of Funding		
<input type="checkbox"/> Province/Territory	<input checked="" type="checkbox"/> Federal Government (Canada)	<input type="checkbox"/> Other (indicate):

#### Part E – Signatures

##### Local Child Welfare Organization in Originating Province

Name of Signing Authority (Print)	Signature	Date
-----------------------------------	-----------	------

##### Central Authority in Originating Province (complete only if required)

Name of Signing Authority (Print)	Signature	Date
-----------------------------------	-----------	------

##### Local Child Welfare Organization in Receiving Province

Name of Signing Authority (Print)	Signature	Date
-----------------------------------	-----------	------

##### Central Authority in Receiving Province (complete only if required)

Name of Signing Authority (Print)	Signature	Date
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Distribute as follows:

- ☐ Copies of IPPA Agreement on files in both originating and receiving jurisdiction
- ☐ Copy Originating Jurisdiction Interprovincial Coordinator
- ☐ Copy Receiving Jurisdiction Interprovincial Coordinator

## Interprovincial Child Protection Alert

**Instructions to Sender**

Completed forms are to be faxed ( insert originating jurisdiction Interprovincial Coordinator fax #) or emailed to the Interprovincial Desk ( insert originating jurisdiction Interprovincial Coordinator email address). The originating Interprovincial Desk will then forward to the relevant provinces/territories or Canada wide.

**Issued By** (province or territory)

Child Welfare Organization			
Caseworker	Telephone	Fax	Email Address
Address		Date of Alert	Alert End/ Expiry Date if less than 9 months

**Subject of Alert**

Full Legal Name	Date of Birth	Last Known Address
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**Others Involved in Alert** (children, legal partners, others in home, etc.)

Name	Date of Birth (if known)	Relationship to Subject	Location/Address/Last Known Whereabouts

**Reason for Alert/Cause for Concern** (check *all* that apply)

<input type="checkbox"/> Child in Care missing believed to have left jurisdiction	<input type="checkbox"/> Child Sexual Exploitation/Trafficking	<input type="checkbox"/> 'Honour-Based' Violence	<input type="checkbox"/> Illegal Adoption
Child protection investigation not concluded	<input type="checkbox"/> Left jurisdiction prior to case closure	Left jurisdiction without approval while under child welfare court-ordered supervision	Child in Care taken from jurisdiction without approval
Other			

**Known History or Risk of Violence**

--

**Additional Information**

--

☐ **Possible Destinations** (where the subject might be going, if known) or ☐ **Canada Wide**

Include other relevant information that may assist in locating the subject, e.g. First Nations, Inuit, Metis, known family/friend contact information

**Action Required** (e.g. investigation required, contact caseworker, etc.)

Distribute copies as follows:

- ☐ Originating Interprovincial Coordinator
- ☐ Receiving Interprovincial Coordinator
- ☐ Receiving Child Welfare Organizations

## Appendix B- Quebec Adoptions

### Adoption inquiry, adoption placement, adoption application, and post-adoption services when Quebec is the originating province or the receiving province of the child being adopted

#### 1. Definitions

**Domestic adoption:** Adoption of a child domiciled in a given province or territory by an adoptive applicant or an adoptive parent domiciled in the same province or territory.

**Interprovincial adoption:** Adoption of a child domiciled in a given province or territory by an adoptive applicant or an adoptive parent domiciled in another province or territory. For the purposes of an adoption, a child's place of domicile is linked to the place of domicile of his or her biological parent even if the child resides elsewhere.

**Originating competent authority:** The competent authority with respect to interprovincial adoption in the originating province or territory of the child being adopted. If Quebec is the child's originating province, the originating competent authority is the Secrétariat à l'adoption internationale (SAI).

**Receiving competent authority:** The competent authority with respect to interprovincial adoption in the province or territory where the adoptive applicant is domiciled and to which the child being adopted has been or will be transferred. If Quebec is the child's receiving province, the receiving competent authority is the SAI.

**Hague Adoption Convention (HAC):** Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.

**Specifically designated child or designated child:** Child specifically identified as the subject of a proposed adoption before the adoption process is initiated.

**Non-specifically designated child:** Child not specifically identified at the time the adoption process is initiated.

**Adoptive applicant or applicant:** A person or persons who have applied to adopt a child in care, whether or not that child has already been placed with them. These terms therefore include the term adoptive parent.

**Originating province or territory:** Geographically identified province or territory representing the initial domicile of the child being adopted, including a competent public authority responsible for child protection or adoption in that province or territory.

**Receiving province or territory:** Geographically identified province or territory representing the domicile of the adoptive applicant to which the child being adopted has been or will be transferred, including a competent public authority responsible for child protection or adoption in that province or territory.

**SAI:** Secrétariat à l'adoption internationale.

## **2. Information requests and file transfers**

Section 2 applies to requests for information about domestic adoption in anticipation of a change of domicile of the person requesting the information or in anticipation of the transfer of the adoption application file of an adoptive applicant who is changing his or her domicile before a child in care is proposed for adoption by that person by his or her originating province or territory.

For the purposes of section 2, the competent authority in Quebec is the director of youth protection (DYP) of an integrated health and social services centre (CISSS) or an integrated health and social services university centre (CIUSSS). The terms “originating province or territory” refer to the domicile of origin of the person or applicant who is planning to move or is moving. The terms “receiving province or territory” refer to the domicile to which the person or applicant is planning to move or is moving.

- 2.1 Where a person is planning to move to another province or territory in order to establish domicile there and that person needs some information with a view to a possible domestic adoption, the originating province or territory shall
  - a. Obtain general information from the receiving province or territory about its policies and services and the legislative provisions applicable in that province or territory;
  - b. Provide the person with the information it has received from the receiving province or territory and identify differences from its own policies, services, and applicable provisions;
  - c. Provide the person with contact information for a resource person in the receiving province or territory for the purpose of obtaining more information about the policies and services and the applicable provisions, as well as the name, address, and telephone number of any office responsible for providing the services.
- 2.2 Where an applicant for a domestic adoption moves to another province or territory in order to establish domicile there before being matched with a child in care, the applicant's originating province or territory shall, within 30 days of receiving the adoptive applicant's consent, provide the applicant's receiving province or territory with the following documents:
  - a. An original or a certified true copy of the adoption application;
  - b. An original or a certified true copy of all documents on file concerning the identity and marital status of the adoptive applicant, including birth certificates, marriage certificate or declaration of a common-law union, divorce certificate, and death certificate;

- c. All information or preliminary assessments on file concerning the applicant's suitability to adopt;
- d. An original or a certified true copy of the most recent psychosocial assessment of the adoptive applicant, along with any updates;
- e. Original copies of the documents on file, including police checks, medical reports, and personal references;
- f. Any other relevant information and documentation in the adoptive applicant's file.

**2.3 Where a receiving province or territory receives a domestic adoption application from the originating province or territory, the receiving province or the territory shall**

- a. Approve the adoption application like if it was submitted in the receiving province or territory and put the adoptive applicant's name on its waiting list, if there is one, as of the date the application was submitted in the originating province or territory;
- b. Open an adoption file in accordance with the requirements of its own legislative provisions and policies;
- c. If the originating province or territory has done an assessment of the adoptive applicant, approve the said assessment, subject to any update, and any subsequent assessment or other measure required under the laws, regulations, and policies of the receiving province or territory.

**3. Information requests and adoption procedures for interprovincial adoption**

The SAI is the authority responsible for receiving and transmitting any requests for information about adopting a child domiciled outside Quebec by a person domiciled in Quebec and any requests concerning the adoption of a child domiciled in Quebec by a person domiciled outside Quebec. This also applies to an adoption application submitted under the same circumstances.

**4. Adoption by a person domiciled in Quebec of a specifically designated child in care and domiciled outside Quebec**

- 4.1 Where the SAI receives an application to adopt a specifically designated child (hereinafter the "designated child") in care and domiciled outside Quebec and the applicant is a person domiciled in Quebec, it shall verify the admissibility of that application. To do this, it shall contact the adoptive applicant and ask the originating competent authority to provide it with a copy of the designated child's birth certificate and a copy of any documentation showing that the designated child is under the care of a competent public authority responsible for child protection or adoption in that province or territory.
- 4.2 If the application is admissible, the SAI shall forward an adoption application form to the applicant. The applicant must return the duly completed form and the documents mentioned therein to the SAI.

- 4.3 After the adoption application form and the required documentation have been received, the SAI either authorizes or does not authorize the adoptive applicant to proceed with a psychosocial assessment.
- 4.4 If the adoptive applicant is not authorized to proceed with an assessment, the SAI shall so inform the applicant and the originating competent authority in writing and terminate any adoption procedures that have been initiated.
- 4.5 If the adoptive applicant is authorized to proceed with an assessment, the SAI shall so inform the applicant and the competent authority in writing.
- 4.6 After the psychosocial assessment of the adoptive applicant prepared by the DYP is received, where the SAI notes that the applicant is not eligible and suited to adopt the designated child, it shall so inform the applicant and the originating competent authority in writing and terminate any adoption procedures that have been initiated.
- 4.7 If the SAI notes that the applicant is eligible and suited to adopt the designated child, it shall transmit an original or a certified true copy of the assessment to the originating competent authority, along with the report it has prepared concerning the applicant's suitability to adopt (Article 15, HAC). The SAI shall also send a copy of this report to the central authority of the originating province or territory.
- 4.8 After the report has been received, the originating competent authority shall inform the SAI that the applicant may be eligible for an adoption subsidy, if applicable. The originating competent authority shall also send the SAI an original or a certified true copy of the following documents:
- a. The child's birth certificate;
  - b. Documents concerning the medical and social history of the designated child, including a summary of services that have been provided for the child and any assessments concerning the child;
  - c. A statement concerning the child's adoptability;
  - d. Any order, judgment, or agreement concerning the child's current legal status;
  - e. Authorization to take steps to obtain a placement order for the child for the purposes of adoption by the applicant;
  - f. Original copies of the consents referred to in Article 4 of the HAC, along with confirmation indicating that those consents were given in accordance with the rules set out in that article, if applicable;
  - g. In the case of a First Nations, Inuit and Metis child, details concerning the child's status under the *Indian Act* (Canada) and the originating community.
  - h. Confirmation that the originating province or territory has involved the originating band or the competent First Nations, Inuit and Metis body if the legislative provisions or the policies of the province or territory so provide;
  - i. Any other document relevant to the placement request, as required by the SAI.
- 4.9 After those documents have been received, the SAI shall send a letter agreeing that the adoption may proceed (Article 17, HAC) to the originating competent authority, a copy of which is sent to the central authority of that province or territory. The SAI shall also forward to the DYP any necessary information and documentation such that an order placing the designated child with the adoptive applicant is issued by the competent tribunal.



- 4.10 Once the placement order has been issued, the SAI shall forward a copy of it to the originating competent authority.
- 4.11 During, and at the end of, the placement period, the SAI shall transmit the reports required by the originating competent authority concerning the child's integration into his or her adoptive family.
- 4.12 If the originating competent authority is satisfied with the child's integration into his or her adoptive family, it shall forward to the SAI an original or a certified true copy of a document authorizing the adoptive applicant to proceed with the legal steps required to obtain an adoption decision.
- 4.13 The SAI shall then send a certified true copy of the adoption judgment to the originating competent authority as soon as possible.

**5. Adoption by a person domiciled in Quebec of a non-specifically designated child in care and domiciled outside Quebec**

Where it is possible for an adoptive applicant domiciled in Quebec to take steps to adopt a non-specifically designated child in care and domiciled outside Quebec, the applicable procedure is based on the procedure for adopting a specifically designated child.

**6. Adoption by a person domiciled outside Quebec of a specifically designated child in care and domiciled in Quebec**

- 6.1 Where the SAI receives an adoption application for a specifically designated child who is in care and domiciled in Quebec from an adoptive applicant domiciled outside Quebec, it shall ask the receiving competent authority to send it a copy of the applicant's written application, if it has not already received it, along with information and documentation establishing the applicant's identity, marital status, and family or other relationship with the designated child, along with the reasons for the application.
- 6.2 The SAI shall ensure that the designated child is taken into care by the DYP and that the child is adoptable.
- 6.3 If such is the case, the SAI shall send to the receiving competent authority the following documents:
- a. A copy of the child's birth certificate;
  - b. A certified true copy of any documents concerning the medical and social history of the designated child, including a summary of services that have been provided for the child and any assessments concerning the child;
  - c. Information about the possibility of an adoption subsidy, if applicable.
- 6.4 After the psychosocial assessment of the adoptive applicant has been completed, where the receiving competent authority concludes that the adoptive applicant is not eligible and suited to adopt the designated child, it shall confirm this in writing to the adoptive applicant and to the SAI, which shall terminate any adoption procedures that have been initiated.

- 6.5 Where the receiving competent authority concludes that the adoptive applicant is eligible and suited to adopt the designated child, it shall confirm this in writing to the applicant and to the SAI and provide it with an original or a certified true copy of the psychosocial assessment.
- 6.6 After the report has been received, if the SAI, in conjunction with the DYP, notes that the adoption being considered is in the child's interest, the SAI shall transmit to the competent authority a report in accordance with Article 16 of the HAC, a copy of which shall be sent to the central authority of the receiving province or territory.
- 6.7 The SAI shall also send to the receiving competent authority an original or a certified true copy of the following documents:
- a. The child's birth certificate;
  - b. A statement to the effect that the adoption being considered is in the best interests of the child;
  - c. Any order, judgment, or agreement concerning the child's legal status;
  - d. A statement concerning the child's adoptability;
  - e. Original copies of the consents referred to in Article 4 of the HAC, along with confirmation indicating that those consents were given in accordance with the rules set out in that article, if applicable;
  - f. In the case of a First Nations, Inuit and Metis child, details concerning the child's status under the *Indian Act* (Canada) and the originating community.
- 6.8 Also, the SAI shall ask the receiving competent authority to send it an original copy of a document, signed by the adoptive applicant, indicating that the applicant agrees to take the necessary steps to finalize the adoption of the designated child within three months of the child's moving to the receiving province or territory, along with an original or a certified true copy of any other document that might be required for the purpose of obtaining a transfer order for the adoption of the designated child.
- 6.9 After those documents have been received, the SAI shall send a letter agreeing that the adoption may proceed (Article 17, HAC) to the originating competent authority, a copy of which is sent to the central authority of that province or territory.
- 6.10 The SAI shall then take the necessary steps with the DYP such that an order giving the adoptive applicant parental authority and authorizing the transfer of the designated child outside Quebec with a view to the child's adoption is issued by the competent tribunal.
- 6.11 Once the order has been issued, the SAI shall forward a certified true copy to the receiving competent authority, along with any other document required to finalize the adoption.
- 6.12 After the child has moved, the receiving competent authority shall ensure that the procedures required to finalize the adoption are taken by the adoptive applicant within the three-month period referred to in section 6.8.

6.13 The receiving competent authority shall transmit to the SAI a certified true copy of the decision establishing the adoption as soon as possible.

**7. This section applies when the child in care and the adoptive applicant establish domicile in another province or territory following a placement order for a domestic adoption but before the adoption decision is made.**

For the purposes of this section, the responsible authority is the DYP of a CISSS or a CIUSSS.

7.1 When the originating province or territory learns that a child in care and the adoptive applicant will be moving to another province or territory before the adoption decision is made by the tribunal in the originating province or territory, the originating province or territory shall provide to the receiving province or territory, with the written consent of the adoptive applicant, a *written 30-day notice* informing it of the move, if circumstances permit.

7.2 At the request of the originating province or territory, the receiving province or territory shall, as soon as reasonably possible after receiving notice of the move,

- a. Inform the originating province or territory of the name of those responsible for providing adoption services in the receiving province or territory;
- b. Forward the information provided to the competent authorities in the receiving province or territory.

7.3 If possible, before the adoptive applicant and the child who is the subject of the placement order move to the receiving province or territory, the originating province or territory of origin shall

- a. Request in writing that the receiving province or territory ensure that the child is supervised during the placement period;
- b. Ask the receiving province or territory to confirm in writing that it will provide the requested supervision.

7.4 The originating province or territory shall, in cooperation with the receiving province or territory, prepare a plan finalizing the adoption. If possible, the plan shall be written before the adoptive applicant and the child who is the subject of the placement order move to the receiving province or territory. The plan shall include the following elements:

- a. Provisions setting out how the receiving province or territory will supervise the placement;
- b. A timeline for the submission of the adoption application to the tribunal in the originating province or territory;
- c. If applicable, information about additional requirements set forth in the legislation of the originating province or territory concerning finalization of the adoption.

7.5 The originating and receiving provinces and territories shall send each other the information and documents required to implement the agreed-upon plan for finalizing the adoption.

## **8. Placement disruptions**

Where the placement of a child taken into care with a view to adoption is disrupted before an adoption decision is made, the originating and receiving provinces and territories shall agree, subject to the relevant legislative provisions in the receiving province or territory concerning child protection, to renegotiate an intervention plan that is in the best interests of the child. The competent authority in Quebec in this regard is the SAI.

## **9. Post-adoption services**

- 9.1 Where a province or territory has unsuccessfully taken steps to locate a person in connection with a search or a reunion application and there is information suggesting that this person is in a specific province or territory, the province or territory conducting the search may ask that specific province or territory for help in finding the person being sought.
- 9.2 A province or territory may ask another province or territory for help in determining whether a person domiciled in that province or territory consents or does not consent to the disclosure of information concerning a search or a reunion application.

## **10. First Nations, Inuit and Metis customary adoption**

Certain provinces and territories recognize First Nations, Inuit and Metis customary law with respect to adoptions that take place on their territory. This protocol does not apply to First Nations, Inuit and Metis customary adoption. Where an originating province or territory has laws recognizing First Nations, Inuit and Metis customary adoption (e.g., the *Aboriginal Custom Adoption Recognition Act* of Nunavut), that province's or territory's particular policies and procedures shall be respected.

# **APPENDIX D**

## **Children, Seniors and Social Development (CSSD) Documentation Guide**

**Updated: February 2020**

# **Children, Seniors and Social Development (CSSD)**

## **Documentation Guide**

**Updated: February 2020**

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## INTRODUCTION

Effective documentation of client cases in Children, Seniors and Social Development (CSSD) practice is a central component of competent and ethical social work practice. Written documentation is an essential communication tool between social workers and their clients, as well as clinical program supervisors, other professionals, and the court system. A social worker's documentation is relied upon as a means of expressing client strengths, risk factors, goals, progress, and outcomes of client cases. The client case is a clinical tool that assists social workers in documenting their interventions that are directed at risk reduction in accordance with the risk factors identified in the assessment.

Documentation related to the provision of intervention and services should be consistent with the principles and policies outlined in this Documentation Guide. This Documentation Guide reflects and supplements the standards set out in the: [Canadian Association of Social Workers: Guidelines for Ethical Practice](#) (2005) and the [Newfoundland and Labrador Association of Social Workers: Standards for Social Work Recording](#) (2014) (see Appendices B & C).

**All interventions and services provided to children, youth, and their families are to be delivered in accordance with:**

- the principles of the [Children, Youth and Families Act \(CYFA\)](#),
- the policies outlined in the [Protection and In Care Policy and Procedure Manual](#) (2019), and
- the policies and practice standards outlined in the [Structured Decision Making® \(SDM\) Model Policies, Procedures and Practice Standards](#) (October 2019).

**NOTE:** In this Guide, the term “social worker” refers to the front line social worker and the clinical program supervisor.

## DOCUMENTATION – GENERAL PRINCIPLES

**The following general principles apply to the documentation and maintenance of client files by social workers.** Social workers are accountable to their clients, their employer, their professional association, and the court system with respect to client documentation.

**Client files must contain:**

- documentation of all interventions and services provided to the client by CSSD;
- only pertinent information in a format that facilitates the assessment, planning, monitoring, and evaluation of the intervention; and
- all significant information and actions taken during the provision of services by CSSD.



**The client file must be:**

- kept confidential and maintained in a secured location; and,
- maintained in accordance with the [File Folder Set Up Procedures Integrated Services Management policy](#) (IMP-2018-001).

**When documenting in a client case, ensure the file and information contained within is:**

- in chronological order;
- factual (date, place, type of contact, purpose, outcome, and plans);
- objective;
- clear and concise;
- complete in detail;
- legible; and
- accurate (e.g., correct date, time, etc. is input into ISM).

## **TIMEFRAMES FOR DOCUMENTATION**

Case notes shall be completed as soon as possible, after any contact, consultation, or decision being made; but should be completed:

- within *24 hours* for any contact or consultation that is occurring as part of a protection investigation; and
- no later than *5 calendar days* for all other ongoing CSSD involvement (e.g., case conferences).

The [Protection and In Care Policy and Procedure Manual](#) (2019) and the [SDM Policies, Procedures and Practice Standards](#) (2019) outline additional documentation timeframes for required tools and forms.

## **TYPES OF DOCUMENTATION**

**There are three types of documentation notes:**

1. Investigative Notes
2. Jot Notes
3. Case Notes

### **Investigative Notes**

Investigative notes provide details on the disclosures made to the social worker during a protection investigation and detail the social worker's findings during the protection

investigation. Investigative notes may become key evidence in a child protection hearing and/or be submitted as evidence in a criminal trial.

Details of disclosure and investigative interviews and decisions shall be documented at the time of contact or as soon as possible thereafter, but no later than 24 hours after the investigation contact takes place. The time of the recording may affect the admissibility and the weight given to the social worker's testimony in court. The social worker's original handwritten investigative notes must be maintained in the client file after they are transferred into the Integrated Service Management (ISM) system, by placing the note in the paper file.

## **Jot Notes**

During the course of contact with clients and others involved with the family, the social worker may document words or phrases to help "jog" their memory and assist their recall of the contact when transposing the information into the case notes on the client case.

Jot notes are not easily interpreted by anyone other than the author, nor would they easily facilitate understanding of what transpired during the social worker's clinical intervention.

Jot notes are "*transitory records*" as defined in the [Management of Information Act](#) (2005) and in the [Protection and In Care Policy and Procedures Manual](#) (2019) and are to be destroyed after the information is recorded as case notes in the client case (unless taken during a protection investigation, resulting in the jot note becoming an investigative note which is required to be kept on file).

**NOTE:** If, during a routine visit, the child or parent makes a disclosure, the social worker must then start to gather more detailed information which changes the jot note to an investigative note.

## **Case Notes**

Case notes form an essential record of the day to day contacts and events that occur with and on behalf of clients. Case notes complement all other required case documentation including Structured Decision Making® documents, plans for the child, court applications, consent forms, and any other required forms. Case notes are entered into ISM by the social worker. The social worker is responsible for reviewing the assigned/transferred file to gain knowledge of all previous CSSD interventions and services, and to document this review. Case notes must include facts as well as clinical/professional judgements.

Case notes should indicate:

- the date the social worker was assigned the case;

- the reason for assignment, for example, a new case to respond to a referral of alleged maltreatment of a child, or a case transferred from another social worker; and
- the date the social worker completed the file review.

General rules to follow:

- When the social worker refers to himself/herself in the case notes, as well as all other documentation, it is preferable to use “I” instead of “this worker” or “the undersigned”.
- The social worker should not attempt to capture every detail of a conversation with a client.
- The social worker’s responsibility is to record the key pieces of information and ensure the recording captures the purpose of the contact. However, in recording what happened, the social worker should record the information as close to verbatim as possible.
- The social worker must also document relevant comments of other professionals and/or collateral sources in the case notes.
- There may be times when details that did not seem significant at the time of contact were not documented, but later prove to be relevant to the case. The social worker shall record all relevant details once determined to be relevant. For example, if the social worker later realizes that the car he/she saw parked in the client’s driveway last week belongs to an abusive ex-partner of the client, the social worker shall document the event on the date the relevant connection was made, and make reference to the date of the home visit when the car was originally seen in the client’s driveway.

## DOCUMENTING CLIENT CONTACT

Documenting client contact is an essential component of social work practice. The information that is documented as part of client contact, regardless of the area of child protection (e.g., ongoing protection, foster care, youth services) must be relevant to the clinical work and related to the intervention plans with the family, child, or youth (e.g., Family Centered Action Plan, In Care Progress Report, Youth Services Plan).

Whether contact with a client, or another person on behalf of a client, occurs during a telephone call, home visit, office visit, supervised access visit, case conference, professional appointment, court matter or elsewhere, **all contact has to be documented.**

When documenting client contact and interventions, consider that the client contact is being documented from the role of a child protection social worker. The contact is documented based on the following headings:

- **When?**
- **Where?**

- **Who?**
- **Why?**
- **What?**
- **Next Steps?**

### **When?**

When documenting client contact in ISM, ensure the date and time of the contact is entered accurately. Also, indicate if the contact was scheduled or unscheduled.

### **Where?**

Indicate the setting for the contact (e.g., private meeting, case conference, client's home and address, office, school). The setting for the contact can impact what people share. For example, a parent or foster parent may be more open about their problems when sitting in their living room than they would in an interview room at your office.

### **Who?**

Indicate who is present and what the contact looked like (e.g., children observed or interviewed). If others are present, ask them to identify themselves and document who they are and their relationship to the client. Document if the requested information is refused as this may be relevant. If the contact is by telephone, indicate who initiated the call.

### **Why?**

Explain the reason for the contact. What is the purpose of the contact? Is it a visit as per required contact with the family? Is referral information being addressed? Is a foster parent contacting to discuss concerns about a child in their home? Are collateral sources or professionals being contacted to assist in case planning, for a family/child?

### **What?**

There are three parts to this portion of the documentation:

- What information did you share?
- What information did you receive?
- What information did you learn through observation?

It is important to address these questions in documenting client contact and to ensure documentation is relevant to the clinical work and intervention plans. Depending on the purpose of the contact, it is important that all relevant information is documented, including: safety, risk, family strengths and needs, and/or case planning.

It is also important to document unsuccessful attempts to contact a client. Document the date and time of the attempted contact as well as the reason for the contact (e.g., scheduled home visit).

### **Next Steps?**

What will happen as a result of the contact? Remember to document any decisions or plans made. For example, if the client committed to calling the counsellor and making an appointment, document this. Documenting the plan is an important part of case planning as this will provide evidence if the client is engaged and has followed through on agreed upon plans. In doing so, document:

- the details of goals set;
- the anticipated outcomes;
- the timeframes for completion of goals; and,
- who is responsible for the actions/follow-up.

### **Conclusion**

When documenting client contact, it is not necessary to capture every moment of every contact, or to provide a transcript of every event and comment from the interaction. Document the key pieces of information relevant to the clinical work and case planning with the client.

While you are required to document all contact with a client, or on behalf of a client, do so as concisely as possible while conveying the important facts outlined above. This will save you time entering your notes and will save the reader time when reviewing the case.

**NOTE:** See Appendix E: CSSD Case Documentation for a quick reference guide.

## **DOCUMENTING CLINICAL JUDGEMENT**

As with all social worker assessments, the case notes must include facts as well as clinical/professional judgements. Facts include the direct and objective observations of the social worker, and statements made by the clients (parent, child, foster parent), witnesses, collateral sources, as well as statements made by the social worker himself/herself.

Clinical judgements are fundamental to social work practice. A social worker's actions pertaining to an investigation or other form of intervention are based on clinical judgement. Such judgements are required in order to explain the actions taken, or not taken, by a social worker. When a social worker makes a clinical judgement, this should be documented separately from the facts and clearly indicate to be the clinical judgement of the social worker. When a supervisor or manager has contact with a client, the contact should be documented in the client file.

The social worker should always reference the relevant sections of the [CYFA](#) (2019) any standards, policy, research, and/or best practices, which support their clinical judgement, conclusions, and plans.

An example of how to document facts and clinical judgement is as follows:

*"I arrived at Mrs. White's house at 7:00 am on August 30, 2016. I observe that she was unsteady on her feet, her speech was incoherent and she was slurring her words. I also observed a smell of alcohol from her. Mrs. White was verbally abusive toward me by cursing and swearing at me in the presence of her three year old daughter, Susan.*

*It is my clinical judgement that Mrs. White was under the influence of alcohol. I based this judgement on my professional knowledge of the indicators of alcohol use and my previous knowledge of Mrs. White and her usual demeanor when she is not under the influence of alcohol. Mrs. White is normally cooperative and receptive to my involvement".*

## **DOCUMENTING CONTACT WITH PERSONS OTHER THAN THE CLIENT**

### **1. Supervisors**

The social worker shall document in the case notes the purpose for the consultation, the date/time, and any direction(s) regarding plans for the child or youth and their parent(s), and/or any directives given by the supervisor. Upon completion of the documentation, the social worker must advise the supervisor that the consultation has been documented in the case notes. The supervisor can review the social worker's entry and determine that it accurately reflects the direction(s) given and the decision(s) made. This can be done immediately after the social worker enters the note or during regular review of the file.

### **2. Zone Managers**

The supervisor shall document in the case notes, consultations with a zone manager. The documentation shall include any clinical decisions by a zone manager on matters of high clinical importance including, but not limited to, removal of a child, planning for a child, court matters, a critical incident, or the death of a child. Upon completion of the documentation, the supervisor must advise the zone manager that the consultation has been documented in the case notes. If a social worker was involved in the consultation, the social worker shall document the consultation and advise the supervisors and zone manager that the consultation has been documented in the case notes. The zone manager will then review the entry and confirm that it accurately reflects the direction(s) given and the decision(s) made.

### **3. Police Officers**

Mutual sharing of information between the social worker and the police must occur during an investigation of alleged child maltreatment in accordance with the [Memorandum of Understanding on Information Sharing Between CYFS and the Royal Canadian Mounted Police](#) (2016) or the [Memorandum of Understanding Between](#)

[CYFS and the Royal Newfoundland Constabulary](#) (2015). The social worker shall document the planning of interviews, joint decisions, and relevant investigative findings.

#### **4. Foster Parents**

The social worker shall document information received from a foster parent about a child, including his/her health, schooling, behaviour, etc. Information provided to the foster parent by the social worker, such as information about the child, his/her care, access, or permanency plans for the child must be documented in the child's file.

#### **5. Other Professionals/Collateral Sources**

The social worker shall document consultations/contact with other professionals and any collateral sources. The documentation shall include the date, time, and place of the consultation/contact; the purpose for which it was held; who participated; and the decision(s) made.

#### **6. Solicitors**

Details of consultations with the Department of Justice solicitors or with solicitors, who are contracted to represent CSSD, are **not** to be stated in the case notes. This information is considered to be solicitor-client privileged as it contains confidential information/advice intended only for CSSD. This would include letters, e-mails, memos, faxes, or contact notes that relate to legal judgements, legal strategy, and/or litigation. The social worker shall reference these consultations in the case notes (e.g., date, time, and name of solicitor) but the specific legal advice is to be documented separately from the case note. This information is to be maintained in Section G of the client's segmented file folder.

## **E-MAILS**

Please review the [Information Management and Protection E-mail Guideline policy](#) (IM 2018-04) for information on appropriate use of e-mail and how to document e-mails on client files.

E-mails are a critical piece of social worker documentation regarding case files. Communication, service coordination, and case planning can often occur in e-mails. E-mails related to clients are kept on file and subject to disclosure requests by courts, client-initiated requests, and other agencies such as the Advocate for Children and Youth (ACY). It is critical that social worker's write e-mails professionally as they would a case note. E-mails related to clients are to be summarized in ISM with a printed copy maintained in the file.

General guidelines to follow:

- E-mail threads related to clients should not have personal information contained in them (e.g., plans for the weekend, personal opinions about a client/other professional, etc.).
- Client confidentiality should be maintained by using file numbers or ISM case numbers.
- Different clients should not be referenced in the same e-mail.
- Never use emoticons or other slang (e.g., LOL).

It is important to understand that e-mails are considered government property and public records which make up part of the client file. E-mails related to client contact are considered government records and may not be destroyed without the authorization as outlined in the [Management of Information Act](#) (2015). As such, these documents are permanent, even when deleted from your computer. Any e-mails generated from your government account remain and can be recovered if subject to disclosure by any outside agency (e.g., ACY, NLASW, etc.); even if deleted. To ensure ethical and professional social work documentation, it is important to adhere to the *CSSD Documentation Guide* (2019), [Information Management and Protection Email Guideline policy](#) (IM 2018-004), [Government of Newfoundland and Labrador E-Mail Policy](#), [Government of Newfoundland and Labrador E-Mail Guidelines](#), as well as the [NLASW Standards for Social Work Recording](#) (2014).

## CASE CONFERENCES

Social workers must document the purpose; the date, time and place of the case conference; the names of the attendees; and any decision(s) made. The case notes should also state whether or not minutes were recorded, and if so, by whom and if a copy are maintained in the client file.

It is expected that during the conference discussion that there may be different viewpoints regarding what is the best course of action. However, at the end of the case conference, there should be a common understanding of what has been discussed and what decision(s) has been reached.

## REFERENCES TO CLIENTS AND OTHER PERSONS

### 1. Clients and Other Persons

Social workers must ensure that references to clients and to persons having involvement with the child or youth and their parent(s) are clear. The first time a person is mentioned in the case notes, that person must be identified by his/her full name, for example, *“the child’s mother, Jane Smith.”* Thereafter, it is acceptable to refer to that person by his/her first name, so long as it identifies to whom it refers. If



the person to whom the social worker is referring is a professional who is involved with the client, document the person's role.

## **2. Children or Youth**

After identifying the child or youth (i.e., full name and date of birth), at the beginning of the case notes, it is appropriate to refer to the child/youth by his/her first name, as long as it is clear to whom the name refers. If the child/youth uses a preferred name, for example, the proper name is "John" but the child/youth goes by "Jack" then this alternate name must also be clearly referenced.

## **3. Referral Sources (A person who makes a report under Section 11 of the CYFA)**

The first time a referral source is referenced on a *Child Protection Referral* (CPR), the identity of the person, if known, should be fully stated. This should include the person's name and relationship to the family. Thereafter, reference to the referral source should not be by name but rather by stating "referral source" or by using the letters "RS." It should be noted if the referral source wishes to remain confidential. The limits of confidentiality must be explained to the referral source (i.e., that their name will not be released unless they provide their consent or a court orders that it be released). The social worker shall document on the CPR and in the case notes that the limits of confidentiality have been discussed with the individual. The limits of confidentiality must be discussed with the clinical program supervisor if the social worker does not have full knowledge of them.

**NOTE:** Other than on the CPR, the name of the referral sources shall **not** appear in any CSSD documents.

## **SOCIAL WORK TERMINOLOGY**

The social worker should not use social worker terminology that would not be familiar to other persons who may be reviewing the case. When using social work language, the terms must be clearly explained so that anyone (e.g., other professionals, clients, or judges, etc.) reviewing the case would know the social worker's assessment. For example, instead of stating: "*the child is parentified*"; the social worker should state: "*I have observed the child preparing meals, sweeping floors, washing dishes, attending to the younger sibling's physical needs, and reminding the mother to get ready for her doctor's appointment. My professional assessment of these actions is that the child has assumed the parental role and responsibility within the family.*"

## **ABBREVIATIONS**

The use of abbreviations often leads to confusion. For example, the abbreviation “DD” could mean “dual diagnosis” or “developmental delay.” For this reason, the only abbreviations permitted are those stated in the CSSD approved Abbreviation List, which is attached as Appendix D.

## **SOCIAL WORK FIELD PLACEMENTS**

- Social work students shall not complete any program related forms but should document in the case notes any contacts they have with a client.
- The student’s field instructor must review the information entered by the student and document in the case notes that he/she has reviewed that information.

## **WHAT NOT TO DOCUMENT IN CASE NOTES**

The case is to contain only relevant information pertaining to the client. All efforts should be made to ensure unnecessary information is not included in the client file.

The following are examples of information that should not be included in the case notes:

- social worker performance issues;
- social worker absences from work due to vacation, illness, etc.;
- social worker reasons for missed visits with the clients; and/or
- social worker’s commentary on decisions.

## **Structured Decision Making® (SDM) Model (2019) Documentation Standards**

Reproduced from: [SDM Policies, Procedures and Practice Standards](#) (October 2019).

### **Standard #1                      Screening the Information: Engaging the Referral Source**

Document all reports of suspected child maltreatment within 24 hours of receipt of the *Child Protection Referral (CPR)*. The *CPR* (Form #51-08-07-42-14-696-201507) and the *Screening and Response Time Assessment (SRTA)* tool must be completed.

### **Standard #2                      Assessing a Screened in Referral: Determining the Response Time and Developing the Protection Investigation Plan**

Document the response time decision, and the supporting reasons on the *CPR* within 24 hours of receipt of the *CPR*. The protection investigation plan shall be documented prior to the commencement of an investigation, on the *CPR*, or if not possible, in the case notes.

### **Standard #3                      Conducting a Child Protection Investigation**

Document steps taken, consultations with supervisors, and information obtained throughout the protection investigation, in the case notes.

### **Standard #4                      Assessing Child Safety and Safety Planning: Collaborating with the Family**

Document any identified safety threats on the *Safety Assessment* tool (Form # PIP000063) by the end of the next business day following the safety assessment. If a safety plan is required, document all interventions used to address the identified safety threats and ensure the safety of the child, on the *Safety Plan* (Form # 51-08-07-42-315-201507).

### **Standard #5                      Concluding the Child Protection Investigation**

Complete the *SDM Risk Assessment* (Form # PIP000059) tool to determine the risk classification level to inform the likelihood of future maltreatment. The verification and determination of the child's need for protective intervention shall be documented on the *Protection*

*Investigation Summary (PIS)* (Form # 51-08-07-42-18-856-201507) within 30 days of receipt of the *CPR*.

**Standard #6                      Transitioning a Case to Ongoing Protection Services: Planning with Families**

Document parent and child strengths, as well as any underlying needs of household members associated with the safety threats and/or the risk classification on the *Family Strengths and Needs Assessment (FSNA)* (Form # PIP000061). This assessment is to be completed on every case that has been transferred to ongoing protection, within 60 days of receipt of the *CPR*, and prior to the development of the *Family Centered Action Plan (FCAP)* (Form # 51-08-07-42\_14-858-201507). Document the plan developed with the family on the *FCAP* form within 60 days of receipt of the *CPR*.

**Standard #7                      Case Management in Ongoing Protection Services**

Document the formal case review, every 4 months following the development of the initial *FCAP* and every 4 months thereafter, by completing the *Risk Reassessment* (Form # PIP000060) or the *Reunification Assessment* (Form # PIP000062); *FSNA*; *FCAP*; and *Case Summary* (Form # 51-08-07-42-316-201507).

**Standard #8                      Case Closure: Ending Ongoing Protection Services**

Case closure documentation includes the completion of a *Safety Assessment (when a previous safety threat was identified that led to a safety plan)* EXCEPT in ongoing protection cases as the *Risk Reassessment (RRA)* has to be completed and there is a *Safety Reassessment* built into the *RRA* form, and the *Case Summary*. Closure documentation is to be completed within 3 weeks of notifying the family of the decision to close the file.

**Standard #9                      Clinical Supervision and Case Consultation**

This standard articulates the minimum requirements with respect to supervisory consultations, review and approval of casework decisions. Any decision that affects the safety or permanency of a child shall be made in consultation with or reviewed and/or approved by a supervisor prior to implementation. The supervisor shall approve and sign all related *SDM* documents.

## APPENDIX B

### CASW: Guidelines for Ethical Practice (2005) Documentation Standards

Reproduced from: [CASW: Guidelines for Ethical Practice](#) (2005)

#### 1.7 Maintenance and Handling of Client Records

Social workers maintain one written record of professional interventions and judgements, with due care to the obligations and standards of their employer and relevant regulatory body. Social workers document information impartially and accurately and with an appreciation that the record may be revealed to clients or disclosed during court proceedings. Social workers are encouraged to take care to:

- report only essential and relevant details;
- refrain from using emotive or derogatory language;
- acknowledge the basis of professional judgements; and
- protect client's privacy and that of other involved.

- 1.7.1** Social workers do not state a professional judgement unless it can be supported by their own assessment or by the documented assessment of another professional.
- 1.7.2** Where records are shared across professions or agencies, information is recorded only to the degree that it addresses the client's needs and meets the requirements of an employer or professional standards of practice.
- 1.7.3** Before using client records for any purpose beyond professional services, for example, education, social workers obtain the informed consent of clients.
- 1.7.4** In some circumstances, access to client records may be officially authorized or required by statute. Where consent of clients is not required, social workers attempt to notify clients that such access has been granted, if such notification does not involve a risk to others.
- 1.7.5** Social workers ensure that clients have reasonable access to official social work records concerning them. However, if there are compelling professional, ethical, or legal reasons for refusing access, social workers advise clients of their right to request a review of the decision through organizational or legal channels (i.e., *Access to Information Act* (1983)).

- 1.7.6** Social workers take due care to protect the confidences of others when providing clients with access to records. This may involve masking third party information in the record.
- 1.7.7** If clients are not satisfied with their records, social workers advise them regarding complaint mechanisms.
- 1.7.8** Social workers protect client's records, store them securely and retain them for any require statutory period.
- 1.7.9** Social workers transfer or dispose of client's records in a manner that protects client's confidentiality and is consistent with provincial/territorial statues governing records and social work regulation. Social workers also ensure that mechanical or electronic records are properly transferred or disposed of.

## APPENDIX C

### NLASW: Standards for Social Work Recording (2014)

Reproduced from: [NLASW: Standards for Social Work Recording](#) (2014)

- |                   |  |
|-------------------|--|
| <b>Standard 1</b> | Documentation in social work practice is grounded in the values, ethics and principles of the social work profession.  |
| <b>Standard 2</b> | Social workers maintain records of social worker intervention(s).  |
| <b>Standard 3</b> | Social workers ensure records are in a formation that facilitates monitoring and evaluation of the social work intervention(s).  |
| <b>Standard 4</b> | Social work documentation shall include a clear assessment, intervention strategy, and termination plan.   |
| <b>Standard 5</b> | Social workers protect client confidentiality and ensure that clients are aware of the limits of the confidentiality of social work documentation before initiating the social work relationship and throughout the relationship as needed.  |
| <b>Standard 6</b> | Social workers are familiar with best practice guidelines pertaining to technology use and documentation.  |
| <b>Standard 7</b> | Social workers are familiar with best practice guidelines for completed social work documentation and engage in continuing professional education.   |
| <b>Standard 8</b> | Documentation of community development processes, project planning, policy development, and research is grounded in the values, ethics, and philosophy of the profession, and reflects adherence to the CASW <a href="#">Code of Ethics</a> (2005) and the <a href="#">Guidelines for Ethical Practice</a> (2005). |

## APPENDIX D

### CSSD Approved Abbreviation List

The following are approved abbreviations to be used when recording client information:

Apartment	Apt.
Appointment	Appt.
At	@
Board and Lodging	B & L
Because	B/C
Boyfriend	B/F
Case Conference	CC
Case Summary	CS
Common Law	C/L
Clinical Program Supervisor	CPS
Children, Seniors and Social Development	CSSD
Child Protection Referral	CPR
Department	Dept.
Date of Birth	DOB
Emergency Placement Unit	EPU
Family Centered Action Plan	FCAP
Girlfriend	G/F
Family Visit	FV
Home Visit	HV
Individual Living Arrangement	ILA
In Care Progress Report	IPR
Integrated Service Management	ISM
Left Message	L/M
Maternal Grandfather	MGF
Maternal Grandmother	MGM
Paternal Grandfather	PGF
Paternal Grandmother	PGM
Message	Msg
Overdose	O/D
Office Visit	OV
Program	Prog
Protection Investigation Summary	PIS
Received	Rec'd
Relationship	Rel/ship
Returned	Ret'd
Referral Source	RS
Royal Canadian Mounted Police	RCMP



Royal Newfoundland Constabulary	RNC
Safety Plan	SP
Structured Decision Making® Model	SDM
SDM® Alternate Care Provider Safety Assessment	ACPSA
SDM® Family Risk Assessment	RA
SDM® Family Risk Reassessment for In-Home Cases	RRA SDM®
Family Strengths and Needs Assessment FSNA SDM®	
Reunification Assessment	RUA
SDM® Safety Assessment	SA
SDM® Screening and Response Time Assessment	SRTA
School Visit	SV
Supervisor Consult	SC
Phone Call	P/C
Through	Thru
Voice Mail	VM
Waiting for	W/F
Worker	Wker
Youth Services	YS

## APPENDIX E

### CSSD Case Documentation

#### CSSD Case Documentation

All contact in CSSD cases, whether with a client, or another person related to the case, **must** be documented. This includes: telephone calls, home visits, office visits, supervised access visits, case conferences, professional appointments, court matters, or any other contact. It is important to remember you are documenting your client/case-related contact as a child protection social worker; therefore, you need to document information that is needed for child protection purposes. This will require you to document the following information for every contact:

WHEN?	<ul style="list-style-type: none"><li>• The date and time of the contact</li><li>• Whether the contact was scheduled or unscheduled</li></ul>
WHERE?	<ul style="list-style-type: none"><li>• The location of where the contact occurred (e.g., home, school, telephone)</li></ul>
WHO?	<ul style="list-style-type: none"><li>• Who initiated the contact</li><li>• Who was present or involved in the contact (e.g., parents, children, friends, foster parents, other workers, other professionals)</li><li>• What the contact looked like (e.g., children observed or interviewed)</li></ul>
WHY?	<ul style="list-style-type: none"><li>• The purpose of the contact (e.g., required client contact, for PIP or In Care)</li><li>• The reason for the contact</li></ul>
WHAT?	<ul style="list-style-type: none"><li>• What information did you share with the parent or others involved in the case?</li><li>• What information did you receive from the parent or others involved in the case?</li><li>• What information did you learn through observation?</li><li>• What is your assessment of the contact content, process, outcome, etc.?</li></ul>
NEXT STEPS?	<ul style="list-style-type: none"><li>• What needs to happen next?</li><li>• What decisions or plans were made during the contact?</li><li>• When is follow-up scheduled or expected?</li></ul>

**Remember:** You are not required to capture every moment of every conversation with a client. Document the relevant information that captures the purpose and outcome of the contact. It is not necessary to provide a transcript of every event and comment.

There may be times that you will miss documenting details that did not seem significant at the time but later prove to be relevant. If this occurs, you must record the information once determined to be relevant, including the date that you realized the relevance and the date and details of the previous contact when the information was present but deemed not relevant.

\* Document as concisely as possible while conveying the important facts outlined above.

For additional details on documentation standards, please refer to the *Documentation Guide* (Appendix D) in the Protection and In Care Policy and Procedure Manual.

# Appendix E

## Innu – CSSD Protocol

## INNU-CSSD PROTOCOL

Made in 2021 between:

HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR  
through the Minister of Children, Seniors and Social Development  
("CSSD")

and

Sheshatshiu Innu First Nation  
("SIFN")

and

Mushuau Innu First Nation  
("MIFN")

and

Innu Round Table Secretariat  
("IRTS")

### WHEREAS

- The parties wish to build their relationship and coordinate their work in the best interests of Innu children, youth and families;
- The parties seek to improve upon the work they started together under:
  - the MOUs signed between the Province and each of the First Nations on November 6, 2012 (no longer in effect), and
  - the Working Relationship Agreement dated September 30, 2015 (replaced by this agreement);
- The parties acknowledge that the framework under which they all operate has undergone significant change, including:
  - The Innu are now delivering their own prevention services, which started in 2017, and are also delivering their own Innu Representative services, which started in 2019, both being delivered through the IRTS;
  - The Province has made new legislation, the *Children, Youth and Families Act*, SNL 2018, c C-12.3 ("CYFA"), that came into force on June 28, 2019 and replaces the Province's former child protection legislation;

- The federal government has passed a new law, *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24 (“Federal Child Welfare Law”), which came into force on January 1, 2020, and which (1) creates certain federal rules that apply to all child, youth and family services matters involving Indigenous children, and (2) recognizes that Indigenous peoples’ inherent right of self-government includes jurisdiction in relation to child, youth and family services;
- Innu have given notice of their intention to develop their own child, youth and family services law; and
- The Province has indicated it supports the Innu on their path of developing their own child protection system and legislation;
- The parties have developed this Protocol to support work on the front lines, improve services and service coordination, and assist in the development of capacity within Innu communities and organizations in a way that is consistent with the values of the Innu;

The parties have therefore made this Protocol as an agreement amongst them:

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## Introduction

### *Overview of Roles*

1. For reference, the parties provide the following overview of their respective roles:

- a. **CSSD** has legislated roles in respect of child protection as outlined under the CYFA. This includes, among other things, the investigation of referrals of child maltreatment, assessment of risk to children, working with families to reduce risk, making applications to court, as well as approving, monitoring and supporting those who are identified to care for children and youth if they require out of home care. Much of the work of CSSD is carried out by social workers who have assigned duties and responsibilities, as well as other staff and service providers under agreement with CSSD.

CSSD is providing additional information about its internal organization and the different roles and responsibilities of persons noted in their organization in **Appendix A**, and it may update Appendix A upon notice to the other parties. The goal of Appendix A is to provide a resource and understanding of what work should be expected of CSSD staff, and the ability to identify reporting structures for them.

- b. **Innu Representatives** are authorized representatives of SIFN and MIFN, employed by IRTS, acting as the voice of the community to speak up in matters involving its children and youth in the child protection system. The Innu Representatives fulfill the function of “Indigenous representatives” set out in the CYFA, and related roles. IRTS is providing additional information on the Innu Representatives in **Appendix B**, and it may update Appendix B upon notice to the other parties.
- c. **Innu Prevention Services** are provided by IRTS in both Sheshatshiu and Natuashish inclusive of all prevention services *specifically* focused on child, youth and family services, i.e. targeted specifically at families involved in the child protection system or at risk of such involvement. IRTS is providing additional information on Innu Prevention Services in **Appendix B**, and as noted above it may update Appendix B upon notice to the other parties.

- d. **SIFN and MIFN** both provide a number of services at the community-wide level. Some of these services play an important role in prevention even though they are *not* specifically targeted or limited to families involved with child protection services or at risk of that involvement. Some examples include health and healing services, prenatal services, addictions services, mental health and counselling services, family & youth treatment programs, justice programs, cultural and land-based programs, community recreational programs, etc. These services are available for referrals and access by Innu families as needed. SIFN is providing more information on its services in **Appendix C**, which it may update upon notice to the other parties. MIFN is providing more information on its services in **Appendix D**, which it may update upon notice to the other parties.
2. The parties also acknowledge that SIFN and MIFN have each established corporations that are providing residential placement homes that are provincially approved to accept placements of children and youth in care. In Sheshatshiu, Shushepeshipan Ishpitentamun Mitshuap Inc. operates a group home and two emergency placement homes. In Natuashish, Mushuau Innu EPH and Group Home Inc. operates an emergency placement home and group home in Natuashish is also planned. These separate corporations are not parties to this Protocol, but they are acknowledged here given their role in child and family services within the Innu communities.

### ***Responsibilities***

3. Each party is responsible for ensuring that their employees:
  - a. Fulfill their own duties within their party's roles as outlined above;
  - b. Work collaboratively with the other parties and their employees;
  - c. Treat the employees of the other parties with respect and decency;
  - d. Carry out this agreement within the course of their duties.

### **Application**

4. This Protocol applies to all Innu children and youth in the Province of Newfoundland and Labrador. The parties recognize that the pace and manner of implementation outside in the communities of Sheshatshiu and Natuashish will be different than within them.



5. “Innu” in this Protocol means a child or youth who is a member or reasonably believed to be eligible to be a member of Sheshatshiu Innu First Nation or Mushuau Innu First Nation. It includes families of mixed Innu/non-Innu heritage. Anyone living in Sheshatshiu or Natuashish will be assumed to be Innu for the purposes of this Protocol unless the family makes clear that they are not Innu or if MIFN or SIFN tells CSSD or IRTS that the family is not Innu.
6. Sometimes this Protocol and its Appendices refer to specific notification processes in Sheshatshiu vs Natuashish, or to lists differentiating Sheshatshiu Innu (SIFN) children and youth and Mushuau Innu (MIFN) children and youth. CSSD may treat this as follows:
  - a. If CSSD is unsure which process to use, or is having trouble making contact, CSSD is encouraged to use the Sheshatshiu notification process referred to in Appendix F (see in particular #2 of Appendix F at (a)(i) and (c)(i)).
  - b. CSSD should use Natuashish notification processes for children and youth located in Natuashish, or if a Natuashish IRTS employee is already known as the contact person on an ongoing file. In other situations, the Sheshatshiu notification process should be used.
  - c. CSSD is encouraged to try to determine if a child or youth is a member, or eligible to be a member, of SIFN or MIFN. If that information is known, CSSD is encouraged to record that in their lists, database, and other relevant records.

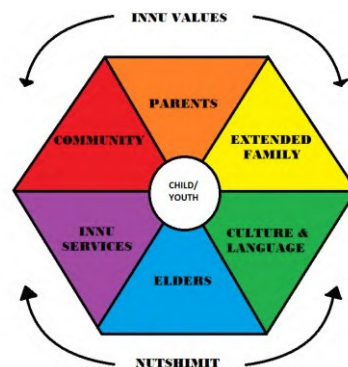
## Guiding Principles

### *Three Needs of Every Innu Child & Youth*

7. Innu Prevention Services and the Innu Representatives have identified 3 things that should be in place for every Innu child and youth, at a minimum, to sustain their well-being. Every Innu child needs:
  - a. At least one consistent & healthy Innu caregiver in their life;
  - b. To learn where they will always belong; and
  - c. Opportunities to experience Innu culture and learn Innu history, in Nutshimit.

## *Innu Care Approach*

8. The parties acknowledge the Innu Care Approach, which was developed by Innu to inform services with Innu children, youth and families: <sup>1</sup>
- a. The Innu Care Approach starts with Innu knowledge that the wellbeing of Innu children and youth depends on the wellbeing of the supports around them, including:
    - Parents
    - Extended Family
    - Community
    - Elders
    - Culture & Language
    - Innu Services
  - b. These supports are like *tshuap* poles that support a caring environment around Innu children and youth. They stand strongly on the ground of *Nutshimit* which is inseparable from *Innu-aitun* (culture and way of life). The Innu Healing Values wrap around this support structure, protecting the Innu way of life. In this supportive environment, our children and youth are encouraged to grow strong in all aspects of life.
  - c. Innu children, youth, families and communities have an enormous wealth of knowledge and skills that must be valued and engaged with in order to rebuild the circles of support that keep all Innu healthy and strong.
  - d. Re-building resilient circles of care is a multigenerational process. The healing process is different for every individual, family and community, and it takes place through cycles over time, not necessarily in a linear way.
  - e. These images that can help in understanding the Innu Care Approach:



<sup>1</sup> A Guide to the Innu Care Approach (2017) may be accessed at: <http://www.irtsec.ca/2016/wp-content/uploads/2018/01/A-Guide-to-the-Innu-Care-Approach-Dec-2017.pdf>

## *Innu Healing Strategy*

9. The parties also acknowledge that their work together through this Protocol is reflective of the *Innu Healing Strategy* (2014),<sup>2</sup> which includes the following principles:
- a. If true healing of social and health problems (and other ills) is to occur, individuals, families, and communities must be engaged as ready and willing participants (p.3).
  - b. Healing must be built from the ground up, with Innu families as the focus (p.5).
  - c. Critical changes are needed to external non-Innu services as well as to Innu institutions and procedures (p. 5).
  - d. We are committed to the mission to rebuild healthy, sustainable, and resilient Innu communities (p. 10).
  - e. We honour the Innu Healing Values of respect, trust & honesty, cooperation, family, and nature (p. 12).

## Information Sharing

10. The portions of this Protocol that address the sharing of information (including Appendices) are to be considered as an information sharing agreement within the meaning of s. 95 of the CYFA.
11. CSSD, Innu Representatives and Innu Prevention Services will proactively share with each other all relevant information they hold about Innu children, youth and families in the child and youth protection system, subject to s. 93 of the CYFA and other mandatory limitations required by law.
12. For greater certainty, information about a pregnancy may fall outside of the scope of mandated child or youth protection involvement, and if so, is not to be proactively shared. See Appendix F (at #20-23) for further details on support to parents prior to a birth.

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<sup>2</sup> A copy of the *Innu Healing Strategy* (2014) may be accessed at: <http://www.irtsec.ca/2016/wp-content/uploads/2014/08/An-Innu-Healing-Strategy-June-2014-4.pdf>

13. If a CSSD employee believes a mandatory exception to information sharing applies under s. 93 of the CYFA or otherwise by law, the CSSD employee will indicate this to the other party to this Protocol, and will not share that information at that time. The employee will consult as needed with CSSD management on any steps to be taken (e.g. can the information be shared with parental consent, for example), and will comply with CSSD policies in relation to that information. The parties anticipate that the exceptions to information sharing will be rare and most information will be shared.
14. For reference and understanding, the purposes behind the open information sharing principle in section 11 include the following:
- a. Innu governments and the Government of Newfoundland & Labrador all have a role in standing up for the best interests of Innu children and youth.
  - b. The Federal Child Welfare Law requires service providers to give priority to prevention services, and the parties are committed to doing so, which requires full coordination between CSSD child protection services and Innu Prevention Services.
  - c. The CYFA allows the Minister of CSSD to make information sharing agreements with Indigenous governments.
  - d. The CYFA already supports information sharing that is in the best interests of a child or youth, as well for case planning or integrated service delivery purposes, including disclosure for those purposes to Indigenous representatives.
  - e. The parties acknowledge that information sharing is important to the ability of Innu Prevention Services and Innu Representatives to provide their services effectively in the best interests of Innu children and youth. CSSD believes that the work of Innu Representatives and Innu Prevention Services is beneficial to Innu children and youth and is essential for good case planning and service delivery for the Innu children and youth receiving services from CSSD.
  - f. Information sharing will facilitate transitions towards an Innu Law, which is in development.
15. CSSD commits to develop and maintain policies to support the disclosure of information further to the implementation of this Protocol.

16. All parties believe in the importance of working to empower and support the role of parents in their children/youth's lives. Because it is essential that timely information sharing occur as a matter of course in order to serve the best interests of Innu children and youth and to coordinate services for their benefit, the consent of parents or other individuals is not required for information sharing under this agreement and should not routinely be sought out for that purpose. The parties will inform parents about the information sharing occurring under this Protocol. The parties will collaborate with each other to help present clear and consistent information to Innu families about this Protocol, that supports the message that each party is doing important work for Innu children and youth, and will be sharing information as part of the coordination of services and to promote the best interests of Innu children and youth.
17. IRTS will take the measures set out in **Appendix E** to protect the security and confidentiality of information provided to Innu Representatives and Innu Prevention Services. Appendix E may be updated with the consent of both CSSD and IRTS, upon notice to the other parties.
18. Nothing in this Protocol authorizes sharing of information other than as set out in this Protocol, but it does not prevent such information sharing if otherwise legal.

## **Day to Day Case Work with Families**

19. Day to day case work with families is to be addressed in the manner set out in **Appendix F**, which may be updated with the consent of both CSSD and IRTS, upon notice to the other parties. For greater certainty, the term "case work" in this Protocol is not intended to only relate to matters which have ongoing court cases or involvement. "Case work" means any and all work/engagement on child and family services matters between one or more parties and a family. For CSSD this includes the protective intervention, kinship, in care, adoptions and youth services programs. For IRTS, it includes the Innu Prevention Services and Innu Representatives programs.

## **Periodic Meetings, Reports and Joint Initiatives**

20. The parties' terms of agreement regarding periodic meetings, the preparation and exchange of certain reports, and certain joint initiatives are set out in **Appendix G**. Appendix G may be updated with the mutual agreement of CSSD and IRTS, upon notice to the other parties.

## Staff Orientation and Training

21. CSSD will ensure that its staff working in the Innu communities or frequently involved on Innu files under the CYFA have received the following orientation, to be completed within 60 days of this Protocol coming into effect for existing staff and within 60 days of a new staff member starting work:
  - a. Orientation to this Protocol.
  - b. Orientation on the national minimum standards on Indigenous child welfare contained within the Federal Child Welfare Law, being sections 9-17 of that law.
  - c. An orientation to Innu culture, Innu history, Innu services, and the Innu community/ies they will be working most closely with. This orientation must be provided by IRTS, SIFN, MIFN or Innu Nation, or by a provider they have authorized. The 60-day timeline applies to this subsection (c) only to the extent of the availability of the Innu parties to provide or authorize that training within the 60 days, and is considered extended during any time when such training is not available.
22. IRTS will ensure that its staff working with this Protocol receive an orientation to this Protocol within 60 days of this Protocol coming into effect for existing staff and within 60 days of a new staff member starting work.
23. IRTS will aim, if it considers it reasonable and feasible to do so, to provide orientation to its Innu Representatives on the CYFA and on the national minimum standards on Indigenous child welfare contained within ss. 9-17 of the Federal Child Welfare Law. This goal does not restrict IRTS from offering such orientation to other staff as well if it chooses to.
24. The parties will look for reasonable opportunities to invite each other to orientation or training sessions, collaborate on materials, jointly pursue external training, or offer sessions jointly.

## Review of Protocol

25. This Protocol will be reviewed by the parties at least every 3 years. Nothing in this Protocol limits the ability of the parties to make amendments whenever they determine, or to engage in dialogue about ways to improve implementation. In particular the Appendices have been created to make updates to them easier for the parties to undertake as needed.

## Disagreements

26. If any party has a concern about how a person or party is undertaking the work of this Protocol, or about any decision made or action taken in relation to an Innu child, youth or family, then the staff persons involved should first discuss the concern together and attempt to resolve it between them. Depending on the nature of the concern, staff may need to engage with more senior staff within their own organization in order to try to address the matter.
27. If these efforts do not fully address the concerns, either party may reach out to connect on the level of IRTS management to a CSSD Zone Manager (generally on clinical decisions) or the CSSD Regional Director (generally on operational matters that are not case specific), or other appropriate person as may be needed, for consideration of the issue.

## Potential for Innu Law

28. The parties recognize that Innu Nation has provided advance notice to the Province and to the Government of Canada that it is working on an Innu Law in child, youth and family services. The parties anticipate that, at some point, Innu leadership may initiate the negotiation of a Coordination Agreement, and may lead into the implementation of an Innu Law.
29. The parties acknowledge that if an Innu Law comes into effect, with or without a Coordination Agreement having been completed, that law may impact the roles and responsibilities of one or more parties to this Protocol and/or the terms of this Protocol. If an Innu Law comes into effect, and if this Protocol has not been amended to reflect the Innu Law, the parties agree to revisit this Protocol in a timely manner to ensure that it operates consistently with Innu Law. Similarly, should any substantive changes be undertaken to either the CYFA or the Federal Child Welfare Law, the parties agree to review the Protocol and determine whether modifications are needed.

## General

30. This Protocol replaces the Working Relationship Agreement dated September 30, 2015, which is no longer in effect on the date this Protocol comes into effect.

31. This Protocol will come into effect one month after the date of the last signature below, and will remain in effect unless terminated. A party may terminate its participation in this Protocol by providing at least 60 days written notice to the other parties.
32. All parties acknowledge that notification, consultation or dispute resolution under this Protocol cannot postpone or delay any timelines that apply to CSSD based on its legislative duties. Further to CSSD's child protection mandate, CSSD may be required to proceed with a course of action pending further discussions, whether or not IRTS, MIFN or SIFN have been able to respond, and whether or not they agree.
33. This Protocol does not alter the duty imposed by the CYFA on all persons to report situations where a child or youth is or may be in need of protective intervention.
34. Appendices E through G (inclusive) of this Protocol form part of the binding terms of this Protocol. Appendices A through D (inclusive) are informational, they are not terms of agreement.
35. This Protocol may only be amended in writing signed by the parties, except that the Appendices may be amended in the manner specified above for each Appendix.
36. Nothing in this Protocol restricts Innu political leadership or Government of Newfoundland & Labrador leadership from engaging on child, youth and family services matters in their roles as leaders, spokespersons, community advocates, or otherwise.
37. No party may assign this Protocol in whole or in part to any third party without the prior written approval of the other parties.
38. The obligations of confidentiality survive the termination or suspension of this Protocol or withdrawal of any party.
39. This Protocol is made without prejudice to the positions taken by any of the parties in any other forum. It is not to be construed as conferring, recognizing, defining, limiting, abrogating or derogating from any aboriginal, treaty, constitutional or other rights, benefits, claims or privileges of SIFN, MIFN or Innu Nation. This Protocol is not a treaty or land claim agreement within the meaning of the *Constitution Act, 1982*.
40. This Protocol does not effect a transfer of jurisdiction, or of program responsibilities, between or amongst the parties. CSSD agrees that wherever possible, it will attempt to develop and interpret its policies and procedures in accordance with the expectations of



this Protocol. However, where this cannot be achieved CSSD staff will apply the CSSD policies and procedures to the affected decision making and/or action.

41. Updates to a party's contact information or representatives may be made upon written notice to the other parties. At this time, the following party information is provided for the purpose of any formal notice of termination or other general purposes:

<p><b>For CSSD:</b></p> <p>The Minister of Children, Seniors and Social Development c/o the Assistant Deputy Minister (Service Delivery &amp; Regional Operations) PO Box 8700 St. John's, NL, A1B 4J6 Telephone: (709) 729-3473 Fax: (709) 729-1049</p> <p>With a copy to the Zone Managers for Sheshatshiu and Natuashish</p>	<p><b>For IRTS:</b></p> <p>The Executive Director of the Innu Round Table Secretariat 211 Peenamin Drive c/o Sheshatshiu Innu First Nation PO Box 160 Sheshatshiu, NL, A0P 1M0 Telephone: (709) 497-3855 Fax: (709) 497-3881</p> <p>With a copy to the IRTS Prevention Manager</p>
<p><b>For SIFN:</b></p> <p>The Chief of Sheshatshiu Innu First Nation Sheshatshiu Innu First Nation PO Box 160 Sheshatshiu, NL, A0P 1M0 Telephone: (709) 897-7131 Fax: (709) 497-8502</p> <p>With a copy to the SIFN Social Health Director</p>	<p><b>For MIFN:</b></p> <p>The Chief of Mushuau Innu First Nation Mushuau Innu First Nation PO Box 190 Natuashish, NL, A0P 1A0 Telephone: (709) 478-8827 Fax: (709) 478-8833</p> <p>With a copy to the MIFN Health Commission Director</p>

## Definitions

42. In this Protocol:

- a. "Innu Representative" means a representative appointed by SIFN or MIFN, and having the functions of an Indigenous representative within the meaning of the CYFA as well as other duties and responsibilities as may be assigned by their employer, and for greater certainty the employer of the representative need not be SIFN or MIFN (and is currently IRTS);

- b. "CYFA" means the *Children, Youth and Families Act*, SNL 2018, c C-12.3, that was enacted by the Province and came into force on June 28, 2019, replacing the Province's former child protection legislation;
- c. "Federal Child Welfare Law" means *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24, which was previously known as Bill C-92, and came into force on January 1, 2020;
- d. "including" means "including without limited to" and "includes" has a corresponding meaning; and
- e. Bold font is sometimes used to help identify reference points in the text, and should not be used for interpretation, and for greater certainty, it does not mean that non-bold text is less important.

Signed by the parties as follows:

June 10, 2021.  
Date

John Abbott  
HER MAJESTY IN RIGHT OF  
NEWFOUNDLAND AND LABRADOR the  
Minister of Children, Seniors and Social  
Development

Sheshatshiu Innu  
Date

Sheshatshiu Innu  
SHESHATSHIU INNU FIRST NATION:  
Chief, having Council approval

June 10<sup>th</sup> / 21  
Date

Mushuau Innu  
MUSHUAU INNU FIRST NATION:  
Chief, having Council approval

Jun 10, 20  
Date

Innu Round Table Secretariat  
INNU ROUND TABLE SECRETARIAT:  
A representative, having Board approval

## Appendix A – Department of CSSD

The Department of Children, Seniors and Social Development (CSSD) has legislated responsibilities under the Children, Youth and Families Act (CYFA), for the delivery of services that include: 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 by offering, where appropriate and available, services that are designed to maintain, support and preserve the family where it is in the best interests of children and youth”.

The Federal Government has enacted the Act respecting First Nations, Inuit and Metis children, youth and families and the provisions of this legislation require CSSD to implement it throughout Newfoundland and Labrador. The Act affirm[s] the inherent right of self-government, which includes jurisdiction in relation to child and family services, and sets national principles for provinces and territories to follow in provision of services to Indigenous children, youth and families. In accordance with the Act, CSSD social workers are also required to provide notice of significant measures taken in relation to Indigenous children and youth to applicable Indigenous governing bodies. CSSD will continue to collaborate with the Innu First Nations and the Innu Round Table Secretariat, and other Indigenous governments and organizations where and as appropriate, on implementation of this legislation. Social workers, supervisors and zone managers employed by CSSD are responsible for making child protection decisions as required under the CYFA and policy, including urgent decisions. Wherever possible, these decisions will be informed by the involvement of the child or youth, their family, Innu representatives, and others who are involved in the child or youth’s life.

Social workers engage with families directly in the delivery of the full range of child protection services. Social workers report to, and are supported by, program supervisors. At various stages of involvement, social workers are required to consult with their supervisor and seek approval regarding decisions and direction in their work with a child, youth or family. Zone managers are appointed under the Children, Youth and Families Act and have specific authority under the legislation, including the care and custody of children and youth and the responsibility to make decisions with respect to those children.

Interventions provided by CSSD under the CYFA include providing or connecting children, youth and families to a range of services and supports aimed at reducing risk to children and youth so that CSSD involvement is no longer required.

When the safety of a child cannot be maintained or assured in the family home, the children may be cared for temporarily in one of the following arrangements:

- **Kinship Services:** provide support for relatives or significant others who are willing and capable of providing care to a child who is in need of protective intervention and requires an

out-of-home placement. When a child is in a Kinship arrangement custody of the child remains with the parent and does not transfer to a zone manager.

- **Protective Care Agreement:** parents may enter into a written agreement with CSSD that allows them to transfer care and supervision of a child to a zone manager. A PCA does not transfer custody of the child to a manager.
- **In Care Program:** when a child or youth is in care, their care and custody has been transferred to a zone manager through an order from the court. The court makes a legal determination that a child or youth is in need of protective intervention and places the child or youth in the care and custody of a manager on a temporary or permanent basis.

When children and youth are in care, placement with a relative or significant other foster family is the preferred option as it is least intrusive for a child and ensures the child maintains a connection to kin. Where a relative foster home is not available, children may also be placed with regular (non-relative) foster homes. Foster parents are recruited, assessed, approved and supported by social workers in the CSSD.

Children and youth in care may also be placed in other foster care placements such as family-based caregiver homes, residential placements (e.g. Emergency Placement Homes, Group Homes and Individualized Living Arrangements).

- **Youth Services Program:** CSSD is also mandated to assist youth in need of protective intervention during their transition to early adulthood. Youth aged 16 and 17 may be eligible to receive financial and supportive services as well as youth transitioning from the In Care Program at age 18. A youth's involvement in the program may continue until their 21st birthday if they engage in an individualized plan with their social worker. All services under the Youth Services Program are provided through a voluntary Youth Services Agreement signed directly with the youth.

## Appendix B – IRT Secretariat: Innu Representatives & Innu Prevention Services

### **Innu Round Table Secretariat Inc.**

The Innu Round Table Secretariat is a corporation established by the Innu to provide joint services and capacity building to Sheshatshiu Innu First Nation and Mushuau Innu First Nation.

SIFN and MIFN have designated the IRTS as their Prevention Services Agency, and have also chosen to deliver Innu Representatives services through the IRTS. More information on these two services follows below.

Beyond the child, youth and family services sector, IRTS is also involved in other areas. It delivers Income Support to both communities, and is also involved in a number of capacity building initiatives in the health sector. IRTS also coordinates regular trilateral meetings between Innu governments, the government of Newfoundland & Labrador, and the government of Canada. This trilateral process is known as the Innu Round Table.

### **Innu Representatives**

Innu Representatives are the voice of the child's Innu community in the child and youth protection system. They have a role in the provincial protection system with respect to Innu children and youth.

More specifically, their main roles are to act as advocates, contacts, connectors, and cultural representatives:

- As *advocates*, they act as the voice of the child or youth's community in protection matters. They speak up and have a say in the child or youth's best interests. The Innu Representatives may take a position in the case, participate in planning and meetings, and advocate with CSSD and with the courts and any other parties. In carrying out this role, the Innu Representatives may exercise rights under the CYFA with respect to Indigenous Representatives, under sections 12 and 13 of the Federal Child Welfare Law, under this Protocol, and under laws of general application. For example, they receive notices & information, discuss matters with CSSD and work to try to resolve cases outside court, and may participate in court.

- As *contacts*, Innu Representatives receive official notices from CSSD. These can be notices to Indigenous Representatives as required by the CYFA, or notices of significant measures to an Indigenous Governing Body as required by the Federal Child Welfare Law. This role does not limit the ability of Innu Prevention Services to receive information as well, in order to coordinate with and give priority to preventative services.
- As *connectors*, Innu Representatives help to link children, youth and families to their circle of care, including to Innu Prevention Services, their extended families, and other resources and services. They help to support, help them navigate the system, and help facilitate an effective flow of relevant information to the relevant people in the best interests of children and youth.
- As *cultural representatives*, Innu Representatives promote the Innu guiding principles about health, healing, children, youth and families. See the section on Guiding Principles in this Protocol, e.g. the three needs of every Innu children, the Innu Care Approach, and the Innu Healing Values. They use these guiding principles to take positions that serve the best interests of Innu children and youth.

Each Innu Representatives has full and valid authority in their assigned cases. There is a Senior Innu Representative within each community that provides guidance within their team, but they are not the only Innu Representative for their community.

Any Innu Representative may delegate functions if they are not available, including court appearances or attendance at a meeting, to any other Innu Representative or other IRTS employee within Innu Prevention Services.

### **Innu Prevention Services**

Innu Prevention Services provide prevention services that are targeted towards the Innu families *involved* in the child and youth protection system, or *at risk of involvement*.

Innu Prevention Services is focused on the goals of reducing risk to Innu children and youth and improving their well-being. More specific objectives include reducing the number of Innu children and youth who are in care, enabling more placements within the Innu communities, and reducing the need for and level of involvement of provincial protection services.

IRTS Innu Prevention Services is staffed by registered social workers, community workers, and other positions.

It is important to note that beyond IRTS Innu Prevention Services, SIFN and MIFN have a wider role in services at the community-wide level, some of which are part of a broader definition of prevention. But unlike IRTS, MIFN and SIFN do not specifically target their services to families involved with child protection or at risk of involvement.

### **Further information on IRTS teams in Sheshatshiu and Natuashish**

Natuashish has a smaller case work team. Growth in 2021 is planned to include a total of up to 3 Innu Representatives, likely 2 Prevention social workers, likely 2 Prevention community workers, plus 1 Prevention case work supervisor. The numbers indicated show plans for 2021. Throughout 2020 the actual staff team was only 3 people total, who divided work amongst themselves as needed. This may be updated as the team grows.

Sheshatshiu is planned in 2021 to have a case work staff of 5 Innu Representatives, 4 Prevention social workers, 4 Prevention community workers, and 1 Prevention case work supervisor. The Sheshatshiu group is organized into the following three teams:

1. Active Court – This team focuses on families with current court involvement.
2. In Community – This team focuses on prevention within the community, placements within the community, and the PIP caseload.
3. Cultural Connection – This team focuses on families with children and youth placed outside the community.

## **Appendix C – Sheshatshiu Innu First Nation**

SIFN Health & Healing Organizational Chart

[http://www.irtsec.ca/2016/wp-content/uploads/2017/05/SIFN-Organizational\\_v12\\_HL.pdf](http://www.irtsec.ca/2016/wp-content/uploads/2017/05/SIFN-Organizational_v12_HL.pdf)

SIFN Health and Healing Asset Map – Helping Circle

[http://www.irtsec.ca/2016/wp-content/uploads/2017/05/SIFN-Helping-Circle\\_v13\\_HL.pdf](http://www.irtsec.ca/2016/wp-content/uploads/2017/05/SIFN-Helping-Circle_v13_HL.pdf)



## **Appendix D – Mushuau Innu First Nation**

MIFN Health & Healing Organizational Chart

[http://www.irtsec.ca/2016/wp-content/uploads/2017/05/MIFN-Organizational\\_v12\\_HL.pdf](http://www.irtsec.ca/2016/wp-content/uploads/2017/05/MIFN-Organizational_v12_HL.pdf)

MIFN Health and Healing Asset Map – Helping Circle

[http://www.irtsec.ca/2016/wp-content/uploads/2017/05/MIFN-Helping-Circle\\_v7\\_HL.pdf](http://www.irtsec.ca/2016/wp-content/uploads/2017/05/MIFN-Helping-Circle_v7_HL.pdf)

## Appendix E – Security and Confidentiality of Information at IRTS

1. IRTS must treat all personal information and file-specific information received from CSSD as confidential information (in this appendix, “confidential information”). IRTS acknowledges that such information is highly sensitive and that confidential information received from CSSD which relates to the care and protection of children and youth has special protections under s. 90 of the CYFA which the parties must follow.
2. Confidential information may only be used for the specific and legitimate purpose of performing job duties for the safety, health and well-being of the Innu child and youth to whom the information relates. For greater certainty, this includes:
  - a. connecting with the child, youth, and/or family to identify their strengths, goals, needs for support, views, preferences, and to discuss any other matters relevant to the child protection matter and related prevention services;
  - b. internal use within the IRTS team providing services to that child, youth or family (inclusive of the supervision of such services);
  - c. consulting with SIFN/MIFN, as the case may be, regarding the best interests of the child/youth and the position of the First Nation in the matter;
  - d. connecting within IRTS Innu Prevention Services, connecting with other relevant preventative or supportive services including those within IRTS or at SIFN or MIFN among others if relevant, or assisting in the provision of relevant services;
  - e. identifying the circle of care around the child, youth and family, including formal and informal support people;
  - f. connecting with extended family or other people in the community for the purposes of better supporting the child, youth and family;
  - g. connecting with people or placement providers that may provide a placement for the child or youth if that may be necessary;
  - h. consultations with CSSD;
  - i. use of legal counsel; and
  - j. participation in court and in any meetings, circles, case conferences or other decision-making processes about the matter.
3. In using confidential information, IRTS staff must consider *who* needs to know the information, *why* do they need to know it in the child or youth’s best interest, and *what pieces of information* do they need to know. Use and disclosure of confidential information is on a “need to know basis”. For example, when connecting with a service provider, IRTS will consider what information that service provider needs to know, and will not provide further details beyond that.

4. Use or disclosure outside the scope of section 2 above is prohibited, except;
  - a. if appropriate to the circumstances, with the consent of CSSD;
  - b. with the consent of the affected person; or
  - c. if required by law.
5. The parties acknowledge that various legislation may provide particular privacy, confidentiality and access to information requirements that could apply to confidential information within the scope of this agreement, such as the CYFA, the Adoption Act, 2013, the *Youth Criminal Justice Act* (Canada), and the Federal Child Welfare Law. Without limitation, the parties acknowledge that publishing or making public identifying information is prohibited under s. 55 of the CYFA.
6. IRTS must take precautions against the risk of inadvertent disclosures or loss of confidential information, including:
  - a. ensuring verbal discussions take place in a private environment;
  - b. ensuring electronic confidential information is appropriately stored and password protected;
  - c. ensuring that devices used to access electronic confidential information are password protected;
  - d. ensuring paper documents with confidential information are appropriately stored in a locked cabinet or locked office;
  - e. ensuring that all access to confidential information is limited to appropriate personnel;
  - f. ensuring all personnel with access to confidential information sign oaths of confidentiality and are informed of their confidentiality obligations.

## Appendix F – Day to Day Case Work with Families

### Scope

1. As confirmed in s. 19 of the Protocol, this Appendix is intended to address the interaction of IRTS and CSSD in their daily clinical/client work with Innu children, youth and their families. It is not limited to those matters which are involved with the courts. This would include protection intervention program caseloads, kinship placements, in care, youth services, IRTS prevention and other caseloads.

### Notification for Referrals and Incidents

2. Call for all Referrals:
  - a. If CSSD receives a child protection report or youth services referral (either of which may be termed a “referral” in this Appendix), it will call IRTS before a CSSD worker goes out to respond to the call. This contact will be made as follows:
    - i. For Sheshatshiu: During regular office hours of the IRTS, calling the main office, and after hours, calling the designated on-call phone. Please note that these numbers are indicated on CSSD’s intranet system.
    - ii. For Natuashish: Calling or otherwise attempting to reach an Innu Representative or Innu Prevention Services worker.
    - iii. If the matter arises outside of Sheshatshiu or Natuashish, or if CSSD is not sure who to call, the call should be made as if for Sheshatshiu.
  - b. The requirement to call in advance of going out to respond to the referral will have different implications for same day referrals, 7-day referrals, and youth services referrals:
    - i. A referral with a same day response time should be called in to IRTS as soon as possible, at any time of day or night, whether it is a weekday, weekend or holiday.
    - ii. A referral with a 7-day response time should be called in to IRTS during regular working hours, i.e. non-holidays Monday to Friday, 8:30am – 4:30pm.
    - iii. A youth services referral has a 14-day timeframe to offer intake services to the youth, so these referrals will typically be called in to IRTS during regular working hours, i.e. non-holidays Monday to Friday, 8:30am – 4:30pm, unless urgent.

- iv. If the referral is screened out at a very early stage such that CSSD does not need to respond to the call in person, CSSD should still call IRTS during regular working hours, i.e. non-holidays Monday to Friday, 8:30am – 4:30pm.
  - c. After the phone call, CSSD should then follow up with an email about the referral, within a reasonable time attaching the completed **Notification for Referrals and Incidents form**. The email should be sent to:
    - i. For Sheshatshiu: [InnuRepSSS@irtsec.ca](mailto:InnuRepSSS@irtsec.ca)
    - ii. For Natuashish: [InnuRepNat@irtsec.ca](mailto:InnuRepNat@irtsec.ca)
    - iii. If the matter arises outside of Sheshatshiu or Natuashish, or if CSSD is not sure what email to use, use the Sheshatshiu email.
3. In addition to the regular case planning process for children and youth in care, if any of the following applies to an Innu child or youth in care, CSSD will notify IRTS on the same basis as though it were a referral, using the process outlined above in #2 of this Appendix:
- a. the child or youth is a Missing Child/Youth as defined in CSSD's Protection and In Care Policy & Procedure Manual, or is abducted, or runs away;
  - b. the child or youth experiences a Critical Incident as defined in CSSD's Protection and In Care Policy & Procedure Manual (Critical Incident: An incident of extraordinary or life-threatening nature that directly impacts the safety and well-being of a child or youth, such as violence, assault (including, at least for purposes of this Protocol, any sexual assault), injury and other serious criminal matters. A critical incident includes significant threats of self-injury, self-harm, or suicidal ideation requiring hospitalization beyond the initial assessment and treatment. A critical incident may also constitute a critical injury.);
  - c. the child or youth suffers a Critical Injury or Death as defined in CSSD's Critical Injury and Death Protocol; (Critical Injury: Critical injuries are primarily those that are beyond the scope of daily practice and life experiences of children/youth involved with CSSD. These events or circumstances are very serious in nature and have either caused or may cause serious physical or psychological injury.) or
  - d. the child or youth experienced a death of a significant other (e.g. siblings, parent, grandparent, other), and IRTS will make an effort to notify CSSD of those matters as well.

4. Where CSSD staff believe that an Innu child or youth in care is experiencing heightened distress, or events are occurring that CSSD believes have the potential to heighten the child or youth's distress, CSSD staff shall reach out to the appropriate IRTS staff at the earliest opportunity. This contact may occur formally or informally, through ongoing case planning or otherwise, depending on the nature of the concern and supports sought. IRTS staff will work with CSSD staff to help identify any services and supports that can be offered to support the child or youth.
5. If a foster home or other placement in which an Innu child or youth in care is residing becomes subject to investigation, CSSD will notify IRTS on the same basis as though it were a referral, using the process outlined in #2 of this Appendix, above.
6. The parties acknowledge the importance of investigations and interviews mandated by the CYFA and CSSD policies. These interviews must be undertaken by CSSD staff and occur in a manner that is established in CSSD policies. IRTS staff will generally be present during interviews and related meetings with families, unless a particular interview needs to be done without others present. In those instances, CSSD staff will identify the need for such privacy and IRTS staff must not interfere with the investigation or interview. CSSD and IRTS staff will identify circumstances where interpretation is needed in the course of its interviews and meetings with Innu children, youth and families, and CSSD agrees to make best efforts to facilitate the interpretation services.

#### **Updates on Ongoing Cases**

7. The parties will update each other on ongoing cases as follows:
  - a. What kinds of updates:
    - i. The parties will keep each other updated with respect to relevant case developments.
    - ii. At a minimum, CSSD will reach out at the Minimum Discussion Points below (see #11 of this Appendix).
  - b. Who to update:
    - i. IRTS and CSSD will make an effort to keep each other updated about who within their organizations is assigned to various cases on an ongoing basis.
    - ii. CSSD outreach with respect to ongoing cases should, when possible, be made by the social worker directly contacting one of the people at IRTS specifically assigned to that case.

- iii. If CSSD is not sure who to contact, or has not gotten a response, in Sheshatshiu CSSD may call the IRTS Sheshatshiu main office phone number for this purpose.
- c. When:
  - i. Calls regarding ongoing cases should be made during regular working hours, i.e. non-holidays Monday to Friday, 8:30am – 4:30pm; unless something urgent has arisen, in which case the call should be made at any time.

### **Invitation to Meetings**

8. CSSD will invite the assigned Innu Representative to all case planning meetings and meetings with families wherever possible. If CSSD has determined that the Innu Representative will not be invited, CSSD staff will notify the Innu Representative of the meeting, the reasons why they were not invited and provide an overview of what transpired at the meeting, unless prohibited from doing so by law.
9. The Innu Representative or other Innu Prevention Services staff will be invited to participate in case planning for children and youth in care as members of the In Care Planning team. This team, initiated by the CSSD social worker, is involved in developing plans for children and youth in care, identifying and providing supports and services, and monitoring goals and outcomes for the child or youth through the In Care Progress Report and the Cultural Connection Plan.
10. With respect to any meeting, including those referenced in #8 and #9 of this Protocol above, the Innu Representative may wish to bring others from IRTS or a health/social health services staff from the applicable First Nation with them. In those cases, the additional attendees will, when possible, be indicated to CSSD in advance of the meeting so appropriate arrangements for the meeting can occur. Should the Innu Representative wish to send another person in their office in their place, they will also advise CSSD in advance when possible. CSSD likewise will, when possible, indicate to the Innu Representative of any persons from CSSD who will be in attendance at any meetings, including their intention to bring service providers or other professionals to the meeting.

## Minimum Discussion Points

11. During any Innu child or youth protection matter, CSSD will provide Innu Representatives with updates on new information, and will seek meaningful input from Innu Representatives on all decisions affecting Innu children and youth. In order to facilitate the best engagement between the parties, CSSD agrees to provide advance notice of its intention to make decisions, other than those that arise in urgent or emergency circumstances or where a decision must be made immediately. This will allow the parties to co-ordinate necessary information sharing about the matter, exchange knowledge and perspectives, and gather additional information to inform discussion about the decision and the best interests of the Innu children/youth. This will start with CSSD contacting Innu Representatives on the matter well in advance, except in emergencies when contact will be made as soon as possible. CSSD will discuss the matter and will listen to Innu perspectives with an open mind.
12. For greater certainty, the parties agree that there are certain minimal situations that warrant such discussion, which we are calling Minimum Discussion Points:
  - a. the creation, renewal, ending or updating of Safety Plans, Service Plans, Family Centered Action Plans or any other documents outlining what a family is supposed to do to stay together with their children and youth or to have their children and youth returned to their care;
  - b. case planning, including whether the circumstances require a child or youth to come into care, what court applications or agreements may need to be made to address the risk assessed by CSSD, and how to reduce that risk;
  - c. In Care planning, including where to place a child or youth in care, and any changes in placement, as well as planning for transitions from care;
  - d. the Plan for the Child (or youth) in care within the meaning of s. 29 of the CYFA;
  - e. the Cultural Connection Plan for a child or youth in care, within the meaning of s. 29(3)(e)(iv) of the CYFA, divided as follows:
    - i. If the child or youth is placed *outside* the Innu communities, CSSD will collaboratively plan the content of the Cultural Connection Plan with Innu Representatives;
    - ii. If the child or youth is placed *within* the Innu communities, CSSD will use any standard materials or processes that Innu Representatives have approved for that purpose; and



- f. potential adoptions or transfers of custody to a third party, always to be discussed in advance of CSSD providing its consent related to these processes.
- 13. The parties acknowledge that, despite the efforts described above, agreement will not be possible in every single case. If agreement is not reached:
  - a. the parties acknowledge that CSSD's decision will be implemented to the extent of its legislative role under the CYFA, pending court determination if applicable or later agreement;
  - b. where there was no opportunity for discussion prior to a decision, the parties agree to convene and discuss the matter including the possible alternative case plans or decisions; and
  - c. the parties agree to continue to discuss the matter through future case planning as long as the issue(s) continue to be relevant.

#### **Innu Representatives' Ability to Participate in Court**

- 14. IRTS will keep the CSSD Minister updated about who its current Innu Representatives are, in accordance with the CYFA regulations. CSSD will keep the courts updated about these lists.
- 15. Further to s. 13(b) of the Federal Child Welfare Law, and after January 1, 2020, Innu Representatives have the right to make representations in a proceeding under the CYFA involving an Innu child or youth. While s. 54(b) of the CYFA says that an Indigenous representative may "apply to be heard", no application to court for this purpose is necessary, as the right is automatic by law due to s. 13 of the Federal Child Welfare Law.
- 16. CSSD and IRTS staff will work together with any parties to the CYFA matter and the courts to help ensure that Innu Representatives can participate effectively, e.g. to be heard properly, to be able to present information to the court in support of their views, or to be able to bring forward an alternative plan. Any attempt by the parties to facilitate the Innu Representatives' participation in such ways does not detract from their ability to apply directly to the court to be added as a party to a CYFA court matter.

17. If an Innu Representative applies to the court for party status in a proceeding, pursuant to the Provincial Court Family Rules, 2007, NLR 28/07 or the Rules of the Supreme Court, 1986, SNL 1986, c 42, Sch. D, as applicable and as updated or replaced from time to time, the court will decide the application. CSSD will generally not take a position on the application, but for greater certainty may reflect to the court the view of unrepresented parents who are CSSD clients. CSSD will ensure that Innu Representatives are aware of any concerns held by CSSD as soon as possible, so the parties can discuss the matter.

### **Innu Access to Innu Children and Youth**

18. CSSD will work with Innu Representatives and Innu Prevention Services to aim to ensure that appropriate staff from IRTS and if appropriate from the child or youth's First Nation have pre-approved access to Innu children and youth in care through inclusion in the In Care Plan for that child or youth.
19. If an IRTS, MIFN or SIFN staff or representative wishes to have access to an Innu child or youth in care who is not specified in the In Care Plan, access may be requested to CSSD and CSSD will not unreasonably withhold its consent.

### **PARTICULAR CIRCUMSTANCES:**

#### **Prior to a Birth**

20. The parties acknowledge that priority for prevention services applies to prenatal services as per s. 14(2) of the Federal Child Welfare Law, but that generally speaking CSSD does not have the mandate to respond to a potential child protection matter before a child is born.
21. If CSSD receives information or a referral that relates to concerns about a pregnancy:
- a. CSSD will ask the mother's consent to make a referral to Innu Prevention Services. If the mother does not consent to a referral to Innu Prevention Services, CSSD will seek consent to refer to another Innu service provider such as SIFN/MIFN health or SIFN social health.

- b. CSSD is legally required to retain such information, but it will ensure that improper use and disclosure of the information is avoided. Careful management of this information is important, for instance to protect privacy at a sensitive time for the mother, and to avoid opening a protection file if that is not appropriate.
- 22. If Innu Prevention Services is contacted about a mother in need of support, whether the contact is from CSSD or from another person or service provider:
  - a. IRTS will reach out to the mother, and offer voluntary supports and services, or will ensure that an appropriate MIFN or SIFN health/social staff does so.
  - b. IRTS will ask the mother's consent to share information with CSSD to inform them of plans in place and aim to ensure a smooth process without unnecessary or unanticipated interventions in the family after the birth.
- 23. If Innu Prevention Services, with a mother's consent, approaches CSSD about a pregnancy with the aim of trying to avoid a potential removal after the birth, CSSD and Innu Prevention Services will engage on the matter with each other. The parties agree to try to reach consensus on a plan that would be in the best interests of the child and would be consistent with CSSD's protection mandate after the child is born.

### **Keeping Families Together**

- 24. The parties acknowledge the importance of keeping families together to the greatest extent possible, and that both parties have obligations towards that joint objective further to, among other things, sections 8, 20 and 21 of the CYFA, and sections 14, 15, and 15.1 of the Federal Child Welfare Law.
- 25. Further to this priority of keeping families together to the greatest extent possible, the parties commit to the following minimum measures:
  - a. **Early & Ongoing Discussion with Priority to Prevention:** The parties will discuss what services and supports could be offered to a family to help that family stay together and help the well-being of the family and its children or youth, and the parties will work together and with the family to try to provide or arrange for those services and supports.

- b. **Access to Services to support a child or youth:** The parties acknowledge that there has been a historic over-reliance on child protection services to access services for Indigenous children and youth, including Innu children and youth, in part due to the lack of local services and lack of means to access services. This agreement does not place blame on anyone. Rather, this historic over-reliance is acknowledged here to recognize that turning around this trend will take work from all parties, to do things differently.<sup>3</sup> For example, health care and treatment, including mental health care and treatment, addictions services, special needs supports, or specialized education services are examples of some services that have sometimes brought First Nations children or youth into care, even if the child or youth has a loving, well-functioning family of origin.

The parties agree to the principle that Innu children and youth should not have to go into care to access the services they need, if their parent or kin care provider is supportive of their access to such services. The parties will work together to try to secure appropriate services for Innu children and youth without resorting to the child protection system where it is not necessary. The parties agree to follow this approach:

- i. The parties confirm that help-seeking from a parent or kin care provider is, generally speaking, a positive and protective behaviour. Asking for help with one's child or youth is not assumed to mean the parent or kin care provider is unable or unwilling to parent.
- ii. The parties acknowledge the availability of new supports that can assist in this effort, including Innu Prevention Services, Jordan's Principle, and continued growth in the services available locally through SIFN and MIFN and other providers.
- iii. The parties will coordinate to make information more available in the Innu communities about how to access services to help a child or youth as an alternative to approaching CSSD.
- iv. If CSSD is approached by a parent or kin care provider seeking help for their child or youth, CSSD will assess the willingness of the parent or kin care provider to provide or support the assistance sought and will enlist the support

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<sup>3</sup> Decisions of the CHRT may be consulted for reference, such as *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada)*, [2016 CHRT 2](#), and related decisions such as [2017 CHRT 14 \(Jordan's Principle\)](#), [2018 CHRT 4 \(prevention and avoiding unnecessary removals from community\)](#), and [2019 CHRT 39 \(compensation\)](#).

of Innu Prevention Services and/or the Innu Representatives to explore access to services and to help the family.

- v. The parties will work with each other, the family, and other service providers, to find ways to support the parents or kin care provider, and to meet the child or youth's need for services.
  - vi. Only where efforts to obtain appropriate services for an Innu child or youth with the involvement of their parent or kin care provider have been unsuccessful or exhausted, and the Innu child or youth meets the criteria for a child in need of protective intervention, will CSSD take more intrusive measures, including bringing the child or youth into care.
- c. **Socio-Economic Conditions:** The parties are committed to avoiding having Innu children and youth come into care for socio-economic reasons, such as lack of adequate housing, poverty, lack of adequate infrastructure, or the health condition of his or her parent or care provider as per s. 15 of the Federal Child Welfare Law.
- i. If socio-economic conditions are contributing to protection concerns regarding an Innu child or youth, the parties will discuss the matter and consider how to assist the family to address or reduce the concern.
  - ii. With the family's consent, assistance may be provided to the family, such as through Innu Prevention Services, SIFN, MIFN, and/or other service providers.
  - iii. CSSD recognizes the new limitation on removal of a child or youth in such circumstances further to s. 15 of the Federal Child Welfare Law.

#### **If a Child or Youth Comes Into Care**

26. If an Innu child or youth comes into care, the parties will prioritize, to the greatest extent possible as per s. 16 of the Federal Child Welfare Law and s. 65 of the CYFA, the importance of keeping Innu children and youth within their families, communities, culture and language, and the importance of keeping siblings together. In particular, this must occur:

- a. when the parties engage in In Care planning or other case planning etc,
- b. when CSSD is determining a placement, and
- c. when making any submissions to court about placement.

27. Continuity with the child or youth's community of residence, education, and relationships must also be fully considered and prioritized to the greatest extent possible. Continuity has high value for the child or youth's stability and well-being. Every effort will be made to minimize disruption for the child or youth.
28. As indicated above in the list of Minimum Discussion Points (#12 of this appendix), CSSD will collaborate with Innu Representatives on Plan for the Child and the Cultural Connection Plan.
29. Regarding Cultural Connection Plans, as specified above, Innu Representatives have chosen to limit spending their time spent on Cultural Connection Plans for children placed within their Innu community, and focus on those for placements outside of the Innu communities. Innu Representatives will provide general guidance or standard material for CSSD's completion of Cultural Connection Plans for Innu children and youth who are placed within Innu communities. CSSD may advise the courts or any other parties as required when such general guidance or standard material is used and may confirm that it was developed by Innu Representatives for this purpose. CSSD will advise Innu Representatives on any proposed changes to CSSD templates, forms or policies on Cultural Connection Plans and seek their feedback in advance.
30. CSSD must ensure the child or youth's attachment and emotional ties to each member of his or her family are promoted while in care, as per s. 17 of the Federal Child Welfare Law. This could include, for instance, facilitating visits and access for family members (including but not limited to parents); encouraging contact and communication; and arranging for trips home if the child or youth is not living in their home community.
31. Consistent with section 16(3) of the Federal Child Welfare Law, CSSD will conduct ongoing re-assessments of placements in care and the possibility of re-uniting the child or youth with his or her family of origin. CSSD will meaningfully discuss the matter with Innu Representatives during re-assessments and try to reach agreement. Because of the challenge of overcoming a high volume of cases at this time, the parties are not setting out specific timelines for such re-assessment in this Protocol, other than in the Out of Community Reviews set out as a joint initiative in Appendix G. The parties may revisit the need to agree on specific timelines when this Protocol is reviewed. The lack of standardized timelines does not diminish the need for ongoing re-assessments, which should occur as needed and whenever appropriate to the case.

## **Transitions from Care**

32. As indicated above, a transition from care is a Minimum Consultation Point.  
Consultation on any transition from care must be started far enough in advance for Innu Representatives, Innu Prevention Services and other Innu service providers to be involved if they wish and are able to, and to help CSSD, the child or youth, and the family, plan properly for this transition.
33. The parties note that a joint initiative on Transfers of Permanent Custody is set out below in Appendix G.

## Appendix G – Periodic Meetings, Reports and Joint Initiatives

### MEETINGS:

#### Weekly Meetings

1. Weekly meetings have in the past been called “notification meetings”. Under this Protocol, notifications will be generally occurring daily at the front line staff-to-staff level according to Appendix F (Day to Day Case Work). The weekly meetings will continue in each community at least once per week. The purposes of the weekly meetings include:
  - a. acting as a back-up system on notifications, referrals and key case developments, to ensure communications have not been missed and information is circulating accurately and appropriately;
  - b. affording an opportunity for front line staff to engage regarding new notifications, sharing further information about the family and the risk assessed;
  - c. discussing issues that clients face, determine what services will be offered by IRTS, CSSD or others in relation to those issues and generally facilitate case work; and
  - d. identifying operational issues that cannot be addressed between front line staff that impact case work with families.
2. The Zone Manager and Senior Innu Representative generally do not attend weekly meetings, but will be aware of the schedule of these meetings. At least one CSSD Supervisor should attend. Where IRTS or CSSD front line staff believe an issue will be discussed at a weekly meeting that requires the attendance of Zone Managers, Senior Innu Representatives or others, they will make that request to the other party. Senior staff of IRTS and CSSD will determine whether the concerns should be addressed in a weekly meeting, a case conference scheduled between the parties for that purpose, or through monthly meetings.
3. Weekly meetings are meant to create a regularly scheduled point of contact, particularly for new cases. They do not replace ongoing case planning sessions, or case conferences which will be devoted to the discussion and planning of individual cases.



## **Transfers of Permanent Custody**

4. IRTS and CSSD commit to working together to identify families who would be appropriate for Transfers of Permanent Custody (see s. 43 of the CYFA and related CSSD policies) in order to create permanency plans for Innu children and youth that transition them out of care. CSSD will begin by providing information about potential candidate families for IRTS staff to review, prioritizing Innu foster families. The details around this process will be discussed at monthly meetings, and then case specific discussions can occur between the appropriate CSSD and IRTS staff.

## **Out of Community Reviews**

5. IRTS and CSSD commit to working together to jointly review the cases of Innu children and youth placed outside the Innu communities, to try to identify ways for more of them to return to an Innu community. Either IRTS staff or CSSD staff can initiate a review. This will include CSSD sharing information about relevant out of community placements for consideration by IRTS staff, and case discussions by appropriate CSSD and IRTS staff in a process to be agreed upon by officials at monthly meetings.

## **Monthly Meetings**

6. Monthly meetings will be held to address joint initiatives and more systemic issues at an operational and policy level.
7. Attendance expected at these meetings will depend on what is on the agenda. At the end of each meeting, the parties will discuss the agenda for the next meeting to help determine who needs to be there. It is expected that a policy discussion will have the attendance of at least one CSSD Provincial Director. If a party intends to bring their lawyer, they will notify the other party.
8. Monthly meetings will be **on the second Thursday of each month at 9am Atlantic time**, unless the parties agree to a change.
9. The parties commit to discussing and working on the following types of topics at the monthly meetings:

**a. Policy Reviews**

These meetings afford an opportunity to discuss IRTS or CSSD policies that relate to the work of this Protocol and any concerns related to them. While both parties acknowledge that they each have policies independently of one another, they agree to discuss concerns brought forward about each other's policies, and any impact those policies may have on the work being undertaken under this Protocol, or in relation to Innu children and youth generally.

**b. Orientation and training**

The parties will work together to help implement the provisions of this Protocol on orientation and training. For instance, they may wish to book sessions together, provide updates on new staff, etc.

The parties can also use these meetings to discuss additional orientation and training opportunities beyond those required in this Protocol.

**c. Supporting the work on Transfers of Permanent Custody**

The work on these transfers will occur mainly between front line staff, but monthly meetings will be used to discuss how the process will occur, monitor progress and engage on any policy or other considerations that may be impacting that work.

The goal is to conduct this process with 1 cohort of families in 2021 and once complete, the parties will discuss whether to proceed in the same or another fashion in future years to ensure that consideration of transfers of custody occur as needed.

#### **d. Supporting the Out of Community Reviews:**

Full discussion of case details will likely require separate meetings, but the process will be initiated and supported by the monthly meetings. This process will consider how engagement with families and placement providers other than the parties will occur and be documented. It is the goal of these reviews to (i) create and implement individual plans for Innu children and youth, and (b) to generate a written non-identifying report which can be shared with Innu leadership and others in regard to this work, that may have further recommendations.

It is anticipated that the Out of Community Reviews will be undertaken twice in 2021. After that is complete, the parties will discuss how to proceed in future years, e.g. continue twice per year, or use an ongoing process, for example.

#### **REPORTS:**

##### **Monthly reports**

10. The CSSD Zone Managers will provide the IRTS Manager with monthly reports for each Innu Zone, with the following information:
  - a. List of Innu children and youth in care or custody, including at a minimum: the name, date of birth, parents, location of the placement, type of placement, legal status of the child, time in care, and worker assigned;
  - b. List of Innu children and youth removed and those returned home in the preceding month, including ages, dates of the events, and where to/from;
  - c. List of referrals in the preceding month, including at a minimum: the date, reason indicated for the referral, whether it was a same day or 7-day or 14-day referral, and whether the referral was screened in or out;
  - d. An update on foster home investigations that affect Innu children and youth.
11. This information may be provided in aggregate or as separate items, depending on availability. Where possible, this information will be provided before or at monthly meetings.

##### **Quarterly report**

12. CSSD will provide quarterly lists to the IRTS Manager of the categories listed in #10 above for any Innu children and youth **outside the Innu Zones**.

## Annual reports

13. Each year, CSSD will provide to the IRTS Manager a detailed list of the Innu children and youth in the **Protective Intervention Program**. It will be broken down by SIFN and MIFN membership to the extent known or estimated, and will include children and youth whether or not they are inside or outside the Innu Zones. It will show at a minimum: the name, date of birth, parents, length of PIP involvement, CSSD zone and worker assigned, whether the child/youth is living at home or in a kinship or other type of arrangement, and information on kinship placements including their duration and who they are with.
  14. Each year by October 31<sup>st</sup>, CSSD will provide to the IRTS Manager a **statistical report** that does not contain personal information, as follows:
    - a. Number of Innu children and youth in care or custody:
      - i. As of September 30<sup>th</sup> of that year;
      - ii. And, the total number who experienced care or custody during the previous fiscal year.
    - b. Among (a), those who were placed in their home community, in the other Innu community, and outside either Innu community in Labrador, on the island of Newfoundland, and out of Province.
    - c. Number of Innu children and youth in the PIP program, showing those living at home and those in kinship or other out-of-home voluntary arrangements.
    - d. The number of referrals, and a breakdown by reasons for referral, and the screening of referrals in or out.
  15. When this Protocol comes into effect, CSSD will do its best to provide annual statistical reports as described in #14 of this appendix above for as many previous years as possible. If full information is not available, particularly for years prior to 2018 in which the current database system was introduced, CSSD should do its best to provide partial information.
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