



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

Commission Disclosure 0987

Manitoba FILE COPY



Family Services
and Housing

Child, Family and
Community Development

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TO: Executive Directors, Child and Family Services Agencies
Program Directors, Winnipeg Child and Family Services
Regional Managers, Mandated Regions
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Lakota Tipi Child and Family Services Office

Revised Remnants Package - Program Standards

Further to my letter to you of September 1999, I am sending you a revised remnants package. This package replaces the existing Program Standards Manual effective immediately.

The remnants package contains service provider and administrative standards. Except for adoption services, standards relating to case management have been replaced by the new case management standards. The revised standards in the remnants package reflect current legislation and regulations.

The remnants package includes additional sections relating to services to families and foster care not sent to you in September 1999, as well as revised adoption standards. These standards will remain in effect until they are replaced by service provider and administrative standards. The adoption case management standards will be added to the case management standards in due course. Residential care standards have been incorporated into a draft residential care licensing manual.

I am enclosing a revised list of the sections included in the package for your convenience.

Sincerely,

ORIGINAL SIGNED BY:

Phil Goodman
Executive Director

KC/kd
Enclosures

cc: Mr. Ron Fenwick, Regional Operations

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Subject: **GLOSSARY OF TERMS**

- Act** - *The Child and Family Services Act* or *The Adoption Act* depending on the context.
- Agency** - An agency as defined in the Act.
- Care provider** - In Part IV of the manual, a foster home, child care worker or residential care staff responsible for the care of the child.
- Director** - The Director of Child and Family Services, Province of Manitoba; the Executive Director of the Child and Family Support Branch.
- Guideline** - An interpretation or outline of legislation or policy.
- Policy** - A definite course or method of action; an overall plan or general direction embracing acceptable procedures; a general requirement consistent with legislation.
- Procedure** - A mode of performing a task or way of carrying out an activity; specific instructions necessary to clarify the standards or specify how the standards are to be met; preferred or required practices.
- Protocol** - A set of procedures involving two or more parties and requiring collaboration between the parties.
- Regulation** - A rule or order having the force of law issued by cabinet and made under a statute; secondary, subordinate or delegated legislation.
- Standard** - A minimum level of performance expressed in precise, measurable terms; a mandatory service requirement used as a basis for service review or audit; a concise statement of expectations requiring compliance to clearly defined practices or procedures and resulting in measurable outputs or outcomes.

Statute

- An Act of the legislative assembly of a province or of the Parliament of Canada; codified law passed by a legislature and assented to by the Queen through her representatives; legislation.

Subject: **AGENCY COMPLAINT REVIEW PROCESS**

While clause 4(1)(f) of the Act provides for the Director to receive and hear complaints from any person affected by the administrative actions of an agency, internal agency review procedures are necessary to effectively address complaints from clients and others. Agency appeal mechanisms may also have the advantage of resolving issues before they escalate. At the same time, complainants have the right to know that they can complain to the Director or the Ombudsman.

STANDARDS

181.1 **Written policies and procedures**

An agency has written policies and procedures for reviewing complaints from clients or the general public. These policies and procedures are known to all agency staff and board members.

181.2 **Rights of service recipients**

Anyone requesting or receiving services from an agency is advised in writing, preferably in a pamphlet, as to agency procedures for reviewing complaints. Information about agency appeal processes is conveyed at intake and at least **once a year** thereafter.

181.3 **Appeal to Director**

Agency policies and procedures include a statement to the effect that any person may complain to the Director and that the existence of an agency process for reviewing complaints does not preclude persons exercising their rights under the Act or any other statute of Manitoba.

181.4 **Reviews by Director**

Reviews of complaints by the Director are not initiated until the agency's complaint process has been exhausted or the complainant refuses to deal further with the agency.

Related standards: 180 Complaints and Appeals

PROCEDURES

Agencies are encouraged to establish formal appeal structures and process for hearing complaints from anyone aggrieved by their actions. It is also recommended that appeal mechanisms for service recipients and the public be established on their own and not in combination with grievance mechanisms for agency staff.

Incorporated and Indian agencies are encouraged to establish board review committees to review complaints. Such board review committees or panels would meet regularly and as required to hear and consider grievances and would make recommendations in writing to the agency boards. The committees would be committees of the boards and would not operate independently of them. The committees would hear complaints which have not been resolved through reviews with complainants by supervisors and executive directors.

Legal considerations

Agencies may establish committees to hear and review complaints. However, the Act also ensures people can complain to the Director who is obligated to review all such grievances.

Clause 4(2)(d) of the Act gives the Director of Child and Family Services power to establish boards and hear complaints under clause 4(1)(f). While subsection 4(3) allows the Director to delegate duties and powers under subsections 4(1) and (2), the intent of the Act is to give the power to review of complaints to the Director.

Agency complaint review process

The agency's internal written review procedures include access by the aggrieved person to the supervisor, executive director, and board of directors. They include:

- under what circumstances a complaint hearing will be held;
- how to request such a hearing;
- who is involved;
- how the hearing is structured;
- level of authority making the decision; and
- process of notification to executive director.

Subject: **DEATH OR INJURY OF A CHILD**

Clause 4(2)(e) of the Act empowers the Director to solicit, accept and review reports from individuals or organizations involved with the welfare of children, families or both.

The following standards pertain to reporting the death of a child known to or in the care of an agency or to the serious injury to a child in care.

STANDARDS

182.1 **Death of a child in care**

An agency, on learning that a child in its care has died, notifies the Director **within one hour** except where an agency representative learned of the death of the child in the evening or on the weekend, the agency notifies the Director by 10 a.m. of the next regular working day. Notification is by telephone or telex and includes:

- Name, birthdate and legal status of the child.
- Name of guardian agency if different than the reporting agency.
- Names of the worker and supervisor assigned to the child and family.
- Known circumstances surrounding the death including date, time, place, unusual circumstances.
- Any information suggesting the child may have died as a result of abuse.
- Summary of agency's involvement with the child and the child's family.
- How the reporting agency was informed of the death of the child and by whom.
- Persons notified by the agency, for example, police, parents, guardian agency.
- Any other action taken.

182.2 **Additional information**

Additional information on the death of a child in care is sent to the Director **within 48 hours** of the initial report under Standard 181.1 and includes:

- Name and address of parents or guardians.
- Name, address and type of placement at the time of death.
- Any updates on information given in the initial report.

- A detailed statement of the child's placement history and the reporting agency's involvement in the case.
- Any information obtained to date from an investigation by the agency or the police concerning suspected child abuse.
- The names and ages of other children in the home where the child who died was placed and whether these children are at risk.
- Anticipated action of the reporting agency.
- Whether an autopsy has been or will be performed.
- Whether charges under the Criminal Code have been laid or are anticipated.

182.3 Death of a child not in care

An agency involved in working with a family on a protection basis or in the repatriation of a child to his/her family, on learning of the death of a child in the family or of the repatriated child, notifies the Director **by the end of the next working day**. Notification may be by telephone or telex and includes:

- Name, birth date and legal status of the child.
- Name, address and type of placement at the time of death.
- Name, address and involvement of the parents and/or persons with whom child was living.
- Name and address of former foster or adoptive family.
- Known circumstances surrounding the death including date, time, place, unusual circumstances.
- Any information suggesting the child may have died as a result of abuse.
- Any information obtained to date from an investigation by the agency or police.
- The names and ages of other children in the home where the child who died was living and whether these children are at risk.
- Anticipated action of the reporting agency.
- Whether an autopsy has been or will be performed.
- Whether charges under the Criminal Code have been laid or are anticipated.

182.4 Serious injury to a child in care

An agency, on learning that a child in care has suffered serious injury which may result in death or permanent injury as determined by a physician, notifies the Director **by the end of the next working day**. Notification may be by telephone or telex and includes:

- Name, birth date and legal status of the child.
- Name of guardian agency if different than the reporting agency.
- Names of the worker and supervisor assigned to the child to the child and family.
- Known circumstances surrounding the injury including date, time, place and unusual circumstance.
- Name and address of parents or guardians.
- Name, address and type of placement at the time of the injury.
- Any information suggesting the child may have been injured as a result of abuse.
- Summary or statement of agency's involvement with the child and the child's family.
- Any information obtained to date from an investigation by the agency or police.
- Anticipated action of the reporting agency.
- Whether charges under the Criminal Code have been laid or are anticipated.

182.5 Notification to next of kin

The reporting agency, or where agreed to by both parties, the guardian agency, on learning of the death or serious injury of a child, takes reasonable steps to notify the parent or next of kin **within 24 hours**.

182.6 Ongoing communication

The reporting agency forwards any further information on the death or serious injury of a child to the Director including:

- the results of an autopsy as to the cause of death;
- the report of the agency's investigation into the death or serious injury of the child;
- the report of any investigations by the police including the laying of criminal charges; and
- any further actions indicated or planned by the agency.

PROCEDURES

Protocols

1. When a child dies **at home** the police are notified. The police then contact the investigators from the chief medical examiner's office. The medical examiner decides on the question of an autopsy and the Crown attorney determines whether any criminal charges will be laid. When the police are aware that the family is known to an agency, the agency will be notified of the death. If the police are aware that the child is a ward of an agency, the agency is notified as to the next of kin to the child.
2. When a child dies **in hospital**, the legal guardian is always notified of the death. If the death is due to surgery or post-operative complications, is a late evening admission to hospital, or is unexplained, the hospital will notify the chief medical examiner's office.
3. When a child is **dead on arrival** at the hospital, notification is immediately given to the chief medical examiner who, depending on the circumstances, may notify the police, the Crown attorney and/or a child and family services agency.
4. By agreement, the chief medical examiner notifies the Director immediately when there is a child death so any appropriate and timely preventive action can be taken should other children be at risk.
5. Upon learning of the death of a child known to the agency, the agency notifies the Director immediately.
6. If the child has died under unusual or suspicious circumstances, the child and family services agency assists and cooperates fully with the criminal investigation by police or investigation by the medical examiner.

Review mechanisms

1. **Physicians**

Any concerns about the actions of physicians in the death of a child may be referred to the College of Physicians and Surgeons. A paediatric death committee of the college reviews the medical aspects of child deaths.

2. Police

Concerns about the actions or conduct of the police in the investigation of a child death may be referred to the Law Enforcement Review Committee. Concerns about the actions or conduct of members of the RCMP may be referred to the local detachment commander, the commanding officer or the attorney general.

3. Agencies

Actions of social work staff in agencies are normally subject to review through the supervisory structure of the agency and the board of directors, and to case-by-case review by the Director in the event of child deaths.

Review by Director

1. Under the authority of The Child and Family Services Act, the Director may conduct a separate investigation into the actions of the agency and its staff. The specific composition of the review team may vary according to the particular case involved.
2. The review team appointed by the Director reviews all relevant agency materials and any other background information on the case. Interviews are conducted with all staff involved with the child and the family and consultations are held with any external agencies who also had involvement with the child and the family. Information from the file review and the interviews is assessed in light of appropriate legislation, standards and guidelines.
3. The review team submits a comprehensive report of its findings, conclusions and recommendations to the Minister of Family Services, the Director and the board of directors of the agency.
4. The board of directors of the agency reviews the report and, following consultation with the Director, is expected to implement the appropriate recommendations.

External review

1. Under The Fatality Inquiries Act, an inquiry is carried out by the office of the chief medical examiner to determine the cause of death and the circumstances surrounding the incident. Where indicated, an inquest into the death of the child is conducted by the provincial court.
2. The Department of Family Services and the chief medical examiner have accepted the recommendation of the recent report on child abuse that the office of the chief medical examiner be involved in agency procedures concerning the death of a child known to an agency and provide a confidential report to the Minister of Family Services. This review is done under subsection 4(2) of The Child and Family Services Act and constitutes an external review.
3. The Ombudsman receives notices from the chief medical examiner of all inquests. This inquest monitoring allows the Ombudsman to selectively obtain inquest reports and to follow up as necessary.

Subject: **FOSTER HOME LICENSING REVIEWS BY DIRECTOR**

Subsection 8(2) of *The Child and Family Services Act* states

“A person who is refused a foster home licence or whose licence is suspended, cancelled or not renewed by an agency may, within 10 days after receiving notice of the refusal, suspension, cancellation or non-renewal, appeal the matter to the director.”

Subsection 8(3) of *The Child and Family Services Act* states

“On receiving notice of an appeal under subsection (2), the director shall, within 30 days, consider the matter and in writing advise the appellant of his or her decision.”

NOTE: The legislation requires that the decision of the director be provided to the appellant within 30 days of receiving the request for an appeal which necessitates the short time lines. Therefore, the parties must strictly comply with the time limits imposed on these procedures.

STANDARDS

192.1 Licensing review process

Appeals by persons who are refused a foster home licence or whose licence is suspended, cancelled or not renewed by an agency are conducted according to the procedures in this section (see Procedures, beginning page 2).

Subject: FOSTER HOME LICENSING REVIEWS	Section: 192	Effective: Mar 15/99	Page: 2
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PROCEDURES

The director will initiate a review upon being notified that an agency's decision to refuse, suspend, cancel or not renew a foster home licence, is being appealed. It is preferable that the request by the appellant be in writing, but a telephone call is acceptable. At any time during the review process, the director may designate an individual or a panel to convene a meeting with the appellant and representatives of the agency to gather information.

1. Upon receiving notice of the appeal, the director will forward the notice of the appeal together with a request to the agency to provide, subject to the confidentiality provisions of *The Child and Family Services Act*, in writing, a summary of the facts and reasons for the decision to refuse, suspend, cancel or not renew the appellant's foster home licence. The director will inform the agency that a copy of the information will be provided to the appellant. The information must be received by the director within seven calendar days of receiving the request from the director.
2. Upon being notified of the appeal, the director will forward a request to the appellant to provide, in writing, their position concerning the agency's decision to refuse, suspend, cancel or not renew their foster home licence. The director will inform the appellant that a copy of the information will be provided to the agency. This information must be received by the director within seven calendar days of receiving the request from the director.
3. The information received pursuant to #1 and #2 above will be provided to the other party, by the director, with a request for a written response which must be received by the director within 5 calendar days of receiving the request from the director.
4. Where the director elects to instruct an individual or panel to convene a meeting he will designate, in writing, an individual or panel of not more than three individuals to gather further information concerning the appeal. The director will appoint a chairperson where a panel of two or three individuals have been so designated. The meeting will be conducted in an informal manner ensuring that both the appellant and the agency have a full and fair opportunity to present their respective positions.
5. The agency and appellant will be given at least five calendar days notice of the meeting date.

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6. Written notice of the meeting date will be provided to the agency together with any additional information submitted by the appellant pursuant #2 above and a request to identify the individuals who will be attending the meeting. An agency representative must attend the meeting.
7. Written notice of the meeting date will be provided to the appellant together with any additional information submitted by the agency pursuant to #1 above with a request that the information a) not be copied; b) be brought to the meeting; and c) be returned to the agency at the conclusion of the meeting. The appellant will be requested to identify any individuals who will be attending the meeting with them. If the appellant does not attend the meeting, the appeal will be considered withdrawn.
8. At the meeting, the agency and the appellant will be provided the opportunity to give an oral presentation and presenting any individual to speak on behalf of the respective party. After each party is finished presenting, the other party may ask questions. The director, director's designate or panel members will then ask his/her/their questions.
9. A designated individual or panel must submit a report to the director no later than three calendar days following the meeting. The report will be a comprehensive and objective summary of the facts presented in the written and oral submissions and during the meeting. The report will not include a recommendation on how the director should rule on the appeal.
10. The director will give due consideration to all of the information received pursuant to #1, #2, and #3 above, and where applicable, information gathered during the meeting and render a decision. The director's decision will be based solely on the information that was gathered as part of the review process and available to both parties.
11. The director's decision must be in writing and received by the parties no later than 30 calendar days from when notice of the appeal was received by the director. The director's decision is final.

Subject: **EXPECTANT AND SINGLE PARENTS SERVICES**

STANDARDS

220.3 **Prevention**

Agency initiatives in prevention are clearly articulated in agency planning processes including specific target populations, goals, strategies and anticipated outcomes. Planning and implementing prevention activities are done in collaboration with other human services including:

- community groups;
- public health services;
- medical practitioners or clinics;
- hospitals and maternity homes; and
- schools.

220.4 **Outreach services**

The agency has a policy for making its programs and services known to persons and organizations most likely to have early contact with single and expectant parents including medical practitioners, public health, school counsellors, lawyers and the clergy.

220.5 **Community resource development**

The agency has a policy of identifying community needs and gaps in resources for expectant and single parents consistent with agency policies for community participation and development. Efforts to identify community needs and develop resources are carried out, where possible, with other human services and appropriate community groups.

Subject: **DAY CARE SERVICES**

Section 12 of the Act allows an agency to enter into agreements to place a child in a licensed day care facility or to obtain a suitable alternative. Section 3 of the *Child and Family Services Regulation* (Regulation 16/99) sets out the criteria for entering into day care agreements and for placing a child in a suitable alternative. Subsection 3(1) states that an agency may enter into an agreement where:

- a) a licensed day care facility is not available or accessible; and
- b) the child is at risk of having to be placed outside the home either through a voluntary placement agreement or by apprehension.

STANDARDS

230.1 **Universal day care services**

Day care services are not provided under *The Child and Family Services Act* where they are available and accessible under *The Community Child Day Care Standards Act*.

230.4 **Day care agreements**

An agency enters into a day care agreement under section 12 of the Act only where section 6 of Regulation 16/99 applies.

230.9 **Criteria for termination**

An agency terminates a day care agreement where:

- the parent or guardian is able to care for the child in the home;
- action is required under Part III of the Act to protect the child;
- the condition or conduct of a child with special needs has improved to the point where special day care is no longer required; or
- appropriate day care is available or accessible through Child Day Care.

Subject: **SUITABLE ALTERNATIVES**

In selecting a suitable alternative to a licensed child day care facility for the placement of a child, subsection 6(2) of the *Child and Family Services Regulation* (Regulation 16/99) states an agency shall not place the child unless it is satisfied that the suitable alternative can provide:

- a) an environment conducive to the health, safety and well-being of the child; and
- b) a program of activities to promote the overall development of the child's physical, social, emotional and intellectual growth.

STANDARDS

231.1 **Approved day care provider**

No child is placed in an alternative to a licensed day care facility which has not been approved in accordance with subsection 3(2) of Regulation 16/99.

231.2 **Assessing day care providers**

No child is placed in an alternative to a licensed day care facility unless an agency has carried out an assessment of the resource to determine whether it is suitable for the placement of a child.

231.3 **Reference checks**

Prior to approving the use of an alternative to a licensed day care facility, an agency, with the knowledge and consent of the prospective day care provider, obtains a minimum of three references including a medical clearance from a duly qualified medical practitioner.

231.4 **Record checks**

No child is placed in an alternative to a licensed day care facility unless and until an agency has, with the knowledge and consent of the prospective day care provider, conducted criminal record, child abuse registry and prior contact checks as required under section 3 Regulation 16/99.

231.6 Agency day care provider records

The agency maintains a resource file on all day care providers under study or approved. Written information on each provider includes:

- identifying information;
- address and phone number;
- social assessments;
- reference material;
- criminal record and child abuse registry checks; and
- approvals.

REMNANTS PACKAGE

Child and Family Services

PROGRAM STANDARDS MANUAL

Section: 240

Effective: Oct 1/88

Revised: Sep 20/99

Page: 1

Subject: **FAMILY SUPPORT SERVICES**

Section 13 of the Act provides for the placing of homemakers and parent aides. With the exception of homemakers placed in the absence of the parent or guardian under clause 13(1)(b), in-home services are provided by agreement between the agency and the applicants.

The use of family support services under section 13 are intended to address two types of family circumstances:

- Where it appears there is temporarily no person able to care for a child in the child's home and the child needs such care.
- Where it appears the parent or guardian requires training in homemaking and child care.

Family support services are not intended as an alternative to protective intervention where action under Part III of the Act is clearly indicated. Emergency homemaker services may be used during an investigation under Part III provided that children are not at risk and a decision is made **within seven days** whether to proceed under Part III.

STANDARDS

240.1 Use of family support services

Homemakers and parent aides are placed in homes in accordance with legal criteria set out in subsections 13(1) and (4) of the Act and recommended provincial family support service procedures (see Procedures, page 2).

240.3 Persons eligible for payment

No immediate family members, including grandparents or siblings or persons residing in the family home, are paid for providing homemaker or parent aide services.

240.5 Criteria for parent aide services

Parent aide services are used where there is a clearly established need for parental training and coaching based on a functional assessment which indicates a potential for learning improved parental and child care skills.

PROCEDURES

Goals

- For parents
- Enable them to carry out their responsibilities for their children as fully as they can while they deal with the problem which necessitates temporary placement of a homemaker or parent aide.
- For children
- Prevent severance of parental relationships and damage to growth and development through deprivation of parental care;
 - Safeguard against emotional and physical neglect or abuse under circumstances or during periods when parental ability to give care is reduced or impaired;
 - Preserve a child's sense of security and continuity of relationships in family surroundings of home, school and community;
 - Avoid emergency placement unless removal from the home is clearly indicated for their protection;
 - Reduce the use and length of emergency placements.

Criteria for providing services

Family support services may be provided in any one or combination of the following circumstances where there are children under 12 years of age or unable to care adequately for themselves in the home:

- A parent is absent due to physical or mental illness, alcoholism, confinement, desertion or separation, and other adults or older siblings in the home are temporarily unable to care for a child.
- A single parent is not able to assume full parental responsibilities due to physical or mental illness, alcoholism, confinement, emotional immaturity and inadequate parenting skills.
- Single or two-parent families where a child is in danger of neglect or abuse without the assistance of a homemaker or parent aide.
- Situations where one or more children in the home have special needs which cannot be met without in-home supports.

Criteria for not providing services

Family support services are generally inappropriate in any one or combination of the following circumstances:

- The sole reason is to enable a parent to maintain employment.
- Extended family members are willing and able to assist in the care of a child.
- A person qualifies for homemaker services available through other programs.
- The needs of a child can better be met through other services and resources such as day care or voluntary placement.
- Action is clearly indicated under Part III of the Act to remove an abuser or child.

Subject: **VOLUNTARY PLACEMENT OF CHILDREN**

Section 14 of the Act provides for placing children by agreement without transfer of guardianship where a parent, guardian or other person who has actual care and control of a child is unable to make adequate provision for the care of that child:

- “(a) because of illness, misfortune, or other circumstances likely to be of a temporary duration; or
- (b) because the child:
 - (i) is mentally retarded; or
 - (ii) is suffering from a chronic medical disability requiring treatment which cannot be provided if the child remains at home; or
 - (iii) is 14 years of age or older and beyond the control of the person entering into the agreement.”

Voluntary placement provisions have been expanded under the current Act to include clause (b) noted above. Subclause (i) replaces section 14 of the old Act whereby a child could come into care through a varying order under *The Mental Health Act* (former Directive No. 4). Subclauses (ii) and (iii) are an expansion of the legal criteria for using voluntary placement agreements. While the current Act allows for a wider use of voluntary placement, it is not intended as an alternative to protective intervention and apprehension under Part III of the Act.

STANDARDS

250.1 Use of voluntary placement

No child is placed by an agency through a Voluntary Placement Agreement (VPA) other than in accordance with the legal criteria set out in subsection 14(1) of the Act and provincial voluntary placement procedures (see Procedures, page 3).

250.8 Agency termination

Agency terminations of VPAs are executed on the prescribed termination of Voluntary Placement Agreement (Form CFS-9) and are forwarded to the parent or guardian prior to the termination date where possible. Notice of the termination is given to the Director **within 30 days** of the termination.

Subject: VOLUNTARY PLACEMENT	Section: 250	Revised: Sep 20/99	Page: 2
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250.9 Criteria for termination

An agency terminates a VPA where:

- subsection 14(5) of the Act applies;
- action is required under Part III of the Act to protect the child in placement; or
- continued placement of the child is not indicated and the parent or guardian concurs with the child returning home; or
- the parent or guardian terminates the agreement.

Subject: VOLUNTARY PLACEMENT	Section: 250	Revised: Sep 20/99	Page: 3
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PROCEDURES

Criteria for using VPAs

Voluntary placement agreements may be used in situations where:

- The applicant is interested and willing to continue providing care for the child but is unable to do so because of illness, misfortune or other circumstances in the family likely to be of a temporary duration. These circumstances prevent the applicant from making adequate provision for the care of a child.
- The child has special needs due to a mental handicap, a chronic medical disability requiring treatment away from home, or behavioral difficulties beyond the control of the applicant.
- Alternatives to placement of a child have been explored and are not the most appropriate plan for the child and family.
- The applicant is willing to maintain close contact with the child in care and the agency, and to assume full care and custody of the child when circumstances or conditions change sufficiently to allow the child to return home.

Criteria for not using VPAs

VPAs are inappropriate in situations where:

- An agency believes a child may be in need of protection as defined in section 17 of the Act and has intervened under Part III of the Act.
- It is evident that a child under 12 years of age will require permanent or long-term care and it is unlikely the child will ever return to the family of origin.
- The parent or person caring for the child has not freely and willingly agreed to voluntary placement.
- The circumstances are such that limits need to be imposed on the actions of the child or family in order that planned treatment be completed.
- A child requires repatriation either because of absconsion or adoption disruption.

Section: 260	Effective: Oct 1/88 Revised: Sep 20/99	Page: 1
Subject: SERVICE AGREEMENTS		

A service agreement is a contract between an agency and a client and is intended to support families and prevent the protective placement of children. It is not a substitute for protective intervention, but may be used in protection cases where an agency is satisfied that action under Part III of the Act is not warranted to ensure the protection of a child. Keeping children in their own homes is preferred to placement unless clearly indicated in the best interests of a child.

This section contains standards and procedures relating to service agreements under Part II of the Act with the exception of voluntary surrenders of guardianship. The following standards apply to day care, family support, and voluntary placement agreements under sections 12, 13 and 14 of the Act.

STANDARDS

260.1 Use of agreements

A service agreement is entered into between the agency and applicant in accordance with the Act, the *Child and Family Services Regulation* (Regulation 16/99) and utilization criteria set out in sections 240, 250 and 260 of the manual.

260.2 Document preparation

A Declaration of Family Income form (Form CFS-10) and relevant information on the family are attached to the service agreement when submitted to the executive director or regional manager or designated supervisor for approval.

260.3 Approval

The service agreement is signed by the applicant and approved by the executive director or regional manager or designated supervisor prior to or at the time the service begins.

260.4 Renewal

The service agreement is renewed prior to the expiration of the current agreement or renewal and in accordance with the provisions of the Act.

260.5 Copies to applicant

The applicant is given a signed copy of the initial agreement or any renewals as soon as reasonably possible following approval by the executive director or regional manager or designated supervisor.

260.6 Copy to the Director

Where required by regulation or directive, a copy of an agreement or a renewal is forwarded to the Director **within 30 days** of the signing of the document by the executive director or regional manager or designated supervisor.

260.7 Termination

The applicant is advised in writing of the agency's decision to terminate a service agreement, the effective date and the reasons for the termination. In the case of a voluntary placement agreement, the applicant is notified on prescribed Form CFS-9, Termination of Agreement.

- Related standards:**
- 230 Day Care Services and Resources
 - 240 Family Support Services and Resources
 - 250 Voluntary Placement of Children
 - 261 Family Contributions Calculations

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Subject: **FAMILY CONTRIBUTIONS CALCULATIONS**

Section 15 of the Act states that a person who enters into an agreement under sections 12, 13 or 14 must provide financial information and to pay maintenance according to the regulations. Subsection 15(3) of the Act allows for a reduction in contribution due to special circumstances.

Subsection 7(1) of the *Child and Family Services Regulation* (Regulation 16/99) requires applicants, at the request of the agency, to complete and sign the Declaration of Family Income form (Form CFS-10). Subsection 7(2) states that, subject to subsection 15(3) of the Act, the contribution fee is the lesser of the actual cost and the amount determined in accordance with Schedule B of the regulation.

The Placement Revenue policy issued in June 1994, requires agencies to obtain a family income statement and income test on every child admitted into care through voluntary placement agreement or temporary order.

STANDARDS

261.3 **Contributions reduced or waived**

Recommendations to a executive director or regional manager to reduce or waive family contributions toward the cost of services, are documented in writing and are justified on the basis of provincial procedures for reduction or waiver (see Procedures).

PROCEDURES**Criteria for reduction or waiver****1. Day care and family support services**

In approving a reduction in or waiver of family contributions, the agency should consider whether:

- payment of the full contribution would result in undue hardship on the family;
- the applicant is heavily in debt for essential items such as shelter and health needs;
- there are extenuating circumstances such as maintenance or alimony obligations;
- the applicant is self-employed and has incurred unusual and unavoidable expenditures; or
- the applicant is exempt from contributing through established policy relating to voluntary placements and temporary orders (see below).

2. Voluntary placements and temporary orders

Approval of a reduction or waiver of parental contributions for VPA's and for making recommendations to the court are limited to the following criteria:

- the child is mentally challenged;
- the applicant or, in the case of a court order, the parent or guardian, is in receipt of social assistance;
- the applicant or parent or guardian incurs extraordinary expenses which relate directly to the care and support of the child, e.g., high travel costs relating to visiting the child in care or attending to the needs of the child in care; or
- the applicant or parent or guardian has extraordinary expenses related to his or her own health condition or that of a dependent.

Note: For the present, applicants entering into a VPA for the placement of mentally challenged child are not income tested.

Subject: **VOLUNTARY SURRENDER OF GUARDIANSHIP**

Voluntary surrender of guardianship (VSG) has the effect of transferring responsibility for a child to an agency authorized by law to assume both the power and duties of legal custody and the right to consent to an adoption. The effect of this agreement is the absolute termination of all parental rights and responsibilities.

Section 16 of the Act provides for the voluntary, permanent surrender of a child to an agency by the child's parents, mother or guardian, depending on the circumstances. Subsection 16(5) states that no VSG agreement shall be entered into until the expiration of **at least 48 hours** after the time of the birth of the child.

STANDARDS

270.1 **Counselling Services**

Prior to entering into a VSG agreement, the agency assures that adequate counselling services are available to assist the applicant in reaching a decision which is in the best interests of the child and applicant.

270.2 **Entering into a VSG**

When a parent or guardian wishes decides to surrender a child to an agency, before entering into a VSG with the parent or guardian, the agency worker:

- a) fully explains the legal implications of signing a VSG and advises the parent or guardian of the right to independent legal counsel; and
- b) advises the parent or guardian of the effect of the VSG, the right to withdraw the VSG **within 21 days** after the date of the agreement, and all procedures related to signing and withdrawing of the agreement; and

270.7 **Distribution**

The Director's copy of a VSG agreement is forwarded to the Director **within five working days** of the signing of the agreement.

Subject: VOLUNTARY SURRENDER	Section: 270	Revised: Sep 20/99	Page: 2
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270.11 **Withdrawal after one year**

The agency refers an application for withdrawal of a VSG under subsection 16(11) of the Act to the Director **within five working days** of receiving the request in writing. The agency advises the applicant of the procedure and assists the applicant where necessary to complete a written request.

Subject: **CHILD PROTECTION SERVICES**

STANDARDS

300.1 **Agency policies and procedures**

An agency has written internal policies and procedures regarding philosophy, expectations of workers, and funding in regard to protective services for children and families.

300.2 **Family record**

A comprehensive file is maintained on each protection case by the responsible agency.

300.3 **List of services and resources**

An agency maintains a comprehensive list of services and resources available internally and externally to help support families and prevent the need for child protection intervention.

300.4 **Staff orientation and training**

Agency workers and supervisors are provided with orientation and training for child protection services through the written agency guidelines and regular training programs. Beginning workers receive an orientation to child protection work **within three months** of employment.

300.5 **Community awareness**

An agency has an active program of public awareness and community education geared to the problem of child protection including child abuse and neglect. This outreach includes written material on how families are referred for services.

300.6 **Collateral awareness**

An agency ensures that collaterals involved in child protection services including the police, health professionals, hospitals, schools, day care centres and mental health workers, are oriented to child protection issues and their responsibilities under the Act.

Subject: **CHILD PROTECTION STAFF**

Agencies are required to investigate all reports where a child may be at risk or in need of protection as defined under section 17 of *The Child and Family Services Act*. Subsection 18.4(1) states:

"Where an agency receives a report or information that causes the agency to suspect that a child is in need of protection, the agency shall immediately investigate the matter and where, upon investigation, the agency concludes that the child is in need of protection, the agency shall take such steps as are required by this Act or are prescribed by regulation or as the agency considers necessary for protection of the child."

STANDARDS

310.1 **Availability**

Child protection investigation services are available **24 hours per day, seven days a week**.

310.2 **Mandated authority**

All agency staff who carry out child protection investigations, including after-hours staff, are officers of the agency with the authority of the legislation to take whatever actions are necessary to ensure the safety of the child believed to be in need of protection.

Subject: INTAKE ADMINISTRATION

STANDARDS

313.1 Services structure

The structure of agency intake services ensures prompt and appropriate response to reports or referrals concerning a child who may be in need of protection.

313.4 Knowledge

All agency workers doing intake have a working knowledge of:

- *The Child and Family Services Act* and regulations;
- provincial standards and procedures;
- agency intake and protection policies and procedures; and
- community resources related to services for children and families.

313.5 Skills

All agency workers doing intake have a demonstrated skill in doing child protection intake including:

- Crisis intervention;
- Child abuse;
- Risk assessment;
- Interpersonal communication; and
- Multidisciplinary teamwork.

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Subject: ASSIGNED WORKERS		

STANDARDS

320.1 Child protection cases

The agency maintains as primary its legally mandated responsibility to ensure the safety and protection of children throughout its work with families. At no time is an open child protection case without an assigned worker.

Subject: **CHILD ABUSE**

STANDARDS

330.1 **Agency child abuse coordinator**

The agency has one person of at least supervisory responsibility who is designated as the coordinator of child abuse services.

330.2 **Backup to child abuse coordinator**

The agency has provision for appropriate backup to the child abuse coordinator.

330.5 **Training for workers and supervisors**

The agency ensures that workers and supervisors receive basic training in the area of child abuse, especially in the areas of identification, detection and legal responsibilities.

330.8 **Public awareness and community education**

The agency, in concert with government and the community, has an active program of public awareness and community education geared to the problem of child abuse, and specifically towards the prevention of abuse.

330.9 **Administrative leadership**

The agency provides administrative leadership in negotiating working relationships and functional linkages with other community services, preferably written interagency agreements.

Subject: **INVESTIGATING CHILD ABUSE IN FOSTER CARE**

STANDARDS

Standards in this section apply if an allegation is made against the foster family where the foster child is currently residing. These standards are in addition to those pertaining generally to child protection investigations.

These standards recognize the status of the foster home as a valued resource, as a member of the treatment team, and as a member of the community who has access to children who have been removed from their own parents and placed by the agency into a resource that is to provide nurturing care and supervision to them.

336.1 Foster parent orientation

Foster parent orientation includes information related to child abuse and neglect and to agency procedures for investigating allegations of child in need of protection (including child abuse) within foster homes.

336.2 Investigating agency

The agency serving the geographic catchment area where the foster home is located and which issued the letter of approval, assumes primary responsibility for the investigation, for coordinating any other agency involvement and for bringing the case to closure.

336.6 No placements

No children are placed by an agency into a foster home during an investigation of the home.

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PROCEDURES

Agency responsibilities

An allegation of a child in need of protection (including child abuse) in a foster home raises many issues for the agency and the foster family. For some agency workers, there may be feelings of betrayal, of conflict about their proper role, a wish to distance themselves from such a resource and perhaps to minimize contact. For the foster family, there may be feelings of embarrassment, shock, anger, isolation from extended family, friends and community. The agency's responsibility is to protect children and their accountability concerning the use of foster homes would warrant the need for an increase in the involvement with the foster family at this time.

Several points must be kept in mind when a report of an allegation of a child in need of protection (including child abuse) in a foster home is received:

- The agency's primary focus and responsibility is to determine whether a child is in need of protection, to ensure the safety and well-being of children, and to provide any needed services.
- All foster families are entitled to supportive services both in their own right as a family and as a valued resource.
- How foster families are treated consequent to a report matters for foster children since they are members of the foster family.
- The process for agency response to reports of a child in need of protection or of child abuse must be as non-damaging as possible to all foster family members including the foster parents and their own children, as well as any foster children.
- Investigations of such reports must be conducted thoroughly and with fairness and in accordance with standards.
- The foster family's right to confidentiality continues and information concerning the investigation and/or report is shared only on a need-to-know basis.

Foster parent orientation

In order to reduce the devastating consequences of allegations of child abuse or neglect against foster families, it is critical that they be provided information prior to approval, as part of the orientation/pre-service training on the following topics:

- indicators of physical, sexual, and emotional abuse;
- how to relate to children in ways that reduce the risk of false abuse allegations;
- agency procedures, based on standards, that will be followed when an allegation of abuse or neglect is made against a member of the foster family; and
- risks involved in taking children with previous histories of abuse and/or family violence.

Upon placement of a child who has been abused, it is important that the foster family be provided with the information regarding the previous abuse including who abused the child, when the abuse occurred, and where the abuse occurred. This information will assist the foster family in avoiding replicating the same situation.

Agency intervention

Upon receipt of a report of alleged child abuse or neglect in a foster home, several options may be considered to ensure the safety of all children and to minimize the trauma for all the children and foster family. These options include, but are not limited to:

- the possibility of the person identified as the alleged abuser removing him/herself from the home pending the outcome of the investigation;
- the provision of a 24-hour support worker;
- the removal of the child victim.

The agency providing services in the area where the foster family resides and issuing the letter of approval, ensures any investigation is conducted in a manner consistent with agency and provincial standards and procedures.

There may be situations where the agency responsible for the investigation will find itself in a possible conflict of interest (i.e. own staff member fostering) situation as a result of a report. In such cases the agency should contract the investigation to another agency.

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As well, there may be legitimate reasons or circumstances where a foster parent may not want to have a specific social worker involved in the investigation. These situations should be brought to the immediate attention of the executive or regional director for resolution.

Agency investigations

The investigation of the report of alleged child abuse or neglect in a foster home should occur in as timely a fashion as possible. Investigations into alleged abuse where the police require that no discussion of the allegation take place until they interview the alleged offender should not prevent the investigating worker from telling the foster parents in general the reason for the removal of the children (e.g. the agency believes the child to be in need of protection).

If the decision is to remove the child or the interview process prevents the child from arriving home at the usual time (i.e. from school) the foster parents should be informed that the child will not be home prior to that time. In the event that the police are unable to become involved within two weeks, the agency, in consultation with the police, may take the primary role in the investigation. The foster family should be kept informed by the investigating worker on a regular basis (weekly) as to the status of the investigation.

Worker roles

In an investigation of a report of alleged child in need of protection (including child abuse) in a foster home, there are a number of roles and persons fulfilling the roles that must be clearly identified. In some cases the workers may be from the same agency and in other cases the workers may be from different agencies. In some situations where there is a limited number of workers (e.g. rural, northern) the same worker may take on several roles as outlined below. In all cases the role of case manager/investigating worker and foster home support worker should be separated.

1. Case Manager

The case manager is assigned by the agency responsible for the geographic area where the foster home is located and which issued the letter of approval. The case manager is responsible for the following:

- coordinating or conducting the investigation;
- ensuring the removal of children where necessary;
- ensuring appropriate services are provided to the foster home if removal of a child is not indicated or not in the best interests of the child;

- coordinating the sharing and recording of information arising from interviews of other foster children;
- coordinating or conducting any further investigations (for example, interviews with children previously placed in the home, interviews with the foster family's children); and
- regularly updating the child's worker and the foster home support worker on the status of any investigation.

Within three weeks of the completion of the investigation, the case manager ensures written notice is given to the foster family concerning the status of the home. The notice should include the status of the home and the appeal process in the event that the foster parents disagree with the agency's decision.

The case manager also ensures the child's worker is advised of the status of the foster home at the completion of the investigation.

2. **Investigating worker**

The investigating worker is assigned by the case manager and in some cases may be the case manager.

3. **Child's worker**

The child's worker provides support to the foster child during the investigation process and provides information concerning the foster child's history and course in placement to the investigation worker. The child's worker should conduct or participate in the interview of the child concerning the allegations.

4. **Foster home support worker**

In the event there is not a foster home support worker, one should be assigned after consultation by the resource managers of the agencies involved. This worker is responsible for the following:

- providing the foster family with appropriate support throughout the investigation process;
- providing information to the investigating worker of the family's fostering history;
- clarifying for the family the roles of the various workers involved;
- explaining the investigation process; and
- informing the family of their right to legal counsel in the event of a criminal investigation.

Subject: **APPREHENDING FOR MEDICAL TREATMENT**

This section applies to children reported to or apprehended by an agency who require emergency medical attention. The standards place an onus on agencies to respond immediately and effectively to these situations. The procedures set out the steps to be followed where a child:

- is in need of protection and is reported to an agency
- is already under apprehension

Section 17 of the Act pertains to children in need of protection. Under clause 17(2)(b), a child is in need of protection where a parent or guardian of a child neglects or refuses to permit medical or other remedial care or treatment necessary for the health or well-being of the child and recommended by a duly qualified medical practitioner.

Section 25 of the Act applies to children under apprehension. Under section 25 as amended, agencies cannot authorize medical or dental *treatment* of a child under 16 years of age where a parent or guardian is available but *refuses* to consent to treatment of the child. In such cases, an agency must obtain a court order to override a parent's refusal to consent to treatment.

Where a child is 16 years of age or older, an agency cannot authorize a medical *examination* or medical or dental *treatment* where the child refuses to consent. In such cases, an agency must obtain a court order to override the child's refusal to consent to examination or treatment.

STANDARDS

341.1 **Response to reports**

The first agency contacted by a health care practitioner or facility ensures there is an immediate and appropriate response to a report that a child is in need of emergency medical attention.

341.2 **Role of area agency**

The agency providing services in the area where the health care practitioner or facility is located responds to a report that a child is in need of emergency medical attention unless another agency assumes that responsibility in collaboration with the area agency or another agency has already apprehended the child.

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341.3 Referral to appropriate agency

Where an area agency receives a report that a child requires emergency medical attention and the child's family resides outside the boundaries of the area agency, where time permits, the area agency advises the agency where the family resides of the situation. The two agencies jointly decide which agency shall assume primary responsibility. In the event the matter cannot be resolved, the area agency continues to assume responsibility for the case.

341.4 Child under apprehension

Where an area agency receives a report that a child under apprehension by another agency requires emergency medical attention, the area agency immediately advises the apprehending agency of the situation and, where time permits, the apprehending agency assumes responsibility for the case.

341.5 Contacting the courts

Agencies ensure that all workers and supervisors are provided with current information on how and where to contact a judge in responding to reports which may require an application for an order under section 25 of the Act.

PROCEDURES**Child Not Under Apprehension**

The following procedures apply to situations where a child is not already under apprehension.

Apprehension

A child is in need for protection where the child requires medical care or treatment necessary for the child's health or well-being recommended by a medical practitioner, and a parent or guardian neglects or refuses to consent to such care or treatment.

The investigating agency obtains sufficient medical and non-medical information concerning the child and family to make an informed decision on the matter. Factors to be considered include:

- confirmation of neglect or refusal of a parent or guardian to consent
- the seriousness of the child's condition
- the urgency of the need for treatment
- the likelihood that the recommended medical treatment will be effective
- confirmation by the attending physician that alternative procedures are not feasible
- impact of the recommended treatment on the child's mental and emotional development
- the child's wishes

Steps

- 1 Where the child requires emergency medical attention, immediately attend at the medical facility or, if there is no alternative due to time and distance, immediately communicate by telephone with the reporting physician.
- 2 Request sufficient information about the child's condition and circumstances to make an informed decision. Take notes of the facts and events for ongoing reference and in the event the notes are needed for court.
- 3 Where time permits, request a second medical opinion where it is not clear a recommended procedure is required or will be successful or where there are serious medical risks involved.
- 4 If the child is in need of protection, apprehend and leave or place the child in hospital as a place of safety.

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- 5 Notify the parent or guardian and the health care practitioner of the apprehension and what further action the agency is considering.

Note: Where there is no alternative due to time and distance, notification may be by telephone.

- 6 Where time permits, confirm the apprehension in writing, noting:

- the full name of the child
- the name of the agency and agency representative
- the time and date of the apprehension
- the persons(s) notified

Note: Where there is no alternative due to time and distance, convey the decision to apprehend by telephone, preferably to two health care practitioners at the same time.

- 7 Proceed to obtain an order for examination or treatment as outlined below.

Order for examination or treatment

Where a child under 16 years of age is under apprehension and requires medical or dental *treatment*, and the parent or guardian is available but refuses to consent to the recommended treatment, an agency must apply to court authorizing the treatment to override the wishes of the parent or guardian.

Where a child 16 years or older is under apprehension and refuses to consent to a medical *examination* or to medical or dental *treatment*, an agency must apply to court for an order authorizing the examination or treatment to override the wishes of the child.

Steps

- 1 Consider the wishes of the child and whether the child is objecting to an examination or recommended treatment.
- 2 Request a written recommendation from the attending health care practitioner prior to applying for an order where time permits or soon as reasonably possible following the medical examination or treatment.
- 3 Where time permits, prepare court documents and serve a copy on the parent or guardian, a child 12 years of age or older and the health care facility as follows:

- Petition and Notice of Hearing (Form 14)
- Notice of Motion (see Appendix 341A) and supporting affidavit applying for an order authorizing a medical examination or medical or dental treatment

Note: Court documents may be faxed to the court. Where a delay would jeopardize the health of the child, the court may allow these documents to be filed after the hearing.

- 4 Where an immediate order for treatment is necessary, contact the court to request to have a judge attend at the health care facility for a hearing.

Note: Where possible, it is preferable to arrange for a court reporter to record the hearing.

- 5 Where it is not possible for a judge to attend at the facility, request a hearing by telephone.

Note: Where possible, it is preferable to have the conversation recorded with the consent of the parties so there is a record of the proceedings.

- 5 Where the court grants an order without documentation having been filed, prepare and file the Petition and Notice of Hearing and the Notice of Motion **within 24 hours** of the hearing.

Child Under Apprehension

The following procedures apply to a child who is already under apprehension for reasons other than the need for medical treatment.

Agency consents

An agency may authorize a medical *examination* of a child under 16 years of age where consent of a parent or guardian would otherwise be required. There is no need to contact the parent or guardian.

An agency may authorize medical or dental *treatment* of a child under 16 years of age where the consent of a parent or guardian would otherwise be required and the parent or guardian is not available.

Reasonable efforts must be made to contact the parent or guardian to advise of the child's need for treatment and to obtain consent.

Order for examination or treatment

Where a parent or guardian is available but refuses to consent to medical or dental *treatment*, the agency **19257** must apply to court for an order authorizing treatment

Where a child is 16 years or older, the child's consent must be obtained for a medical *examination* or medical or dental *treatment*. If the child refuses to consent, the agency must apply to court for an order authorizing the examination or treatment.

Steps

- 1 Where the child requires emergency medical attention, immediately attend at the medical facility or, if there is no alternative due to time and distance, immediately communicate by telephone with the reporting physician.
- 2 Request sufficient information about the child's condition and circumstances to make an informed decision. Take notes of the facts and events for ongoing reference and in the event the notes are needed for court.
- 3 Where time permits, request a second medical opinion where it is not clear a recommended procedure is required or will be successful or where there are serious medical risks involved.
- 4 Consider the wishes of the child when the child is objecting to an examination or recommended treatment.
- 5 Where time permits, prepare the Notice of Motion (see Appendix 341A) and supporting affidavit applying for an order authorizing a medical examination or medical or dental treatment and serve a copy on the parent or guardian, a child 12 years of age or older and the health care facility as follows:

Note: Court documents may be faxed to the court. Where a delay would jeopardize the health of the child, the court may allow these documents to be filed after the hearing.

- 6 Where an immediate order for treatment is necessary, contact the court to request to have a judge attend at the health care facility for a hearing.

Note: Where possible, it is preferable to arrange for a court reporter to record the hearing.

- 7 Where it is not possible for a judge to attend at the facility, request a hearing by telephone.

Note: Where possible, it is preferable to have the conversation recorded with the consent of the parties so there is a record of the proceedings.

- 8 Where the court grants an order without documentation having been filed, prepare and file a Petition and Notice of Hearing (Form 14) if not already filed, and the Notice of Motion **within 24 hours** of the hearing.

Routine medical treatment

On apprehending a child under sixteen years of age, an agency may ask a parent or guardian to sign a consent to routine medical or dental treatment form (see suggested form in Appendix 341C).

Contacting courts in emergencies

Agencies must ensure that all agency staff involved in child protection work know how and where to contact a judge in an emergency. The following information should be posted and readily available:

- In Winnipeg or Selkirk, call the Court of Queen's Bench in Winnipeg (Office hours: 945 4209; After hours: 981 9030).
- In Brandon, call the Court of Queen's Bench (Office hours: 726 6240). After hours, contact the judge directly where there is an arrangement for handling emergency situations or the Court of Queen's Bench at 981 9030.
- In all other areas of the province, apply to the Court of Queen's Bench or the Provincial Court. During office hours, contact the nearest court office. After hours, contact the local Provincial Court judge directly where there is an arrangement for handling emergency situations or the Court of Queen's Bench at 981 9030.

Note: Agencies outside of Winnipeg are advised to establish arrangements with local judges where possible

THE QUEEN'S BENCH
(FAMILY DIVISION)

OR

IN THE PROVINCIAL COURT
(FAMILY DIVISION)

_____ CENTRE

OF _____

APPLICATION UNDER: *The Child and Family Services Act*

AND IN THE MATTER OF: _____ (name and birth date of child)

BETWEEN:

_____ (name of agency)

Petitioner,

- and -

_____ (parents or guardians)

Respondents.

NOTICE OF MOTION

The Petitioner, the (name of agency), will make a motion before the presiding judge on _____ day, the _____ day of _____, 19__, at (time), or so soon after that time as the motion can be heard, at the Courthouse, (street address), in the _____ of _____, in Manitoba.

THE MOTION IS FOR:

(delete or strike out relief which is not applicable)

An order authorizing a medical examination of the child, (name of child).

An order authorizing medical treatment of the child, (name of child).

An order authorizing dental treatment of the child, _____ (name of child) _____.

An order granting short leave for the hearing of this motion.

THE GROUNDS FOR THE MOTION ARE: That it is in the child's best interests to be examined and treated. Section 25 of *The Child and Family Services Act* is relied upon in support of this motion.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

Affidavit of _____, sworn the ____ day of _____, 19__.

(date) _____, 19__

(name, address, and telephone
number of petitioner or
petitioner's lawyer)

TO: (name of responding parties
or names and addresses of
responding parties' lawyers)

THE QUEEN'S BENCH
(FAMILY DIVISION)

OR

IN THE PROVINCIAL COURT
(FAMILY DIVISION)

_____ CENTRE

OF _____

THE HONOURABLE)
(JUSTICE OR JUDGE)) _____ day, the _____ day of _____, 19__
_____)

APPLICATION UNDER: *The Child and Family Services Act*

IN THE MATTER OF: _____ (name and birth date of child)

BETWEEN:

_____ (name of agency)

Petitioner,

- and -

_____ (parents or guardians)

Respondents.

ORDER

THIS MOTION, made by the Petitioner, the (name of agency), (where applicable, add, made on short leave), was heard this day (or heard on (date)), at the _____ of _____, in Manitoba.

ON READING the (give particulars of any material filed on the motion) and on hearing the submissions of counsel for (identify parties), (where applicable, add (identify party) appearing in person;

1. THIS COURT ORDERS, pursuant to *The Child and Family Services Act*:
(delete or strike out order which is not applicable)

THAT short leave be granted for the hearing of this motion.

THAT a medical examination of the child, _____,
is hereby authorized.

THAT medical or dental treatment for the child, _____, is hereby
authorized as follows: (Add specifics of treatment authorized including any conditions.)

_____, (date) _____, 19__

Judge

Name of Agency
(Suggested Agency Form)

Consent to Medical or Dental Treatment
(Use a separate form for each child)

I/we, _____,

parent(s)/guardian(s) of _____

do hereby authorize _____
(agency)

to consent to any medical or dental treatment required by the above-named child while the child is under apprehension, where the treatment is recommended by a duly qualified medical or dental practitioner and where the treatment does not involve admission to hospital or use of general anaesthesia.

Dated this ____ day of _____, _____ at _____,
Manitoba at _____ o'clock in the _____ noon.

Witness

Parent or Guardian

Witness

Parent or Guardian

Subject: **INJURIOUS BEHAVIOR OR CIRCUMSTANCES**

Clause 17(b)(ii) of the Act defines a child in need of protection in the care of a person whose conduct endangers or may endanger the life, health, or emotional well-being of the child.

Clause 17(e) of the Act also defines a child in need of protection who by reason of his or her behavior, condition, environment or association, is likely to injure himself, herself or others.

STANDARDS

342.1 **Protecting the child**

A child believed by an agency or the police to be in need of protection under clause 17(e) of the Act, is apprehended and taken to a place of safety or, in the case of the police, turned over to an agency. A place of safety includes the child's family home where appropriate.

342.2 **Police apprehensions**

Apprehensions of a child under the Act by the police are reported as soon as possible and, in any event, **within one day** to the area agency. The report indicates the circumstances placing the child at risk, including information about persons suspected of exploiting or influencing the child and any other legal action contemplated or initiated by the police.

342.3 **Ongoing collaboration**

Where a child is deemed to be in need of protection due to his or her association with or interference from a third party, the agency and the police continue to share information and work together as necessary to ensure ongoing protection of the child and to facilitate investigations by the agency and the police.

342.4 **Interference with child in care**

Where a child in care is believed to have been interfered with under section 52 of the Act, the supervising agency lodges a complaint with the police and assists in gathering evidence and charging the alleged offenders (see Procedures, page 2).

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PROCEDURES

The following procedures are intended to provide direction to agencies and the police in protecting children under clause 17(e) of the Act including children in care of an agency. They have particular relevance to children at risk due to their involvement in activities such as drugs and prostitution.

Legal mandate

1. **Apprehensions**

Subsection 21(1) of The Child and Family Services Act states that the Director, an agency or a peace officer may apprehend a child. Subsection 21(5) further states that an agency may seek the assistance of a peace officer in apprehending a child and the peace officer shall provide the assistance. Subsection 22(1) states that a child in care may be apprehended. Subsection 26(1) allows an agency or the police to leave the child with or return the child to the person in whose charge the child is pending a protection hearing.

2. **Child in care**

A child in care includes a child under apprehension. The apprehension remains in effect until it is withdrawn or until an order is granted under section 38 of the Act. Subsection 27(1) states that agencies shall apply for a protection hearing **within four judicial days** or such period a court may allow. Subsection 29(1) states that an application under subsection 27(1) is returnable **within 30 days** of being filed or such further period as the court may allow.

3. **Interference with child in care**

Section 52 states that any person who interferes with a child in care commits an offence punishable on summary conviction. Interference includes any person who:

- a) removes a child who is in the care of an agency, or a treatment centre from premises in which the child is placed, without authority; or
- b) induces or attempts to induce, helps or attempts to help a child who is in the care of an agency or treatment centre to leave the premises in which that child is placed; or

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- c) detains or harbors a child who is in the care of an agency or treatment centre and who is absent from the premises in which that child is placed without authority; or
- d) visits, writes to or telephones a child without the consent of the person or agency or treatment centre in whose care or under whose supervision the child is, which consent shall not be unreasonably withheld; or
- e) interferes with a child who is placed in a foster home or other place, or interferes with the foster parents of the child in a manner that detracts from the ability of the foster parents to care for the child.

Protocols

The following protocols are intended to clarify complementary roles and responsibilities between agencies and the police in protecting children at risk due to behavior or circumstances likely to be injurious to a child.

1. Police apprehensions

While both agencies and the police are required under the Act to protect children, the primary responsibility rests with agencies. Where the police have information that a child may be in need of protection they are required under section 18 of the Act to report the matter immediately to an agency or, where necessary, to apprehend the child and notify the agency having jurisdiction in the area where the child was apprehended in accordance with section 23 of the Act.

2. Interference with child in care

Where an agency believes that a child in care, including a child under apprehension, has been interfered with in contravention of section 52 of the Act and as a result the child is deemed to be in need of protection under clause 17(e) of the Act, the matter is reported to the police in writing by an agency supervisor or director with full particulars. In emergencies the matter may be reported verbally by a worker who would provide a statement to the police.

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3. Notification to alleged offenders

In addition to reporting the matter to the police, the agency may notify the alleged offender in person or by registered mail that the matter has been or will be reported and warning the person against further interference (see Section Appendix 342A for sample letter). Where the agency has difficulty with identifying the alleged offender, the police may be contacted to assist in notifying the person.

Note: While the notification is not admissible in court unless relevant, the fact that a person has been notified and continues to interfere may assist the police in building a case against the person.

4. Investigations of alleged offenses

On receiving a complaint from an agency that a child has been interfered with under section 52 of the Act, the police carry out an investigation to determine whether an offence has been committed and whether to lay charges. Consultation with the Crown attorney may be initiated by the police prior to a charge being laid.

5. Ongoing collaboration

While the police are responsible for investigating alleged offenses under the Act, the agency remains actively involved as necessary to protect the child, stop the interference and assist in the police investigation.

6. Prosecution

The police refer the matter to the Crown attorney. Where charges have been laid the Crown reviews the case and decides whether to proceed. Where a charge has not been laid, the Crown determines whether a charge is arranged and if so, instructs the police to lay the appropriate charges. The reporting agency is available at any point in this process to assist the police and the Crown.

7. Court hearings

In presenting its case the Crown will call upon the police and the agency to testify. If found guilty of an offence, the accused is liable on summary conviction, to a fine, imprisonment or probation. A probation order may include a prohibition against further contact with the child.

SUGGESTED LETTER

To: Name and Address

Re: _____, born _____
Child's Name

It has been brought to our attention that you may be interfering with the above-named child in violation of section 52 of The Child and Family Services Act:

Interference with child in care

52 Any person who:

- (a) removes a child who is in the care of an agency, or a treatment centre from premises in which the child is placed, without authority; or
- (b) induces or attempts to induce, helps or attempts to help a child who is in the care of an agency or treatment centre to leave the premises in which that child is placed; or
- (c) detains or harbors a child who is in the care of an agency or treatment centre and who is absent from the premises in which that child is placed without authority; or
- (d) visits, writes to or telephones a child without the consent of the person or agency or treatment centre in whose care or under whose supervision the child is, which consent shall not be unreasonably withheld; or
- (e) interferes with a child who is placed in a foster home or other place, or interferes with the foster parents of the child in a manner that detracts from the ability of the foster parents to care for the child;

commits an offence punishable on summary conviction.

This is to notify you that this matter has been/will be reported to the police.

Or

This is to notify you that interference with the above-named child will be reported to the police.

Yours sincerely,

Worker/Supervisor
Agency

cc: Police

19269

Subject: **REPORTING OF FIREARMS AND OTHER WEAPONS**

Agencies are expected to take such steps required by law and considered necessary to protect children. This includes informing the police of situations where the presence of firearms or other offensive weapons may pose a threat to members of a family.

STANDARDS

343.1 **Agency monitoring**

All cases of alleged abuse or violence and the potential or actual use of weapons in family situations are fully recorded to ensure this information is readily retrievable by any staff.

343.2 **Reporting criteria**

An agency immediately reports to the police the presence or use of firearms or offensive weapons or ammunition or explosive substances in situations where the agency

- believes there is a threat to the safety and well-being of any family members; or
- considers it not desirable for a member of the family to have such weapons or ammunition in his or her possession, custody or control.

343.3 **Reporting threshold**

Where an agency has some doubt as to the need to report the presence or use of weapons, the agency errs on the side of ensuring the protection of family members.

PROCEDURES

The Criminal Code

Section 103 of the Criminal Code provides for the search for and seizure of firearms or other offensive weapons where there are reasonable grounds to believe there is an issue of safety. The police and the courts have broad powers of search and seizure. The police will exercise these powers where they receive any information which suggests a situation is potentially harmful or dangerous.

Reporting and information sharing

1. Agencies report the presence or use of firearms or other offensive weapons in potentially volatile situations to the local police detachment or office where the family resides. The information provided includes:
 - particulars including names of all known household members and approximate ages;
 - the family's address and pertinent information about the home and surroundings;
 - the reason for agency involvement;
 - the circumstances leading to the decision to report;
 - any concerns about the safety of family members; and
 - any concerns about the safety of agency staff or others.
2. Where any agency believes a child is in need of protection in circumstances involving the potential or actual use of firearms or other offensive weapons, the agency requests the assistance of the police pursuant to subsection 21(5) of the Act.
3. Where an agency believes there is a potential threat to staff safety or the safety of other human service personnel in contact with the family, the agency alerts appropriate staff and other service organizations to the situation.
4. To determine whether an individual has a firearms certificate or to find out about firearms legislation, agencies may call one of the following:
 - Winnipeg agencies may call the Gun Control Unit of the Winnipeg Police Department at 986-6345.
 - Agencies in Brandon may call the Brandon City Police at 725-2345.
 - All other agencies may call the Department of Justice in Winnipeg at 945-4379

Subject: **SERVICES TO CHILDREN**

STANDARDS

400.1 **Children-in-care records**

The agency maintains a current registry and comprehensive files on children in its care.

400.2 **Internal agency policy**

The agency has internal policies and procedures regarding philosophy, expectations of workers, and funding for children in care including the use of reception and other placement resources.

400.4 **Resource coordinator**

The agency ensures coordination of resource planning through a designated coordinator who is responsible for sharing information on resources and assisting in finding appropriate resources for specific children.

400.5 **Resource registry**

A comprehensive resource registry is maintained which includes agency and other available provincial resources. The agency has a process to ensure information is available on the registered resources.

400.6 **Orientation and training**

The agency distributes guidelines, provides training to workers and supervisors and commits required resources concerning services to children.

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400.9 Emergency service

The agency provides written policies and criteria for emergency intake to assist workers in deciding when unplanned placements or moves are undertaken.

400.10 Absences

The agency has written policies and procedures about planned and unplanned absences which provide direction to agency staff, contract service providers (homemakers, parent aids, support workers), foster parents and volunteers.

400.11 Unplanned absences

The agency ensures any child in care who does not return as expected or is missing, is reported to the police **within six hours** of receiving the information. Where a child has been missing for six hours or more when the agency is advised and the matter has not been reported to the police, the agency reports the matter immediately.

400.12 Child returns

On learning that a missing child in care returns, the agency ensures the police are advised immediately.

Related standards: 710 Interjurisdictional Coordination

Subject: **PLACE OF SAFETY**

The Act defines a place of safety as any place used for the emergency temporary care and protection of a child as may be required under the Act.

Under clause 4(2)(f) of the Act, the Director may designate in writing a place or type of places as a place of safety. The Act does not list specific types of places of safety except in subsection 22(2) which states where a child who is apprehended is a patient in a hospital, the hospital is a place of safety.

Section 2 of the *Foster Homes Licensing Regulation* (Regulation 18/99) applies if a home is used for four or more days a month on a regular monthly basis, or for 15 or more consecutive days in any year.

This Section designates in writing specific place-of-safety categories and provides for the delegation of authority to agencies to designate and approve places of safety.

STANDARDS

411.1 **Designation**

No place is designated as a place of safety by the Director or an agency except as permitted by the Act, as set out in these standards and procedures (see Procedures, page 4) and in compliance with any relevant statutes and regulations.

411.2 **Placement**

No child is placed or left in a placement which has not been designated and approved as a place of safety under the Act or these standards and procedures.

411.3 **Agency policies and procedures**

An agency has written policies and procedures which are consistent with provincial standards. Agency policies and procedures designate places of safety to be used by staff and set out the steps to be followed in placing or leaving a child in a specific place of safety.

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411.4 Placement by the police

On apprehending a child under the Act, a peace officer does not place or leave a child in a placement prior to notifying an agency pursuant to section 23 of the Act except where:

- the circumstances preclude immediate contact with or involvement by an agency;
- the child requires emergency medical attention or hospitalization; or
- the Director has designated in writing a place or type of places as a place where a child may be placed or left by the police.

411.5 Service contracts

No service contract entered into between an agency and a person or an organization to develop or provide placement resources for children, authorizes the person or organization to designate a place as a place of safety or sub-delegates the authority of the agency in any way.

411.6 Use of correctional facilities

No child is placed or left in a correctional facility as a place of safety unless authorized by the Director.

411.7 Agency records

In addition to recording a placement on a child's file, an agency records information on each and every place used as a place of safety. Information on the place of safety includes:

- name, address, and telephone number of the place of safety;
- type or category of place of safety; and
- copies of any required provincial or agency forms relative to the designation, approval, or use of the place of safety.

411.8 Placement monitoring and reporting

An agency monitors every child placed or left in a place of safety to ensure the ongoing protection and well-being of the child and provides placement information to the Director (See Section Appendix 411C).

PROCEDURES

The intent of the Act is to give agencies the authority to designate and approve places of safety for children. Agency authority is governed by the standards and procedures in this manual.

Agency authority

In addition to hospitals and subject to these procedures, agencies are authorized to designate and use the following types of places of safety:

- residences of agency's own staff;
- apartments or hotel/motel rooms;
- residences of relatives or friends of the child or his family;
- family residences; and
- women's shelters.

All places of safety used by agencies are to be designated as such in writing by executive or regional directors or persons delegated to act on their behalf. This authority is not to be sub-delegated to any other person or organization.

Agency designation is to be in two stages. The first stage involves designation of types of places of safety by the executive or regional director. The second stage involves the designation of a specific resource as a place of safety by letter from the executive director or regional director.

Specific resources must be individually designated for use as a place of safety by the executive or regional director issuing a letter of designation as soon as possible following the placement.

Staff residences

1. The use of a staff person as an emergency care provider in the staff's own residence occurs only where no other appropriate placement is available and is deemed to be in the best interest of the child.
2. Placement occurs only where there is an emergency and the child is moved as soon as possible and, in any event **within two weeks** except where the staff is approved as a foster parent.

3. A criminal record check, child abuse registry check and reference checks are completed on staff and other adults living in the staff's home **within two working days** of the placement of the child. Prior checks are acceptable where the required checks are already noted on a personnel or case file.
4. Management personnel in the agency (supervisor or higher) authorize the placement of any child into the home of a staff person as a place of safety.
5. The child's worker visits the home **within two working days** following placement. If the child's worker and the placement is the same, then a supervisor visits the home **within two working days** following placement.
6. If the staff person does not reside in the placing/guardian agency's catchment area, then the agency responsible for the area in which the home is located is notified **within one working day** following the placement and sent a copy of the **Place of Safety Placement** form (see Appendix 411B). The agency is also notified when a child is moved.
7. Ideally, the staff used as a placement has an established relationship with the child.
8. Agencies submit the Place of Safety Monthly Report form (Appendix 411C) to the director at the end of the month.

Apartments and hotel/motel rooms

1. The use of apartments or hotel/motel rooms occurs only where no other appropriate placement is available and is deemed to be in the best interests of the child.
2. Placement occurs only where there is an emergency and the child is moved **within two weeks** where possible. If a placement extends beyond 14 days, an internal review is initiated.
3. A criminal record check, child abuse registry check, and reference checks are done on any person hired or contracted to provide care for a child. Where an agency contracts with another organization, commercial or non-profit, to provide place-of-safety services, the agency is aware of the hiring criteria and is satisfied these criteria meet the standards for service providers.
4. Management personnel in the agency (supervisor or higher) authorize the placement of any child into an apartment or a hotel/motel room as a place of safety.

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5. The child's worker visits the child **within two working days** following placement.
6. If an apartment or hotel/motel room used as a place of safety is not located within the agency's catchment area, then the agency responsible for the area in which the apartment or room is located is notified **within one working day** following the placement and sent a copy of the Place of Safety Placement form (see Appendix 411B). The agency is also notified when a child is moved.
7. Agencies submit the Place of Safety Monthly Report form (Appendix 411C) to the director at the end of the month.

Family residences

1. Choice of placement resource is based on the best interest of the child. Placement may be made with a relative or home identified by the child or parent even if an approved foster home is available. Other non-approved resources are not used if any appropriate approved homes are available.
2. Placement in a family residence is **not to exceed two weeks** unless the family applies to provide care as an approved foster home.
3. Although there is no set limit on how often a family residence may be used as a place of safety, it is expected that after several such uses within a period of time the family residence will be approved as a foster home.
4. Management personnel in the agency (supervisor or higher) authorize the placement of any child into a non-approved family residence as a place of safety. In cases where, due to the remoteness of the community or the involvement of the community, emergency placements that are suggested/recommended by a recognized group (i.e. child care committee) such placements may be utilized as a place of safety providing all other requirements are met.
5. The placing agency does a pre-placement check within the agency and with other agencies as necessary to determine if any adults in the home are known to an agency. The home is not used if the family is identified as an active protection case.
6. The physical environment of the home is adequate to meet the needs of the children.

7. Consents for police and abuse registry checks are signed by the primary care provider and all other adults in the home **within 24 hours**. If a police or abuse registry check indicates cause for concern, the agency immediately removes the child.
8. At least one reference is checked and documented prior to placement. In the event that no reference is available the worker will briefly assess family for stability in regard to alcohol/drug abuse, marital problems, health problems, anger/control issues, family violence, or other indicators of possible unsuitability. In addition, the following information should be recorded: family composition, household members and their relationship, sleeping arrangement and approach to discipline.
9. The primary caregiver has the conditions of placement explained by the placing worker and signs the Notice of Agreement to Provide Placement form (Appendix 411A).
10. The child's worker visits the home **within two working days** following placement. In remote areas this requirement can be met by telephone contact with the home within two working days following placement and a visit as quickly as it can be scheduled.
11. If the home is not in the placing/guardian agency's catchment area, then the agency responsible for the area in which the home is located is notified **within one working day** following the placement and sent a copy of the Place of Safety Placement form (Appendix 411B). The agency is also notified when a child is moved.
12. Agencies submit the Place of Safety Monthly Report form (Appendix 411C) to the director at the end of the month.

PLACE OF SAFETY PLACEMENT

1) PLACE OF SAFETY INFORMATION:

Place of Safety Address: _____

Type of Place of Safety: staff person _____
 apartment _____
 family residence _____

Name of person(s) providing care: _____

I certify that the above person(s) have been the subject of a criminal record check, child abuse registry check, and reference check.

_____ Date
Executive Director or Designate

Agency

2) CHILD/REN PLACED INFORMATION:

Child/ren placed: _____ D.O.B.: _____

Date placed: _____ Date discharged: _____

Reason for this placement: _____

Designated person who authorized placement: _____

Placed from: _____

Discharged to: _____

_____ Date _____ Child's Worker

CHILDREN:

1. _____ D.O.B.: _____

2. _____ D.O.B.: _____

3. _____ D.O.B.: _____

4. _____ D.O.B.: _____

Child and Family Services

Agency _____

Address _____

Worker _____

Phone No. _____

ADDITIONAL INFORMATION:

NOTICE OF AGREEMENT TO PROVIDE PLACEMENT

I, _____
of the address _____

agree to provide care for the children named below, according to the following conditions:

- 1) I will provide proper supervision for these children at all times.
- 2) I will make sure these children have proper food, clothing, and shelter while they are in my care.
- 3) I will provide consistent and caring discipline and will not nor allow any other person to use corporal punishment, harsh or degrading responses, or deprive the children of basic need.
- 4) I will phone Child and Family Services for direction if any child appears sick or requires medical attention.
- 5) I realize that I am being trusted with the care of these children until further notice, and I will not let these children leave my care without the approval of Child and Family Services.
- 6) I will notify Child and Family Services if I have any trouble following these conditions.
- 7) I understand that I shall receive \$ _____ per day for the care of the child/ren placed with me.
- 8) I am not aware of anyone living in this household who has been accused, charged, or convicted of a violent or sexual crime.

signature

witness

date

Subject: **NATIVE CHILD PLACEMENT**

This section contains standards and procedures on the placement of Native children and the services provided which respect their cultural and linguistic heritage.

STANDARDS

421.1 **Native children**

In providing services under Part II or III of the Act, the agency determines whether a child is Native as defined in the Native child placement protocols (see Procedures), and if so, whether the child is status Indian, non-status Indian, Inuit or Metis. This information is recorded on the family file and, where a child is in care, on the child's file.

421.2 **Notification**

The agency advises any person requesting placement or surrender of a child or from whom a child has been apprehended of the provincial protocols for the placement of Native children and notifies the appropriate Indian agency or Native organization in writing in accordance with the provincial protocols.

421.3 **Placement planning**

Planning for the placement of a Native child is done in accordance with the placement priorities set out in the provincial protocols. All placement plans are developed **within 30 days** of the child coming into care or such further time as allowed in the protocols up to a **maximum 90 days**.

421.4 **Placement reviews**

Where a Native child remains in care of a non-Native agency, placement reviews occur **at least once every six months** and, in the case of a status Indian child from Manitoba, a joint review is held between the placing agency and the appropriate Indian agency in accordance with the provincial protocols.

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421.5 Appeals to Director

Appeals to the Director by a placing agency, Indian agency or Native organization to review planning for a Native child, are submitted in writing **within 90 days** of the date the child came into care.

PROCEDURES1. **Native child**

A child is considered Native where one or more of the following criteria apply:

- a) the child is registered or entitled to be registered under the Indian Act (Canada);
- b) one or both of the child's parents or guardians are registered, entitled to be registered, or reinstated under the Indian Act (Canada);
- c) one or both of the child's parents or guardians, consider or declare himself, herself or themselves to be Indian, Inuit or Metis; and
- d) a child who is 12 years of age or older considers or declares himself or herself to be Indian, Inuit or Metis.

2. **Placement priorities**

In planning for the placement of a Native child, the agency, subject to subsection 66(6) of the Act and No. 3 of these procedures, places the child in descending order of priority with:

- a) family or extended family regardless of residence;
- b) other families within the child's community of origin;
- c) other families of the same tribal council or region as the child;
- d) other families of the same cultural or linguistic group as the child;
- e) other Native families in Manitoba; or
- f) other families agreeable to Indian agencies or recommended by Native organizations.

3. **Exceptions to placement priorities**

There are three exceptions to the placement priorities:

- a) In the event of an emergency requiring the immediate protection of a Native child, the agency may leave or place the child in a place of safety other than the placement resources outlined in No. 2 provided these procedures are subsequently followed.
- b) Except for a Native child in care through a voluntary surrender of guardianship or an order of permanent guardianship, the agency may, subject to Nos. 11, 12, and 13, place the child in a placement resource other than the placement resources outlined in No. 2:
 - where it is deemed in the best interests of the child to be placed in close geographical proximity to a parent or guardian to facilitate contact between the parent or guardian and the child; and
 - providing that, where possible, the child is placed in a culturally or linguistically appropriate home.
- c) Where, due to the special needs of a Native child, the placement resources outlined in No. 2 are not adequate or available, an agency may, subject to Nos. 11, 12 and 13, place the child in a group home or treatment centre.

4. **Child 12 years old**

Pursuant to subsection 2(2) of the Act, in the course of planning for or the placement of a child who is 12 years of age or more, the agency informs the child of any action or proceedings and provides the child with an opportunity to make their views and preferences known.

5. **Absconding to Manitoba**

Where a Native child who is not a member of a Manitoba Indian band or Native community, absconds to Manitoba and is apprehended at the request of another jurisdiction, the child may be returned to the other jurisdiction and these procedures will not apply.

6. **Notification**

Where in providing services under Part II or Part III of the Act the agency determines a child is Native, the agency forthwith advises the person requesting placement or surrender of the child or from whom a child has been apprehended, of provincial procedures for the placement of Native children and, subject to Nos. 8 and 9:

- a) in the case of a status Indian child, notifies the appropriate Indian agency in Manitoba or Indian band or tribal council outside of Manitoba and requests its involvement in the planning and placement process; or
- b) in the case of a Native child other than a status Indian, requests the assistance of the appropriate Native organization in the planning and placement process.

7. **Status Indian children**

In placing a status Indian child, the agency, in deciding on which agencies to notify, considers one or more of the following:

- a) the band in which the child is registered or entitled to be registered under the Indian Act (Canada);
- b) the band of origin of the parent or guardian of the child; or
- c) the band of origin of the child's extended family.

Where the agency notifies an Indian agency of a status Indian child, both the agency and the Indian agency provide sufficient information to facilitate joint planning on behalf of the child.

8. **Voluntary placement agreements (VPA)**

On receiving a request to place a Native child through a VPA or any renewals thereof, the agency:

- a) advises the applicant of the provincial procedures;
- b) determines whether the applicant objects to the notification of an Indian agency or involvement of a Native organization;
- c) where the applicant does not object to notification of an Indian agency or involvement of a Native organization, requests the applicant to sign a consent to release of information pursuant to subsection 76(12) of the Act; and
- d) where the applicant objects to notification of an Indian agency or involvement of a Native organization, requests the applicant to sign a statement to this effect and forwards a copy to the Director; or

- e) where the applicant refuses to sign a statement of objection, notifies the Director to this effect on a form prescribed by the Director.

9. **Voluntary surrender of guardianship agreements (VSG)**

In considering the placement of a Native child through a VSG, the agency advises the parents that, on the signing of the agreement, the agency is bound to proceed in accordance with the provisions of these procedures.

10. **Apprehensions**

In working with an Indian agency or Native organization in planning for a Native child apprehended under Part III of the Act, the agency, as alternatives to its applying for an order of guardianship, fully explores and facilities:

- a) transfer of proceedings to a court closer to the child's home band or community pursuant to subsection 28(1) of the Act;
- b) substitution of an Indian agency for the apprehending agency pursuant to subsection 28(2) of the Act;
- c) an application by members of the child's family, extended family or band, to intervene in the proceedings under subsection 31(1) of the Act; or
- d) the appointment of an Indian agency as guardian of the child in accordance with Section 42 of the Act.

11. **Placement planning**

The agency, in planning for the placement of a Native child in its care, with the agreement of involved Indian agencies or the support of Native organizations requested to assist, arrives at a placement plan **within 30 days** of the:

- a) date a person requests a voluntary placement of a child;
- b) signing of a voluntary surrender of guardianship agreement; or
- c) filing of an application for an order of guardianship.

In the event a placement plan for a Native child is not developed **within the 30 days** stipulated due to the circumstances of the case, the agency may, subject to any decisions of the courts and with the agreement of the other parties involved, extend the time for arriving at a placement plan for additional periods not to exceed **a further 60 days**.

12. **Placement reviews**

Unless a parent otherwise directs under No. 8, where a status Indian child remains in the care of an agency other than an Indian agency for more than 90 days from the dates stated in No. 11, a joint review is held between the agency and the Indian agency at least **once every six months** until such time as the child is:

- a) returned to the care of the parent or guardian;
- b) discharged to the care of family, extended family or other person the judge considers best able to care for the child in accordance with clause 38(1) (b) of the Act;
- c) transferred to the care of the Indian agency under subsection 49(1);
- d) placed in a long-term foster home acceptable to the agency and the Indian agency; or
- e) subject to No. 14, placed for adoption.

13. **Maintaining contact**

In the event that a Native child is placed or remains in a non-Native foster home, group home or treatment centre, the agency, in collaboration with the Indian agencies or Native organizations involved, develops and maintains contacts, where possible, between the child and the child's family, extended family, community of origin, or cultural and linguistic heritage.

14. **Central adoption registry**

Where a Native child is registered with the central adoption registry, the registering agency confirms in writing with the central adoption registry coordinator that the requirements of these procedures have been met.

15. **Appeal to Director**

Where a placing agency and an Indian agency or Native organization are unable to reach agreement in planning for a Native child, any or all parties may make a request in writing to the Director for a review of the case at any time **after the 30 days** stated in No. 11, and in so doing provide the Director with all the particulars necessary to review the matter including the names of the agencies or organizations involved.

On receiving a written request to review the placement plan for a Native child the Director acknowledges receipt of the request and notifies all parties concerned as to when and how the review is to be undertaken.

16. **Review committee**

The Director appoints to a review committee representative of all parties to the dispute, consultants as required, and a representative of the Director who chairs the committee.

The committee reviews the case and reports its findings and recommendations to the Director **within 30 days** from the time the written request for review is received or such further time as is agreed to by all the parties to the dispute.

In the event the review committee is unable to resolve the dispute through agreement by all parties as to the best plan for the child in question, the areas of disagreement is to be noted and reported to the Director with a request for a decision. The Director decides on the matter **within 14 days** and, subject to an appeal to the courts, the decision is final.

Subject: **USE OF RESTRAINTS FOR CHILDREN IN CARE**

This section applies to agencies, foster homes, group homes and treatment centres. Standards and procedures for the use of locked rooms are found in Section 457.

This section is consistent with section 29 of the *Child Care Facilities (Other than Foster Homes) Licensing Regulation* (Regulation 17/99) and section 20 of the *Foster Homes Licensing Regulation* (Regulation 18/99). Restraint involves the use of any procedure, place or device which in any way limits an individual's freedom of movement or mobility.

Restraint also involves the removal of any device used to facilitate an individual's movement or mobility. A device may also be enabling, depending on the way and the situation in which it is used.

STANDARDS

433.1 **Appropriate use of restraints**

Restraints are viewed as unusual and temporary measures and are used only when absolutely necessary to prevent injury to a child or to others. The risk of injury to the child or others must be sufficient to warrant restraint and proportionate to the degree of restraint applied.

433.2 **Inappropriate use of restraints**

Restraints are not used as a substitute for reasonable supervision or for an appropriate behavioural management program. Less restrictive or intrusive procedures must be tried and found ineffective before restraining devices are used except in the event of a behavioural crisis.

433.3 **Authorization to use**

Restraints are used only as an integral part of an individual program plan agreed to by the worker, family and care provider. If agreement on the use or type of restraint cannot be reached as part of the care plan, the matter is referred to the placing agency executive or regional director for resolution.

433.4 Use of restraint measures

The least restrictive restraint measure possible is used to meet the objectives of the individual program plan. The measure causes no physical harm to a child and the least discomfort possible.

433.5 Acceptable devices

The use of devices for children in care include but are not limited to the following:

- anklet or wristlet
- elbow restraint (elbow splint, tubular restraint)
- side rails
- chest strap
- mitts
- helmet with face mask
- wheelchair straps (groin strap or chest harness)
- wheelchair table

Restraint devices are the correct size, in good repair and applied correctly. No adaptations or attachments are added to the restraint.

PROCEDURES

Authorization Process

Documentation

In deciding to use a restraint measure as an integral part of an individual program plan, the person recording the case conference includes the following:

- the reason (behaviours) for using the restraint measure
- past management strategies and their outcome
- options considered
- the type of restraint measure to be used and conditions for its use
- consent of guardian as follows:
 - permanent ward - agency
 - temporary ward - agency with parents informed
 - child under apprehension - parent where possible with agency agreement
 - voluntary placement agreement - parent with agency agreement
- agreement by care provider and appropriate physician
- procedures to be used to eventually eliminate the use of the restraint measure and time frames
- data or information to be collected to assess the effectiveness of the restraint measure and the elimination plan

Informed decisions

All persons involved in deciding on the use of restraint devices must be fully informed as to:

- the nature of the problem
- risks and benefits
- possible alternatives
- program review procedures
- the right of a parent or guardian or capable child to refuse to consent to a restraint measure or to withdraw a consent at any time and the process for withdrawing the consent
- the right of a care provider to refuse to implement or continue a restraint measure

Subject: **CARE PROVIDER RESPONSIBILITIES**

This section deals with care provider responsibilities in the care and supervision of the child. The care provider's role is a critical influence in a child's day-to-day living experiences. There are some differences between the management of a residential care facility and a family that includes a foster child and these differences are recognized and acknowledged in the standards. The basic needs of the child, regardless of the type of setting they live in, are the same and this section deals with the daily living requirements.

STANDARDS

450.1 **Advocate**

The care provider is an advocate for the child in care and works with the agency to ensure the child's needs are met.

450.3 **Orientation**

The care provider, in consultation with the placing agency, provides appropriate opportunities to the child/family to be orientated to the placement resource.

450.4 **Confidentiality**

The care provider maintains confidentiality requirements under the Act for all information provided about the child in placement.

450.5 **Authorized access**

The care provider allows access to any records or logs kept about the child at the request of persons authorized by the agency.

450.6 **Written permission**

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The care provider obtains written permission from the agency and legal guardian to release information on the child to third parties.

Subject: **HEALTH AND PERSONAL CARE – CARE PROVIDER**

Care provider must know if a child receiving medical, dental, optical involvement prior to placement. If this is not current, the care provider must facilitate appointments and, where possible, actual check-ups within 30 days. The intent is to ensure as much as possible against the spread of communicable diseases.

These standards place an onus on the care provider to keep a health record for each child. This information is important for the continuity of care should the child return home or move. It is also important to answer questions from the residents.

STANDARDS

451.1 **Medical record**

Care provider ensures newly admitted child's medical record/health is adequate to avoid other home occupants contagion.

451.2 **Medical appointments**

The care provider admits a child once documentation is available on medical, optical, dental checks within the previous six months or arranges for the completion of medical, dental, optical checks **within 30 days** of admission.

451.3 **Family physician**

Where possible, the child's family physician provides ongoing medical supervision while in care. Where this is not possible the attending physician is requested to consult with the previous medical practitioner.

451.4 **Annual checkups**

The care provider facilitates annual physical, dental, optical examinations and completes any follow-up requirements.

451.5 **Medical checkups following AWL**

The care provider, together with the agency, discusses the need for medical checkups after an AWL and complete follow-up as needed.

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451.6 Immunization record

The care provider documents and maintains an immunization program for each child.

451.7 Cumulative health record

Care provider maintains secure cumulative health records with access to the agency which include dates, reason for referral, doctor seen, follow-up between quarterly reviews. Foster parent provides this information to the agency for inclusion in the individual program plan. Residential care provider includes this information in the individual program plan of the facility. All original medical information is returned to the agency upon the child's discharge or replacement.

451.8 Medication

Care provider is trained to administer medication as instructed and to recognize any side effects.

451.9 Storage of medication

Care provider maintains prescription/non-prescription drugs in a secure storage area and administers them only with appropriate approval.

451.10 First aid kit

Care provider supplies and maintains a readily available first aid kit.

451.11 Growth and development

Care provider ensures the child participates in age appropriate activities within their physical and mental capacity.

451.12 Health and hygiene practices

Care provider fosters in each child the importance of sound health and personal hygiene practices and provides information on normal growth and development, one's own body and sexuality.

451.13 Supplies

Care provider ensures the child has age appropriate toiletries and other supplies for daily hygiene and personal care.

451.14 Seat belts

Care provider ensures the child is properly secured in a motor vehicle as per Transport Canada regulations and the Manitoba Highways Traffic Act.

PROCEDURES

The following recommended hygiene practices help prevent the spread of communicable diseases.

Handwashing

Handwashing helps prevent the spread of any germ. Wash hands with soap and water before preparing food, eating, and after using the toilet or assisting in a child's diapering or toileting. Towels and face cloths are kept clean and in good repair.

Laundry/dry cleaning

Generally, clothing and linens of an infected child can be laundered with that of other household members.

- Laundry visibly soiled with blood, urine, stool, or vomit is wiped clean with a disposable towel and laundered in hot, soapy water.
- Heavily soiled clothing or linens are placed in a plastic bag separate from other household laundry; contents are removed from the bag and washed in hot, soapy water.
- If dry cleaning clothing of an infected person is necessary, any visible moist, soiled areas are wiped clean with a damp paper towel and discarded with other waste.

Disposable plastic gloves

Foster home families have disposable plastic gloves when changing dressings or cleaning soiled areas that contain blood, semen or vomit.

Personal articles

Personal items such as toothbrushes/razors are not shared among household members. These could become soiled with blood and could spread germs causing illness.

- New toothbrushes are provided for each new child admitted to the foster home.
- Disposable razors are provided when a child does not own a personal razor.

- Toothbrushes are kept separate in an appropriate holder or in the child's room.
- Sanitary napkins are disposed into a plastic bag closed with a twist tie.
- Soiled tampons are flushed down the toilet.

Thermometers

When taking a temperature, an oral thermometer with a disposable sleeve is used. The used sleeve is thrown out and the thermometer washed in warm soapy water, then soaked in rubbing alcohol for 10 minutes, dried, and restored.

Dishes

Dishes are washed in hot soapy water, rinsed, and dried with a clean tea towel or in a dishwasher.

Garbage disposal

A container lined with a plastic bag is available for waste. The plastic bag is disposed into a garbage bag.

Counselling

Upon placement in a foster home, the child receives an orientation on the health/hygiene practices and daily routines in the home.

Daily routine

In general, the child with a communicable disease is treated/managed the same as other children unless otherwise indicated for medical or behavioral reasons.

- Unless advised by the child's physician, the child has standard access to recreational activities, visitation privileges, showers, and bathroom facilities.

Bleach solution

Bleach solution is the recommended disinfectant using 0.5% sodium hypochlorite solution which can be prepared by mixing chlorine bleach (5.25%) one part to 9 parts water. It must be prepared fresh daily.

First aid kit

A first aid kit contains, as a minimum:

- a) Equipment - 12 safety pins
one splinter tweezers, blunt nose
- b) Dressings - (each item is wrapped individually)
one sterile square-yard gauze compress
one sterile bandage compress, four-inch by four-inch
16 sterile adhesive dressings, one-inch wide
four sterile three-inch by three-inch pads
- c) Bandages - one 40-inch triangular bandage
two two-inch by six-yard roller bandages
- d) Antiseptic - an approved antiseptic

Burn ointments, salves, lotions, or sprays are not used without approval by a medical doctor stating the type and proper method of use.

Subject: **CHILDREN ABSENT FROM PLACEMENT RESOURCES**

This section sets out standards for care providers in relation to absences, both planned and unplanned.

STANDARDS

455.1 **Planned absences**

Planned absences of a child-in-care are discussed and agreed to in advance by the placing agency and care provider.

455.2 **Missing children**

A missing child is one whose whereabouts is unknown. A placing agency and foster parent agree to a plan which sets out what action is to be taken in the event a child is missing. The plan also identifies who is responsible for notifying the family or significant others of a child's absence and return. At all times the safety of the child is the primary consideration.

455.3 **Child at risk**

A care provider immediately reports a child as missing to the police and the supervising agency where the child is believed to be at risk or in danger due to such factors as the child's age, medical condition, psychological state, history or behavioural patterns, or other factors such as the weather or circumstances. (See Procedures, pages 3 and 4).

455.4 **Other planned absences**

The documented plan agreed to by the placing agency sets out when the police or agency are to be notified of a child's absence where the child's whereabouts is known and the child is not at risk or in danger. The plan takes into consideration the need to make efficient use of available resources.

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455.5 Child returns

For a child in foster care, the foster parent or agency immediately notifies the other as the case may be. The worker ensures that the police or others informed of the child's absence are notified that the child has been located.

PROCEDURES

Contingency planning

To ensure the most efficient use of available resources, agencies and foster parents need to work and plan together regarding situations where children go AWL. This planning must occur at the time of admission and be reviewed regularly to ensure the plan is appropriate to the child's needs. The plan must also be documented and updated as necessary. In some situations, the plan may be to call the police immediately, while in other situations the plan may be to phone the agency on the next working day, but to phone the police only if the child has not returned within a "planned" period of time. The plan should include attention to when the worker is to be notified, when police are to be notified, and who advises parents, if appropriate.

Missing children

There is a difference between missing children and children who are not where they are supposed to be, but whose whereabouts are unknown. The following guidelines apply to missing children:

- The primary and immediate care provider, initiates an immediate, brief search upon losing contact with a child while on an outing. This may include a local search by car or on foot, and should include enlisting the assistance of the police if there is any question of danger to the child.
- When a child does not return from school or arrive at a planned destination, depending on the child and the circumstances, an immediate search may be required. The assistance of the police should be sought if the situation is perceived as dangerous.
- Where there is no plan in place for whatever reason, where a care provider has reason to believe a plan is out-of-date, or where specific circumstances suggest a need to depart from the plan, unplanned absences should be reported to the police and the supervising agency as soon as there is concern for the child's whereabouts regardless of the time of day or night.
- All care providers should adhere to the plan as agreed to with the agency unless special circumstances dictate more immediate action.

- On advising the police and the supervising agency of the child's absence, all care providers should be prepared to provide the following information:
 - the child's current situation, including the precipitating events, mood, health, clothing worn, last known location, how long the child has been missing, and what has been done to locate the child;
 - where necessary, a full description of the child, including the child's name, age, physical description; and
 - whether the child is a danger to self or others, requires close supervision 24 hours a day, or has a history of running and returning.

Note: Should the assigned worker be unavailable, the covering worker will require all of the above information.

- Should the child's absence be an **immediate risk** situation, the care provider calls the police immediately and provides relevant information to assist in establishing the case as a priority for police action.

For example: implications of missing medication, aggressive or assaultive history, degree of accessibility to open water or other hazards, appropriateness of dress to prevailing weather conditions, suicidal tendencies, personal characteristics, fears, favorite attractions.

- If a child is discharged while still missing, the Missing Persons Division or local police should be advised that the child is still missing, but that on being found should be returned to the agency and worker.

Located missing children

It is of utmost importance that all appropriate people including the Missing Persons Division or local police are advised when the child is found or returns on his/her own.

- When the child returns home or is located, the care provider or agency immediately notifies the other as appropriate.
- The agency ensures the police and family, if notified, are informed immediately upon a child being located.

Foster Care

The regular rate may be paid to the foster home in the case of planned or unplanned absences providing the foster child will be returning to the foster home. It is important that these arrangements be discussed and clearly understood by the foster parent and the placing worker.

Where a fee-for-service is part of the payment, a decision must be made as to whether or not it is continued. If the foster parent is expected to continue to provide a service, that is, visit the child in the hospital, search for an AWL child, the fee-for-service or portion could be paid.

A decision to extend a planned absence beyond 14 days should be made in advance of the absence. The foster parent should be advised of this decision and any changes in payment.

Subject: **FOSTER FAMILY RESOURCES**

The Child and Family Services Act

defines a foster family home as:

"a home other than the home of a parent or guardian of a child, where not more than four children who are not siblings are placed by an agency for care and supervision but not for the purposes of adoption."

Foster homes are licensed under the *Foster Homes Licensing Regulation* (Regulation 18/99)

STANDARDS

460.1 **Agency programs**

Each agency is responsible for the development, utilization, maintenance, and overall coordination of a children's foster care program within the agency's administrative structure.

460.2 **Job description**

Each agency has a written job description outlining the responsibilities and expectations in coordinating the foster care program. These responsibilities include program-related issues such as program review and development, providing general services to foster parents through recruitment, selection and approval, orientation and training, matching and support services. The overall responsibility for this program is at a coordinator/supervisor level.

460.3 **Service coordination**

The agency's foster care services complement and support the responsibilities vested in child protection and are reflected in the standards for child protection services. The agency ensures coordination of these functions.

460.4 Community awareness

The agency ensures its community-at-large knows who to contact for foster care services.

460.5 Staff orientation

Agency staff are oriented to the foster care program **within the first three months** of employment.

460.6 Recruitment

The agency responds to enquiries from prospective foster parents **within five working days** and provides information on the orientation and application processes.

460.7 Foster parent education

A foster parent applicant receive an orientation or pre-service program as part of the approval process and any ongoing and specialized training to meet the needs of an individual child. An agency provides an opportunity for an applicant to receive an orientation **within three months** of contacting the agency unless the agency has advised the applicant it will not approve the application.

460.8 Orientation curriculum

Agencies follow the curriculum set out in the Foster Care Orientation Program in the Foster in the Province of Manitoba Manual. Alternative resources may be used providing they include the same content.

Agencies are not required to provide a full curriculum to relative or child-specific foster homes unless they are used to provide general foster care. Agencies encourage relative and child-specific foster parents to participate in the full curriculum.

PROCEDURES

Foster family services provide a substitute family for a planned period of time for a child who has to be separated from his/her natural or legal parents. This service also includes social work and other interventive services needed by the child, his/her parents, and the foster parents.

Foster family services provide a combination of care for the child and family who need placement, plus services and resources to the child, family, and foster family. These services offer opportunities for the healthy development of the child in accordance with the Act.

It is important this resource is used for the child who can benefit most from a family environment. Other forms of placement may be preferable for the child who has extreme needs which a foster family could not meet.

Placing a child in a foster family affects not only the child but the entire foster family. Each person in that family is considered for each placement and discharge.

Use of foster care

Foster family care is appropriate for a child who is:

- in need of a family based program
- not at risk of acting out that could put the foster family at risk
- in care for the first time, or who has had extensive group treatment
- in a large family of children whose individual needs would be best served by remaining together
- disturbed and preschool age
- emotionally disturbed or physically disabled but is ready for discharge from residential care, can live with a family in the community with special help, and has experiences geared to his/her readiness
- requires specialized medical or physical care.

Serving foster parents

The placing worker establishes a positive relationship with foster parents through open and honest discussion of the foster child, the placement in the foster home and the child's progress.

The worker:

- recognizes and includes foster parents as valued members of the treatment team
- gives interpreted agency policies, standards and procedures and their role in the care process to foster parents
- provides help to foster parents in learning how to manage a difficult or disturbed child
- explains the involvement of the child and parents/guardians and their need to maintain attachment and contact
- supports foster parents during separation from a foster child and other times of personal crisis.

Opportunities are made available to foster families to participate in regularly scheduled support groups. These groups could be structured around particular placement groupings, (foster parents of teens, toddlers). They could set up a series of discussion topics of interest to foster parents creating an atmosphere where family could raise issues.

Serving parents/guardians

The agency worker makes all attempts to form a positive relationship with the parents/guardians through open and honest discussions of the circumstances that caused their child to enter foster care, the child's placement, and the care plan.

The worker sets goals and objectives for the:

- return of the child to the parents/guardian;
- contact between the child and parents/guardian during foster care; or
- termination of the parents/guardians' rights to keep contact with the child.

Providing service

The agency:

- establishes a relationship with the child and in cases of temporary care, with the child's parents/guardian and extended family
- chooses a foster family based on:
 - needs of the child
 - the care plan developed
 - wishes and abilities of the foster family based on the home study and subsequent review
- documents the reasons for the particular foster home being chosen on both child's and foster family's file
- provides regular support group meetings for foster parents of high-risk children
- informs the foster parents of the child's particular problems, strengths, and abilities and advises them, if necessary, how to deal with the problems
- provides past medical information of the child and ensures future information is recorded in the file
- arranges for parental visits if applicable
- counsels the child about his/her new home and the foster parents. explains reasons for and the duration of such placement helps the child express any feelings and anxieties about the new situation
- arranges for the child's medical examination prior to placement or immediately after
- obtains the Manitoba Health Services Commission and Social Allowances Health Services registration number for the foster parent
- arranges for transferring the child's clothing and personal belongings, including play and recreational equipment, to the foster home

- ensures the child has sufficient and adequate clothing if necessary, or arranges an Initial Clothing Allowance for the foster parents
- arranges enrolling a school-age child into the most appropriate school and ensures the child has school supplies.

Recruitment

Recruiting foster families is an ongoing process which stimulates awareness and interest in the community as well as determines an applicant's suitability to become a foster parent. The agency ensures a sufficient number and variety of homes are available for children requiring foster care.

The agency's recruitment plan indicates:

- number of homes available and the projected number required
- characteristics of the children needing placement
- the abilities required in a foster family to meet current placement needs
- geographic distribution of unmet needs for homes
- specific objectives of the plan
- methods to be used in reaching the objectives.

One of the best recruitment methods is through existing foster families. Foster parents can be helpful in recruitment. Other methods include:

- mass media - TV, radio, newspaper
- brochures and pamphlets distributed door-to-door, at organized events and to organizations
- regular scheduled informal gatherings at the agency during the day and evening for interested people to learn about fostering
- word-of-mouth campaigns conducted by foster parents and agency workers
- approaching specific individuals deemed capable of meeting the need of a specific child.

When interested adults inquire about becoming a foster parent and apply, the agency opens a file and keeps the following data:

- full name, home address
- home and business telephone number
- how the applicant learned of the need for foster parents.

Orientation

The agency's response to the prospective foster parent includes the following information:

- characteristics of a child entering care including age range, physical development, behavioral problems
- average length of stay
- special problems a foster child encounters because of separation from their parents/guardians and the attitudes of school and community
- personal characteristics needed to be a foster parent
- need for total family involvement
- roles and responsibilities foster parents assume in accepting a child into their home
- responsibility the agency has for the child, goals of the agency, function of the worker and the agency services
- agency policy on education and training for foster parents including orientation, mandatory/optional training, costs reimbursed.

RIGHTS OF FOSTER PARENTS

With every right there is a responsibility, with every role there are tasks which must be performed. Foster parents assume the responsibility of performing the parenting for children in their care; agencies carry overall responsibility for the child, the care plan, and the quality of service provided to the child.

Basic to this Statement of rights of Foster Parents is the understanding that foster children become a part of a foster family for the length of placement and what happens to any one member of that family invariably affects all members. Foster children need to feel that they are valued members of their foster families; treatment plans and contact from staff of agencies should include a recognition of these issues and an effort to provide support to all members of the foster family.

To help ensure that foster children receive the best possible care, foster parents have the right to:

- a) a clear understanding of their role as foster parents with respect to the:
 - 1) agency for whom they foster;
 - 2) individual child placed in their home;
 - 3) tasks the agency expects them to perform with family/guardians (including foster, adoptive, step or grandparents) of the child;
- b) make the decision as to whom to parent, in consultation with the placing agency. This includes the right to apply to adopt a child who has been placed as a foster child in their home and who, in the opinion of the agency having permanent guardianship, should be placed for adoption;
- c) appeal a termination or suspension of their letter of approval;
- d) access to information about themselves and their family from the records maintained by an agency regarding the individual's foster home;
- e) supervision and support from an agency and social worker so that the foster family can better meet the needs of the foster child. This includes:
 - 1) disclosure of information regarding a foster child to assist the foster parents in providing appropriate care to ensure their own family's well-being;

- 2) help in locating and using appropriate resources to meet the child's needs;
 - 3) information concerning interviews between the social worker and foster child so that foster parents may assist in the practical implementation of the treatment/counselling plan;
 - 4) consultation regarding specific problems of the child;
- f) respect, consideration, trust, and acceptance of their status as colleagues in the provision of services to children based on the awareness that foster parents have specific, important information about the children in their care which must be available to agency staff and collateral services when decisions about the children are made. Foster parents should have the opportunity to participate in these decisions regarding the foster child. For example, their participation could be facilitated by (foster parents) attendance at case conferences and involvement in contacts with collateral agencies;
- g) educational opportunities with respect to fostering children including:
- 1) training and learning experiences to develop confidence in making immediate and day-to-day decisions with regards to children in care;
 - 2) assistance in locating training courses, home care and financial assistance to attend such courses;
- h) state complaints and grievances against agency practices or procedures with regard to a child in their care, or the service they receive by utilizing the following process:
- 1) the responsible caseworker,
 - 2) the supervisor,
 - 3) the executive/regional director,
 - 4) the board of the agency,
 - 5) the Director of Child and Family Services,
 - 6) the Ombudsman.

To help ensure that foster children receive the best possible care, the child and family services system is also committed to work toward achieving the following three principles as a right for all foster parents:

- a) adequate maintenance costs for a child in their home;
- b) financial protection from damage or lawsuits related to their role as foster parents; and
- c) legislative sanction for permanent fostering in those cases where it is in the best interests of the child.

Dated at the city of Winnipeg in the province of Manitoba, this _____ day of _____, 19_____.

Subject: FOSTER PARENT SUPPORT SERVICES

STANDARDS

461.1 Worker orientation

The agency ensures all workers, as part of their orientation to the agency, receive information about the agency's foster care program.

461.2 Worker assignment

The agency ensures each foster home has a worker assigned to provide supervision and support.

461.3 Foster parent training

The agency has written policies outlining minimum requirements for training and developing foster parents.

461.4 Foster parent relief

The agency has written policies and procedures for providing planned and emergency relief services for foster parents.

461.5 Approval of casual workers

In approving a casual worker as required under section 18 of the *Foster Homes Licensing Regulation*, a placing agency approves the use of the worker prior to the person providing services and in accordance with the procedures in this section (see Procedures, page 4)

PROCEDURES

Permanency and continuity of care for a foster child depend in part on support services to foster families. An agency must give adequate support to a family providing foster care.

Support services consist of a wide range of agency activities and practices:

- Casework with the foster family is the most important support service. The relationship of the worker and the family, the availability of the worker and the frequency, form and type of contact are critical components of case work support.
- Relief services, such as babysitting, child care or homemaker assistance, day care, and holiday relief may be made available to foster parents in special circumstances. Regular "breaks" and relief from the responsibility of 24-hour care may help avoid foster parent "burnout" and replacement of children.
- Training and development services should be available to provide foster parents opportunities to acquire practical, relevant information on child development, child management, and social and emotional behavior. Emphasis should be placed on developing a training program for foster parents providing specialized foster care to disturbed and handicapped children. The curriculum, teaching style, learning environment, and format should be jointly decided by the worker and foster parent.

The curriculum to train foster parents should include:

- Separation trauma - recognizing and understanding it, how to handle it, and when to seek assistance.
- Children and their families - understanding foster children and the relationship with their own families, dealing with visits, the most frequent problems and how to manage them.
- Child management - techniques available to control or change child behavior, practical, effective and acceptable means of discipline, when to use them, and when to seek assistance.
- The foster care team - understanding the roles and responsibilities of the placing agency and the foster parents.

- The foster family - understanding family dynamics and how fostering can affect the foster family.
- Child development - the normal stages of child development and the range of ages at which these stages are reached.
- Community overview - what services and recreational programs are available, who to contact, how to enrol the child, and how to arrange payment.
- Cultural awareness - the cultural attitudes and norms in various cultural groups in the foster family's area.
- Legislation - the regulations applicable to children in care, the rights of foster parents and foster children, and understanding the court process.

A wide range of training opportunities should be developed including:

- discussion groups;
- guest speakers;
- independent study;
- library material;
- enrolment in established courses;
- conferences;
- individual discussions with staff; and
- self-support groups.

Recognition of the valuable service provided by foster parents can take many forms including:

- certificates;
- letter of appreciation from agency (board); and
- annual events such as dinner and entertainment or receptions.

In addition, agencies and individual workers have opportunities to show their appreciation for an individual foster family's contribution; for example, a letter following a discharge where the foster family was particularly involved in the treatment/care of the children or requesting their assistance as teachers with other foster parents.

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Requirements for Casual Workers

Casual workers are defined in the *Foster Homes Licensing Regulation* as persons who work directly with foster children on behalf of an agency or a licensee for less than 10 hours per week. Such persons must be approved by the placing agency before commencing work. Usually such persons are known to the foster family and the service is provided in the foster parent's home.

The approval process involves the following steps:

Service provider known to foster parents – The foster parents confirm they know the person and are confident the foster children would be well cared for and not at risk.

Young persons not known to foster parents – Where the service provider is not an adult, the placing agency ensures the person has completed a recognized babysitter course where available, has been interviewed by the foster parent and/or the agency, and the results of the interview indicate the foster children would be well cared for and not at risk.

Adult not known to foster parents – The placing agency completes a prior record check, an abuse registry check, and a criminal records check dated within three months of the date the person begins providing care to the foster children. In addition, the placing agency ensures the person has completed a recognized babysitter course where available, has been interviewed by the foster parent and/or the agency, and the results of the interview indicate the foster children would be well cared for and not at risk.

Additional requirements – The agency may impose additional requirements for casual workers based on the needs of the foster children.

Subject: **PHYSICAL ENVIRONMENT**

STANDARDS

464.1 **Building**

The foster home:

- windows, screens and doors are in good repair;
- has storm sash on all windows of at least single glass thickness;
- has proper rain water drainage;
- disposes garbage in a sanitary fashion;
- walls, ceilings, and floors on all levels are in good repair and in clean condition;
- has firm handrails on all stairways;
- has all poisons, medicines, cleaning fluids and other hazardous materials clearly marked and stored in a safe, secure place;
- has an adequate supply of drinking water;
- disposes sewage through a proper authorized system;
- bathroom door can be locked from the inside but opened from the outside in the event of an emergency;
- outdoor toilet facilities meet the requirements of *The Environment Act* and regulations and are maintained in good repair and sanitary condition;
- heating system is in good repair and proper working order and inspected annually;
- electrical outlets are properly used;
- storage areas are tidy and inflammable liquids are stored away from heat sources;
- has an approved and functioning smoke alarm on each floor level;
- bedrooms have adequate floor covering and basement bedrooms are approved by the agency;
- bedroom space provides unrelated children of different sex separate rooms; no child over age two years shares a bedroom with adults; and unrelated children of opposite sex over age six years do not share a bedroom;
- has an exit window in every bedroom; and
- does not use bedrooms in a detached building, an unfinished attic, or basement or a stairway hall.

464.2 **Water Temperature**

Foster homes caring for children who may not be able to safely manage bathing due to their age or a disability, ensure there is a system to control water temperature in bathing and shower facilities as required in the procedures in this section (see Procedures, page 2)

PROCEDURES

The following procedures apply to foster homes caring for children who may not be able to safely manage bathing due to their age or disability. To ensure there is a system to control water temperature in bathing and shower facilities in the home, the following steps are required:

- 1 The agency identifies, at the time of placement of a child, the requirement of water temperature control in bathing and shower facilities. This requirement applies to foster homes caring for preschoolers and any child who, because of a medical, physical, emotional or mental disability, would be unable to safely regulate the water temperature while bathing or showering.
- 2 When the requirement of water temperature control is identified, the foster parent ensures water from tap(s) and shower heads in the bathroom(s) used by the children at a temperature which does not exceed 125°F (52° C).

Temperature Control Methods

A number of methods may be employed to regulate the temperature of the water. Licensees are advised to contact a qualified trades person to determine the most feasible method.

In determining a method to regulate the water temperature, licensees should be aware that where lowering the temperature of the hot water tank may satisfy the temperature requirement for bathing and washing facilities, it may not satisfy sanitation requirements for automatic dishwashers.

Health Canada suggests when bathing children to remember:

- Teach the child to always *sit* in the bathtub.
- A child can drown quietly within seconds in only a few centimetres (1 inch) of water.
- Always stay with an infant; if you must leave the bathroom, even for a second, take the child with you.
- Always start and end with cold water when running a bath.
- Hot tap water can burn in seconds. Test the temperature with your elbow before putting a child in the water.
- A child's skin burns in ¼ of the time it takes an adult's skin to burn.

Subject: **FOSTER FAMILY RECORD**

STANDARDS

465.1 **Content**

The foster family record contains:

- date of telephone inquiry (if applicable);
- application form;
- reports from references, medical doctor, and criminal and child abuse registry checks with consent forms where applicable;
- initial foster home study;
- Letter of Approval;
- foster parent fact sheet;
- foster home follow-up form completed at time of child's placement or removal from a home;
- confirmation letter of foster care rate;
- ongoing assessment of foster family skills;
- foster parent's annual review of the agency service;
- foster home review by agency;
- termination summary when the record is closed;
- requests for access to record, refusals and action taken;
- correspondence;
- complaints - community and/or under Section 51(2) of the Act; and
- requests, refusals and actions under Section 76 of the Act.

465.2 **Record**

The record relates to the skills, strengths, and weaknesses of the foster family and information about the child placed is limited to basic demographic data and placement dates and workers.

465.3 **Confidentiality**

Foster family record is confidential and is not released or information shared without the foster parent's consent. The agency advises the foster family of its confidentiality policies and procedures including the internal sharing of information from its records.

465.4 Access

The foster parent record is not shared between agencies without the written consent of the subject of the record. Foster parents are told and understand what information is being released and why.

465.5 Open access

Foster parents are able to examine or obtain a copy of their own record documented after November 1, 1986. The agency provides foster parents access to their own records in response to a written request from them in the following process:

- a) The agency confirms the foster parent's written request to ensure identify of persons seeking access.
- b) The agency acknowledges the request **within 15 calendar days**.
- c) Records are available **within 30 calendar days** if access is accepted, or if the foster parents are provided a written explanation of refused access.

465.6 Conditional access

Where the request was made prior to November 1, 1986 and the record includes information prepared by a person other than agency staff:

- a) the agency obtains the consent of third parties before allowing access.
- b) An excerpted summary is provided if consent is refused by the Director or the agency.
- c) The agency holding the record prepared the summary.

465.7 Access format

The agency staff are available during the disclosure to interpret material, answer questions, deal with anxiety, offer follow-up service, and protect the contents of the record from unauthorized removal.

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465.8 Multiple record

Written consent is required from any other person indicated in the record and if not obtained, the agency does not disclose information about the non-consenting person.

465.9 Errors or omissions

Foster parents submit written objections to the Director of the agency about any error or omission that should be corrected in the record; or of any opinion about themselves or their child. The Director or agency corrects the record once satisfied.

465.10 No access

The Director or the executive director of the agency refuses foster parents access to a part of their record when:

- disclosure of such information may cause physical or serious psychological harm to another person;
- the record contains information provided by or discloses the identity of a non-member of the agency's staff; or
- the record contains reports provided in confidence by references, medical doctors, and police or complaints made by third parties.

465.11 Storage

The agency has internal policy and procedures regarding secure storage, who can access, and access under what circumstances. The foster parent records are retained **at least seven (7) years** after closure.

465.13 Transition to family service

The agency opens a family service record when the foster parent ceases to focus on the child in care and the agency is dealing with the individual or marital problems of the foster parents.

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PROCEDURES

The agencies must keep foster parent records starting from the initial contact through to termination of agency service. This record is used to locate suitable placement for a child and serves as a source of information for the agency's placement and resource staff. The record is available for review by the foster parent.

Requests

The foster parent coordinator and/or supervisor should be aware of any requests from foster parents seeking access to their records. These records may be shared on an ongoing basis to create an environment based on team work. The records are useful as a teaching/learning tool for agency staff and foster parents provided all personal information is deleted and the consent of the subject of the record is obtained.

Foster parents should clearly understand the purpose and contents of their record and are advised of circumstances that warrant additional recording. They may add objections or corrections to the record. The initial home study is shared and signed by the foster parents.

Foster parents should be aware of agency policies and procedures regarding access, storage, and destruction.

Subject: **RESPITE FOR FOSTER FAMILY**

STANDARDS

466.1 **Alternate care provider**

The foster parent limits the number of alternate care providers for respite purposes. The foster parent notifies the agency and receives confirmed approval to have an alternate care provider in the home.

466.2 **Respite allowance**

If a special respite allowance is required, the agency consults with the foster family and an agreement is reached on method of payment. Foster families providing reception services do not receive respite allowance.

466.3 **Agency reviews**

The agency reviews the regular relief/respite services by the alternate care provider prior to the first respite period and reviews quarterly thereafter.

466.4 **Emergency arrangements**

The foster parent advises the agency as soon as possible when an emergency situation creates a need for an alternate care provider.

466.5 **Records**

The agency maintains a record of any occasional or emergency respite needs of foster families, and reviews quarterly with foster parents the type of respite selected.

PROCEDURES

It is a right of every foster family to take respite (time off) and enjoy a period of rest. It must be a joint decision between the foster parents and the agency on the minimum amount of respite time/money that is made available to the foster family.

Respite means different things to different families, and time off may be just that or it could be to "rest up" by ordering in supper rather than cooking. The agency staff are flexible and recognize the needs of the foster family to ensure quality care for the placed child.

Foster parents may obtain respite using babysitters to allow time out of the home, or through domestic homemaker help to allow them more time for their personal lives.

However, the respite allowance is **not** intended to cover babysitting costs:

- a) due to an emergency in the foster home, the hospitalization of a foster child and the need to have the foster parent with the child, or a sudden illness or death in the family (the agency's homemaker service is to be utilized in these situations);
- b) so a foster parent may take a foster child for medical/special appointments while other children are in the home;
- c) so a foster parent may attend parent-teacher interviews about the foster child while other foster children are in the home; or
- d) for foster parents to attend orientation and training workshops or conferences and seminars required in their development as foster parents.

Types of Respite

Respite may be provided either in the foster family's home or in the home of a respite provider.

In Foster Family Home

The respite provider may be hired by the foster parents or the agency.

More than 10 hours a week – If respite is provided in the home of the foster parents and is provided for 10 or more hours in a week by the same respite provider, that person must meet the requirements as detailed in Section 18 of the Foster Homes Licensing Regulations.

Less than 10 hours a week – If the respite is provided in the home of the foster parents and is provided for less than 10 hours in a week by the same respite provider, that person must meet the requirements as detailed in Standard 486 - Requirements for Casual Workers in Foster Homes.

Out of Foster Family Home

Licensed respite home – Respite foster homes that provide residential care and supervision of foster children for four or more days a month on a regular monthly basis, or for 15 or more consecutive days in any year, must be approved as a foster home and meet the requirements of the *Foster Homes Licensing Regulations*.

Casual respite home – Respite foster homes that provide residential care and supervision of foster children for less than four days a month or less than 15 consecutive days in any year, may fall into one of two categories:

- 1 members of the immediate or extended family of the foster family or families known to the foster child through regular contact (e.g. day care, school, church, families socializing); or
- 2 families that have no relationship or previous contact with the foster family.

For those respite homes in the first category, the requirements are:

- The respite provider is referred/identified by the foster family.
- The following checks are obtained for the respite provider and any other adult residing with the respite provider:
 - a child abuse registry check
 - a criminal records check
 - a prior contact check
- These checks must be dated within three months of the date when the person commences providing respite services.

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- The agency reviews the above checks and is satisfied that any person residing in the home does not pose a risk to children.
- The agency is satisfied all fire prevention equipment is present and maintained as required by the fire authority, and all health and safety practices are in place so that the home is not hazardous to the health, safety, or well-being of the foster child.
- The agency is satisfied the sleeping arrangements are appropriate for the foster child.

For those respite homes in the second category, the requirements are:

- The following checks are obtained for the respite provider and any other adult residing with the respite provider:
 - a child abuse registry check
 - a criminal records check
 - a prior contact check
- These checks must be dated within three months of the date when the person commences providing respite services.
- The agency reviews the above checks and is satisfied that any person residing in the home does not pose a risk to children.
- The agency conducts a personal assessment and is satisfied the respite provider can protect, nurture and care for the foster child proposed to be placed for respite.
- The agency conducts an inspection of the home and is satisfied the home meets applicable standards in legislation, regulations and by-laws governing building construction and use, fire prevention and safety, and public health.
- The agency is satisfied all fire prevention equipment is present and maintained as required by the fire authority, and all health and safety practices are in place so that the home is not hazardous to the health, safety, or well-being of the foster child.
- The agency is satisfied the sleeping arrangements are appropriate for the foster child.

Agencies may impose additional requirements for respite providers based on the needs of the foster children.

Subject: INTERAGENCY PLACEMENT

In an interagency placement the shared roles and responsibilities of the placing agency and the area agency must be clearly established through consultation and joint decision-making. The area agency has the legal mandate to approve the foster home but may agree to the referring/placing agency doing the home study.

STANDARDS

467.2 Placement approval

All placements are approved by agency management or designate staff of the area agency.

467.3 Requests

Requests to use another agency's resource are channelled through that agency's foster care coordinator.

467.4 Referrals

The agency refers a child needing placement to other agencies by providing complete referral information including:

- purpose and reasons for placing outside region;
- goals of placement;
- name of placing worker and supervising worker of the intended placement;
- expected time frame foster home will be used; and
- outline of supervising worker's role and responsibilities in the event of placement.

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467.5 Response to referrals

The area agency responds to a request for use of its resource **within seven working days** indicating its role and responsibility with respect to use of the foster home.

The area agency logs the information received and date of referral and, where the home is to be studied or used on an emergency basis, opens a foster home file.

467.6 Home studies

When an agency locates a placement in another agency's area for a specific child, the child's agency notifies the area agency and requests a home study be done or, with the agreement of the area agency, conducts a home study. Licensing of the foster home remains with the area agency.

467.7 Foster child support

The placing agency is responsible for the support of the foster home as it relates to the child placed by them. This includes any additional or specialized support required by the foster family necessitated by an individual child.

467.8 Child discharge

The foster home reverts back to the licensing agency when the out-of-area child is discharged unless other arrangements suitable to both agencies are made.

467.9 Emergency placement

Where emergency placements with a relative who resides in another agency's area is in a child's best interests, the placing agency advises the area agency of the placement **within one working day** and requests the home be designated as a place of safety.

Where the placement is likely to exceed **30 days** and the relatives are willing to foster the child, the placing agency requests the area agency to conduct a home study and to issue a licence.

467.10 Placement termination

The placing agency advises the other agency of a child's removal from the foster home **within three working days** and gives **14 days** notice when planning to terminate a placement.

467.11 Evaluation

The placing agency provides a brief evaluation of the foster home **within 30 days** of a child's discharge.

467.12 Reassessment

The area agency reassesses the home for further placements and resolves any issues resulting from the placement.

467.13 Resolving problems

Any problem arising in the foster home used by another agency is documented soon as possible and forwarded to the area agency. As a result of a problem arising, the approving agency and placing agency discuss the issue with the foster parents; decisions pertaining to the continued use of the home are given to the foster parents in writing **within 14 days** of joint discussion.

Subject: **COMPLAINTS AND REVIEWS – FOSTER HOME**

Complaints against a foster home may involve physical conditions, violation of approval standards and service provided.

For the purpose of these standards, complaints do not include allegations of abuse against a member of the foster family. Such situations are investigated as per standards relative to agency abuse investigations.

The aggrieved person has the right to have his/her lawyer present at any discussion.

STANDARDS

468.1 **Review procedures**

Foster families are informed of the agency's policies and procedures for reviewing complaints against them. Approved foster parents are advised of any changes.

468.2 **Review process**

The agency advises the foster family as soon as possible of the complaint and provides a copy of any written complaint, and where possible, the source of the complaint. The agency involves the foster family as much as possible in the investigation.

468.3 **Priority**

The agency gives priority to resolving complaints and investigates as soon as possible, but no longer than **one (1) working day** after receiving the complaint where the child may be at immediate risk.

468.4 **Results shared**

The agency advises the foster family of investigation results and provides an opportunity for the family to review the findings.

468.5 Other children at risk

The agency advises other placing agencies immediately if the investigation reveals other children in the home may be at risk.

468.6 Ongoing record

The agency records complaints on the foster family file as received noting the date, nature of the complaint, source, process of investigation, conclusions, recommendations, and action taken.

468.7 Agency reviews

The agency's internal written review procedures include access by the aggrieved person to the supervisor, executive director, and board of directors. They include:

- under what circumstances a complaint hearing will be held;
- how to request such a hearing;
- who is involved;
- how the hearing is structured;
- level of authority making the decision; and
- process of notification to executive director.

Related standards: 180 Complaints and Appeals

Subject: **REMOVAL OF A FOSTER CHILD - REQUEST FOR REVIEW**

Subsection 51(2) of *The Child and Family Services Act* states:

An agency may at any time remove a child in its care from the person with whom the child was placed.

Subsection 51(2) of *The Child and Family Services Act* states

Where a child is removed under subsection (1) from a foster home, and the foster parents object to the reason for the removal of the child by the agency, the executive director of the agency shall review the matter and where the foster parents are not satisfied with the executive director's decision, they may request the director to review the matter and the director's decision is final.

STANDARDS

469.1 **Informing foster parents**

Where a guardian agency plans to remove a child from a foster home, the agency advises the foster parent of the right to object to removal under subsection 51(2) of the Act and what the process involves.

469.2 **Objecting to removal**

Where a foster parent objects to the reasons for the removal of a child, the child will remain in the home until a review has been completed under subsection 51(2) of the Act unless the child

- is or might be in need of protection;
- is no longer in the care of an agency due to termination of a voluntary placement agreement or court order;
- the move is for a planned adoption placement and the child has resided with the foster parent for less than one year; or
- the move is a planned placement and preplacement visits have occurred.

469.3 **Pre-placement visits**

Where a child remains in a foster home, the agency does not arrange any pre-placement visits until the review under subsection 51(2) has been completed.

469.4 Planned removals

Foster parents may, in writing, object to the removal of a foster child **within 10 calendar days** of being notified of the removal. Upon request, agencies assist foster parents in submitting written objections.

469.5 Response by agency director

An executive or regional director advises a foster parent in writing of the agency's decision with regard to the planned removal of a child **within 10 calendar days** of receiving the foster parent's written request for a review.

469.6 Appeal to Director

Where a foster parent is not satisfied with an agency's decision, the foster parent may request the Director to review the matter **within 10 calendar days** of receiving the agency's written decision.

469.7 Review by Director

The Director conducts a review of the request as outlined in the procedures (see Procedures, page 3) and provides the foster parent and the agency with a written decision **within 10 calendar days** of the completion of the review. The Director's decision is final.

PROCEDURES

Under subsection 51(2) of the Act, when foster parents object to the reason for the removal of a child by an agency, the executive director of the agency is required to review the matter. Where foster parents are not satisfied with the executive director's decision, they may request the director of Child and Family Services to review the matter. It is preferable that the request by the foster parent be in writing, but a telephone call is acceptable. At any time during the review process, the director may designate an individual or a panel to convene a meeting with the foster parent and representatives of the agency to gather information.

1. Upon receipt of a foster parent's request to review an agency's decision to remove a foster child, the director will:
 - a) Request the agency to provide in writing, subject to the confidentiality provision of *The Child and Family Services Act*, a summary of the facts used to arrive at and to uphold the agency's decision to remove the foster child. The director will inform the agency that the information may be provided to the foster parent. The information is to be received by the director within 10 calendar days of receiving the request.
 - b) Request the foster parent to provide in writing the reasons why the foster parent disagrees with the agency's decision to remove the foster child. The foster parent is advised that the information may be provided to the agency. The information is to be received by the Director **within 10 calendar days** of receiving the request.
2. Where the director elects to instruct an individual or panel to convene a meeting he will designate, in writing, an individual or panel of not more than three individuals to gather further information concerning the appeal. The director will appoint a chairperson where a panel of two or three individuals have been so designated. The meeting will be conducted in an informal manner ensuring that both the foster parent and the agency have a full and fair opportunity to present their respective positions.
3. The agency and foster parent will be given **at least 10 calendar days** notice of the meeting date.
4. Written notice of the meeting date will be provided to the agency together with the information submitted by the foster parent pursuant to #1(b) above and with a request to identify any individuals who will be attending the meeting.

5. Written notice of the meeting date will be provided to the foster parent with the information submitted by the agency pursuant to #1(a) above with a request that the information:
 - a) not be copied;
 - b) be brought to the meeting; and
 - c) be returned to the director at the conclusion of the meeting.

The foster parent will be requested to identify any individuals who will be attending the meeting with them.

6. At the meeting, the agency, the foster parent, and others in attendance will be provided the opportunity to give an oral presentation. After each party is finished presenting, the other party may ask questions. The director, director's designate or panel members will then ask questions.
7. A designated individual or panel must submit a report to the director **no later than 10 calendar days** following the meeting. The report will be a comprehensive and objective summary of the facts presented in the written and oral submissions and during the meeting. The report may include a recommendation on how the director should rule on the appeal.
8. The director will give due consideration to all of the information received pursuant to #1(a) and #1(b) above, and where applicable, information gathered during the meeting and render a decision.
9. The director's decision shall be provided, in writing, **no later than 10 calendar days** from when the information was received or the conclusion of the meeting if one was held. The director's decision is final.

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Subject: **ADOPTION**

Adoption is governed by *The Adoption Act*. It has the effect of making the adopted child and the adoptive parent "for all purposes of the law of Manitoba....as if the adopted child had been born to the adopted parent."

There are three main values underlying the adoption program:

- The family is the basic unit of society and its well-being should be supported and preserved.
- The family is the basic source of care, nurturance and acculturation of children; parents, with the assistance of extended family and other supports, have the primary responsibility to ensure the well-being of their children.
- Every child who can benefit from family life, and whose birth family cannot provide this, should have the opportunity to be placed with a family which has the capacity to provide the nurturance and acculturation of the child on a permanent basis. No child should be deprived of this opportunity by reason of age, religion, race or nationality, residence or handicaps that do not preclude his living in a family or community.

There are seven categories of adoption under the Act:

Division 1 – Adoption of Permanent ward

Division 2 – Private Adoptions

Division 3 – Intercountry Adoptions

Division 4 – Defacto Adoptions

Division 5 – Extended Family Adoptions

Division 6 – Adoption by Person Who Has Married Child's Parent

Division 7 – Adoption of an Adult

All orders granted by law in another province or a territory of Canada or any other state or country are recognized under the Act and have the same effect as if made under the Act.

The Intercountry Adoption (Hague Convention) Act governs adoptions between Manitoba and countries who have ratified the Hague Convention.

There are currently five regulations under *The Adoption Act* and one regulation under *The Intercountry Adoption (Hague Convention) Act*.

Subject: **ADOPTION SERVICES**

Subsection 120(1) of the *The Adoption Act* states that a person shall not give or receive, offer to give or receive, or agree to give or receive any payment or reward, whether directly or indirectly,

- (a) to procure or assist in procuring a child for the purposes of adoption in or outside of Manitoba; or
- (b) to place or arrange the placement of a child for the purposes of adoption in or outside of Manitoba.

STANDARDS

500.5 **Payment for adoption**

Where an agency believes that a person has violated section 120 of the *The Adoption Act*, the agency reports to the matter to the police to investigate.

Subject: **ADOPTION RECORDS**

STANDARDS

The Adoption Act defines “agency” as a licensed adoption agency or as a child and family services agency under *The Child and Family Services Act*.

501.2 **Information disclosure**

Disclosure of any information from agency adoption records or court records is done in accordance with *The Adoption Act* and regulations. A request for disclosure of non-identifying information under subsection 104(2) of the Act is supported by a written request from the eligible person.

PROCEDURES

Note: Regardless of the outcome of the application, all study material must be recorded and include information noted below.

Intake

Include dates of initial enquiry, summary of intake contacts and significant content, and date of legal application.

Study contacts

1. Record dates and places of interviews, focus and significant content of each interview.
2. If the application is withdrawn, give date and reasons.
3. If the application is to be held in abeyance, give reason and state under what circumstances it will be reactivated or closed.

Presentation of child's history

Record the adoptive parents reaction to the child's history, in particular any factor of concern to them. Document the information shared with the adoptive parents.

Placement process

Describe preplacement visiting and placement fully, including child's general appearance and condition, and noting specifically positive and negative reactions and comments, and interaction between all members of the adoptive family and the child.

Note: If placement of a particular child does not proceed, record reasons and any revision in type of child adoptive parents can accept, also worker's recommendations.

Placement data

Record full legal name of child, legal guardian, birth date, adoptive parents names and address, date and place of placement, child's new name in full.

Supervision of Placement

Summarize contacts, giving dates, participants, adjustment to parenting roles, bonding of parents and child, significant changes in marital relationship and total family interaction, handling of any difficulties encountered, child's physical, mental, and emotional development, acceptance of child by extended family and community, content of further discussions regarding telling child about adoption. Note parents' use of worker, any supplementary resources and how used, recommendation regarding finalization.

Notices

- Notification of finalization to child's agency.
- Notification to the Department of Indian Affairs if the child is a Treaty Indian.
- Notification to Vital Statistics

Closing entry

a) Completion of adoption placement

- Order of Adoption - give date, court, judge, child's new legal name.
- Any indication of need for post-legal follow-up services including financial assistance and openness agreements.
- Are adoptive parents aware of/accepting of returning to the agency for help in future?

b) Termination of adoption process or placement

- Give reasons for withdrawal or rejection of adoption application or removal of child from home.

DATE: _____

SIGNED: _____
(Social Worker)

APPROVED: _____
(Supervisor)

Subject: **DECLARATION OF PARTERNITY APPLICATIONS**

A man or a woman who wishes a man to be declared the father of a child may make application under Part II of *The Family Maintenance Act* to be so declared. This application is served on the Director of Child and Family Services.

STANDARDS

502.3 Accessing paternity registry

A child and family services agency placing a child for adoption calls the paternity registry at the Child and Family Support Branch for a paternity check **not earlier than 24 hours** prior to the proposed adoption placement.

502.5 Certification letters

Ward Adoption – The Director forwards to the child and family services agency a written certification that a paternity check was completed and that a notice of application under *The Family Maintenance Act* that a man be declared the father of the child, was not served within the time period specified by the Act.

Non-ward Adoption – The paternity check is done and certification forwarded to the court in response to receiving notice of application to court for an order or adoption prior to the date of the court hearing.

Subject: **WARD SERVICES**

Since adoption offers the greatest possibility of ongoing emotional and legal commitment by substitute parents, adoption placement at the earliest possible date is the desired goal for every child who cannot be raised by a birth parent, is legally free for adoption and can accept and develop within a new family.

STANDARDS

510.1 **Adoption services**

Adoption services, in order to carry out their purpose, are part of an interrelated program that provides services to

- birth parent;
- the child; and
- the adoptive applicant and adoptive parent.

510.2 **Program administration**

The service needed by the three parties involved in every adoption is assured through responsible administration of the adoption services by the agency and the Director.

Administration of the adoption program is by the Director. Direct service to clients is provided by agencies.

510.3 **Field staff requirements**

An agency ensures the availability of professionally qualified and experienced staff to provide service to all members of the adoption triad. Staff demonstrates maturity, good judgement, and strong counselling and communication skills.

510.4 **Supervisory staff requirements**

An agency provides for senior staff with minimum of two years experience to supervise and support the agency field staff.

510.6 Commissioner for Oaths

An agency ensures the availability of a Commissioner for Oaths.

510.7 Notary Public

An agency assures the availability of a Notary.

510.8 Legal services

Legal services relating to permanent ward (Division 1) adoptions may be provided by the adoptive parent's agency.

Subject: **SERVICES TO CHILDREN**

Adoption services are designed for children who require permanent placement. While everyone in the adoption triad is entitled to receive quality service, the child is the primary client and priority is given to services which meet the child's needs.

STANDARDS

530.2 **Worker's interaction with child**

No child is placed for adoption unless the case worker preparing the child has a personal knowledge and strong professional relationship with the child or, in the case of an infant, between the birth parent and worker.

Subject: **PLACEMENT PREPARATION**

STANDARDS

531.1 **Preplacement service goals**

Preplacement services are provided to help the child according to his/her age and capacity, to prevent identity problems or resolve them if they exist, and to enhance feelings of self-worth.

Preplacement services include determining the capacity and readiness of the child to accept a new parent.

531.2 **Results**

Preplacement services help the child with problems of anxiety of separation from his/her birth family and/or other caregivers and obtain for him/her the sanctions of the birth family or other caregivers to belong to another family and learn to love new parents.

531.3 **Professional knowledge required**

Workers assigned to prepare a child for adoption are familiar with separation and attachment, and child development theories.

Subject: **PLACEMENT SERVICES****STANDARDS****532.1 Adoption registration**

Once a decision to place a permanent ward for adoption is made, the child is registered with the Central Adoption Registry **within five working days**. All procedures set down for the Central Adoption Registry are followed (see Procedures).

532.2 Selecting adoptive family

The selection of an adoptive family is made from those families referred for the permanent ward from the Central Adoption Registry. Suitability is assessed both in terms of capacity and interest of the adoptive parents to meet the needs of the particular child and the capacity of the child to benefit from placement with them.

The responsibility of choosing an adoptive parent for a child remains with the child's guardian agency. Staff members who know the child are to participate in the decision.

532.3 Decision for placement

The final decision for placement is based on a combined knowledge of the child and adoptive family. The decision is made by at least two experienced staff members, one of whom is the child's worker and another staff who is in a supervisory capacity.

532.4 Placement timing

The timing of an adoptive placement is planned within the following criteria:

- a) Infants are placed in the adoptive homes at as early an age as possible, except when the needs of the child make early placement inadvisable.
- b) If interim care for the child prior to adoption placement is required, the agency assures that foster families are available who can meet the needs of the child.

- c) Older children are placed in adoptive homes only when the preparation of an older child, the adoptive family and the child's present caregiver is completed.

This allows time for the child to become separated from the biological family and accept the idea of adoption and new parents. It allows time for a complete needs assessment to take place on behalf of the child and it also allows for some children to learn to trust adults and to form close relationships. Any need for post-adoption supports is identified during this period.

532.5 Preplacement visits

The number of preplacement meetings with the adopting parent is determined by the child's age, and the needs of the child and the adoptive parent.

532.6 Child's participation

When the child is old enough to understand he/she is allowed to participate in the adoption decision and the selection of his/her new family.

532.7 Sibling placements

Brothers and sisters are placed together, unless it is not in their best interest. Where the size of the sibling group prevents placement together, the agency's goal is to assure the continuation of these relationships after the children are adopted by openness agreements between the adoptive parents and /or other caregivers.

532.10 Aboriginal children

Indian Affairs and Northern Affairs Canada is notified of a Treaty Indian child's adoption placement. The information given includes birth parent name and band number, and particulars on the child.

Indian Affairs must also be notified of the granting of the adoption order for every Treaty Indian child and a copy of the order is sent to Ottawa.

PROCEDURES

Central Adoption Registry

The Act provides for an adoption registry to ensure each child awaiting adoption placement is afforded the fullest possible range of available adoptive homes and all approved adoptive applicants in Manitoba have fair opportunity and consideration for the placement of children.

The registry system records each approved adoption application (regardless of the age of the child they wish to adopt) and registers each child available for adoption. The registry refers suitable approved adoption homes for each child registered with due regard to the needs of the child, the suitability of the adoptive applicants and fairness in terms of the date of application.

Placement of newborn infants directly from hospital into adoptive homes requires critical coordination and cooperation between the central adoption registry and the agencies involved.

Registration of children

1. **Child's registration form**

a) Preparation of registration form

The child's agency completes the registration form as soon as a child may become available for adoption and sends the form to the Central Adoption Registry. The agency may state a preference of suitable parents, their names, and date of application. These are considered if all other Central Adoption Registry policies are met.

b) Medicals

Medicals for the child are current and copies are included with the registration form.

2. **Withdrawal from registry**

The agency notifies the Central Adoption Registrar of the withdrawal of a child on the appropriate form.

Subject: **POST-PLACEMENT SERVICES**

STANDARDS

533.1 **Counselling and support**

The agency makes counselling and support services available to all members of the adoptive family during a required period after placement to assure the successful integration of the child into his/her new family.

533.2 **First visit**

Following placement of a child, a home visit with the adoptive family and child occurs **within ten working days**.

533.3 **Monthly supervision**

From the time of placement to when the adoption is finalized, contact with the adoptive family occurs **monthly**. Home visits are made if the situation warrants it.

533.4 **Placement assessment**

The agency ascertains the child's development and general adjustment is satisfactory and that the adoptive family is able to cope with any special needs the child presents, prior to recommending the legal finalization of the adoption.

Subject: **SERVICES TO ADOPTIVE APPLICANTS**

The adoption process for adoptive applicants is concerned with the assessment and education of the prospective adoptive family and offers a continuing service which includes placement and post-placement counselling as well as services to finalize the adoption. The aim of the services is always to help adoptive applicants develop to their greatest potential as parents of children not born to them.

STANDARDS

540.1 **Intake**

The agency has an intake process that responds to adoptive applicant enquiries promptly and knowledgeably.

540.3 **Early response**

The agency provides information services as required under section 6 of the *Adoption Regulation* **within one month** of an inquiry so that prospective applicants may decide whether to proceed with their adoption application.

540.4 **Date of application**

On receipt of a signed application form, it is immediately date stamped. This date represents the official date of the application.

540.5 **Acknowledgement of application**

The applicant is informed in writing within one week that the application has been received and the file is opened. At this time the applicant is given an approximate time frame as to when the home study may begin.

540.6 **Prestudy contact**

The agency provides a mechanism to keep in touch with the applicants (at least twice per year) to make them aware of the current adoption situation while awaiting a homestudy.

540.7 **Home study timing**

The home study is timed to be completed approximately six months to one year from the time a child may become available, and is related also to the applicant's readiness for placement if this is a later date.

Subject: **ADOPTION HOME STUDY**

The adoption home study educates and evaluates the adoptive applicants on their suitability, capability and readiness to parent a particular kind of child. The study is a joint process between the applicant and the case worker and determines the type of child for whom the family is best suited. It also helps the applicants become aware and prepare for the adoption experience.

STANDARDS

541.1 **Content**

The home study documents facts and opinions on the applicants in accordance with section 17 of the *Adoption Regulation*.

541.2 **Process**

The home study process includes at least one home interview with applicant present and any other personal interviews or group meetings as required. **A minimum of four contacts** are required before the study is completed.

541.5 **Home study report**

The results of the adoption study process are documented in a written home study report according to guidelines provided by the Director.

541.6 **Application approval**

The evaluation of and the final decision to approve an adoptive applicant for placement is the responsibility of the professional staff of the agency and:

- a) this decision is made by more than one person, usually the social worker and supervisor;
- b) applicants are advised of the agency's decision **within two weeks** of the last contact with them; and
- c) if the application is not approved, this decision is shared with the adopting applicants in person and is interpreted in a positive and supportive manner.

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541.7 Decisions in writing

All agency decisions are confirmed in writing and sent to the applicant. In the case of a rejection, the applicant is advised of this decision by registered mail.

541.8 Appeals

Adoptive applicants have the right to appeal an agency decision. **Within 21 days** of receipt of notice, the agency establishes an internal process to hear this appeal.

The Director establishes a review panel consisting of senior Manitoba adoption personnel who will hear all appeal cases brought to them if not resolved at the agency level.

Subject: **SERVICES TO APPROVED APPLICANTS**

STANDARDS

542.1 **Registration**

All approved adoption applications for permanent ward (Division 1) adoptions are registered immediately with the Central Adoption Registry. All procedures set down by the Central Adoption Registry are followed (see Procedures).

542.3 **Support during waiting period**

Approved applicants are supported during the waiting period for placement either by group support or individual case work contact.

Contact with approved applicant prior to placement is made on a regular basis in the form of a telephone call, letter, or personal interview.

542.4 **Withdrawal of applicants**

The agency withdraws adoptive applicants from the Central Adoption Registry by sending an appropriate form to the Director **within three working days** from receipt of applicants' decision to withdraw.

542.5 **Reapplications**

A subsequent application from adoptive parents is accepted any time following the date of placement with respect to a previously placed child **and** one day after the birth of a biological child.

PROCEDURES

Central Adoption Registry

The Adoption Act provides for an Adoption Registry to ensure that each child awaiting adoption placement is afforded the fullest possible range of available adoptive homes, and that all approved adoptive applicants in Manitoba have fair opportunity and consideration for the placement of children.

The registry system developed to serve this purpose requires the registration of each approved adoption application (regardless of the age of the child they wish to adopt) and the registration of each child available for adoption. The registry refers suitable approved adoption homes for each child registered with due regard to the needs of the child, the suitability of the adoptive applicants and fairness in terms of the dates of their applications.

Placement of newborn infants directly from hospital into adoptive homes requires critical coordination and cooperation between the Adoption Registry and the agencies involved.

Placement of children after their second birthday requires ongoing cooperation and coordination between the guardian agency and the adoptive parents' agency.

Registration of approved applicants

1. **Approved applicant registration**

a) **Preparation of Registration Form**

The adoptive applicants' agency prepares a registration form for each **approved** application and send it to the Central Adoption Registry

b) **Date of application**

This is the date an adoption application was date stamped as received by a Manitoba agency.

c) Dual registration

Where an applicant is willing to accept a child with special needs as comfortably as they would accept a healthy infant, the following applies:

- If a child with special needs is placed with applicant(s), their current date of application is continued for an infant placement.
- When there has been an adequate adjustment of the child, the infant application can be activated. (The time frame should be at least one year but could be less on the recommendation of an agency, but in no cases less than six months).
- When registering applicants who wish dual registration with the Central Adoption Registry, two registration forms are filled out, both with the same application date, but each addressing the different child they can accept. The Central Adoption Registry forms will indicate the applicants' ability to accept both an infant and child with special needs.
- Two applications are opened on the Child and Family Services Information System.

d) Waiting period

The Central Adoption Registry issues regular reports to agencies indicating placement trends in order to provide agencies an estimate on how long registered approved applicants can expect to wait for a child based on their application date.

It is the responsibility of the agencies to explain the Central Adoption Registry system to their applicants and to give them an estimate of the waiting period for a child based on the information from these reports.

2. **Changes in circumstances**

a) **Availability of applicants for placement**

If, after registration, adoptive applicants are not ready for placement at the time originally indicated, the agency sends a memo giving particulars to the Central Adoption Registry. If adoptive applicants are not available for placement for whatever reason and their date of application would indicate a possible early referral of the child, the information is telephoned to the Central Adoption Registry and confirmed in writing. Registrations can be put on hold for a defined period of time.

b) **Pregnancy of prospective adoptive applicants**

If a prospective adoptive mother becomes pregnant but adoptive applicants wish to remain registered because of a possibility of a miscarriage, the agency sends a memo giving particulars to the Central Adoption Registry. If a miscarriage does occur the adoptive applicants' agency notifies the Central Adoption Registry by memo when the applicants are prepared for placement. Their application will be reactivated as of the original date of application, if so desired. (This procedure applies to stillbirths, death of a child shortly after birth, and nonagency adoptions that do not result in finalization).

c) **Changes in type of child to be adopted**

If, after registration, there is a change in the type of child for whom adoptive applicants are able to provide a home, the agency sends a memo giving particulars to the Central Adoption Registry. The adoptive applicants' registration is amended to reflect the change.

d) **Registered applicants change of address within Manitoba**

The agency that registered the approved applicants notifies the Registry if the applicants move. It is the responsibility of the new agency to notify the Registry when they have met with the approved applicants giving the new address and when the applicants are ready for placement. If the applicants request the service to still be provided by the original agency and this is agreed upon by both agencies involved, the Registry is notified.

The date of application is still considered to be the date the application was originally received by the first agency to whom the applicants applied.

e) Interprovincial transfer of applications

- 1) Manitoba can accept the bona fide date of an adoption application in another province from applicants who have moved to Manitoba. The date of application must be verified by the provincial adoption authorities from the province where the applicant originally applied.
- 2) For those Manitoba applicants who have applied in Manitoba but move to another province prior to placement, Manitoba makes every effort to secure a reciprocal recognition of the application date. At present, most provinces and territories in Canada consider honoring the adoption application dates from Manitoba.

The negotiation regarding dates takes place on an agency level.

- 3) Manitoba applicants who are employed with the federal government in a security capacity (RCMP, military service, special diplomatic corp) and who are subject to periodic transfers outside of Manitoba or outside of Canada, may keep their application open and active until placement in Manitoba.
- 4) Where Manitoba adoptive applicants leave the province for a temporary period of time but maintain their residence in Manitoba, and where they wish to have their application remain active in this province, their original application date is maintained.
- 5) Special situations regarding Manitoba adoptive applicants leaving the province prior to placement, and where they wish to continue to work with the Manitoba agency, are brought to the Central Adoption Registrar for consideration.
- 6) If approved applicants move outside the province and do not meet the above-noted special circumstances, they are withdrawn from the registry.

Subject: **SELECTION SERVICES**

STANDARDS

543.1 **Adoption home selection**

All applicants for a permanent ward are selected through referral by the Central Adoption Registry. All procedures set down by the Central Adoption Registry are followed (see Procedures).

543.2 **Selection factors**

Factors considered in the selection of adoptive applicants for a child include:

- preferences of birth parents to be considered if in the best interests of the child
- sex, age and race of child
- cultural and social background - exposure of the child
- physical and personal characteristics
- religion
- educational opportunities
- geographical location
- sibling and family relationships
- other significant relationships
- special needs of the child (availability of resources)
- date of application

543.3 **Foster parent applications**

Foster parents are the placement of choice for a permanent ward in their care providing the following criteria are met:

- the child is registered with the Central Adoption Registry
- the child has lived with the foster parents for at least one continuous year
- the foster parents have applied to adopt the child and have been approved and registered with the Central Adoption Registry
- all relevant program standards have been met

If the child has not lived with the foster parents for one continuous year, the foster parents application is given the same status as all other applications.

543.4 **Applicant's role**

Adoptive applicants selected for a particular child have the opportunity to decide whether the child is suitable for them.

543.5 **Worker's role**

The worker first ascertains the adoptive applicant's present situation and any changes or events which may affect their readiness to accept a child at this time.

543.6 **Sharing information on the child**

When the adoptive applicants and the agency are ready to proceed, the adoptive applicants are given pertinent information about the child before seeing him/her. This helps adoptive applicants understand the child and his/her special needs or problems, understand and feel comfortable about the birth parents and the reasons the child is to be adopted. The information will help them assist the child to understand the adoption.

543.7 **Information shared**

The information given includes the child's past and current development, personality and temperament, medical history, and hereditary or other conditions that may affect development. It also includes non-identifying and general information about the child's birth parents and their families.

In the case of an older child, the information addresses the birth family's situation, former foster parents and other meaningful relationships. The adoptive applicant must know why and how the child came into the care of the agency.

543.8 **Outside consultation**

Adoptive applicants, in considering a child, may obtain advice from physicians, pediatricians or other specialists of their own choice, especially in the case of a child with medical or developmental problems or adverse hereditary factors.

543.9 Decision to present child

The decision to proceed with the presentation of a child to adoptive applicants is made within **five working days** of receiving and reviewing all referral material from the child's guardian agency.

543.10 Child not presented

The reasons to not present a child to particular adoptive applicants are documented and shared with the referring agency and the Central Adoption Registry **within two working days** of the decision being made.

543.11 Placement decision

The decision to place or not place a child with particular adoptive applicants after the child has been presented is made **within 15 working days** of the presentation.

543.12 Decision process

A minimum of two staff, one of whom is a supervisor and the other the child's worker, make the decision to either delay, not to place, or place a child with particular adoptive applicants.

543.13 Decision documented

The reasons for not placing a child with particular adoptive applicants is documented and shared with the child's guardian agency and the Central Adoption Registry **within two working days** of the decision being made.

543.14 Appropriate counselling

If a proposed adoption placement does not seem appropriate, either because of the child's reluctance or the adoptive applicants' inability to accept the child, the worker offers counselling sensitive to the feelings and reactions of all concerned.

The case worker is ready to offer adoptive applicants skilled casework to support a decision not to proceed, whether this is their decision or the agency's.

543.14 Appropriate counselling (cont.)

Adoptive applicants who have decided against adopting a child presented to them are assured their home will be considered for another child (if realistic) and that another adoptive home will be sought for the child.

543.15 Placement planning

After a decision to proceed towards adoption placement of the child is made, the placement plan is determined by the age of the child and his/her particular needs and the needs of the adoptive applicants. This plan addresses the number and location of the meetings and the duration of the process.

543.16 Preplacement visits

The preplacement visits:

- allow the child to become acquainted with his/her new family
- offer the child continuity during transition into the adoptive family
- allow the adoptive applicants to become familiar with the child

When the child is old enough to have a part in the adoption decision, he/she is involved in setting the pace for the preplacement process.

PROCEDURES

Registry operation

1. Suitable applicants

Upon receipt of the child's registration the registrar refers suitable approved adoption homes with due regard to:

- the preferences of the birth parents
- the needs of the child
- the suitability of the adoptive applicants
- the home suggested by the agency
- fairness in terms of the date of application

Referrals are contacted in the order by which the applicants are referred. Further referrals are obtained from the registry if the initial referrals do not meet the preferences of the birth parents or the needs of the child.

2. Contact between agencies

The child's agency telephones the applicant's agency and initiates discussions leading to possible placement of the child.

If the applicant is not suitable or does not want the particular child:

- move on to the next home on the list
- telephone the Central Adoption Registry giving the reason why the applicants were not suitable

This must be done as soon as possible in order that applicants are replaced on the Central Adoption Registry without any undue delay.

3. Notification to Director

When a definite placement is arranged the child's agency notifies the Central Adoption Registry that a placement has been agreed upon, supplying the names of child and applicant. This must be done as soon as possible so that other applicants are placed back on the Central Adoption Registry.

4. Paternity Registry

The child's agency calls the Paternity Registry at Child and Family Support to do a paternity check not earlier than **24 hours** prior to the proposed adoption placement.

5. Placement report

A copy of the Adoption Placement Agreement (Form AA-6) is sent to the Central Adoption Registry **within five working days**.

6. Director's approval

The Central Adoption Registry prepares the Approval from information reported on the Adoption Placement Agreement form and mails three copies to the child's agency. It is the responsibility of the child's agency to forward the court copy (original) and the applicants' agency copy to the applicants' agency along with information on the child and all necessary legal forms.

7. No suitable applicants

The Central Adoption Registrar informs the child's agency where there are no suitable applicants registered.

The Registrar publishes the child's registration form in the Manitoba Adoption Bulletin which is circulated to all Manitoba agencies providing adoption services. If any of these agencies have a home in the process of study which appears suitable, the applicant's worker contacts the Registrar.

8. Removal prior to order granted

If the applicant's agency is not also the guardian agency of the child, they consult with the child's agency to effect a suitable plan. Adoptive parents' agency prepares a Notice of Removal of Child from Adoption Home form and sends the original to the Central Adoption Registrar, one copy to the child's agency and files one copy on the adoption file.

If the child is to be placed in another adoption home the procedure for registering a child is followed.

If the applicants wish another placement, and upon reassessment of their home this appears appropriate, reregister the application in the normal manner. Their original date of application is in effect.

A Notice of Removal of Child From Adoption Home form must be completed when any child placed for adoption under Division 1, 2 or 3 is removed from the home prior to an adoption order being granted.

Subject: **POST-PLACEMENT CONTACT**

Post-placement contact with the adoptive family is part of the continuum of adoption services. Follow-up visits, interviews and consultation are provided as required in the individual placement.

STANDARDS

544.1 **Post-placement service**

Post-placement service focuses on helping the adoptive parents with their ongoing feelings about the child, changes in their own relationship, questions about the child's development and behavior, reactions of family, friends and neighbors, guilt about having taken the child, sibling rivalry and, most importantly, with helping the child understand and accept adoption.

544.2 **Initial contact**

A telephone contact is made **within one week** after the placement of a child within the adoptive family by the worker responsible for providing services to the adoptive parents.

544.3 **Initial interview**

An interview **within one month** is made in order to convey to the child and adoptive parents the agency's commitment to successful integration of the child into the family.

544.4 **Ongoing contact**

The timing of the post-placement contacts which include home visits, office contacts and telephone calls, depends on the age of the child, his/her special needs and the problems the adoptive parents might be having. Minimal contact is **once a month**.

544.6 **Supervision period**

Some adoptive parents may be ready to finalize the adoption legally in six months or less. Others, especially those adopting older children or children with special needs, may require more time. The supervising and guardian agency determines when an adoption under Division 1 can be finalized, taking into consideration the provisions of the Act.

544.7 Guardian agency approval

An application for an order of adoption under Division 1 requires the approval on a prescribed form from the agency having guardianship of the child (Form AA-8).

Approval is to be based on an assessment of the placement done by the supervising worker and supervisor or adoption team.

Subject: NONAGENCY ADOPTION

This section deals with all adoptions other than ward adoptions. The Act provides for five types of non-ward adoptions pertaining to:

- Division 2 – private adoptions
- Division 3 – intercountry adoptions
- Division 4 – de facto adoptions
- Division 5 – extended family adoptions
- Division 6 – adoption by person who has married child's parent
- Division 7 – adoption of an adult

For Division 2 to 6, legal services are usually provided by a lawyer and, depending on the type of adoption, agencies are required or are requested to conduct investigations and/or prepare home studies and/or supervise the placement until an order of adoption is made. When involved in non-ward adoptions, agencies should make available services that afford maximum protection for the child, birth parent and adoptive parent.

While the courts are ultimately responsible for ensuring that an adoption is in the best interests of the child and for safeguarding parental rights and responsibilities, the role of agencies may be critical in assisting the courts to make sound decisions.

STANDARDS

550.1 Agency involvement

Where an agency is involved in a non-ward adoption, the rights and responsibilities of the parents of the child are safeguarded by the agency and no action is taken by the agency to undermine those rights and responsibilities or to unduly influence the parents in their decision.

550.2 Court reports

Agency investigations are completed and reports forwarded to the court and the Director in accordance with requirements and time limits under the Act. Where circumstances clearly prevent completion of a report as required, the court is advised of the situation and the agency requests direction from the court.

550.3 Court report content

The content of a report upon investigation or court report includes an assessment of the placement and meets the legal requirements for the type of non-ward adoption as provided in the Act and the *Adoption Regulation*.

550.4 Child's welfare paramount

An agency aware of or involved in a non-ward adoption takes whatever action necessary under the Act to ensure that no child is placed or allowed to remain in an adoption home that may be unsuitable for the child or detrimental to the child's well-being and healthy development.

Subject: **ADOPTION BY PERSON WHO MARRIED CHILD'S PARENT**

Division 6 of *The Adoption Act* provides that a person who marries the parent of a child or a man and woman who are not married but are cohabiting as spouses, one of whom is a parent of a child may, together with that parent or alone but with the consent of that parent, apply to adopt the child. The child must be living with and cared for by the applicants.

STANDARDS

551.2 Service to court

Upon a request by the court, an agency conducts an investigation and submits a report on the noncustodial parent, on the applicants, and any other matters requested by the court prior to the hearing date or as directed by the court. The report includes an assessment of the placement and agency recommendations concerning the application (see Section Appendix 551A).

551.3 Certification by Director

Upon receiving a notice of hearing, and **within 24 hours** of the hearing date, the Director provides certification that a withdrawal of consent has not been served under section 22(1) of the Act.

Report Upon Investigation

Appendix 551A

Recommended Outline

Married parent adoption

- Identifying information:** Adoptive applicant(s)
Address and telephone
Child(ren)
Opposing parent
Referring solicitor
- Each child:** Birthdate and place
Physical description
Medical information
Developmental or psychosocial information
School performance
Relationships with adoptive family, opposing parent, siblings
Attitude toward adoption
Sources of information
- Each party:** Birthdate and place
Nationality, ethnic and racial origin
Religion
Health
Education and training
Employment and financial circumstances
Hobbies and interests
Personality
Home and neighborhood
Marital status and relationship
Relationships with child(ren)
Sources of information
- Particulars:** Reasons for applying to adopt
Reasons for contesting
Visiting and access concerns
- Recommendations:** Adoption/no adoption
Special considerations
- Referring agency:**
- Compiled by:** Social worker
Supervisor
- Signed and approved by:** Regional or executive director

This is my report pursuant to Division 6 of *The Adoption Act*
Executive Director/Regional Manager

Subject: **EXTENDED FAMILY ADOPTION**

Under Division 5 of *The Adoption Act*, a parent may place a child with a member of the extended family residing in Manitoba for the purposes of adoption without prior notification of the Director and without the Director's approval.

STANDARDS

552.2 Service to court

Upon a request by a court, an agency conducts an investigation and submits a report on the applicants and other matters requested by the court prior to the hearing date or as directed by the court. The report includes an assessment of the placement and agency recommendations concerning the application (see Section Appendix 552A).

552.3 Certification by Director

Upon receiving a notice of hearing, and **within 24 hours** of the hearing date, the Director provides certification that:

- a withdrawal of consent has not been served under Section 22(1) of the Act
- no application for a declaration of paternity was served under *The Family Maintenance Act*.

Report Upon Investigation

Appendix 552A

Recommended Outline

Extended family adoption

Identifying information:

Adoptive applicant(s)
Address and telephone
Child(ren) to be adopted
Date(s) of placement
Relationship to applicant(s)
Legal/birth mother
Legal/birth father
Referring solicitor

Each child:

Birthdate and place
Nationality, ethnic and racial origin
Physical description
Medical information
Developmental or psychosocial information
School performance
Relationships with adoptive family, opposing parent, siblings
Attitude toward adoption
Sources of information

Each party:

Birthdate and place
Nationality, ethnic and racial origin
Religion
Health
Education and training
Employment and financial circumstances
Hobbies and interests
Personality
Home and neighborhood
Marital status and relationship
Relationships with child(ren)
Sources of information

Other children:

Names
Birthdates and places
Attitude toward adoption
Sources of information

Particulars:

Circumstances leading to placement
Reasons for placing child
Reasons for applying to adopt
Other comments

Recommendations:

Adoption/no adoption

Referring agency:

Compiled by:

Social worker
Supervisor

Signed and approved by:

Regional or executive director

This is my report pursuant to Division 5 of *The Adoption Act*
Executive Director/Regional Manager

Subject: **PRIVATE ADOPTION**

Sections 53 and 54 of *The Adoption Act* requires a person placing and a person receiving a child for purposes of adoption to notify either the child and family services agency or adoption agency having jurisdiction in the area where the prospective adoptive parents reside. Agency involvement is required in all private (Division 2) placements.

Agency involvement assures the best interests of the child and protects the rights of the birth parents and the adoptive parents. All parties to a private adoption must be informed of all options and resources available to them prior to any irrevocable decisions being made.

STANDARDS

553.1 **Agency counselling services**

Agency counselling services are provided to the birth parent and the prospective adoptive applicant throughout the adoption process as required by the Act and regulations.

553.3 **Agency decision**

An agency decision to approve or not approve a private adoption is made by the regional manager or executive director.

553.4 **Placement approved**

Where an agency approves a private adoption placement, all parties to the adoption, the prospective adoptive parents, the relinquishing birth parent and the lawyers involved, are immediately notified by phone. Completed prescribed forms indicating the approval are sent to all parties to the adoption as well as the Director **within two working days**.

553.5 **Placement not approved**

Where an agency does not approve a proposed private adoption placement, all parties to the placement are notified by registered mail of the agency's decision. Applicants may ask the Director to review the matter, and the Director's decision is final.

553.7 **Agency supervision**

Where an agency approves a private adoption placement, the agency maintains regular contact with the adoptive family **at least once a month** until the adoption is finalized.

553.8 **Service to court**

Where an agency approves a private adoption placement, the agency's final report compiled following the supervisory period is submitted to the court prior to the hearing date or as directed by the court. The report includes an assessment of the preplacement situation, the supervisory period, and agency recommendations concerning the application (see Section Appendix 553B).

553.9 **Certification by Director**

Upon receiving a notice of hearing, and **within 24 hours** of the hearing date, the Director provides certification that:

- a withdrawal of consent has not been served under Section 22(1) of the Act
- no application for a declaration of paternity was served under *The Family Maintenance Act*.

553.10 **Closure notification**

The agency notifies the Director **within one month** of every private adoption case closure.

Report Upon InvestigationPrivate adoption**Identifying information:**

Adoptive applicant(s)
 Address and telephone
 Child(ren) to be adopted
 Date(s) of placement
 Legal/birth mother
 Legal/birth father
 Facilitator
 Referring solicitor

Each child:

Birthdate and place
 Physical description
 Medical information
 Developmental or psychosocial information
 School performance
 Relationships with adoptive family, opposing parent, siblings
 Attitude toward adoption
 Sources of information

Each party:

Birthdate and place
 Nationality, ethnic and racial origin
 Religion
 Health
 Education and training
 Employment and financial circumstances
 Hobbies and interests
 Personality
 Home and neighborhood
 Marital status and relationship
 Relationships with child(ren)
 Sources of information

Other children:

Names
 Birthdates and places
 Attitude toward adoption
 Sources of information

Particulars:

Circumstances leading to placement
 Reasons for placing child
 Reasons for applying to adopt
 Other comments

Action taken:

Approved/not approved by agency
 Supervision following approval
 Action where no approval

Recommendations:

Adoption/no adoption

Referring agency:**Compiled by:**

Social worker
 Supervisor

Signed and approved by:

Regional or executive director

This is my report pursuant to Division 2 of *The Adoption Act*
 Executive Director/Regional Manager

Subject: **DE FACTO ADOPTION**

De facto adoption under Division 4 of *The Adoption Act* involves the adoption of a child who has been in the care and custody of the applicants for at least **two years**. Consent of the legal parent/guardian is not required. Applicants are required to serve a copy of the application on the child and family services agency or the licensed adoption agency serving the area in which they reside and on the legal parent/guardian **at least 30 days** prior to hearing date.

STANDARDS

554.1 Agency investigation

On being served a copy of the application, the investigation required by an agency under subsection 75 of the Act is completed prior to the application being heard.

554.2 Service to court

Upon completion of the investigation the agency report is submitted to the court prior to the hearing date or as directed by the court. The report includes background information concerning the placement, assessment of the placement, and agency recommendations concerning the application (see Section Appendix 554A).

Report Upon Investigation**De facto adoption**

Identifying information: Adoptive applicant(s)
Address and telephone
Child(ren) to be adopted
Date(s) of placement
Legal/birth mother
Referring solicitor

Each child: Birthdate and place
Physical description
Medical information
Developmental or psychosocial information
School performance
Relationships with adoptive family, opposing parent, siblings
Attitude toward adoption
Sources of information

Each party: Birthdate and place
Nationality, ethnic and racial origin
Religion
Health
Education and training
Employment and financial circumstances
Hobbies and interests
Personality
Home and neighborhood
Marital status and relationship
Relationships with child(ren)
Sources of information

Other children: Names
Birthdates and places
Attitude toward adoption
Sources of information

Particulars: Circumstances leading to placement
Reasons for placing child
Reasons for applying to adopt
Other comments

Recommendations: Adoption/no adoption

Referring agency:

Compiled by: Social worker
Supervisor

Signed and approved by: Regional or executive director

This is my report pursuant to Division 4 of *The Adoption Act*
Executive Director/Regional Manager

Subject: INTERCOUNTRY ADOPTION

Division 3 of *The Adoption Act* makes provision for two types of intercountry adoption applications: adopting a child who resides in another country and who is legally available for adoption in Canada; and adopting a child in the courts of another country.

STANDARDS

560.1 Agency referral

The agency refers proposed adoption applications where the applicants have filed or intend to file a petition in a foreign court for the adoption of a child to the Director.

560.2 Service by Director

Upon receipt of a referral by the Director and in accordance with section 72 of the Act, the application is verified with and supporting documents are provided on request to the authorities in the child's country of residence.

560.3 Request for foreign child

Where applicants who have been placed on the Central Adoption Registry under section 39 of the Act, request that their home be considered for placement of a child from another specified country, the agency completes and submits the registration form and other documents to the Director to be forwarded to the National Adoption Desk (Ottawa) or the child's country of origin.

560.4 Home study

Where applicants agree to accept placement of a child from another country, the agency ensures that the home study on behalf of the applicants includes, where applicable, discussion of:

- motivation for adopting from another country;
- awareness of birth parents' capacity and willingness to emotionally separate from their birth child;
- effects of separation and loss for the child;
- present knowledge of or contact with people of other ethnic origins;

- extended family members' attitudes toward the child from another country/ethnic origin becoming part of the family;
- community composition and general attitudes toward people of other races;
- how the applicants plan to help the child learn about and have pride in his/her race, culture and history;
- how the applicants plan to help the child adjust to a new culture and country;
- whether the applicants are aware they must apply for Canadian citizenship for an adopted child born in another country; and
- whether the applicants are aware of and involved in any support groups for parents adopting children from other countries.

560.5 **Relative adoptions**

In any international adoption proposed to bring economic and social advantages to a child who is not an orphan or a ward of the state, the home study includes discussion of these advantages weighed against the psychological and legal consequences for the child and birth parent or guardian.

560.6 **Reference manual**

The agency maintains a reference manual of all information on international adoption. The Director forwards all updates to agencies as received from the National Adoption Desk (Ottawa).

Subject: **POST-ADOPTION SERVICES**

The Adoption Act requires the Director to maintain a registry to facilitate sharing of identifying information or personal contact between persons entitled to register. With proclamation of the Act, the registry is now fully active. Searches are now done at the request of adult adoptees, adopted children through their adoptive parents, birth parents, birth siblings, and adoptive parents with the consent of adult adoptees.

Searches are also done at the request of adoptive parents and adult adoptive siblings if the adoptee is deceased.

The Act provides for the release of non-identifying information to persons entitled to register with regard to a person who has filed a disclosure veto providing the person has provided a summary of non-identifying information.

STANDARDS

570.1 Non-residents

For individuals who were involved in a Manitoba adoption but now reside outside the province, the Director provides:

- the opportunity to register with the Post-adoption Registry
- non-identifying information if the records are available to this office, or referral to the appropriate agency having possession of the records
- any short-term counselling necessary to these services

570.2 Referrals

If sensitive information must be shared, then the province/state/country in which the individual resides is asked to provide counselling services.

570.3 Residents

Agencies provide post-adoption services to residents in their respective areas in Manitoba. This includes counselling services to all residents notwithstanding where the adoption took place.

570.4 Sensitivity to impact

In all post-adoption communication and/or contact, there is sensitivity to the potential emotional impact resulting from registration searches, information sharing and reunions. The worker is sensitive to the feelings and needs of all parties to the adoption.

Subject: **POST-ADOPTION REGISTRY**

The office of the Director maintains the Post-Adoption Registry. Manitoba Regulation 22/99 sets out detailed procedures on the operation of the registry.

STANDARDS

571.1 **Service response**

Upon the request of an eligible adult, the appropriate form and the information or assistance necessary for its completion is provided.

571.2 **Receipt of registration**

If the completed registration is received by an agency, it is forwarded to the office of the Director **within 10 working days**.

571.7 **Withdrawal procedures for agency**

An agency receiving a request for withdrawal immediately notifies the Director and records the information on the agency file.

571.8 **Withdrawal procedures for Director**

Upon receiving notice of a withdrawal, the Director:

- (a) records this information on the registry;
- (b) acknowledges the receipt of withdrawal by mail and notifies the registrant that the registration is no longer active; and
- (c) notifies appropriate agencies of the withdrawal.

571.10 **Interprovincial requests**

The agency responds to all requests for service from other provincial registries.

Subject: **RELEASE OF NON-IDENTIFYING INFORMATION**

Non-identifying information is provided only upon receipt of a written request from an individual entitled to receive such information under subsection 104(2) of *The Adoption Act*.

STANDARDS

573.1 **Identity verification**

The Director or the agency ensures there is adequate information to verify the identity of the individual requesting information.

573.2 **Access to files**

The Director assists staff of the agency to access the file containing the information requested.

573.3 **Presentation of information**

Non-identifying information is prepared in writing for the applicant, in accordance with procedures approved by the Director.

If possible, the information is shared with the applicant in person, particularly if highly sensitive information is included.

573.4 **Absolute Adoption files**

A copy of the non-identifying information given to the client is sent to the agency holding the absolute adoption file.

Subject: COUNSELLING

Counselling is made available to all individuals requesting post-adoption services.

STANDARDS

574.2 Counsellor's qualifications

The person providing counselling will have demonstrated a working knowledge of, and access to supervisory support regarding, issues of separation and attachment as demonstrated in post-adoption searches. This enables the worker to provide specialized counselling services in this area.

Subject: **ACCESSING AND MAINTAINING FILES**

STANDARDS

575.1 Access to records

Adoption records are not accessed for purposes of post-adoption services unless appropriate documentation is received from the individual requesting services.

575.3 Absolute adoption file

Copies of all recording, correspondence and other material related to post-adoption services are placed on the absolute adoption file.

Subject: **POST-ADOPTION REPATRIATION**

Repatriation services are available to children who were placed for adoption outside Manitoba and whose adoption has disrupted after the granting of the adoption order. Repatriation services provide for the return of the child to Manitoba.

STANDARDS

576.1 **Requests**

All requests for the repatriation of a child to Manitoba are made in writing and submitted to the Director.

576.2 **Repatriation assessment**

The Manitoba agency determines the needs of the child to be repatriated by obtaining complete documentation on the child. This documentation includes:

- Legal identification of the child;
- Records detailing the developmental history of the child supported by medical, dental, optical, aural, psychological and other assessment reports and records;
- Records of the child's placement history in sequence, identifying significant caretakers and important events and care programs; and
- A detailed description of the child which includes full physical description, personality and character traits, routines, diets.

576.3 **Treatment/placement plan**

The Manitoba agency, in conjunction with the out-of-province agency giving service to the child, completes a treatment/placement plan based on acceptable permanency planning criteria.

576.4 Decision to repatriate

The decision to repatriate is based on the assessment of the child and the treatment/placement plan, as well as the availability of resources in Manitoba or the jurisdiction where the child/adoptive parents reside.

576.5 Resources

When the plan is to repatriate, the Manitoba agency ensures that the necessary resources (foster home, group home, institution) and services are in place prior to the return of the child.

576.6 Coordination

The Manitoba agency co-ordinates the actual repatriation process through the Director.

576.7 Preparation for return

Prior to the child being returned to Manitoba, the Manitoba agency assures that the child receives preparation for the move. This includes appropriate transitional support and necessary cultural preparation for the child.

576.8 Guardianship or supervision

The Manitoba agency assumes guardianship or supervision of the child to be repatriated either through a court order or a transfer of supervision from the other jurisdiction.

576.9 Post-return services

On return of the child to Manitoba the responsible agency provides services as required under the Act for a child in care.

576.10 Written notification of return

The Manitoba agency responsible for the care of a repatriated child, gives written notice to the Director **within five working days** of the child's return to Manitoba.

PROCEDURES

When an adoption disruption occurs and repatriation is to be considered for the child, the Director and/or the agency undertake the following:

1. The Director on receipt of information concerning an adoption disruption and request for repatriation from an out-of-province agency, refers the case in writing to the appropriate agency **within five working days**.
2. An agency, on receipt of information concerning an adoption disruption and request for repatriation from an out-of-province agency, must **within five working days** advise the Directorate of the request and direct the initial request to the Directorate.
3. On receipt of the written referral from the Director, the agency conducts a complete assessment of the situation which includes reviewing the circumstances of the child prior to the adoption placement; obtaining all documentation as outlined in Standard 576.2 regarding the present situation; and reviewing the resources available to the child on his/her return, including return to birth or extended family.

Once a decision to repatriate is made, the agency (in consultation with the local child welfare committee where the child has Treaty status) facilitates the repatriation process. This includes arranging for appropriate escort and reception services.

All plans and expenses for the repatriation of a child from a jurisdiction outside Manitoba must be cleared through the office of the Director.

Subject: **SERVICES TO CHILDREN IN LICENSED DAY CARE FACILITIES**

This section sets out standards and procedures for coordination of services between the child and family services system and the Child Day Care Branch.

The Community Child Day Care Standards Act applies to day care homes and centres licensed by the Government of Manitoba (see Procedures, page 6). It does not apply to the care and supervision of children provided through:

- private family arrangements
- casual or irregular babysitting arrangements in a person's own home or in the child's home
- services provided by public schools, hospitals to patients in hospital, or religious congregations for the purpose of providing religious training
- suitable alternatives approved under *The Child and Family Services Act* (the Act).

Statutory responsibilities of Child Day Care include:

- licensing of child day care facilities
- voluntary licensing of private day care homes
- classification of early childhood educators
- providing grants to eligible non-profit day care centres and family day care homes
- providing subsidies on behalf of children of eligible recipients.

STANDARDS

703.1 Licensed child day care facilities

Agencies maintain current information on licensed child day care facilities within their geographical areas through contact with regional day care coordinators. This information includes the name, address, telephone number, brief program description, admission policy, rates, and other relevant information. This information is readily available to both staff and clients of the agency.

703.2 Agency referrals for child day care

In the course of providing services to a family, an agency assesses the need for child day care as part of its service planning with the family.

Where the service plan includes enrolling a child in a licensed facility, the agency

- assists the family as required to access the appropriate facility where available and to apply for a child day care subsidy (see Procedures, page 8)
- provides all necessary documentation to the facility.

703.3 **Special social needs assessments**

In assisting a family to enroll a child in a licensed day care facility, an agency assesses whether the family or child has special needs. Where the family or child has special social needs, the referring worker submits a special needs assessment to the Child Day Care Branch **within one week** from the date the child is enrolled in a facility (see Procedures, page 8).

703.4 **Children in foster care**

Agencies inform foster parents as part of their orientation that foster children may be eligible for placement in licensed child day care facilities.

Where a foster parent or supervising worker identifies a need for day care for a foster child, the worker:

- assists the foster parent in accessing the appropriate licensed facility where available
- submits an subsidy application to Child Day Care **prior to enrollment** of the foster child in the facility (see Procedures, page 8).

703.5 **Notifying child day care facility**

Agencies notify a child day care facility where a child attends if the agency apprehends the child from his or her legal family or the child is in care of the agency and is moved from a foster home.

703.6 **Report of child in need of protection (including abuse)**

Where a licensed day care facility reports that a child enrolled in the facility is or might be in need of protection (including abuse), the report is investigated in accordance with subsection 18.4(1) of *The Child and Family Services Act*, child abuse regulations, and child protection and abuse standards and procedures.

703.7 Apprehension from facility

At the time an agency apprehends a child from a licensed day care facility due to an act or omission by a parent or guardian of the child, the agency:

- gives the facility operator or person in charge a letter or written notice regarding the apprehension (see suggested Notification of Apprehension form in Appendix 703A)
- where possible, **immediately notifies** the parent or guardian (see Procedures, page 9).

If the agency cannot locate a parent or guardian, where possible, an agency representative is present at the facility at the time the parent or guardian normally picks up the child.

At no time is a day care operator left with the burden of explaining the apprehension to a parent or guardian.

703.8 Act or omission by person in facility

Where a child is or might be in need of protection as a result of an act or omission by a person working, training, volunteering or living in a licensed day care facility, the agency with jurisdiction for the area where the facility is located (the coordinating agency), **immediately undertakes and actively coordinates** a child protection investigation.

703.9 Role of coordinating agency

The agency with jurisdiction in the area where a licensed child day care facility is located (the coordinating agency) assumes the primary responsibility for an investigation under Standard 703.8 (see Procedures, page 9). Where a potential conflict of interest arises, another agency may carry out the investigation at the request of the coordinating agency.

703.10 Agency receiving report

Any agency receiving a report that a child in a licensed day care facility is or might be in need of protection as a result of an act or omission by a person in the facility

- **immediately refers** the complaint to the coordinating agency
- advises the reporting person of the referral.

The referring agency does not ask the person to report the matter to the coordinating agency.

703.11 Guardian or placing agency

Where a child protection investigation involves a child in a licensed day care facility who is in the care of an agency, the guardian or placing agency assists the coordinating agency in the investigation at the request of the coordinating agency (see Procedures, page 10).

703.12 Reporting to Director of Child and Family Services

The coordinating agency notifies the Director with a copy to the Child Day Care Branch **within two working days** of receiving information that a child in a licensed day care facility is or might be in need of protection. Information provided to the Director includes:

- name, birth date and legal status of the child
- names and addresses of parents or guardians of the reported child
- name and address of the facility
- the number of children in the facility
- the name and role or relationship of any person in the facility who is believed to have abused a child or otherwise caused a child to be in need of protection
- a summary of the information received and findings of any investigations to date
- action taken to date.

703.13 Coordination with Child Day Care

The coordinating agency ensures there is ongoing communication and collaboration with the regional day care coordinator or Child Day Care Branch as necessary to:

- complete the child protection investigation
- to ensure children in the licensed day care facility are no longer at risk of abuse or otherwise in need of protection.

703.14 Conducting investigation

The coordinating agency ensures all necessary steps are taken to carry out an investigation under Standard 703.8 including interview with any child involved, informants, child day care providers and parents of children.

703.15 Ongoing involvement

The coordinating agency assumes the primary responsibility for ensuring the safety, health and well-being of all the children in a licensed day care facility under investigation. The coordinating agency remains involved until it determines, in consultation with other services involved (e.g. health professionals, the police, the Child Day Care Branch), that:

- the reported child and other children in the facility are not in need of protection; or
- steps have been taken to ensure the safety, health and well-being of children are no longer endangered in the home.

703.16 Sharing information with centre operators

In conducting an investigation under Standard 703.8 involving a licensed child day care centre, the coordinating agency shares information with the operator as necessary to ensure the reported child and other children in the facility are protected.

An operator may be the board of directors, an executive director or an owner/operator. Where necessary, the investigating agency checks with the Child Day Care Branch to obtain the name of the appropriate person.

703.17 Reporting conclusions to the Child Day Care Branch

On completing an investigation under Standard 703.8, the coordinating agency reports its conclusions in writing to the regional day care coordinator and the Child Day Care Branch (see Appendix 703B).

This information is provided promptly to ensure the ongoing safety, health and well-being of children in the licensed day care facilities through appropriate follow-up by Child Day Care.

Related standards: 334 Child Abuse Outside the Family

PROCEDURES

The Community Child Day Care Standards Act

Definitions

Key definitions in this Act relating to the coordination of services between the child and family services and the child day care systems are:

"child" means a person aged 12 years or under and includes in cases where grants or subsidies are paid

- (a) a person over the age of 12 years and under 13 years; and
- (b) a handicapped person not over 18 years of age.

"day care centre" means premises, other than a day care home, where day care either alone or in combination with parental care is provided or offered at any time.

"day care home" means premises in which day care either alone or in combination with parental care is provided or offered at any time and which is the home of the person providing the day care.

"facility" means a day care centre or day care home.

Manitoba Regulation 62/86

Definitions

Key definitions in this regulation are:

"child with disabilities" means a child who is physically, mentally, behaviourally or emotionally disabled as assessed by a person authorized by, or acceptable to, the Director of Child Day Care.

"day care centre director" means the person designated by the licensee to be responsible for the daily operation of the day care centre.

"family day care home" means a day care home in which day care is provided to not more than eight children of whom not more than five are preschool age children and not more than three children less than two years of age.

"group day care home" means a day care home in which day care is provided to more than eight, but not more than 12 children of whom not more than three are infants (less than two years of age).

Manitoba Regulation 62/86 (cont.)

"nursery school" means a day care centre in which day care is provided four or less continuous hours per day, or for more than four hours per day and less than three days per week to more than

- (a) three infants (less than two years of age); or
- (b) five preschool age children or whom not more than three are infants.

Program requirements

All licensed child day care facilities must meet the requirements in *The Community Child Day Care Standards Act* and *Manitoba Regulation 62/86* including provisions relating to supervision and behaviour management. Facilities must:

- ensure that children are supervised at all times; and
- not permit, practise, or inflict any form of physical punishment or verbal or emotional abuse upon, or the denial of any physical necessities to, any child in attendance at the facility.

Subsidy applications and special needs enrollments

All subsidy applications and special needs enrollments are approved by the Child Day Care Branch through the head office in Winnipeg or the regional office in Brandon.

The Winnipeg office is responsible for Winnipeg and communities in central and eastern Manitoba and is located at:

Child Day Care
102 - 114 Garry Street
Winnipeg MB R3C 1G1
Phone: (204) 945-2197 or 1-800-282-8069
Fax: (204) 948-2143

The Brandon office is responsible for communities in Westman Region, Parklands Region, Norman Region and Thompson Region and is located at:

Child Day Care
340 9th Street
Brandon MB R7A 6C2
Phone: (204) 726-6336 or 1-800-572-1040
Fax: (204) 726-6536

Family Services**Special needs assessments**

In referring children with special needs for enrollment in a licensed day care facility, agencies are required to complete a Special Needs Subsidy Family Plan form. These forms are available from the Child Day Care Branch in Winnipeg or regional offices of the Department of Family Services. This form is required for applications with respect to children placed in foster care as well as children in their own homes.

Subsidy applications for foster children

Children in foster care are eligible for subsidy. Agencies apply for subsidy on the Application for Assistance with the Payment of Child Care Fees (Subsidy) form [MG-12516 (Rev.94)]. These forms are available from the Child Day Care Branch in Winnipeg or regional offices of the Department of Family Services.

Unless these forms are received in a timely manner, the agency will be responsible for the full cost of day care.

Child Protection Intervention**Apprehension from facility**

In apprehending a child from a licensed day care facility, agency staff comply with the following policies:

- The apprehending worker comes to the facility in person to place the child under apprehension and take the child to a place of safety.
- Where agency staff are unable to attend in person (e.g. remote areas where travel is restricted), the apprehending agency delegates authority to a local worker or committee member or requests the police to apprehend the child and take the child to a place of safety.
- The agency representative or the police provide proof of identity to staff in the facility. This might be done through:
 - an identification card with an attached photograph

- where the agency representative does not have an identification card, verification by an agency supervisor of the representatives physical appearance and personal identity; or
- standard identification procedures used by the police.
- In all cases, it is the apprehending agency's responsibility to:
 - where possible, notify the parent or guardian of the apprehension **prior to the time** the child is normally picked up by that person; or
 - meet the parent or guardian at the facility if he or she cannot be contacted before hand.

It is unacceptable to leave facility staff with the responsibility of dealing with the person whose child was apprehended.

Coordinating agency responsibilities

Coordinating agencies:

- Ensure children are interviewed and are not at risk in the facility.
- Notify facility operators or management of any investigation and any action taken and provide direction to facilities regarding the sharing of information related to the investigation with staff, parents and others.
- Advise any guardian or placing agency with a child attending the facility of the investigation and coordinates the sharing of information with the guardian or placing agency.
- Inform the police detachment where the facility is located of the investigation and collaborate with the police in seeking or obtaining legal advice and direction from Public Prosecutions at the beginning of the investigation where indicated.
- Arrange medical examinations as part of the child protection investigation, using health professionals with knowledge of abuse.
- Notify the Child and Family Support Branch (see Standard 703.12).
- Notify the Child Day Care Branch of the investigation (see Standard 703.12) and collaborate with the Child Day Care Branch (see Standard 703.13).

- Request any guardian or placing agency involved to assist in the investigation as necessary through interviewing residents in the care of the respective guardian or placing agency.
- Refer the names of alleged offenders and victims to the coordinating agency's child abuse committee.
- Invite any guardian or placing agencies involved to attend agency child abuse committee meetings if there is need for more detail or if there is disagreement on the results of an investigation and any action to be taken.

Guardian/placing agency responsibilities

Guardian or placing agencies:

- Assist with interviewing children in the care of their agency and report the results to the coordinating agency or, where this cannot be done in a timely manner, facilitate interviews by the coordinating agency.
- Provide appropriate follow-up for a child including any medical examinations, counselling or other services.
- Participate in the coordinating agency's investigation and follow-up as required including attending meetings of the coordinating agency's child abuse committee on request.

Child Day Care responsibilities

The Branch ensures the safety, health and well-being of all the children in a facility through any follow-up considered necessary which may include:

- a review of behaviour management policies and practices in the facility;
- possible suspension or revocation of the facility's licence; or
- possible cancellation or suspension of the alleged offenders child care worker certificate.

NOTIFICATION OF APPREHENSION

NOTIFICATION TO:

Parent/guardian: _____

School: _____

Day Care: _____

Hospital: _____

This letter is to notify you that:

CHILD(REN): _____

has/have been legally apprehended under section 21(1) of *The Child and Family Services Act* and taken

to a place of safety by _____, a representative of

_____.

Please contact _____ at telephone number _____

or, after 4:30 p.m., telephone number _____.

You will be provided information about the apprehension.

Agency Representative

Date

CHILD DAY CARE BRANCH

To Assistant Director, Program Operations:

Re: *Alleged Abuser/Offender*

Further to the incident concerning *alleged abuser/offender* employed at *child day care facility*, as of this date the agency has formed the following the opinion:

Comments

the allegation is substantiated and
the investigation is concluded

the allegation was unfounded and
nothing inappropriate occurred

the allegation was unfounded but
inappropriate behaviour did occur

the allegation was unsubstantiated and
the investigation was inconclusive

For your information and records.

Abuse Coordinator:

Agency:

Address:

Phone Number:

Subject: **SERVICES TO YOUNG OFFENDERS**

This section covers coordination of services between agencies and the youth correctional system.

With the implementation of the *Young Offenders Act*, effective November 2, 1984, young persons are no longer placed in the care of child and family services agencies through a disposition of a youth court. The onus is on the youth correctional authorities to refer those children and families whom they deem require the services of an agency. On receiving a referral, an agency must decide on an appropriate course of action based on the circumstances of the case. Reports under section 18 of *The Child and Family Services Act* that a child may be in need of protection require an investigation in accordance with section 19 of the Act.

STANDARDS

701.1 **Child in need of protection**

Reports or referrals from the police, youth correctional authorities, the courts or legal counsel that a child may be in need of protection, including young persons up to 18 years of age, are investigated in accordance with section 18.4 of the Act and section 2 of the *Child Abuse Regulation* (Regulation 14/99).

701.2 **Referral for other services**

Referrals from the police, youth correctional authorities, the courts or legal counsel for services other than protective intervention, including work with families or placement of children, are responded to on the basis of the needs of the child and family consistent with normal agency practices.

701.3 **Agency responses in writing**

Agency responses to referrals from the police, youth correctional authorities, the courts or legal counsel, are confirmed in writing in accordance with provincial protocols (see Procedures, page 8).

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701.4 Young persons in care

Where a young person age 12 or more but under 18 years of age in the care of an agency, is charged with an offence or is involved in any proceedings under the *Young Offenders Act*, the supervising agency ensures there is parental involvement or, where parental involvement is not possible, acts as the parent in all matters including contact with the police, appearances in court, and placement of the young person on release from detention or following discharge from custody.

701.5 Counsel for young persons in care

A young person in the care of an agency is assigned counsel in accordance with provisions under the *Young Offenders Act*.

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PROCEDURES

With the implementation of the *Young Offenders Act* effective November 2, 1984, it has become necessary to revise the protocols for co-ordination of services between the youth correctional authorities and child and family services agencies. These revised procedures are intended to:

- Clarify the role and responsibilities of child and family services agencies in respect to young persons who are subject to proceedings under the *Young Offenders Act*.
- Facilitate appropriate referrals of young persons to child and family services agencies by the youth correctional authorities.
- Enhance the involvement of child and family services agencies in advocating for young persons in their care who are subject to proceedings under the *Young Offenders Act*.

The Young Offenders Act

The *Young Offenders Act* is based on four key principles intended to strike a balance between the needs of young people and the interests of society. These principles are:

- Young people should be held responsible for their behavior but not always as accountable as adults.
- Society has a right to protection from illegal behavior and a responsibility to prevent criminal conduct by a young person.
- Young people have special needs because they are dependents at varying levels of development and maturity. They need guidance and assistance, as well as supervision, discipline, and control.
- Young people have the same rights as adults to due process of law and fair and equal treatment under the law.

Definitions

For purposes of these protocols and consistent with definitions and provisions under the *Young Offenders Act*, the following definitions apply:

agency means a child and family services agency mandated to provide services under *The Child and Family Services Act*.

child means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 12 years and who, therefore, cannot be charged with an offence under the *Young Offenders Act*.

young person means a person who is or, in the absence of evidence to the contrary, appears to be:

- a) 12 years of age or more, but
- b) under 18 years of age

and includes any person subject to proceedings under the *Young Offenders Act*.

parent includes any person who is under a legal duty to provide for the young person, or any person who has, in law or in fact, the custody or control of the young person, **including an agency**, but excluding persons who have custody or control by reason of proceedings under the *Young Offenders Act*.

youth court means a court established or designated by Manitoba for the purposes of the *Young Offenders Act*.

provincial director means a person, a group or class of persons or a body appointed or designated by the province to perform any of the duties or functions of a provincial director under the *Young Offenders Act*.

youth correctional authorities include probation officers and staff at detention and custodial facilities for young persons.

alternative measures mean measures other than judicial proceedings used to deal with a young person who is alleged to have committed an offence.

detention means a place of temporary detention designated by the province for the purpose of detaining a young person who has been arrested and detained prior to the making of a disposition.

interim release refers to a situation where a young person has been charged with an offence and detained in custody, and the youth court has granted interim release (commonly known as bail) pending a disposition.

probation order means an order of the youth court placing a young person on probation for a specified period not exceeding two years and may include the condition that the young person reside in such place as the provincial director or his delegate may specify.

open custody means custody in any place or facility designated by the province as a place of open custody for the purposes of the *Young Offenders Act* and designed to provide continuous supervision.

secure custody means custody in any place or facility designated by the province for the secure containment or restraint of young persons. Currently in Manitoba the Agassiz Youth Centre and Doncaster Youth Centre are designated as places of secure custody.

Implications

In general, child and family services agencies are required to cooperate with the police, youth correctional authorities and counsel acting for young persons. Such cooperation should ensure that young persons and their families receive services in accordance with the intent and provisions of *The Child and Family Services Act*.

Particular attention, however, should be given to the implications of the *Young Offenders Act*. Some significant implications should be noted as follows:

1. A young person cannot be placed into care of an agency through a disposition under the *Young Offenders Act* as was the case under *The Juvenile Delinquents Act*. The intent and provisions of *The Child and Family Services Act* apply with respect to referrals of young persons.
2. A child under 12 years of age, who is involved in criminal activity or breaches of the law, cannot be dealt with under the *Young Offenders Act*. Where appropriate, such children may be referred by the police for intervention by an agency.
3. Where a young person subject to proceedings under the *Young Offenders Act* is in the care of an agency, the agency may receive notice and has a right to appear in court and be heard with respect to the young person:

- a) who is arrested and detained in custody;
- b) in respect of whom a summons or an appearance notice is issued; or
- c) who is released on giving promises to appear or on entering into a recognizance.

Notice is also required to be given with respect to reviews of dispositions by the youth court or by a review board.

4. A young person may be released from detention by a youth court judge and placed in the care of a responsible person if the young person is willing to be placed and the responsible person undertakes, in writing, to take care of and be responsible for the attendance of that young person in court when required. Young persons who are wards of an agency may be released into the care of that agency under these conditions.
5. A young person has the right to retain and instruct counsel without delay at any stage of the proceedings against him/her. For young persons in care under *The Child and Family Services Act*, an agency may be asked or may decide to arrange counsel.
6. Where a parent does not attend proceedings before a youth court in respect of a young person, the court may, if in its opinion the presence of the parent is necessary or in the best interest of the young person, by order in writing, require the parent to attend at any stage of the proceedings.
7. A parent of a young person has a right to be present with respect to proceedings under the *Young Offenders Act*. These provisions allow agencies to be present in court concerning young persons in their care.
8. The record of a case concerning a young person who is in the care of an agency shall, during the course of the proceedings or during the term of any disposition, be made available on request to an agency by the youth correctional authorities and the agency may be given any information contained in the record or a copy of any part of the record subject to the destruction of such records under the provisions of the *Young Offenders Act*.
9. If an agency desires information from the court records concerning a young person who is not in care, the agency may apply to the youth court to exercise its discretion to release information to any person whom the judge deems to have valid interest.

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Co-ordination of services

The focus and concern of child and family services must be in the best interests of the child. Agencies are expected to respond promptly to reports or referrals of children or young persons brought to their attention by the police, the youth court, youth correctional authorities or counsel.

1. **Reporting child in need of protection**

Anyone who in the course of his/her professional or official duties, has reason to suspect that a child or young person may be in need of protection, immediately reports the information to an agency in accordance with subsection 18(1) of *The Child and Family Services Act*. Any report is promptly investigated by the agency and appropriate action taken to ensure the safety of the child or young person.

2. **Referrals for services**

A young person subject to proceedings under the *Young Offenders Act* may be referred to an agency where, in the opinion of the police, youth court, youth correctional authorities or counsel acting on his or her behalf, the young person is believed to be in need of services and where the young person and his/her family are prepared to accept such services voluntarily.

3. **Agency responsibilities**

On receiving a report or referral of a young person, the agency reviews the case and takes such action as may be required to protect the child or assist the family.

4. **Referrals from youth court**

Where a custodial disposition is not warranted or where the needs of a young person and the community would be better served, a youth court judge may request a referral be made by a probation officer to an agency.

5. Probation orders

Where the youth court sentences a young person to supervised probation with the condition that he/she reside where directed by the provincial director, a probation officer refers that young person to an agency if he or she appears to require the services of the child and family services system. Decisions to bring the young person into care must be based on *The Child and Family Services Act*.

6. Open or secure custody

If a young person has been committed to open or secure custody and the youth correctional authorities believe he/she may require the services of an agency after discharge, consultation with and, where appropriate, referral to an agency should occur as early as possible, so that the young person will have the same opportunity for early release as others. A youth who makes good progress, may earn early release upon completing two-thirds of the committal.

7. Referrals in writing

On referring a young person to an agency the youth correctional authorities, whenever appropriate, forward a written report or request **within one week** of the original contact indicating:

- name, date of birth, and present whereabouts of the young person;
- name and address of parents or guardians of the young person;
- reason for the report or referral;
- prior involvement of other agencies if known;
- pertinent attitudes and concerns of the young person and his/her parents; and
- comments on the need for joint planning and cooperation including a case conference, if indicated.

8. Response in writing

An agency, on receiving a report or referral concerning a young person and on completion of an investigation or review of the case, provides written information to the police, youth court, youth correctional authorities or counsel as to the results of the review and any course of action taken or to be taken. Written responses should be forwarded within time constraints such as court hearing dates and, in any event, **no later than three weeks** following the receipt of a report or referral.

Lawyers

Any youth may apply for Legal Aid services. Eligibility is ordinarily based on two factors:

- a) **Type of offence:** Legal Aid appoints counsel on any indictable offence. Summary conviction offences are covered only if the youth is liable to be committed to open or secure custody;
- b) **Finances:** Legal Aid has eligibility guidelines which change annually. The resources of the youth's family may be considered.

Youth in the care of an agency apply to Legal Aid in the usual way. The only difference from other youth is that the agency is billed for the legal services provided by Legal Aid.

Overriding **all** of the aforementioned is the right of judges in the Youth Court to appoint counsel (section 11 of the *Young Offenders Act*).

It is also possible for the agency, with the consent of the young person, to hire a lawyer for that person on a private basis.

Disagreements

A child and family services worker who disagrees with an action taken by the youth correctional authorities, should consult with his/her supervisor. If indicated, the matter should then be reviewed with supervisory staff in the youth correctional system with a view to clarifying or resolving the disagreement. If the issue cannot be resolved to the joint satisfaction of all parties, or if there is a need to clarify policy, the matter should be referred to the Director of Child and Family Services to bring to the attention of the youth correctional authorities.