

# Child Protection Response Policies – Chapter 3



Last revised: August 2024 to include updates to 3.4 to align with s.20 and the *Federal Act*; updates to 3.2, 3.3 to clarify situations where information may be shared with another parent living in a different household; updates to 3.2 and 3.3 respecting information sharing when parents also have a resource file

Revised: January 2024 to include new Court Rules and Regulations

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Contents

- Policy 3.1: Assessing the Report and Determining the Most Appropriate Response ..... 1**
- Procedures..... 2**
  - Gathering Information from a Report..... 2**
  - Conducting an Initial Record Review (IRR) ..... 3**
  - Conducting a Protection Order Registry Check..... 4**
  - Documenting the Report..... 5**
  - When a Child/Youth is Indigenous..... 5**
  - Completing the Screening Assessment..... 7**
  - Disclosing Information to the Reporter..... 8**
  - Responding to Immediate Risk of Harm ..... 8**
  - Responding within 24 Hours..... 9**
  - Conducting a Detailed Record Review (DRR) ..... 9**
  - Notifying Police..... 9**
- Policy 3.2: Family Development Response ..... 11**
- Procedures..... 14**
  - Contacting Parents..... 14**
  - Involving the Indigenous community..... 15**
  - Interviewing Each Child/Youth ..... 15**
  - Conducting a Safety Assessment ..... 16**
  - Developing a Safety Plan ..... 16**
  - Ending a Safety Plan when Indigenous Law Applies and Referring the Report to an Indigenous Authority ..... 17**
  - Agreement about Gathering Information from Collateral Contacts..... 18**
  - Changing the Response from a Family Development Response to a Child Protection Investigation or Ending the Protection Response Early..... 19**
  - Observing the Child/Youth’s Living Situation ..... 20**
  - Completing the Vulnerability Assessment ..... 20**
  - Determining Need for Protection Services..... 20**
  - Disclosure of information at Any Time During the FDR to Another Parent Living in a Different Household..... 21**
  - Notifying the Parent(s), the Reporter, the Child/Youth, and other Involved Individuals of the Outcome of the FDR Assessment Phase..... 21**
  - Procedures for Family Development Response Protection Services ..... 23**
  - Completing an Assessment of Strengths and Needs ..... 23**
  - Developing a Family Plan..... 24**
  - Evaluating Progress..... 26**
  - Concluding FDR Protection Services Phase Without Continuing to Ongoing Protection Services**

.....	27
<b>Policy 3.3: Investigation</b> .....	<b>29</b>
<b>Procedures</b> .....	<b>31</b>
<i>Interviewing the Parents and Other Adults in the Family Home</i> .....	<b>31</b>
<i>Involving the Indigenous community</i> .....	<b>33</b>
<i>Seeing and Interviewing Each Child/Youth</i> .....	<b>33</b>
<i>Medical Examinations</i> .....	<b>34</b>
<i>When it is not possible to contact the child/youth or parents</i> .....	<b>35</b>
<i>Conducting a Safety Assessment</i> .....	<b>36</b>
<i>Developing a Safety Plan</i> .....	<b>36</b>
<i>Ending a Safety Plan when Indigenous Law Applies and Referring the Report to an Indigenous Authority</i> .....	<b>38</b>
<i>Obtaining Information from Witnesses and Collateral Contacts</i> .....	<b>38</b>
<i>Changing the Response from an Investigation to a Family Development Response (FDR) or Ending the Protection Response Early</i> .....	<b>39</b>
<i>Observing the Child/Youth's Living Situation</i> .....	<b>40</b>
<i>Completing the Vulnerability Assessment</i> .....	<b>40</b>
<i>Finding Evidence of a Circumstance Under Section 13 of the CFCSA</i> .....	<b>40</b>
<i>Determining the Need for Ongoing Protection Services</i> .....	<b>40</b>
<i>Notifying the Parent(s), the Reporter, the Child/Youth and Other Involved Individuals of the Outcome of the Investigation</i> .....	<b>41</b>
<b>Policy 3.4: Collaborative Planning and Decision Making</b> .....	<b>44</b>
<b>Procedures</b> .....	<b>45</b>
<i>Determining When to Offer a CPDM Process</i> .....	<b>45</b>
<i>Involving the Indigenous Community</i> .....	<b>46</b>
<i>Determining Which CPDM Process to Offer</i> .....	<b>46</b>
<i>When Offering a CPDM Process</i> .....	<b>47</b>
<i>Offering a Family Conference: Family Group Conference (FGC) or Family Case Planning Conference (FCPC) under CFCSA section 20</i> .....	<b>47</b>
<i>Offering Other Alternative Dispute Resolution (ADR) Processes under CFCSA s.22</i> .....	<b>47</b>
<i>If an Offer of Any CPDM is Declined</i> .....	<b>47</b>
<i>Confidentiality Protection for CPDM Under CFCSA Section 24</i> .....	<b>48</b>
<i>Preparing for CPDM Processes</i> .....	<b>48</b>
<i>During the CPDM Process</i> .....	<b>49</b>
<i>Approving the CPDM Agreement/Plan</i> .....	<b>49</b>
<i>If the CPDM Agreement/Plan is Not Approved</i> .....	<b>49</b>
<i>Implementing and Monitoring the CPDM Agreement/Plan</i> .....	<b>50</b>
<b>Policy 3.5: Less Disruptive Measures and Placement Decisions under Removal and Custody Orders</b> 51	

<b>Procedures</b> .....	<b>52</b>
<i>Less Disruptive Measures than Removal</i> .....	<b>52</b>
<i>Obtaining Supervision Orders</i> .....	<b>54</b>
<i>Obtaining a Protective Intervention Order (PIOs)</i> .....	<b>54</b>
<i>When a parent is protecting a child/youth from harm by another parent living separately</i> .....	<b>55</b>
<i>Obtaining Necessary Health Care by Court Order</i> .....	<b>57</b>
<i>Taking Charge</i> .....	<b>57</b>
<i>Using Care Agreements In Lieu of Removal</i> .....	<b>59</b>
<i>Removal and Placement Decisions Under Removal Status</i> .....	<b>59</b>
<i>Out of Care Orders Preferred Over in Care Orders</i> .....	<b>62</b>
<i>Interim and Temporary Custody Out-Of-Care Orders</i> .....	<b>63</b>
<i>When an Interim or Temporary Out of Care Placement Must be Terminated</i> .....	<b>64</b>
<i>FLA applications for a child/youth receiving services under the CFCSA</i> .....	<b>65</b>
<b>Policy 3.6: Initiating Ongoing Protection Services</b> .....	<b>68</b>
<b>Procedures</b> .....	<b>69</b>
<i>Creating an Opening Recording</i> .....	<b>69</b>
<i>Assessing the Strengths and Needs of a Family</i> .....	<b>69</b>
<i>Creating and Implementing a Family Plan</i> .....	<b>70</b>
<b>Policy 3.7: Ongoing Protection Services Practice Cycle</b> .....	<b>73</b>
<b>Procedures</b> .....	<b>74</b>
<i>Engaging with Families and Evaluating Progress</i> .....	<b>74</b>
<i>Reassessment and Revising Planning in the Practice Cycle</i> .....	<b>75</b>
<i>Reviewing and Revising the Family Plan Based on Additional Information</i> .....	<b>76</b>
<b>Policy 3.8: Returning Children and Youth to Parents or Considering Permanency Alternatives</b> .....	<b>78</b>
<b>Procedures</b> .....	<b>79</b>
<i>Completing the Reunification Assessment</i> .....	<b>79</b>
<i>Returning the Child/Youth to the Family</i> .....	<b>80</b>
<i>Concurrent Planning</i> .....	<b>82</b>
<i>Implementing an Alternate Permanency Plan</i> .....	<b>83</b>
<b>Policy 3.9: Ending Ongoing Protection Services</b> .....	<b>85</b>
<b>Procedures</b> .....	<b>85</b>
<i>Criteria for Concluding Ongoing Protection Services</i> .....	<b>85</b>
<i>Involving Family and Others in Concluding Ongoing Protection Services</i> .....	<b>88</b>
<i>Recording the Decision to Conclude Ongoing Protection Services</i> .....	<b>89</b>
<b>Policy 3.10: Child Protection Response with Indigenous Authority Involvement</b> .....	<b>90</b>
<i>Referring Child Protection Reports to an Indigenous Authority when a Protection Response is not Initiated</i> .....	<b>94</b>

<i>Role of the Director in Emergency Situations when Indigenous Law Applies .....</i>	<b>96</b>
<i>Referring Child Protection Reports to an Indigenous Authority During a Protection Response ...</i>	<b>97</b>
<i>Ending a Safety Plan when Indigenous Law Applies and Referring the Report (Family Development Response and Investigation) .....</i>	<b>99</b>
<i>Voluntary Services .....</i>	<b>100</b>
<i>Working with Indigenous Peoples and Indigenous Authorities.....</i>	<b>100</b>
<i>Ending supervision orders when there is no CFCSA proceeding underway .....</i>	<b>101</b>
<i>Withdrawal from a CFCSA Court Proceeding.....</i>	<b>101</b>
<i>Withdrawal Before a Presentation Hearing or Before the Conclusion of a Presentation Hearing</i>	<b>102</b>
<i>After receiving Indigenous authority’s confirmation and request to withdraw .....</i>	<b>103</b>
<i>If an Application is Made that an Indigenous Law does not Apply.....</i>	<b>106</b>
<i>Transition to an Indigenous authority.....</i>	<b>108</b>
<i>Application for an Order Respecting Indigenous Law.....</i>	<b>109</b>
<i>Informing and supporting children/youth in care .....</i>	<b>111</b>
<i>Upon the director’s withdrawal: .....</i>	<b>111</b>
<i>Withdrawals and Ending the Director’s Involvement in Relation to Family Law Act (FLA) Matters .....</i>	<b>112</b>
<i>Links to Related Resources.....</i>	<b>112</b>
<i>Glossary.....</i>	<b>113</b>

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.1: Assessing the Report and Determining the Most Appropriate Response</b>	
<b>Effective Date of Policy: July 7, 2014</b>	<b>Amendment Date of Policy: January 15, 2024</b>

### Policy Statement

Relevant information about children or youth, who are reported to be in need of protection, is gathered and assessed by a delegated child protection worker within a timeframe appropriate to the reported circumstances. The assessment determines whether the report requires a protection or non-protection response, the response priority and the most appropriate response path.

Upon receiving a protection report, all reasonable steps are promptly taken to confirm whether the child/youth is Indigenous, whether a coordination agreement and/or Indigenous law applies to them, and whether there is an Indigenous authority that is authorized to provide Indigenous child and family services under that law and/or coordination agreement. Follow [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).

### Outcomes

- The assessment of a report is based on complete and accurate information.
- The safety and wellbeing of children and youth are addressed in a timely and appropriate manner.
- If a coordination agreement and/or Indigenous law applies to a child/youth and an Indigenous authority confirms that it will assess the information in the report, the report is promptly referred to the Indigenous authority in accordance with [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#).
- Children, youth and families receive available services to address their needs.

## Standards

**3.1(1)** For every new report made about a child/youth's need for protection, gather full and detailed information that is sufficient to assess and respond to the report.

**3.1(2)** For every new report concerning an Indigenous child/youth, determine whether a coordination agreement and/or Indigenous law applies to the child or youth (see [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#)).

**3.1(3)** If a coordination agreement and/or Indigenous law applies to the child/youth, follow Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) and [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#). If a coordination agreement and/or Indigenous law does not apply to the child/youth, follow [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).

If a report has not been transferred to an Indigenous authority as described in Policy 3.10, the following apply:

**3.1(4)** For every new report, conduct an Initial Record Review within 24 hours of receiving the report.

**3.1(5)** Complete a Screening Assessment on every new report as follows:

- immediately if the child/youth appears to be in a life-threatening or dangerous situation
- in all other cases, within 24 hours of receiving the report.

**3.1(6)** Obtain and document supervisor approval for any overrides in the Screening Assessment and upon the completion of the Screening Assessment.

**3.1(7)** Supervisor approval is required and documented for any change to a Screening Decision after the Screening Assessment has been completed.

**3.1(8)** For every screened-in protection report, conduct a detailed record review.

## Procedures

### ***Gathering Information from a Report***

- When receiving a report about a child/youth's need for protection, obtain from the individual making the report as much of the following information as possible:

- The reporter's name and contact information;
- The reporter's relationship to the child/youth and family;
- Details about the incident or circumstances that caused the reporter to be concerned about the child/youth's safety;
- The name, date of birth or age, present location, description of, and contact information for any child/youth whom the reporter believes may need protection;
- The names of, and contact information for, the child/youth's family and other individuals who may be involved;
- Any information on relevant custody orders, protection orders or other court orders;
- The current ability of the alleged perpetrator to access the alleged victim, or any other children/youth;
- The current circumstances of the child/youth;
- Whether the child/youth is Indigenous and if so, the Indigenous community or communities to which they belong.
- The names of other individuals, organizations and/or agencies who may be familiar with the child/youth's circumstances;
- The family's primary language;
- Any relevant information about the family's ethnicity/culture;
- The family's strengths and/or community resources that they have relied on in the past and might currently rely on;
- The family's support network, including relatives, extended family and/or community members who may be potential supports for the child/youth and family; and
- Any factors that might affect the safety of a child protection worker going to the family's home.

### ***Conducting an Initial Record Review (IRR)***

- If the child/youth is Indigenous, follow the procedures in "[When a Child/Youth is Indigenous](#)" below before conducting an IRR.
- Conduct an electronic record search (both ICM and Best Practices, which is used by some Indigenous Child and Family Services Agencies (ICFS Agencies - Formerly Delegated Aboriginal Agencies) to determine if an electronic record already exists for the child, youth or family. If an electronic record does exist, determine whether the existing record is open, as well as the type and location of the record.

- Identify immediate family members and determine the Key Player.
- From electronic databases (ICM, MIS, Best Practices):
  - Identify the number of past service requests and incidents; and
  - Identify the previous issues or concerns from the past service requests or reports.
- If the family has recently moved to B.C. or if there is reason to believe there may be prior child protection involvement in one or more other jurisdictions, contact the appropriate child protection authorities and request and record any information they provide.

### ***Conducting a Protection Order Registry Check***

- If the child/youth is Indigenous, follow the procedures in “[When a Child/Youth is Indigenous](#)” below prior to conducting a Protection Order Registry check.
- Conduct a Protection Order Registry (POR) check if domestic violence is a risk factor, and one or more of the following applies:
  - it has been determined, in consultation with a Team Leader, that a POR check is necessary for assessment and/or safety planning purposes,
  - there is an indication of past police involvement for assaultive, aggressive or violent behaviour (not necessarily related to domestic violence), or
  - there is information indicating the existence of past protection orders.
- If the check is not being initiated within Centralized Screening, to request a POR check:
  - Email an After Hours Action Memo to Provincial Centralized Screening (PCS) (if the request is from an ICFS Agency, email it to the identified Practice Analyst at the Aboriginal Services Branch), with the following information:
    - In the subject line, “POR check” and whether the information is required “immediately” or “within 5 days”, and
    - The name and date of birth of the alleged offender and the name(s) and date(s) of birth of the protected party/parties, and any other names by which the alleged offender or the protected party/parties may be known
  - Contact PCS by telephone, and inform them that a request for a POR check has been sent via an After Hours Action Memo

- If the information is required immediately, advise that you need to speak with a PCS Supervisor in order to process a POR request
- In most cases, the information obtained from the POR does not require verification. However, if the information directly impacts case direction and/or decision making (e.g., court action is initiated based on POR information), it must be verified by contacting one of the following:
  - The local RCMP detachment,
  - The local Police Agency, or
  - The Courthouse in the community where the protection order was granted.
- POR information that requires verification in the situations described above might include:
  - That the protection order is valid, and
  - That the offender and the protected party are aware of the protection order and its conditions.



### ***Documenting the Report***

- Document every new report in a memo. A new report means a report that:
  - Indicates a different protection concern or circumstance involving the child/youth or family; or
  - Indicates higher risk regarding a protection concern already identified in an open case.
- When it is clear that the information applies to an open case but does not constitute a new report, forward the information to the assigned office by sending an “After Hours from Memo”.
- When it is unclear whether information should be documented as a new report or recorded as information to be forwarded to the assigned office, consult with a supervisor for guidance.
- If a new report is received while there is already an open incident regarding earlier reported concerns, the child protection worker, who has been assigned to work directly with the family, relates the memo to the already open incident unless a supervisor determines otherwise due to the open incident having all or almost all necessary steps completed.

### ***When a Child/Youth is Indigenous***

- If the child/youth is Indigenous, confirm whether a coordination agreement and/or Indigenous law applies to them (see [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#)).

- If a coordination agreement and/or Indigenous law applies to the child/youth:
  - A screening assessment is not completed.
  - PCS, After Hours or the local office contacts the Indigenous authority to confirm whether a coordination agreement and/or Indigenous law applies to the child/youth and whether it will assess the information in the report. Once the Indigenous authority has provided verbal confirmation, refer the report to the Indigenous authority following the process in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#). Inform the person who made the report that it has been referred to the Indigenous authority.
  - If the Indigenous authority does not confirm it will assess the information in the report or requests the director to provide child protection services, complete a screening assessment following the procedures in this policy and refer to Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#).
  - If there is reason to believe the child/youth's immediate health or safety is at risk, see "Responding to Immediate Risk of Harm" below.
- If an ICFS Agency has the responsibility to assess the report and complete the screening assessment, transfer the report to the ICFS Agency as soon as possible without completing a screening assessment if:
  - a coordination agreement and/or Indigenous law does not apply to the child/youth, or
  - a coordination agreement and/or Indigenous law applies to the child/youth but the applicable Indigenous authority does not confirm that it will assess the information in the report.

If a coordination agreement and/or Indigenous law does not apply to the child/youth (or the applicable Indigenous authority does not confirm that it will assess the information in the report), and an ICFS Agency does not have responsibility, a director with the correct delegation assesses the report (may be PCS or a community office).

- If a Screening Assessment has occurred for a child/youth to whom a coordination agreement and/or Indigenous law applies, due to a circumstance listed in Policy 3.10, follow the process in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#).

- If a report is not transferred to the applicable Indigenous authority or an ICFS Agency as described above and a protection response is required, determine whether the child/youth's Indigenous community has an agreement with the director under section 92.1 of the CFCSA. If there is such an agreement, conduct the protection response in accordance with it.

### ***Completing the Screening Assessment***

- If the child/youth is Indigenous, see “When a Child/Youth is Indigenous” (above) before completing the Screening Assessment.
- If it is determined that the child/youth is residing in another province, verbally contact the other province to inform them of the report when the information provided suggests that a child or youth is or may be in need of protection.
- When completing the Screening Assessment:
  - Determine whether the report requires a protection or non-protection response; and
  - When the report has been screened-in for requiring a protection response, determine the response priority of either:
    - Within 24 hours: the family must be contacted in-person immediately or within 24 hours of receiving the report (see “Responding within 24 Hours” below); or
    - Within 5 days: the family must be contacted in-person as soon as possible and within 5 days of receiving the report.
  - Make a path determination that is the most appropriate response to the report by:
    - Reviewing the information provided by the reporter and any relevant and accessible information from other sources; and
    - Completing the SDM Screening Assessment Tool.
- When the report does not require a protection response, then the path may be one of the following:
  - Take no further action;
  - Refer the family to a community agency or, where applicable, to an Indigenous community, for support services;
  - Offer voluntary support services; or
  - Provide a Youth Service Response.
- When a report does require a protection response, then the path may be one of the following:
  - Provide a Family Development Response;
  - Conduct a Child Protection Investigation;

- Provide a Youth Service Response; or
- Refer the report to an applicable Indigenous authority after it has confirmed (verbally or in writing) that the coordination agreement and/or Indigenous law applies to the child/youth and it will assess the information in the report (see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for detailed information).
- When additional information is needed to complete the Screening Assessment, consider contacting the person who reported the concerns, the parent or the youth.
- For more information about how to complete the Screening Assessment Tool, refer to the [Practice Guidelines for using Structured Decision Making \(SDM\) Assessment Tools](#)
- For more information about a Youth Service Response, see [Standards for Youth Support Services and Youth Agreements](#).

### ***Disclosing Information to the Reporter***

- Disclose to the person who made the report, information about the outcome of the assessment only in situations where disclosure without consent is supported by section 79 of the CFCSA.
- If a report is referred to an Indigenous authority, inform the person who made the report that it has been referred.

### ***Responding to Immediate Risk of Harm***

- When information received in a report suggests that the child/youth faces immediate harm, request that a child protection worker take the necessary initial steps to address the child/youth's immediate safety and health. This must be done before completing any further steps in assessing the report and determining the most appropriate response.
- If a coordination agreement and/or Indigenous law applies to the child/youth and information in the report suggests that the child/youth's immediate health or safety is at risk, request that a child protection worker take the necessary initial steps to address the child/youth's immediate health and safety needs when:
  - the Indigenous authority cannot be reached within a timeframe appropriate to the circumstances, despite efforts to do so if possible, given the immediacy and severity of the circumstances, or
  - the Indigenous authority requests support from the director under the CFCSA

(See Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for more details)

- In the event of an emergency situation in which a child protection worker is unable to see the child/youth immediately, request that one of the following make contact with the child/youth immediately:
  - A police officer;
  - A public health nurse; or
  - An Indigenous community's representative.
- Prior to in-person contact by a child protection worker, if a short-term plan is necessary in order to protect the child/youth from harm, document the planning in the "Additional Information" text box on the narrative tab within the Screening Memo, using the title: "Interim Safety Planning".
- Arrange for a child protection worker to see the child/youth and assess their circumstances as soon as possible post-emergency.
- Complete further steps in assessing the report and determining the most appropriate response only after steps have been taken to ensure the child/youth's immediate safety.

### ***Responding within 24 Hours***

- When a report has been screened in requiring a 24 hour response, the family must be contacted in-person within the 24 hour time period except on a case by case basis, as approved by a supervisor, where the family may be contacted by phone in the first 24 hours in order to commence interim safety planning.
- If a short-term plan is necessary in order to protect the child/youth from harm, document the planning in the "Additional Information" text box on the narrative tab within the Screening Memo, using the title: "Interim Safety Planning".
- Follow up in-person contact with the family must occur as soon as reasonably possible and within 5 days.

### ***Conducting a Detailed Record Review (DRR)***

- If a child protection response is required, the child protection worker, who has been assigned to work directly with the family, conducts a review of any electronic and physical files to determine:
  - How previous issues or concerns have been addressed;
  - The responsiveness of the family in addressing the issues and concerns; and
  - The effectiveness of the last intervention

### ***Notifying Police***

- The child protection worker, who has been assigned to work directly with the family, immediately informs the police if information is received that

indicates that:

- The child/youth has been physically harmed as a result of abuse or neglect and the circumstances fall within the mandate of the police to investigate (refer to any local protocols with police regarding the threshold for the police to investigate);
- The child/youth has been sexually abused or sexually exploited; and/or
- A criminal act may have occurred that affects the immediate safety of the child/youth or other individual.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.2: Family Development Response</b>	
<b>Effective Date of Policy: July 7, 2014</b>	<b>Amendment Date of Policy: August 20, 2024</b>

### **Policy Statement**

Family Development Response (FDR) is the primary pathway for all screened-in child protection reports that meet the following criteria:

- The circumstances do not involve severe physical abuse or severe neglect; and

The parent(s) are able and willing to participate in collaborative assessment and planning.

### **Outcomes**

- Children and youth are safe from any immediate threats of harm or maltreatment.
- Families are fully engaged in the assessment and decision-making processes.
- Children and youth who are vulnerable to future maltreatment are identified.
- Indigenous communities are partners in keeping children and youth safe.
- Children, youth and families receive available services that are needed to support and assist the family to care for and make the family safe for the child/youth.
- If a coordination agreement and/or Indigenous law, or s. 92.1 agreement applies to the child/youth, services are provided in a manner consistent with the coordination agreement and/or Indigenous law or s. 92.1 agreement, and information is shared with the applicable Indigenous authority to support coordinated service delivery.

## Standards for Family Development Response (FDR) Assessment

**3.2(1)** FDR is a collaborative and transparent process. Contact the parent(s) before making contact with the child/youth or any collaterals, with the following four exceptions:

- The police for information about safety concerns for any family members or for child protection workers attending the home, when supported by Section 79(a) or (a.1) of the CFCSA;
- Other individuals for the purposes of identifying or locating the child/youth and/or their family members, when supported by Section 79(a) or (a.1) of the CFCSA;
- The child/youth's Indigenous community, in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA;
- When a coordination agreement and/or Indigenous law applies to a child/youth, contact the applicable Indigenous authority, to:
  - Determine if the Indigenous authority will provide Indigenous child and family services instead of an FDR response. If so, forward the child protection report and all information collected to the Indigenous authority, and
  - if the Indigenous authority will not be providing Indigenous child and family services, discuss how to deliver FDR assessment services under the CFCSA in a manner consistent with the coordination agreement and/or Indigenous law

(See [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#), including Appendix I on information sharing with Indigenous authorities)

**3.2(2)** Meet with every child/youth who lives in the family home and conduct, to the extent possible according to the child/youth's developmental level, a **private, face-to-face conversation** with each child/youth, unless a supervisor grants an exception. The rationale for the exception is documented.

**3.2(3)** Assess the safety of the child/youth during the first significant involvement with the child/youth's family members, and develop a Safety Plan if there are concerns about the child/youth's immediate safety. Safety Assessments and Safety Plans are:

- approved by the supervisor, and
- documented within 24 hours after they are completed.



**3.2(4)** Visit the family's home before the completion of the FDR Assessment phase, unless a supervisor grants an exception, with the rationale for the exception documented.

**3.2(5)** Assess the risk of future harm by the end of the FDR Assessment phase, prior to determining whether there is a need for FDR Protection Services. The only exception for not assessing the risk of future harm is when a supervisor has approved ending a Family Development Response Assessment Phase early, with a rationale documented.

**3.2(6)** Determine the need for the FDR Protection Services phase based on whether it is necessary to provide the family with available services to make the family safe for the child/youth, taking into account:

- Whether safety factors still exist after the completion of the FDR Assessment phase; and
- Whether there is a likelihood of future harm.

The need for the FDR Protection Services phase is determined through consultation with and is approved by a supervisor. The supervisor's approval is documented.

**3.2(7)** Complete the FDR Assessment phase within 30 days of receiving the report. The quality and thoroughness of the FDR Assessment phase is not compromised in order to meet the 30-day timeline. If the FDR Assessment phase cannot be completed within 30 days, notify the supervisor. The supervisor's approval of an extension and a plan for completing the FDR Assessment phase is documented.



### **Standards For Family Development Response Protection Services**

**3.2(8)** If a coordination agreement and/or Indigenous law applies to the child/youth, confirm with the applicable Indigenous authority whether it will assess the report. If verbal or written confirmation is provided, refer the report in accordance with Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#). If confirmation is not provided, proceed under this policy and [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#), to conduct a FDR in a manner consistent with the coordination agreement and/or Indigenous law.

**3.2(9)** If a child/youth is Indigenous and there is an agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA, conduct the FDR in accordance with the agreement.

- 3.2(10)** To inform the subsequent development of a Family Plan, complete an assessment of the strengths and needs of the family and child/youth that is reviewed and approved by a supervisor.
- 3.2(11)** Develop the Family Plan or its equivalent in collaboration with the family and those involved in the plan within 15 days of completing the FDR Assessment phase. The Family Plan is made in consultation with, and has documented approval by, the supervisor.
- 3.2(12)** Conclude the FDR Protection Services phase within four months of starting services. Approval by a supervisor is documented. A supervisor can provide a one-time three-month extension to FDR services.

## Procedures

### *Contacting Parents*

- When it is determined that there are no immediate safety concerns about a child/youth, arrange a time to meet with the parent(s).
- During the first or subsequent in-person meetings with a child/youth's parent(s), cover the following:
  - Explain the safety concern(s) and the process for assessing the concern;
  - Consider the parent(s)' response and assess what they know about the concern and their views on the matter;
  - Gather information about the safety and/or vulnerability of the child/youth;
  - Gather information about the capacity of the family and/or the community to provide protection for the child/youth;
  - Notify the parent(s) about the need for face-to-face contact with the child/youth (the parent's preference for the time and place of contact with the child/youth is accommodated if possible but not if doing so compromises the Safety Assessment);
  - Record any information about other service providers that are currently involved with the child/youth and family;
  - Obtain the contact information of any individuals who could provide further information about the safety concern(s) and add to an understanding of the family's situation;
  - If it is unclear whether the child/youth is Indigenous, discuss the child/youth's Indigeneity with the parent(s) and adhere to established

protocol agreements that pertain to Indigenous children/youth, where applicable (see [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#) for additional details);

- Collaborate with the parent(s) regarding possible solutions for resolving the safety concern.

### ***Involving the Indigenous community***

- If a child/youth is Indigenous, involve the Indigenous community as soon as possible in the planning and delivery of services as follows:
  - in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA,
  - when supported by authority under section 79 (a) or (a.2) of the CFCSA, or
  - when none of the above apply, when supported by parental consent.
- If a coordination agreement and/or Indigenous law applies to the child/youth:
  - follow the process outlined in [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#) for referring the report to the applicable Indigenous authority, including when a protection response is underway, or
  - if the Indigenous authority does not confirm (verbally or in writing) that it will assess the information in the report, follow the process for acting consistent with the coordination agreement and/or Indigenous law outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

### ***Interviewing Each Child/Youth***

- During the first or subsequent face-to-face conversation(s) with each child/youth:
  - Assess the child/youth's immediate safety and the immediate safety of any other children/youth living or being cared for in the family home;
  - Gather information regarding the alleged abuse or neglect, including the circumstances leading up to the alleged maltreatment;
  - Gather information regarding protective capacities within the family and community;
  - Identify extended family, relatives, and/or members of the community who could help to ensure the safety of the child/youth.

- Gather any other information about the family that may help to assess the safety and/or vulnerability of all children/youth living or being cared for in the family home.

### ***Conducting a Safety Assessment***

- Conduct the Safety Assessment during the first in-person contact with the child/youth's family, and before making the decision to leave the child/youth in the family home.
- For more information about how to complete the Safety Assessment, refer to the [Practice Guidelines for using Structured Decision Making \(SDM\) Assessment Tools](#).
- If the parent has an infant or a child with support needs and there are concerns about safe sleeping, review the [Safer Sleep Brochure](#) or [translated version](#) with the parent and discuss safe and unsafe sleeping practices to assist them in developing a Safer Sleep arrangement.

### ***Developing a Safety Plan***

- If safety factors have been identified, develop the Safety Plan collaboratively with the child/youth's family. If the parent(s) is unable or unwilling to collaboratively develop the Safety Plan, do not proceed with its development. Consider whether a supervision order or a s. 28 protective intervention order may adequately protect the child/youth prior to considering a removal.
- With the parent(s)' agreement, and in a manner that does not compromise the child/youth's safety, also (when possible) involve the following in identifying effective approaches to protecting the child/youth:
  - Extended family members;
  - Community members (including cultural community and, where needed, involving an interpreter); and
  - If the child/youth is Indigenous, members of their Indigenous Community.
- If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, involve the community in developing the Safety Plan in accordance with the agreement.
- If a coordination agreement and/or Indigenous law applies to the child/youth (as confirmed following the process in [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#), follow the process in [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#) for engaging with the Indigenous authority during development of a Safety Plan. Share information with the Indigenous authority as set out in Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Obtain parents' agreement to the terms of the Safety Plan:

- When parents live in the same household but only one parent is available, obtain the parent's agreement and follow up with the other parent as soon as possible.
- When parents live in separate households, if the Safety Plan signed by a parent in one household infringes on the parental responsibilities of the parent in the other household, obtain the consent of the parent in the other household.
- Advise the parent(s) of their right to review the Safety Plan at their earliest convenience with legal counsel or another trusted third party (Elder, Designated Representative, Chief and Council, community member etc.).
- All Safety Plans will:
  - Describe the responsibilities of the involved parties and the interventions put in place to address the safety concerns;
  - Identify the start and review date for the Safety Plan;
  - Advise the parent(s) of their right to review the Safety Plan with legal counsel;
  - Confirm that parents understand the terms of the Safety Plan;
  - Affirm parent(s)' informed and voluntary consent to the Safety Plan; and
  - State that parent(s) may withdraw their consent at any time, with the result that the Director will reassess whether a court order is necessary to protect the child/youth.
- If the child/youth is Indigenous, identify how they will be supported to learn about and practice their Indigenous traditions, customs and languages, and connected to their Indigenous community.
- If new information or changes in the child/youth and family's circumstances make the existing Safety Assessment or Safety Plan inadequate, complete a new Safety Assessment and Safety Plan.
- When all safety concerns have been sufficiently eliminated, discontinue the Safety Plan.
- If the Safety Plan cannot be discontinued at the end of the FDR assessment phase, advise the family that it should remain in effect until it is integrated into the Family Plan developed in the Ongoing Protection Services phase and confirm the parents continue to provide their consent to the plan.

***Ending a Safety Plan when Indigenous Law Applies and Referring the Report to an Indigenous Authority***

- If a coordination agreement and/or Indigenous law applies to the child/youth and the applicable Indigenous authority confirms that it will assess the information in the report, the Safety Plan will end under the CFCSA once the report has been referred to the Indigenous authority.

Follow Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) in referring the report and ending the Safety Plan.

### ***Agreement about Gathering Information from Collateral Contacts***



- Before requesting information from collateral contacts, engage the child/youth's parent(s) in a discussion about which collateral contacts could best provide necessary information and reach an agreement about the plan to gather information from specific collaterals, recognizing the safety and wellbeing of the child(ren)/youth as the paramount considerations in coming to an agreement.
- If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, explain to the parent(s) the director's obligation to involve the community in the FDR process.
- If a coordination agreement and/or Indigenous law applies to the child/youth, explain to the parent(s) that information will be shared with the applicable Indigenous authority to support coordinated service delivery and the delivery of FDR services in a manner consistent with the coordination agreement and/or Indigenous law (see [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#) and Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#)).
- When applicable, gather information about the child/youth and family by working collaboratively with other service providers in the Ministry (e.g. services for Children and Youth with Support Needs, Child and Youth Mental Health, or Youth Justice).
- If the parent(s) has a Resource (RE) file and the concern is in relation to their own child/youth, inform the resource or out-of-care team of the protection concern, if necessary to ensure the safety or well-being of the child(ren)/youth in care or in an out-of-care arrangement. Work collaboratively with the resource team or out-of-care team to ensure the safety or wellbeing of the child(ren)/youth in care or in an out-of-care arrangement.
- Document which collateral contacts have been agreed upon. The involvement of the parent(s) in the plan for collateral checks occurs in all situations, unless the circumstances necessitate contacting:
  - Police regarding safety concerns for a family member or for a child protection worker attending the home; or
  - Other individuals for the purpose of identifying or locating the child/youth and/or their family members.

- Although no formal written consent for information sharing is required in FDR due to the director's right to collect information from a person under Section 96(2.1) of the CFCSA and the Director's right to disclose information under Section 79 of the CFCSA, a service provider (e.g. private therapist) might not be able to disclose information about the parent without the parent's consent in accordance with the service provider's information sharing policy. In these situations, obtain written consent from the parent using Form CF0609 ([cf0609 - Consent to the Disclosure of Information](#)) in order to facilitate the disclosure of information from the service provider.

### ***Changing the Response from a Family Development Response to a Child Protection Investigation or Ending the Protection Response Early***

- Change the response from FDR to investigation if additional emerging information about the child/youth and/or family indicates that:
  - The severity of the maltreatment concern cannot be effectively addressed through the approach required in a Family Development Response; or
  - The parent(s) are unable or unwilling to participate in collaborative assessment and planning (this includes not allowing child protection workers to conduct private discussions with the child/youth and/or not allowing child protection workers to engage with necessary collateral contacts in the community).
- End the protection response early if additional emerging information indicates that:
  - The child protection report was clearly wrong (a clearly malicious report as per Section 14(4) of the CFCSA or a report based on mistaken information such as mistaken identity or other erroneous facts that entirely negate the reason for the making of the report pursuant to s. 14 of the CFCSA);
  - The family has fled and/or cannot be located and therefore further assessment services cannot be offered; or
  - A coordination agreement and/or Indigenous law applies to the child/youth and the report is being referred to an Indigenous authority (see [3.10 Child Protection Response with Indigenous Authority Involvement](#) for detailed information).
- Only change the protection response from a FDR to an Investigation or end the protection response early with the approval of a supervisor. Document the rationale.



### ***Observing the Child/Youth's Living Situation***

- When the protection report or file history raises concerns about a child/youth's living situation, visit and assess the home as part of the Safety Assessment.
- If there is any reason to suspect that the child/youth's living conditions are hazardous and/or suggestive of neglect, visit and assess the entire home and pay particular attention to the child/youth's sleeping area.
- When the child/youth's living arrangements were not previously assessed as part of the Safety Assessment, visit the home as part of the Vulnerability Assessment.

### ***Completing the Vulnerability Assessment***

- Assess the risk of future harm through completion of a Vulnerability Assessment.
- If extended family members and/or service providers in the community have information that could contribute to the Vulnerability Assessment, seek their input with the consent of the parent(s).

### ***Determining Need for Protection Services***

- Ensure that the decision to initiate the FDR Protection Services phase is based on a broad assessment of all the information obtained through the FDR Assessment phase, including the family's circumstances, family members' capacity to protect the child/youth, and any records of previous child protection reports.
- When determining the need for FDR Protection Services, refer to the outcomes of the Safety Assessment and the Vulnerability Assessment to help structure and guide the decision-making process.
- Prior to completing the FDR, ensure that there is documentation that all protection concerns have been addressed, where protection concerns may have arisen from:
  - the initial report;
  - any subsequent reports associated as a memo to the same FDR;
  - in collateral checks during the course of the FDR; and
  - via disclosures by the children/youth or parents during the course of the FDR.
- Where it is determined that there is no need for FDR Protection Services, other options include:
  - No further action;
  - Referrals to community services or an Indigenous authority that

provides services under a coordination agreement and/or Indigenous law that applies to the child/youth with no open case;  
or

- Voluntary support services under an open file.
- If CFCSA court proceedings have been initiated during the FDR Assessment phase or if it is clear that Ongoing Protection Services will be needed for a lengthy period of time, open a **file** for Ongoing Protection Services instead of continuing with providing protection services under FDR.

***Disclosure of information at Any Time During the FDR to Another Parent Living in a Different Household***

- At any time in the FDR assessment disclose information about the FDR to another parent living in a different household:
  - With the consent of the parent involved in the FDR and,
  - If doing so will **not** put the child's safety or well-being at risk.
- At any time in the FDR assessment, disclose information arising from the FDR to another parent living in a different household without the consent of the parent involved in the FDR if the information sharing:
  - Is necessary to protect the safety or well-being of a child or a person other than a child and,
  - Does not conflict with a Protection Intervention Order, Restraining Order or Protection Order.

Please Note: It is recommended that domestic violence risk factors (Domestic Violence Risk Factors - Wallet Card) be referred to when considering the safety of a person other than the child.

***Notifying the Parent(s), the Reporter, the Child/Youth, and other Involved Individuals of the Outcome of the FDR Assessment Phase***

- At the conclusion of the FDR Assessment phase, make all reasonable efforts to report the outcome of the FDR to the following individuals:
  - The parent(s) apparently entitled to custody (has apparent entitlement to all the rights, responsibilities and duties of a parent respecting the particular child/youth, including physical care);
  - The individual who made the report;
  - The child/youth's Indigenous community if the director has involved the community in the FDR in accordance with an agreement under section 92.1 of the CFCSA;

- The applicable Indigenous authority, if a coordination agreement and/or Indigenous law applies to the child/youth, to support coordinated service delivery in a manner consistent with the coordination agreement and/or Indigenous law or to support a transition of the child/youth to the Indigenous authority if it has confirmed that it is or will be to provide services (see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) and [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#));
  - Any other individuals such as any other parent, the care-provider(s), teachers, staff at community agencies, representatives from their Indigenous community and neighbors, when it is necessary to ensure the safety or well-being of the child/youth; and
  - The child/youth if they are capable of understanding the information.
- With the exception of an Indigenous authority that has indicated the information is necessary for the provision of services to the child/youth under the applicable coordination agreement and/or Indigenous law, do not report the outcome of the FDR Assessment to the above individuals if:
- Reporting the outcome would compromise the safety and wellbeing of the child/youth and/or other involved individuals; or
  - Police are considering or are conducting a criminal investigation connected to the matter.

For details on information sharing with Indigenous authorities, see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- If the parent(s) has a Resource (RE) file and the concern is in relation to their own child/youth, inform the resource or out-of-care team of the protection concern, if necessary to ensure the safety or well-being of the child(ren)/youth in care or in an out-of-care arrangement. Work collaboratively with the resource team or out-of-care team to ensure the safety or wellbeing of the child(ren)/youth in care or in an out-of-care arrangement.
- With the exception of an Indigenous authority that has indicated the information is necessary for the provision of services to the child/youth under the applicable coordination agreement and/or Indigenous law, the director is only authorized to report the outcome of the FDR, which include:
- The results of the Safety Assessment (i.e. whether or not there was a need for a Safety Plan); and
  - The outcome of the FDR Assessment phase (i.e. whether or not there is a need for FDR Protection Services, due to there being reasonable grounds to believe that the child/youth needs protection from circumstances listed in Section 13 of the CFCSA).

For details on information sharing with Indigenous authorities, see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- When reporting the outcome of the FDR Assessment phase, ensure that the identity of the reporter remains anonymous. This does not apply when reporting the outcome of the FDR Assessment phase to an Indigenous authority, if it has indicated that the information is necessary for the provision of services to the child/youth under the applicable coordination agreement and/or Indigenous law. For details on information sharing with Indigenous authorities, see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Once parent(s) are notified of the outcome, if a determination has been made that ongoing protection services are not needed, then the director:
  - Notifies the parent(s) that the Safety Plan is no longer in effect;
  - Provides only recommendations to parent(s) which should be carefully worded to avoid directory language; and
  - Informs the parent(s) that if there is a subsequent child protection report the director may need to reassess.

### ***Procedures for Family Development Response Protection Services***

#### ***Completing an Assessment of Strengths and Needs***

- Assess strengths and needs by completing the Family and Child Strengths and Needs Assessment.
  - Identify current support systems for the child/youth and any extended family members who could become involved in assessment and planning (particularly when the child/youth is not able to live with their parent(s) for a period of time) through any of the following: genogram, eco-map or notes from discussions with the family.
- Ensure that the collaborative assessment process includes input from all members of the child/youth's immediate family, and with the agreement of the parents:
  - Extended family members;
  - Any community service providers who have been or who are currently involved with the family; and
  - If the child/youth is Indigenous, representatives from their Indigenous community (parental consent is not required to involve the Indigenous community if it is done in accordance with an agreement between the director and the Indigenous community under section 92.1 of the CFCSA) or an applicable Indigenous authority when a coordination agreement and/or Indigenous law applies to the child/youth (see [Policy 1.1 Working with Indigenous](#)

[Children, Youth, Families and Communities](#)). In situations where the director is working alongside and Indigenous Authority at their request, please refer to [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- Conduct a careful analysis of the information gathered for the purposes of identifying and prioritizing the goals for the Family Plan. Share the analysis with the family either before starting work on the Family Plan or during the development of the Family Plan. Encourage full discussion of the analysis and conclusions.
- If the child/youth is Indigenous, consider the impact of colonization, in particular residential schools, in the planning and delivery of services.
- For more details about how to complete the Family and Child Strengths and Needs Assessment, refer to the [Practice Guidelines for using Structured Decision Making \(SDM\) Assessment Tools](#).

### ***Developing a Family Plan***

- When initiating the planning process with the child/youth's family, complete the following:
  - Explain that the process of developing the Family Plan is an opportunity for the family and all other participants to contribute directly to the goals of the Family Plan;
    - If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 regarding Family Plans, explain the director's obligation to involve the community in developing the Family Plan;
  - If a coordination agreement and/or Indigenous law applies to the child/youth, inform the family that information will be shared with the applicable Indigenous authority to support coordinated service delivery in a manner consistent with the coordination agreement and/or Indigenous law (see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#));
  - Help the family identify all individuals (including any representatives chosen by the child/youth's Indigenous community) who could provide support and should participate in developing the Family Plan; and
  - Use a family meeting format to bring all identified participants together for the purposes of discussing the family's goals and the actions they will take towards achieving them.
- Develop the Family Plan with the child/youth and family by:
  - Ensuring that the family participates in the planning process;

- Considering, in a manner that encourages sharing issues and finding solutions, all suggestions put forth by participants in the family meeting that may help to meet the family's needs;
  - Having an open, honest, and clear discussion with participants that produces specific, realistic, clear, and measurable goals that the child/youth and family understands and agrees to;
  - Ensuring that the family's ethnicity, culture, religion, and relationships with extended family and community members are respected by creating a Family Plan that accommodates the family's particular strengths and needs;
  - Considering how the plan may support an Indigenous child/youth to:
    - learn about and practice their Indigenous traditions, customs and languages, and
    - learn about their right to belong to their Indigenous community.
  - Identifying strategies, activities and services that will help the family achieve the goals of the Family Plan;
  - Determining a review date for each of the goals in the Family Plan; and
  - Advising the parent(s) of their right to have the Family Plan reviewed by legal counsel or a trusted third party (Elder, Designated Representative, Chief and Council, community member etc.).
  - Seeking the parent's consent to the Family Plan.
- If, after using collaborative methods, parent(s) are unable or unwilling to agree to the goals and strategies of the Family Plan which are necessary to keep the child/youth safe, consider whether a supervision order, or s.28 protective intervention order may adequately protect the child/youth prior to considering a removal.
- Implement the Family Plan for the child/youth and family by:
- Ensuring that the family and all individuals with a role in the Family Plan receive a copy of the plan;
  - Arranging for all necessary services to start as soon as possible; and
  - Preparing the family to participate in the services.
- When there is a third party involved in the development of a Family Plan, such as at a Family Case Planning Conference or Family Group Conference, the plan developed may be in lieu of a Family Plan if the plan has the key components of:
- The priority needs to be addressed;
  - The goals, described in clear and simple terms regarding what the family would like to change in their lives in relation to the identified need;

- Indicators that described in clear and simple terms what will appear different when the need is met (from the viewpoint of the family or from the viewpoint of others);
- Strategies to reach goals, where the person responsible for implementing the strategy is also noted; and
- A review date, when progress towards the goal will be reviewed and a determination made on whether the goal has been met.

### **Evaluating Progress**



- In consultation with a supervisor, use the rating from the Vulnerability Assessment along with other pertinent case information as a source of guidance to determine how frequently to schedule planned visits with family members. Document the decision.
- As an ongoing process that occurs during each interaction with the family, continually support the family's progress towards achieving their goals for the child/youth's safety and wellbeing by:
  - Meeting with the family regularly and directly helping them achieve their identified goals;
  - Responding to any planned or unplanned changes in the family's circumstances or to incidents involving the family;
  - Preparing the family to participate in services;
  - Coordinating and monitoring any contracted or community services for the family;
  - Assessing the appropriateness of services for the family; and
  - Evaluating progress toward achieving goals and outcomes.
- Observe the child/youth directly in their home environment and take note of how they interact with the parent(s). Record all communication with the child/youth and family.
- Whenever possible, schedule visits with the child/youth and family at mutually convenient times. Unannounced visits may be required when:
  - There is a need to determine whether the perpetrator is in the family home;
  - It is not possible to contact the family to arrange an appointment; and/or
  - It is necessary to assess the child/youth's living conditions without the family having the opportunity to modify any of its usual conditions.
- Formally reassess at the end of the FDR Protection Service Phase during a family meeting with all involved individuals, including family members,

- support persons, the Indigenous community, and any service providers. The reassessment includes interacting with the child/youth as well as seeing the home where the child/youth is residing or the home to which the child/youth may be returning if they are living outside of the family home.
- When reviewing the family's progress towards the goals outlined in the Family Plan, conduct a Vulnerability Reassessment. If, however, one or more children/youth were placed in an out-of-home placement at some point during the FDR (e.g. an Extended Family Program or Voluntary Care Agreement), conduct a Reunification Assessment instead of a Vulnerability Reassessment.
    - Only conduct the Vulnerability Reassessment if the Family Plan has been in place for at least three months. If there is a possibility that the FDR Protection Services phase may be concluded before three months of service provision are completed, remain with the vulnerability rating from the previous Vulnerability Assessment, without completing a Vulnerability Reassessment. If the Reunification Assessment must be completed before there is the opportunity to develop and put in place a Family Plan, only the Safety Assessment component of the Reunification Assessment is completed.
  - If a service provider is unable to attend the family meeting, do not delay the formal reassessment. Instead, review the service provider's documentation of the family's progress during the family meeting.

### ***Concluding FDR Protection Services Phase Without Continuing to Ongoing Protection Services***

- End the FDR Protection Service phase without continuing to Ongoing Protection Services when:
  - There are no unaddressed reports or abuse or neglect;
  - There are no indications of current or imminent safety concerns;
  - The family has demonstrated specific and sufficient behavioural improvements in the areas identified in the Family Plan and there is documented evidence of these improvements;
  - A Vulnerability Reassessment or Reunification Assessment confirms that factors that were identified as contributing to high vulnerability no longer exist or have been addressed sufficiently that they no longer pose direct risks to the child/youth's safety and well-being;
  - The family has demonstrated the ability to access and use formal and informal resources to assist them in problem solving; and
  - Family members state that they are ready and able to resume

parenting without the director's support.



- When one or more of the above criteria have not been met, end FDR Protection Services without progressing to Ongoing Protection Services only with the approval of a supervisor and only when:
  - There is no legal basis for continuing to provide mandatory Protection Services and the family is refusing voluntary involvement with the director;
  - The family has moved to another jurisdiction and another child protection worker is now providing service; or
  - The family cannot be located in spite of the child protection worker having explored and exhausted all reasonable efforts to locate them (if the child/youth is, or may be in need of protection, arrange for child welfare alerts to be placed on provincial and, where required, inter-provincial, federal and other information systems).
- When a decision is made to end protection services, inform collateral agencies, community service partners, the applicable Indigenous authority if a coordination agreement and/or Indigenous law applies to the child/youth, and any informal supports that have supported the family of the reasons for concluding protection services, and the date that it will take effect.
- Prior to termination of mandated protection services, collaborate with the family to develop a plan for accessing services in the community to meet any needs of the child/youth and family that may be anticipated.
- Send a letter to the family confirming that FDR Protection Services have been ended and recognizing the family's participation, progress, and the goals they have achieved. Record the ending of FDR Protection Services on the same day that the letter is sent to the family.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.3: Investigation</b>	
<b>Effective Date of Policy: July 7, 2014</b>	<b>Amendment Date of Policy: August 20, 2024</b>

**Policy Statement**

Child protection workers use Child Protection Investigation as the pathway for responding to screened-in child protection reports that meet the following criteria:

- The circumstances involve severe physical abuse or severe neglect;
- The parent(s) are unable or unwilling to participate in collaborative assessment and planning; or
- There is an open case on the family and at least one child/youth is out of the home due to protection reasons.

The alternative to Child Protection Investigation, for responding to screened-in child protection reports, is Family Development Response.

**Outcomes**

- Children and youth are safe from any immediate risk of harm or maltreatment.
- Families are fully engaged, whenever possible, in the assessment and decision-making processes.
- Children and youth who are vulnerable to future maltreatment are identified.
- Indigenous communities are notified of child protection responses in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA.
- If there is a coordination agreement and/or Indigenous law that applies to a child/youth, Investigations are conducted in a manner consistent with the coordination agreement and/or Indigenous law and information is shared with the applicable Indigenous authority to support coordinated service delivery.

- At the completion of the investigation, an appropriate determination is made, based on clinical judgement, the outcome of assessments, and any finding of evidence in relation to circumstances in Section 13 of the CFCSA, regarding the need for Ongoing Protection Services.

## Standards

- 3.3(1)** Conduct an in-person interview with the parent(s) and other adults living in the family home.
- 3.3(2)** Make all reasonable efforts to inform the parent(s) before seeing and interviewing a child/youth, unless it is determined in consultation with the supervisor that informing the parent first might jeopardize the child/youth's safety or the integrity of the Investigation. Document the rationale.
- 3.3(3)** If a coordination agreement and/or Indigenous law applies to the child/youth, contact the applicable Indigenous authority to:
- confirm whether it will assess the information in the report, if that confirmation was not received prior to the screening assessment as described in Policy 3.1 Assessing the Report and Determining the Most Appropriate Response, and
  - discuss how to conduct the investigation in a manner consistent with the coordination agreement and/or Indigenous law, if it does not confirm that it will assess the information in the report (See [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#), including Appendix I on information sharing with Indigenous authorities)
- 3.3(4)** If the child/youth is Indigenous and there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, conduct the child protection investigation in accordance with that agreement.
- 3.3(5)** Meet with every child/youth who lives in the family home and conduct, to the extent possible according to the child/youth's developmental level, a **private, face-to-face conversation** with each child/youth, unless a supervisor grants an exception, with the rationale for the exception documented.
- 3.3(6)** Assess the safety of the child/youth for every Investigation during the first significant involvement with the child/youth's family members, and develop a



Safety Plan if there are concerns about the child/youth's immediate safety. Safety Assessments and Safety Plans are:

- approved by the supervisor, and
- documented within 24 hours after they are completed.

**3.3(7)** Visit the family's home before completion of the Investigation, unless a supervisor grants an exception, with the rationale for the exception documented.

**3.3(8)** Assess the risk of future harm as part of the Investigation prior to determining:

- Whether there is a finding of any circumstance as per Section 13 of the CFCSA, based on available evidence;
- Whether there is a need for Ongoing Protection Services or any other services after the Investigation.

The only exception for not assessing the risk of future harm is when a supervisor has approved ending the Investigation early, with a rationale documented.

**3.3(9)** Determine the need for Ongoing Protection Services based on whether there are reasonable grounds to believe that the child/youth needs protection pursuant to circumstances in Section 13 of the CFCSA.

The need for Ongoing Protection Services and/or any further services or processes is determined through consultation with, and is approved by, a supervisor. The supervisor's approval is documented.

**3.3(10)** Complete the Investigation within 30 days of receiving the report. However, do not compromise the quality and thoroughness of the Investigation in order to meet the 30-day deadline.

If the Investigation cannot be completed within 30 days, notify a supervisor. The supervisor's approval of an extension and a plan for completing the investigation is documented.

## Procedures

### *Interviewing the Parents and Other Adults in the Family Home*

- During the first or any subsequent in-person meeting(s) with the child/youth's parent(s) and other adults in the home:



- Inform the parent(s) about the safety concern(s) and explain the process for assessing the concern(s);
  - Listen to the parent(s)' response to the safety concern(s) and gauge how much they know and what their opinions are;
  - Notify the parent(s) about the need for face-to-face contact with the child/youth;
  - Ask if there are other service providers that are currently involved with the child/youth and family;
  - Obtain the contact information of any individuals who are knowledgeable about the safety concern(s) and the family's situation;
  - Determine whether the child/youth is Indigenous (as defined in Section 1 of the CFCSA);
  - If it is unclear whether the child/youth is Indigenous, discuss the child/youth's Indigeneity with the parent(s) and adhere to established protocol agreements that pertain to Indigenous children/youth, where applicable (see [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#) for additional details);
  - If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA regarding investigations, inform the parent about the director's obligation to involve the community;
  - Collaborate with the parent(s) to resolve the safety concern.
- Interview each adult individually and in private, unless required to do otherwise under an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, so that:
- Each adult can speak candidly without feeling concerned about another family member's opinions and reaction;
  - Information gathered during different interviews may be compared and its credibility assessed; and
  - Information gathered from one interview can be used to inform subsequent interviews.
- When interviewing the non-offending adults in the family home:
- Determine what they know about the alleged maltreatment;
  - Gather information about the safety and/or vulnerability of the child/youth; and

- Gather information about the capacity of the family and/or community to provide protection for the child/youth.
- When interviewing the offending adult(s) in the family home:
  - Evaluate the alleged offender(s)' reaction to the allegations of maltreatment;
  - Evaluate the alleged offender(s)' reaction to the child/youth and to the child/youth's physical and emotional condition; and
  - Gather any information about the offender(s) and other adults living in the family home that may help assess the safety and vulnerability of the child/youth.

### ***Involving the Indigenous community***

- If a child/youth is Indigenous, involve their Indigenous community as soon as possible as follows:
  - in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA,
  - when supported by authority under section 79 (a) or (a.2) of the CFCSA, or
  - when none of the above apply, when supported by parental consent.
- If a coordination agreement and/or Indigenous law applies to the child/youth:
  - follow the process outlined in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for referring a protection report, including when a protection response is underway, or,
  - if the Indigenous authority does not confirm (verbally or in writing) that it will assess the information in the report, follow the process for acting consistent with the coordination agreement and/or Indigenous law outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

### ***Seeing and Interviewing Each Child/Youth***

- Schedule with the parents all visits to the family home, unless it is determined that this is not the best way to secure a child/youth's immediate safety. The timing and location of an interview with the child/youth should be informed by the urgency of the safety concern and the degree of the child/youth's vulnerability to the safety concern.
- Interview each child/youth individually and in private, unless required to do otherwise under an agreement in place between the director and the

child/youth's Indigenous community under section 92.1 of the CFCSA, so that:

- The child/youth can speak candidly without feeling concerned about another family member's opinion or reaction;
  - Information gathered during different interviews may be compared and its credibility assessed; and
  - Information gathered from one interview can be used to inform subsequent interviews.
- During the first or subsequent interview(s) with each child/youth:
- Assess the child/youth's immediate safety and the immediate safety of any other children/youth living or being cared for in the family home;
  - Gather information regarding the alleged abuse or neglect, including the circumstances leading up to the maltreatment;
  - Gather information regarding protective capacities within the family and community;
  - Identify extended family, relatives, and/or members of the community who could help ensure the safety of the child/youth; and
  - Gather any other information about the family that may help to assess the safety and/or vulnerability of all children/youth living or being cared for in the family home.
- If, during interview, a child/youth needs the presence of a support person, ask the support person to sit behind or beside the child/youth and to refrain from interfering with the interview process or making any eye contact or gestures in response to anything that the child/youth says.

### ***Medical Examinations***

- Arrange for a medical examination of the child/youth if it is required by the child/youth's circumstances (e.g. if the child/youth has been physically harmed or sexually abused, or if the child/youth has a medical condition that needs treatment) and:
- Obtain the parent(s)' consent for the examination whenever possible;
  - If the parent(s) refuse or are unable to give consent, consider:
    - Applying to the court for an order authorizing a medical examination under Section 17 of the CFCSA; or

- If there are reasonable grounds to believe that the child/youth needs protection and (a) their health or safety is in immediate danger or (b) no other less disruptive measure is available and adequate to protect them, removing the child/youth under Section 30 of the CFCSA and authorizing a medical examination.
- If the child/youth has the capacity to consent to medical treatment, seek their consent for the medical examination. ( Note that the wishes of a child/youth capable of giving, or withholding, informed consent to medical treatment may not be over-ridden, unless via a court order under Section 29 of the CFCSA.
- Document the results of the medical examination.



***When it is not possible to contact the child/youth or parents***

- If the child/youth or parent(s) cannot be contacted within 24 hours of a report that has a priority classification of “within 24 hours”:
  - Attempt to contact the child/youth, the parent(s), and/or a collateral contact every day until face-to-face contact is made; or
  - Determine that the whereabouts of the child/youth and family cannot be ascertained and that an Investigation cannot be completed.
- If the child/youth or parent(s) cannot be seen within 5 days of a report that has a priority classification of within 5 days:
  - Attempt to contact the child/youth, the parent(s) and/or a collateral contact at least once every 5 days until face-to-face contact is made; or
  - Determine that the whereabouts of the child/youth and family cannot be ascertained and that an Investigation cannot be completed.
- When it is determined that the whereabouts of the child/youth and family cannot be ascertained and a child/youth is, or may be, in need of protection, make every effort to locate them, including:
  - Involving the police if the child/youth is highly vulnerable, and
  - Arranging for child welfare alerts to be placed on provincial and, where required, inter-provincial, federal and other information systems.

### ***Conducting a Safety Assessment***

- Conduct the Safety Assessment during the first in-person contact with the child/youth's family, and before making the decision to leave the child/youth in the family home.
- If a coordination agreement and/or Indigenous law applies to a child/youth follow the process in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for engaging with the Indigenous authority and conduct the Safety Assessment in a manner consistent with the coordination agreement and/or Indigenous law.
- If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, conduct the Safety Assessment in accordance with it.
- If necessary in the investigation, information may be gathered without involving the child/youth's parent(s).
- For more information about how to complete the Safety Assessment, refer to [Practice Guidelines for using Structured Decision Making \(SDM\) Assessment Tools](#).
- If the parent has an infant or a child with support needs and there are concerns about safe sleeping, review the [Safer Sleep Brochure](#) or [translated version](#) with the parent(s) and discuss safe and unsafe sleeping practices to assist them in developing a Safer Sleep arrangement.

### ***Developing a Safety Plan***

- If safety factors have been identified, develop the Safety Plan collaboratively with the child/youth's family. If the parent(s) is unable or unwilling to collaboratively develop the Safety Plan, do not proceed with its development. Consider whether a supervision order or a s. 28 protective intervention order may adequately protect the child/youth prior to considering a removal.
- With the parent(s)' agreement, and in a manner that does not compromise the child/youth's safety, also (when possible) involve the following in identifying effective approaches to protecting the child/youth:
  - Extended family members;
  - Community members (including cultural community and, where needed, involving an interpreter); and
  - If the child/youth is Indigenous, members of their Indigenous Community.

- If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, involve the community in developing the Safety Plan in accordance with the agreement.
- If a coordination agreement and/or Indigenous law applies to the child/youth (as confirmed following the process in [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#)), follow the process in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for engaging with the Indigenous authority during development of a Safety Plan. Share information with the Indigenous authority as set out in Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Obtain parents' agreement to the terms of the Safety Plan:
  - When parents live in the same household but only one parent is available, obtain the parent's agreement and follow up with the other parent as soon as possible.
  - When parents live in separate households, if the Safety Plan signed by a parent in one household infringes on the parental responsibilities of the parent in the other household, obtain the consent of the parent in the other household.
- Advise the parent(s) of their right to review the Safety Plan with legal counsel or another trusted third party (Elder, Designated Representative, Chief and Council, community member etc.).
- All Safety Plans will:
  - Describe the responsibilities of the involved parties and the interventions put in place to address the safety concerns;
  - Identify the start and review date for the Safety Plan;
  - Advise the parent(s) of their right to review the Safety Plan with legal counsel;
  - Confirm that parents understand the terms of the Safety Plan;
  - Affirm parent(s)' informed and voluntary consent to the Safety Plan; and
  - State that parent(s) may withdraw their consent at any time, with the result that the Director will reassess whether a court order is necessary to protect the child/youth.
- If the child/youth is Indigenous, identify how they will be supported to learn about and practice their Indigenous traditions, customs and languages, and connected to their Indigenous community.
- If new information or changes in the child/youth and family's circumstances make the existing Safety Assessment or Safety Plan

inadequate, complete a new Safety Assessment and Safety Plan during the investigation.

- When all safety concerns have been eliminated and/or protective capacities have been sufficiently increased, discontinue the Safety Plan.
- If the Safety Plan cannot be discontinued at the end of the investigation, advise the family that it should remain in effect until it is integrated into the Family Plan developed in the Ongoing Protection Services phase and confirm the parents continue to provide their consent to the plan.

### ***Ending a Safety Plan when Indigenous Law Applies and Referring the Report to an Indigenous Authority***

- If a coordination agreement and/or Indigenous law applies to the child/youth and the applicable Indigenous authority confirms that it will assess the information in the report, the Safety Plan will end under the CFCSA once the report has been referred to the Indigenous authority. Follow Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#).

### ***Obtaining Information from Witnesses and Collateral Contacts***

- Obtain all relevant information from individuals who may have relevant knowledge of the child/youth and family's circumstances. This may include witnesses to the reported incident, other adults living in the family home, neighbours, extended family, their Indigenous community representatives, and/or any professionals who have a relationship with the child/youth and/or family (e.g. teachers, physicians, police, and probation officers).
- If the parent(s) has a Resource (RE) file and the concern is in relation to their own child/youth, inform the resource or out-of-care team of the protection concern, if necessary to ensure the safety or well-being of the child(ren)/youth in care or in an out-of-care arrangement. Work collaboratively with the resource team or out-of-care team to ensure the safety or wellbeing of the child(ren)/youth in care or in an out-of-care arrangement.
- When necessary, and in accordance with Section 79 of the CFCSA, disclose information to third parties without the parent(s)' consent.
- If a collateral contact is not sure whether they should share information without the consent of the child/youth's parent(s), inform them that Section 14 of the CFCSA states: "*A person who has reason to believe that a child needs protection under Section 13 must promptly report the matter to a director or a person designated by a director.*" Furthermore (if necessary to determine whether a child/youth needs protection), consider an application to the court, pursuant to Section 65 of the CFCSA, or an order that an individual or organization produce a record or copy of a

record for inspection by the Director.

- When applicable, gather information about the child/youth and family by working collaboratively with other service providers in the Ministry (e.g. services for Children and Youth with Support Needs, Child and Youth Mental Health, or Youth Justice).
- When, in order to fulfil the duties and responsibilities under the CFCSA, information must be obtained from a public body (such as municipal police, a school, or a hospital), gather the information under the authority of Section 96 of the CFCSA. In these circumstances, the director (not the public body) determines what information is necessary.

***Changing the Response from an Investigation to a Family Development Response (FDR) or Ending the Protection Response Early.***

- Change the response from investigation to FDR if additional information about the child/youth and/or family emerges during the course of the Investigation that indicates:
  - The severity of the maltreatment concern can be effectively addressed through the approach required in a FDR, and
  - The parent(s) are able and willing to participate in collaborative assessment and planning. This includes allowing child protection workers to conduct private discussions with the child/youth and engage with necessary collateral contacts in the community.
- Consider ending the protection response early if additional information about the child youth and/or family emerges during the course of the Investigation that indicates:
  - The child protection report was clearly wrong (a clearly malicious report as per Section 14(4) of the CFCSA or a report based on mistaken information such as mistaken identity or other erroneous facts that entirely negate the reason for the making of the report pursuant to s. 14 of the CFCSA); or
  - The family has fled and/or cannot be located and therefore further assessment services cannot be offered.
  - A coordination agreement and/or Indigenous law applies to the child/youth and the report is being referred to an Indigenous authority (see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for detailed information)
- Only change the protection response from an Investigation to an FDR or end the protection response early with the approval of a supervisor. Document the rationale.



### ***Observing the Child/Youth's Living Situation***



- When the protection report or file history raises concerns about a child/youth's living situation, visit and assess the home as part of the Safety Assessment.
- If there is any reason to suspect that the child/youth's living conditions are hazardous and/or suggestive of neglect, visit and assess the entire home and pay particular attention to the child/youth's sleeping area.
- When the child/youth's living situation was not previously assessed as part of the Safety Assessment, visit the home as part of the Vulnerability Assessment.

### ***Completing the Vulnerability Assessment***

- Assess the risk of future harm through completion of a Vulnerability Assessment.
- If extended family members and/or service providers in the community have information that could contribute to the Vulnerability Assessment, seek their input.
- If a coordination agreement and/or Indigenous law applies to a child/youth follow the process in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for engaging with the Indigenous authority and conduct the Vulnerability Assessment in a manner consistent with the coordination agreement and/or Indigenous law.
- If there is an agreement in place between the director and the child/youth's Indigenous community under section 92.1 of the CFCSA, complete the Vulnerability Assessment in accordance with it.

### ***Finding Evidence of a Circumstance Under Section 13 of the CFCSA***



- Use evidence gathered during the Investigation to determine if circumstance(s) pursuant to Section 13 of the CFCSA are founded. Document the evidence and include a summary of what the evidence suggests in relation to the allegation.

### ***Determining the Need for Ongoing Protection Services***

- Take into account:
  - Whether safety factors still exist after the completion of the Child Protection Investigation;
  - Whether there is a likelihood of future harm;



- Whether there is sufficient evidence to substantiate a circumstance pursuant to Section 13 of the CFCSA; and
- Clinical judgement after assessing all the information gathered.
- Prior to completing the investigation, ensure that there is documentation that all protection concerns have been addressed, where protection concerns may have arisen from:
  - the initial report;
  - any subsequent reports associated as a memo to the same investigation;
  - in collateral checks during the course of the investigation; and
  - via disclosures by the children, youth or parents during the course of the investigation.
- Where it is determined that there is no need for Ongoing Protection Services, other options include:
  - No further action;
  - Referrals to community services or an applicable Indigenous authority with no open file; or
  - Voluntary support services under an open file.

***Disclosure of Information at Any Time to Another Parent Living in a Different Household During an Investigation***

- At any time in the investigation process, disclose information arising from the investigation to another parent living in a different household:
  - *With* the consent of the parent involved in the investigation and,
  - If doing so will *not* put the child's safety or well-being at risk
- At any time in the investigation process, disclose information arising from the investigation to another parent living in a different household *without* the consent of the parent involved in the investigation if the information sharing:
  - Is necessary to protect the safety or well-being of a child or a person other than a child and,
  - Does not conflict with a Protection Intervention Order, Restraining Order or Protection Order.

Please Note: It is recommended that domestic violence risk factors ([Domestic Violence Risk Factors - Wallet Card](#)) be referred to when considering the safety of a person other than the child.

***Notifying the Parent(s), the Reporter, the Child/Youth and Other Involved Individuals of the Outcome of the Investigation***

- At the conclusion of the investigation, make all reasonable efforts to report the outcome to the following individuals:
  - The parent apparently entitled to custody (i.e. the parent who has apparent entitlement to all the rights, responsibilities and duties of a parent respecting the particular child/youth, including physical care of

- the child/youth), as well as any other parent involved in the incident;
  - The individual who made the report;
  - The child/youth's Indigenous community if the director has involved the community in the investigation in accordance with an agreement under section 92.1 of the CFCSA;
  - The applicable Indigenous authority, if a coordination agreement and/or Indigenous law applies to the child/youth, to support coordinated service delivery in a manner consistent with the coordination agreement and/or Indigenous law to support a transition of the child/youth to the Indigenous authority if it has confirmed it is or will provide services (see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) and [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#));
  - All other individuals who have a relationship with the child/youth, including another parent, care provider(s), teachers, staff at community agencies, representatives from their Indigenous community (where applicable) and neighbours, when it is necessary to ensure the safety and well-being of the child/youth; and
  - The child/youth if they are capable of understanding the information.
- If the parent(s) has a Resource (RE) file and the concern is in relation to their own child/youth, inform the resource or out-of-care team of the protection concern, if necessary to ensure the safety or well-being of the child(ren)/youth in care or in an out-of-care arrangement. Work collaboratively with the resource team or out-of-care team to ensure the safety or wellbeing of the child(ren)/youth in care or in an out-of-care arrangement.
- With the exception of an Indigenous authority that has indicated the information is necessary for the provision of services to the child/youth under the applicable coordination agreement and/or Indigenous law, do not report the outcome of the Investigation to the above individuals if:
- Reporting the outcome would compromise the safety and well-being of the child/youth and/or other involved individuals; or
  - Police are considering or conducting a criminal investigation connected to the matter.

For details on information sharing with Indigenous authorities, see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- All information released to the child/youth, the parent(s), and the reporter is subject to the confidentiality provisions of the CFCSA. The details that must be reported are limited to:
- The results of the Safety Assessment (i.e. whether or not there was a need for a Safety Plan); and
  - The outcome of the Investigation (i.e. whether or not there is a need for

Ongoing Protection Services, due to there being reasonable grounds to believe that the child/youth needs protection from circumstances listed in Section 13 of the CFCSA).

- When reporting the outcome of the investigation, ensure that the identity of the reporter remains anonymous, as per Section 77 of the CFCSA. This does not apply when reporting the outcome of the investigation to an Indigenous authority, if it has indicated that the information is necessary for the provision of services to the child/youth under the applicable coordination agreement and/or Indigenous law. For details on information sharing with Indigenous authorities, see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Once parent(s) are notified of the outcome, if a determination has been made that ongoing protection services are not needed, then the director:
  - Notifies the parents that the Safety Plan is no longer in effect;
  - Can provide only recommendations to parents which should be carefully worded to avoid directory language; and
  - Informs the parent(s) that if there is a subsequent child protection report the director may need to reassess.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.4: Collaborative Planning and Decision Making</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>August 20, 2024</b>

**Policy Statement**  
Collaborative Planning and Decision Making (CPDM) is offered to support permanency in families and to ensure the best interests of children and youth, whenever other collaborative practices have not been effective in achieving agreement in child protection matters involving planning or dispute resolution.

**Outcomes**

- Children/youth and families experience meaningful participation and are recognized for their central role in decision making during the development of CPDM plans concerning the safety and well-being of children/youth.
- Indigenous communities are partners in collaborative planning and decision making about Indigenous children and youth.
- If a coordination agreement and/or Indigenous law or s. 92.1 agreement applies to a child/youth, CPDM services are provided in a manner consistent with the coordination agreement and/or Indigenous law or s.
- 92.1 agreement, and information is shared with the applicable Indigenous authority to support coordinated service delivery.
- Disputed issues are resolved and agreements are reached cooperatively without requiring court-ordered decisions.

## Standard Statements

**3.4(1)** Offer a culturally relevant CPDM service to a parent or if unavailable, other family member in the following circumstances:

- When considering removal, unless the child’s health or safety is in immediate danger;
- After the commencement of a presentation hearing but before it is subsequently contested in a summary presentation hearing;
- At the request of an applicable Indigenous authority, if a coordination agreement and/or Indigenous law applies to the child/youth;
- When a protection hearing is contested;
- Before an application is made to sever parental guardianship through a permanent transfer of custody under Section 54.01 of the CFCSA or through a continuing custody order, when the parent does not agree to the director’s plan to make such an application.

**3.4(2)** When developing and implementing an agreement/plan through a CPDM process with a family, ensure that the documented outcomes of the CPDM process address the identified child protection issues, the safety and well-being of the child/youth, promote family preservation, cultural connection and identity and all related goals and important permanency planning considerations.

## Procedures

### Determining When to Offer a CPDM Process

- When assessing whether a CPDM is appropriate for the family’s circumstances, consider whether other less intensive collaborative practices (such as family meetings, including supervisors in consultations with parents, or the use of wrap-around support teams) have been unsuccessful at achieving resolution; and discuss the situation with a facilitator and obtain supervisor approval to proceed.
- Do not use CPDM for resolving child protection matters involving:
  - A decision to conduct a Child Protection Investigation;
  - A decision about whether a child/youth needs protection and why; or,
  - A decision about resources or services that are unavailable.
- If a CPDM is in progress when an Indigenous authority confirms that Indigenous law applies to a child/youth and that the Indigenous authority will be assessing information in a child protection report; will be providing services to; and/or will\_

have custody of the child or youth, refer to *Policy 1.2* and consult with the supervisor on how to conclude the CPDM service.

### ***Involving the Indigenous Community***

If a child/youth is Indigenous, involve the Indigenous community as soon as possible in the planning and delivery of services as follows:

- In accordance with an agreement in place with the director and the Indigenous community under CFCSA section 92.1;
- In accordance with An Act respecting First Nations, Inuit and Métis children, youth and families (*Federal Act*) s. 12 (notice of significant measure requirements and timelines - See Policy 1.1);
- When supported by authority under CFCSA section 79 (a) or (a.2); or,
- When none of the above apply, when supported by parental consent.

If a coordination agreement and/or Indigenous law applies to the child/youth see Policy 1.2:

- Follow the process to end CFCSA involvement, including CPDM processes, (as outlined in *Policy 3.10 Child Protection Response with Indigenous Authority Involvement*) when the Indigenous authority confirms they will assess information in a child protection report or provide services to the child or youth under Indigenous law; or,
- If the Indigenous authority does not confirm that it will assess information in a child protection report or provide services under Indigenous law, and the director will continue to provide services under the CFCSA, ensure that CPDM processes are offered and delivered in alignment with the coordination agreement and/or Indigenous law as in *Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services*.
- A CPDM option that incorporates the community's traditions and customs may be offered to the Indigenous community/communities involved in planning for the child/youth's care.

### ***Determining Which CPDM Process to Offer***

When it is determined that CPDM will be offered to the parent or family member (in the case of a family conference, if the parent is unavailable), provide them with information about the CPDM services which would best address their circumstances:

- Family Conferences (under CFCSA s.20);
- Family Group Conference (FGC); and,
- Family Case Planning Conference (FCPC).
- Other Alternative Dispute Resolution (ADR) mechanisms (under CFCSA s.22):
  - Child Protection Mediation; and,
  - Traditional Decision Making (TDM) (including Circles for Indigenous communities)

### ***When Offering a CPDM Process***

When offering a CPDM process:

- Explain that legal counsel is not required but may attend at the person's request (except during FGC private family time).
- If a court process has already been initiated, seek an adjournment under Section 23(1) of the CFCSA to allow up to three months for any of the CPDM processes in policy to take place.
- Document on the family members' files/ICM all CPDM offers and referrals, as well as any circumstances in which engaging in CPDM processes would be inappropriate due to:
  - A significant power imbalance;
  - A conflict of interest; and/or,
  - The process jeopardizing the safety and well-being of a child/youth and/or family despite efforts to mitigate safety concerns.

### ***Offering a Family Conference: Family Group Conference (FGC) or Family Case Planning Conference (FCPC) under CFCSA section 20***

- A parent may be offered an FGC or FCPC (under CFCSA s. 20) after:
  - A Family Development Response determines that services are needed; or,
  - An investigation determines that their child needs protection.
- If the parent is unavailable (e.g., cannot be reached), an FGC or FCPC may be offered to another family member.
- Explain that:
  - The goal is to assist the parent and family to develop a plan of care which may include a "Safety Plan" or "Family Plan" to protect and serve the best interests of the child and consider the wishes, needs and role of the family as well as the child's culture and community (see section 20(1) of the CFCSA); and,
  - The documented plan must include the director's approval and parent or other family member's agreement (depending on who accepted the offer of FGC or FCPC) and may include provision for services to support and assist the family to provide a safe environment for the child (see s.21[1]).

### ***Offering Other Alternative Dispute Resolution (ADR) Processes under CFCSA s.22***

- Offer to refer any family member who disagrees with an issue relating to the child or care plan, to an ADR process to attempt resolution.
- When an ADR service has been agreed upon, make a referral to a facilitator or, if planning a mediation, make a referral to a child protection mediator from the mediator roster, who is acceptable to the person who disagrees with the issue (*Child, Family and Community Service Regulation* s.9).

### ***If an Offer of Any CPDM is Declined***

- If the parent or family member declines participation in a CPDM process, engage the parent or family member in discussion to explore alternatives which meet the family's needs including cultural safety.

- Document the refusal, efforts to engage with the parent or (if the parent is unavailable), other family member and communicate to them the following information:
  - The option to use CPDM remains available to the family at any time; and,
  - By declining CPDM as an alternative to court, decisions may be made in court without the same opportunities for the parent or other family member's involvement that are available through CPDM services. If, after making every effort to engage the parents (except in a Youth Transition Conference which does not require parent's agreement), it is not possible to secure their participation, continue to work with the child/youth's Care Team or Circle to develop the concurrent permanency plan. See Policy 6.2.

### ***Confidentiality Protection for CPDM Under CFCSA Section 24***

- No person, including the director, can disclose, or be compelled to disclose information obtained in a CPDM process unless the disclosure falls within one of the four exceptions listed in section 24.
- This includes information sharing with an applicable Indigenous authority if a coordination agreement and/or Indigenous law applies to the child/youth (see Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services – Appendix I: Information Sharing).

### ***Preparing for CPDM Processes***

- Before participating in a CPDM process:
  - Identify issues, options or decisions to be considered during planning, including those related to permanency planning;
  - Identify all protection concerns in clear and respectful language that can be easily understood by all members of the family participating in the CPDM process;
  - Identify resources including parents' strengths and services that are available to the child/youth and family for the purposes of supporting the CPDM agreement/plan, including natural helpers and informal supports;
  - Identify any timeframes prescribed by legislation and/or policy which may place constraints on or limit the CPDM agreement/plan (e.g., a plan of care developed through an FGC or FCPC not exceeding 6 months and extensions not exceeding a total period of 18 months under Section 21 of the CFCSA);
  - In consultation with the facilitator and family, identify all members of the immediate family, extended family, and community who should be involved in the CPDM process (along with their contact information), including the desire and capacity of the child to participate;
  - In consultation with a supervisor, determine who will be attending on behalf of the Director, and what level and scope of consent can be given by the participating worker to any CPDM agreement/plan developed within the CPDM process;
  - Contact the CPDM facilitator to be made aware of which individuals, including any legal representatives, will be participating in the process;
  - Identify the cultural practices such as opening prayer which will be included; and,
    - Consider:

- The safety needs of family members in the context of the CPDM process; and,
- Whether domestic violence has occurred or is occurring, protection orders exist and whether anyone should not attend the CPDM process (Refer to *Best Practice Approaches: Child Protection and Violence Against Women 2014* for more detailed considerations).

### ***During the CPDM Process***

- Collaborate with the facilitator to ensure the following outcomes and elements are achieved in the process:
  - The confidentiality of information, as required under section 24 of the CFCSA, is discussed with all participants;
  - An agreement/plan is developed in collaboration with the child/youth and family;
  - The obligations of all involved individuals to act in good faith and fulfill the terms of the CPDM agreement/plan are discussed;
  - Any available resources to support the implementation of the CPDM agreement/plan are identified and agreed upon;
  - The views of the child/youth and parent(s) are heard and incorporated into the CPDM process, and their rights are respected;
  - The process is safe (culturally, physically, emotionally) and considers power imbalances such as intimate partner violence (see *Best Practice Approaches Child Protection and Violence Against Women*).
  - Discussion occurs on the obligations of all involved individuals to act in good faith and fulfill the terms of the CPDM agreement/plan; and,
  - A back-up plan for the child/youth and family in the event of any significant change in circumstances is developed collaboratively.

### ***Approving the CPDM Agreement/Plan***

- Before approving a CPDM agreement/plan involving a child/youth who is 12 years or older:
  - Explain the CPDM agreement/plan to the child/youth; and
  - Take the child/youth's views into account prior to determining whether the CPDM agreement/plan is in their best interests and addresses identified protection concerns and issues.
- When all CPDM participants are satisfied with the content of the agreement/plan and agree upon who will receive a copy, review it with the supervisor for timely approval and return the approved agreement/plan to the facilitator for distribution to participants.
- If the family's CPDM agreement/plan agreement is connected to an adjournment and/or requires additional judicial process, report the CPDM results to the court as required.

### ***If the CPDM Agreement/Plan is Not Approved***

- If a CPDM agreement/plan is not approved by the supervisor or by a presiding judge, communicate this to the facilitator and provide:
  - Recommendations for the required changes; or,
  - The reasons why the CPDM process must be abandoned.

- If changes to the CPDM agreement/plan are required participate in all additional processes (CPDM or otherwise) that the facilitator determines necessary to arrive at the required changes.
- When the necessary changes have been made, present the CPDM agreement/plan to the supervisor for approval or further recommendations, and report back to the facilitator and participants until the process is complete or abandoned.
- If the decision is made to abandon the CPDM process, communicate this to the family and inform them of the next steps that the director will pursue (if applicable).

### ***Implementing and Monitoring the CPDM Agreement/Plan***

- After the CPDM plan is approved by all involved parties, review the plan and follow-up as necessary to ensure the plan is:
  - Being followed by all participants and according to plan timelines;
  - Addressing previous disagreements;
  - Addressing any significant changes in the family's circumstances;
  - Maintaining the safety and well-being of the child/youth; and
  - Addressing permanency needs identified for the child/youth.
    - When changes in the family's circumstances have negative impact on the child/youth's safety and well-being, and the CPDM back-up plan and/or dispute resolution process is insufficient to address these changes, use the most appropriate collaborative practice (including a CPDM process) to resolve the presenting issues.
    - If, during the implementation of the CPDM plan, the immediate safety of the child/youth is jeopardized, take all necessary actions to ensure the child/youth's safety. In such circumstances, the safety of the child/youth overrides the obligation to follow the back-up plan or the dispute resolution process outlined in the CPDM plan.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.5: Less Disruptive Measures and Placement Decisions under Removal and Custody Orders</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

### Policy Statement

Unless a child or youth is in immediate danger, all measures less disruptive than removal for protecting the child or youth must be fully explored. When removal of a child or youth under Section 30 of the CFCSA is necessary, preference is given to seeking an out-of-care order, which places the child/youth in the custody of an individual other than a parent instead of in the Director’s care.

### Outcomes

- Children and youth are protected from harm or maltreatment.
- Plans to address the safety and well-being of children and youth are developed and implemented in collaboration with family, extended family members, and community members.
- Children and youth maintain relationships with their siblings, parents, and extended family, and maintain ties with their community, culture and religion.
- Indigenous children and youth are supported to practice their traditions, customs, and languages, and to belong to their communities.
- If a coordination agreement and/or Indigenous law or s. 92.1 agreement applies to a child/youth it is referred to for guidance on identifying less disruptive measures, consistent with [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

## Standards

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- 3.5(1)** When a child/youth is not in immediate danger, explore less disruptive measures available to ensure the safety and well-being of the child/youth. Only consider removing the child/youth from the family home when less disruptive options are not available and adequate to protect the child/youth.
- 3.5(2)** Obtain a supervisor's approval before removing a child/youth unless prior approval is not possible in responding to a child/youth in immediate danger. When approval has not been obtained prior to the removal, obtain approval immediately after the removal.
- 3.5(3)** When, in order to be safe, the child/youth needs to remain living in a court ordered arrangement away from parental care, explore if it is in the best interests of the child/youth to have an out-of-care custody order. An out-of-care custody order is the preferred option over an in-care custody order.

## Procedures

### *Less Disruptive Measures than Removal*



Before considering the removal of the child/youth from parental care, explore less disruptive options, in consultation with a supervisor. These include:

- Informal and formal support services provided to the child/youth in accordance with a Safety Plan;
- A supervision order under Section 29.1 and 33.1 of the CFCSA;
- An agreement with the parent(s) ensuring that the individual who has caused the child/youth to need protection will leave the family home;
- A Protective Intervention Order under Section 28 of the CFCSA if contact between a child/youth and another individual is likely to result in harm to the child/youth;
- Necessary health care authorized by the court under Section 29 of the CFCSA;
- An arrangement for the child/youth to live with extended family or another individual who has a significant relationship with the child/youth through an Extended Family Program Agreement;

- An agreement with the parent(s) for the child/youth to live under the care of the Director through a Voluntary Care or Special Needs Agreement;
  - Taking charge of the child/youth under Sections 25 and 26 of the CFCSA (for a maximum period of 72 hours);
  - If the child is a youth, and when appropriate, a Youth Agreement.
- If the child/youth is Indigenous:
- involve their Indigenous community as soon as possible, in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA or when supported by authority under section 79(a) or (a.2) of the CFCSA,
  - if a coordination agreement and/or Indigenous law applies to the child/youth, follow the process for acting consistent with the coordination agreement and/or Indigenous law for sharing information with Indigenous authorities outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#), or
  - when none of the above apply, involve the community when supported by parental consent.
- If a coordination agreement and/or Indigenous law or s. 92.1 agreement applies to the child/youth:
- follow the process outlined in Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for referring the report to the applicable Indigenous authority, including when a protection response is underway and prior to removal of the child/youth, or
  - if the Indigenous authority does not confirm (verbally or in writing) that it will assess the information in the report, follow the process for acting consistent with the coordination agreement and/or Indigenous law or s. 92.1 agreement outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#). This could include, for example, following guidance in the coordination agreement and/or Indigenous law or s. 92.1 agreement respecting the identification of less disruptive measures.
- If at any time prior to removal, new information suggests that a coordination agreement and/or Indigenous law applies to the child/youth, contact the applicable Indigenous authority. When confirmation is received that coordination agreement and/or Indigenous law applies and that the

Indigenous authority will assess the information in the report, follow Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#).

### ***Obtaining Supervision Orders***

- Under Section 29(1) and Section 33.1 of the CFCSA, submit an application to the court for an interim supervision order without removal if there are reasonable grounds to suspect that the child/youth needs protection and a supervision order would adequately protect them.
- Seek a supervision order without removal only when confident that other measures will keep the child/youth safe until the order is obtained, as it may be up to 10 days after the application is made before the court commences a Section 33.1 hearing on the matter.
- When necessary, seek a subsequent, longer-term (up to 6 months) supervision order at the Protection Hearing. The maximum length of the court-ordered supervision (including extensions) is 12 months.

### ***Obtaining a Protective Intervention Order (PIOs)***

- If the child/youth has been or is likely to be harmed, abused or exploited by one of their parents or another individual, and the non-offending parent is able and willing to protect the child/youth, consider making an application for a Protection Intervention Order (PIO) under Section 28 of the CFCSA that prohibits contact between a specified individual and a child/youth. Before doing so, ensure that the non-offending parent will cooperate with and consent to the application. Obtain the consent of the child/youth if they are able to give their consent.
- When applying for a PIO, serve notice at least 2 days in advance of the scheduled hearing to the following individuals:
  - The individual against whom the order is sought;
  - The child/youth if they are 12 years of age or older; and
  - The individual(s) with care of the child/youth.
- Note, however, that the court has the authority under Section 69(2) of the CFCSA to make a PIO without providing notice to the individual against whom the order is sought, when it is appropriate to do so.
- In order to support the enforceability of the PIO under the *Criminal Code*, take the following additional steps when the person against whom the order is made did not attend the CFCSA hearing:

- Serve the order personally on the person against whom the order is made (this may need to be done with the attendance of police for safety reasons or through the use of a process server);
  - Complete a *Certificate of Service Form* (Form 9 [cf4058](#)) or request a Certificate of Service from the process server; and
  - Fax a copy of the completed Certificate of Service to the Protection Order Registry at 250-356-2185 so that the information about service of the court order is easily accessible to police.
- A PIO has a maximum length of six months. Consider applying for a six month extension when this is necessary for the safety and well-being of the child/youth.
- If an Indigenous authority has provided written confirmation that it is or will provide services to the child/youth, inform the Indigenous authority that there is a PIO in place and provide a copy. Information about PIOs should be shared at the earliest stage possible to support planning and ensure the child/youth's safety. See Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#).
- If it is suspected that an individual has contravened an order under Section 28 of the CFCSA, contact the police.

***When a parent is protecting a child/youth from harm by another parent living separately***

- The child/youth should be placed with the protecting parent apparently entitled to custody\* who is living separately from the concerning parent unless removing the child/youth is necessary to ensure the child/youth's immediate safety.
- \*Parent apparently entitled to custody: A person who is (1) a parent; (2) a guardian; (3) exercises parent time (day to day care, control, and supervision of the child under an order, formal agreement, or informal parenting agreement).*
- If it is not possible for the parents to agree to a Safety Plan that is sufficient to protect the child/youth, consider applying for a supervision order without removal (Sections 29.1 and s. 33.1 of the CFCSA) or a Protective Intervention Order (Section 28 of the CFCSA). These are less disruptive than removal.
- The director must exercise caution and seek legal advice before acting in a manner contrary to a recently made order in the following circumstances:

- The recent *Family Law Act (FLA)/Divorce Act (DA)* order is more restrictive/protective (e.g. only allows for supervised access/contact with a parent) than the order the director seeks or the manner in which the director intends to exercise their discretion;
  - Some or all of the same issues were before the court that made the recent FLA/DA order (e.g. allegations of sexual abuse and evidence to substantiate the allegations); and
  - There is no significant change in circumstances since the recently made FLA/DA.
- Longer term changes to a parent’s guardianship, parental responsibilities and parenting time can be initiated by the protecting parent through an application under the FLA. Note that in almost all such instances, the director should not apply to intervene under s. 204(2) of the FLA, as the director may provide information to the court as a witness, through subpoena issued by one of the parties to the FLA proceeding. In this way, the director’s role remains focussed on the safety and well-being mandate under the CFCSA and not involved in supporting one party over another according to the best interest test under the FLA.
  - The period during which a child/youth is under a director’s supervision must not exceed twelve months total, including any renewals of the supervision order. The director should communicate to the parent that if an FLA order or a written agreement that is adequate to protect the child/youth is not in place before the expiry of the supervision order, a protection response may be required under the CFCSA.
  - In general, the director should only apply to intervene in a FLA proceeding under s. 204(2) of the FLA when the director has a responsibility to protect the safety of a child/youth but is not able to do so through the powers, duties and orders set out in the CFCSA (e.g. a parent applies for guardianship under the FLA in an attempt to overturn an order under section 54.01 or s. 54.1 of the CFCSA).
  - If an FLA proceeding is underway and an Indigenous authority provides notice that it is or will provide services to the child/youth under a coordination agreement and/or Indigenous law that applies to the child/youth, and requests that the director withdraw from CFCSA proceedings, inform the Indigenous authority of the FLA matter and follow [3.10 Child Protection Response with Indigenous Authority Involvement](#).

### ***Obtaining Necessary Health Care by Court Order***

- Consider applying for court-ordered health care under Section 29 of the CFCSA when:
  - In the opinion of at least two medical practitioners, health care is necessary to protect the child/youth's life or to prevent serious or permanent damage to their health; and
  - The child/youth is capable of consenting to health care and refuses medical treatment; or
  - The legal guardian of the child/youth refuses to consent to health care.
- The parties involved must receive two days' notice of the hearing, unless an application to shorten the time requirement for serving notice is made under Section 69(1) of the CFCSA.
- Do not go through the process of applying for court-ordered health care if the child/youth requires immediate medical treatment. When immediate medical treatment is necessary, the director may authorize a health care provider to examine a child/youth and may consent to necessary health care pursuant to Section 32 if the child/youth has been removed. The director's authority to do so does not affect the child/youth's right, under section 17 of the *Infants Act*, to consent to health care.
- If a coordination agreement and/or Indigenous law applies to a child/youth and there is an emergency requiring immediate medical treatment, connect with the applicable Indigenous authority as soon as possible and refer to [Policy 3.10 Child Protection Response with Indigenous Authority Involvement](#).
- Before applying for court-ordered health care under Section 29 of the CFCSA, refer the matter (in consultation with the local manager) to the ethics committee of the local health authority or hospital, whenever possible. Additionally, consult with the child/youth's physician to ensure that the physician is committed to providing the required health care service after court authorization is received. An order under Section 29 does not require a physician to provide the required health care services but rather, authorizes health care services to be provided without the permission of the child/youth or their legal guardian.

### ***Taking Charge***

- When the child/youth is found without adequate supervision on premises and it is determined that they require immediate supervision and care,

- consider taking charge under Section 25 of the CFCSA and providing care for up to 72 hours without parental consent or a removal.
- When the child/youth is lost or has run away from their home and the individual responsible for the child/youth cannot be located or the child/youth refuses to return home, consider taking charge under Section 26 of the CFCSA and providing care for up to 72 hours without parental consent or a removal.
  - If a coordination agreement and/or Indigenous law applies to the child/youth and the applicable Indigenous authority cannot be reached in a timeframe appropriate to the circumstances, despite efforts to do so depending on the immediacy and severity of the circumstances, a director may take charge of a child/youth as normal under sections 25 and 26 (see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#) for how to proceed in these situations).
  - When taking charge of the child/youth, make all reasonable efforts to notify and/or locate their parent(s).
  - When necessary, take the child/youth to a safe place, such as:
    - The home of a family member or friend of the child/youth that is considered safe;
    - A day care;
    - A foster home or residential service; or
    - A hospital.
  - When the child/youth's parent(s) have been located:
    - Inform them that the director has been looking after the child/youth under a Take Charge Notice; and
    - Inform the parent(s) if the director has: authorized a health care provider to examine the child/youth; or has consented to any necessary health care services.
  - Make arrangements to return the child/youth to their parent(s) as soon as possible and no later than 72 hours after taking charge unless:
    - There is an agreement with the parent(s) under another plan to provide day-to-day care of the child/youth to ensure their safety and well-being (such as a short-term Safety Plan or a Care Agreement); or
    - There is a removal under Section 30 of the CFCSA because the child/youth would be unsafe if returned to their parent(s).

### ***Using Care Agreements In Lieu of Removal***

- When it is determined that the child/youth would be unsafe if they were to remain in the care of their parent(s), consider initiating a Care Agreement to allow the child/youth to be:
  - in the care of extended family members under section 8 of the CFCSA (Extended Family Program), or
  - in the care of the director under section 6 of the CFCSA (Voluntary Care Agreement).
- If a coordination agreement and/or Indigenous law applies to the child/youth, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) before entering into a care agreement.
- Before initiating a Care Agreement in the context of protection concerns under Section 13 of the CFCSA, ensure that the following criteria are met:
  - The child/youth is not in immediate danger and their parent(s) are:
    - Are able to enter into the agreement;
    - Have the opportunity to review the proposed agreement in full; and
    - Have the opportunity, before signing the agreement and if requested, to consult with supportive individuals without the presence of child protection workers.
  - There is agreement on the required number of days' notice for the parent(s) to terminate the agreement; and
  - The agreement is sufficient to protect the child/youth.

### ***Removal and Placement Decisions Under Removal Status***

- Consider removal only if, under Section 30 of the CFCSA, there are reasonable grounds to believe that the child/youth needs protection and:
  - The child/youth's health or safety is in immediate danger; or
  - Available support services or other less disruptive measures are not adequate to protect the child/youth.
- When it is necessary for a child/youth to be removed, conduct the removal in person by being in the physical presence of the child/youth at the time of the removal. If distance is a factor, arrange for a local delegated child protection worker to conduct the removal.
- If the child/youth's parent(s) were not present when the child/youth was removed, promptly make all reasonable efforts to contact the parent(s) as soon as possible and do the following (in writing, if practicable):

- Explain to them why the child/youth was removed;
  - Provide them with information about next steps, including the date and the time of the presentation hearing (if known); and
  - Tell them how they may obtain legal services.
- Associate every removal with either a Family Development Response or Investigation in order to document the assessments made around the time of the removal.
- Ensure that the parent(s) receive a copy of *Presentation Form* (Form 1 [cf4050](#)). When possible, provide the parent(s) with a *Report to Court Form* (Form A [cf4061](#)) at the same time. If more time is needed to complete A Report to Court Form (Form A), provide it to the parent(s) as soon as possible and before the start of the presentation hearing.
- If, at any point, new information suggests the child/youth is Indigenous and a coordination agreement and/or Indigenous law applies to them, promptly contact the relevant Indigenous authority.
- For information on confirming whether a child/youth is Indigenous and whether a coordination agreement and/or Indigenous law applies, see [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).
  - For information on contacting the Indigenous authority, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- If a child/youth has been removed and an Indigenous authority provides written notification that is or will be providing services to the child/youth under the applicable coordination agreement and/or Indigenous law and requests that the director withdraw from the CFCSA proceeding, follow [3.10 Child Protection Response with Indigenous Authority Involvement](#)
- When a child/youth is being cared for under removal status, the director assumes care of the child/youth under Section 32 of the CFCSA. In the context of an unplanned removal, consider placing the child/youth with an individual other than the parent(s) apparently entitled to custody, when that individual is known to the child/youth and can ensure their safety and well-being. Complete the following due diligence measures:
- If the child/youth is Indigenous, involve their Indigenous community in the placement decision in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA, following the placement priorities set out in [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).

- If a coordination agreement and/or Indigenous law applies to the child/youth, connect with the Indigenous authority to discuss placement considerations in addition to the placement priorities set out in [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#). For details on acting consistent with a coordination agreement and/or Indigenous law, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- If the child/youth is Indigenous, contact their Indigenous community, the designated representative and/or the Indigenous Child and Family Services Agency representative the next working day.
- Visit the care provider(s)' home and determine the care provider(s)' ability to safely care for the child/youth;
- Discuss the planned living arrangement with the person caring for the child/youth to ensure that they understand the protection concerns and how they pertain to the child/youth, and agree to the plan for the child/youth;
- Conduct at least one preliminary reference check for the home, by phone or personal visit;
- Complete an Initial Record Review (IRR) for all those living in the household 18 years and older. If the IRR reveals child/youth safety concerns and more information is required to interpret the results of the IRR, complete a DRR as soon as possible. In consultation with the manager, consider whether the child/youth can remain with the care provider while the DRR is completed;
- Request voluntary disclosure of those living in the household 18 years and older of any offences, charges, convictions or stayed charges;
- Call local police to determine whether they would have concerns about a child/youth's safety when residing with the prospective caregiver. When the local police have been contacted by the worker, but the police are unable to provide a verbal record check, request information from police forces using form CF2015 and/or complete the Consolidated Criminal Record Check;
- Request a Protection Order Registry Check if necessary (see "Requesting a Protection Order Registry Check" in policy 3.1)
- If there is a criminal or child protection history, obtain manager approval for the child/youth to reside with the care provider;
- If appropriate, speak with local professionals who may have knowledge of the individual and/or the family and are able to speak to the safety of

the home. Only seek information from professionals after gaining the consent of the proposed care provider(s) for the child/youth.

- For a planned removal, complete the above tasks before placing the child/youth under removal status with the proposed care provider(s) and:
  - Obtain a written consent for conducting an Initial Record Review and Detailed Record Review (formerly called Prior Contact Check) on any adult living in the home (see “Conducting an Initial Record Review” and “Conducting a Detailed Record Review” in 3.1);
  - Instead of asking police if they have any concerns, complete a Consolidated Criminal Record Check on the proposed care provider(s) and on any individual over 18 years of age who lives in the home or who may have significant or unsupervised access to the child/youth;
  - Request a Protection Order Registry Check if necessary (see “Requesting a Protection Order Registry Check” in 3.1); and
  - Obtain three written references for the proposed care provider(s). These should include one from a member of the care provider(s)’ family, and one from an unbiased individual who has known the proposed care provider(s) for at least 3 years and is not a member of the care provider(s)’ family.
- If an appropriate caregiver cannot be found for either an unplanned or planned removal, place the child/youth in an approved foster home.
- When the child/youth has been removed from parent(s) who are receiving income assistance, inform the Ministry of Social Development and Poverty Reduction (MSDPR) that the child/youth is living outside the family home and that there is a need for MSDPR to maintain the family’s full shelter allowance while the family works towards the return of the child/youth. (Use form [cf3471](#): *Children Cared for Outside the Parental Home Notification and Confirmation*).

### ***Out of Care Orders Preferred Over in Care Orders***

- When the safety and well-being of a child/youth necessitates a court-ordered out-of-home arrangement, whenever possible and with the involvement of the child/youth, the parent(s), the Indigenous community in accordance with any agreement in place between the director and the community under section 92.1 of the CFCSA, the applicable Indigenous authority (if a coordination agreement and/or Indigenous law applies to the child/youth) and any individuals who have a relationship with the child/youth and family, explore the following continuum of court ordered

placements, taking into account the assessment requirements set out in [Chapter 4 Out-of-Care Policy](#):

- Selecting an Interim Out-of-Care Custody Order under Section 35(2)(d) of the CFCSA (instead of an Interim In-Care Custody Order under Section 35(2)(a) of the CFCSA);
- Selecting a subsequent Temporary Out-of-Care Custody Order under Section 41(1)(b) of the CFCSA (instead of a Temporary In-Care Custody Order under Section 41(1)(c) of the CFCSA);
- Changing a Temporary In-Care Custody Order to an Out-of-Care Temporary Custody Order through an application under Section 57 of the CFCSA; or
- Selecting a Permanent Transfer of Custody under Section 54.01 of the CFCSA instead of a Continuing In-Care Custody Order under Section 49 of the CFCSA.

### ***Interim and Temporary Custody Out-Of-Care Orders***

- If the assessment process in [Chapter 4 Out-of-Care Policy](#) indicates that the proposed care provider(s) may not be able to provide for the safety and well-being of the child/youth, complete the following steps:
  - Discuss all concerns with the proposed care provider(s) to determine whether the issues can be resolved in a manner that allows the child/youth to live with the proposed care provider(s); and
  - If the issues cannot be resolved, advise the proposed care provider(s) that the director cannot support the proposed living arrangements. Do not enter into an agreement with the proposed care provider(s).
- If the assessment process in [Chapter 4 Out-of-Care Policy](#) indicates that the proposed care provider(s) are able to provide for the safety and well-being of the child/youth, make an application for the out of care placement:
  - At the presentation hearing through *Report to Court Form* ([form A cf4061](#)); or
  - At the protection hearing through *Application for an Order Form* (form 2 [cf4051](#)) and *Court Plan of Care – For a Child in Custody of a Care Provider Form* ([cf2595](#)).
- Include the following terms in all interim and temporary out-of-care custody orders that fall under the director's supervision:

- The care provider(s) must cooperate with all directions of the director regarding access to the child/youth by the child/youth's parent(s) and any plans for reunification with the parent(s); and
  - The director may remove the child/youth in the event that the care provider(s) does not comply with the supervision terms of this Order.
- When the court grants an interim or temporary out-of-care custody order, complete the care provider(s) *Agreement with a Person Other Than a Parent Who Has Interim/Temporary Custody of the Child* in order to provide financial support to the care provider(s).
- While providing support to the care provider(s), as per [Chapter 4 Out-of-Care Policy](#), recognize that the care provider(s) in an out-of-care placement have the autonomy, as the individual(s) with custody of the child/youth (under Section 47(2) of the CFCSA), to make decisions about the child/youth's care.

### ***When an Interim or Temporary Out of Care Placement Must be Terminated***

- In the event that, after an interim or temporary out-of-care custody order is put in place, the director receives a report that the child/youth may be in need of protection from the care provider(s), complete the following tasks:
- Assess the information and determine the most appropriate response in accordance with Policy 3.1;
  - If the interim out-of-care custody order must be terminated as soon as possible, consider the following options:
    - Moving up the date of the Protection Hearing, which must commence no later than 45 days after the conclusion of the presentation hearing but may commence sooner.
    - Removing the child/youth from the care of the care provider(s) under Section 36 of the CFCSA; or
    - Withdrawing and returning the child/youth to the parent(s) under Section 48 of the CFCSA. This option can only be pursued when the director establishes an agreement with the parent(s) that will adequately protect the child/youth, or determines that the family's circumstances have changed and that the child/youth no longer needs protection.
  - If the temporary out-of-care custody order must be terminated as soon as possible, consider the following options:
    - Removing the child/youth from the care of the care provider(s) under Section 42 of the CFCSA;

- Applying to change the Out-of-Care Custody Order to different type of custody order under Section 57 of the CFCSA; or
  - Withdrawing and returning the child/youth to the parent(s) under Section 48 of the CFCSA. This option can only be pursued when the director establishes an agreement with the parent(s) that will adequately protect the child/youth, or determines that the family's circumstances have changed and that the child/youth no longer needs protection.
- If an Indigenous authority has provided written notification that it is or will be providing services to the child/youth under a coordination agreement and/or Indigenous law that applies to them, and requests that the director withdraw from the CFCSA proceeding, promptly initiate the process outlined in [3.10 Child Protection Response with Indigenous Authority Involvement](#). Any court order application, supervision order, interim order, temporary custody order, or maintenance order under s. 07 (5) respecting the child/youth is cancelled when the withdrawal is complete.

### ***FLA applications for a child/youth receiving services under the CFCSA***

- When an application is made by a parent or another person for an order respecting parenting arrangement (s. 45) or guardianship (s. 51) under the *Family Law Act*, the application can be made on a priority basis in one of the following circumstances:
- the child/youth has been removed under section 30, 36 or 42 of the CFCSA, and a director has advised that the FLA order may allow for the child/youth to be returned to or placed with the applicant; or
  - the director has advised that the child/youth may be removed under section 30, 36 or 42 of the CFCSA unless the FLA order is made.
- The application for having the matter heard in the priority FLA process is made by the person seeking the FLA order, using [form 15 'Application about a priority parenting matter'](#) and not initiated by the director. However, the director may provide information to the court by completing Schedule 1 of the application made by one of the parties to the FLA proceeding.
- The information the director provides in Schedule 1 should focus on the timing and urgency of the matter. The director should only share information, pursuant to s. 79(a), needed by the court to understand why it is in the best interest of the child/youth from the CFCSA perspective that the FLA matter should be prioritized.

- The director should exercise caution in what information is shared and Director's Counsel must review the completed Schedule 1 prior to providing it to the applying party.
- Document the completed Schedule 1 and any legal advice in ICM case notes.
- If, following a Schedule 1 having been completed to support a FLA application, an Indigenous authority provides written notification that it is or will be providing services to the child/youth under a coordination agreement and/or Indigenous law and requests that the director withdraw from the CFCSA proceeding, notify the person seeking the FLA order and provide a copy of the Schedule 1 to the Indigenous authority. See the following, as applicable:
  - [3.10 Child Protection Response with Indigenous Authority Involvement](#) for information on withdrawing from a CFCSA proceeding in this circumstance,
  - Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) for details on information sharing with Indigenous authorities, and
  - [Chapter 4 – Out of Care Policy](#) if an out of care arrangement was entered into during the FLA process.
- When a non-custodial parent or other person's guardianship application under the *Family Law Act* (FLA) is going to be heard together with a CFCSA proceeding:
  - If the director is currently working towards returning the child/youth to the parent from whom they had been removed, the director's position should be limited to providing information about the director's assessment and planning regarding the parent from whom the child/youth was removed
  - If, however, the director has determined that the child/youth cannot be returned to the parent from whom they were removed and it is necessary to implement an alternate permanency plan, the director assesses whether or not to support the FLA application by completing the same steps that are used for screening proposed care provider(s) for temporary out-of-care custody.
  - If an Indigenous authority notifies the director that it is or will be providing services to the child/youth under a coordination agreement and/or Indigenous law that applies to them, ensure the

Indigenous authority is aware of any FLA proceeding regarding the child/youth that is in progress.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.6: Initiating Ongoing Protection Services</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

### Policy Statement

Ongoing Protection Services, involving continuous assessment, planning, and service provision, begin after a Family Development Response or Child Protection Investigation has concluded that interventions need to remain in place to ensure the child/youth's safety and well-being while the child/youth lives with their parent(s) or lives outside of the family home.

### Outcomes

- Children and youth are safe from any immediate threats of harm or maltreatment.
- Families are fully engaged in the assessment and planning processes.
- Indigenous communities are involved in ongoing protection services in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA.
- If a coordination agreement and/or Indigenous law applies to a child/youth, protection services are provided in a manner consistent with the coordination agreement and/or Indigenous law, and information is shared with the applicable Indigenous authority to support coordinated service delivery, following [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Families understand how their progress will be measured.

## Standards



**3.6(1)** Complete an assessment of the strengths and needs of the family and child/youth that is reviewed and approved by a supervisor, in order to inform the Family Plan.

**3.6(2)** Within 30 days of initiating ongoing protection services, collaborate with the family to create a Family Plan or its equivalent.



The Family Plan is made in consultation with and is approved by a supervisor. The supervisor's approval is documented.

## Procedures

### *Creating an Opening Recording*

- Summarize the family's story, in terms of key events and an overall analysis of the family's functioning.
- Identify current support systems for the child/youth and any extended family members who could become involved in assessment and planning (particularly when the child/youth is not able to live with their parent(s) for a period of time) through any of the following: genogram, eco-map or narrative in the opening recording.

### *Assessing the Strengths and Needs of a Family*

- Assess strengths and needs through the use of the Family and Child Strengths and Needs Assessment.
- When a Family and Child Strengths and Needs Assessment has already been completed (e.g. during a previous FDR Protection Services phase), complete a new assessment only if the previous assessment is more than three months old or is no longer relevant.
- When the initiation of Ongoing Protection Services follows an Investigation or an FDR Assessment Phase, collaborate with the child protection worker who was involved in the Investigation, whenever possible, to complete the Family and Child Strengths and Needs Assessment.
- Ensure that the collaborative assessment process includes input from all members of the child/youth's immediate family, and with the agreement of the parents:
  - Extended family members (when appropriate);
  - Any community service providers who have been or who are currently involved with the family; and

- If the child/youth is Indigenous, members of their Indigenous community.
- Conduct a careful analysis of the information gathered for the purposes of identifying and prioritizing the goals for the Family Plan. Share the analysis with the family either before starting work on the Family Plan or during the development of the Family Plan. Encourage full discussion of the analysis and conclusions.

### ***Creating and Implementing a Family Plan***

- Initiate planning by:
  - Explaining that the process of developing the Family Plan is an opportunity for the family and all other participants to contribute directly to the goals of the Family Plan;
  - If the child/youth is Indigenous, ensuring that the plan supports them to learn about and practise their Indigenous traditions, customs and languages, and their right to belong to their Indigenous community;
  - Helping the family identify all individuals (including any representatives chosen by the child/youth's Indigenous community) who could provide support and should participate in developing the Family Plan; and
  - Using a family meeting format to bring all identified participants together for the purposes of discussing the family's goals and the actions they will take towards achieving them.
- If the child/youth is Indigenous:
  - involve their Indigenous community as soon as possible, in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA or when supported by authority under section 79(a) or (a.2) of the CFCSA,
  - if a coordination agreement and/or Indigenous law applies to the child/youth, follow the process for acting consistent with the coordination agreement and/or Indigenous law and for sharing information with Indigenous authorities outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#),  
or
  - when none of the above apply, when supported by parental consent.
- Develop the Family Plan with the child/youth and family by:
  - Ensuring that the family participates in the planning process;
  - Considering, in a manner that encourages sharing issues and finding solutions, all suggestions put forth by participants in the family meeting that may help to meet the family's needs;
  - Having an open, honest, and clear discussion with participants that produces specific, realistic, clear, and measurable goals that the

- child/youth and family understands and agrees to;
  - Ensuring that the family's Indigenous traditions, customs and language, ethnicity, culture, religion, and supports from extended family and community members are respected by creating a Family Plan that accommodates the family's particular strengths and needs;
  - Sharing information about the Family Plan development with the applicable Indigenous authority, if a coordination agreement and/or Indigenous law applies to the child/youth (see Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#));
  - Identifying strategies, activities and services that will help the family achieve the goals of the Family Plan;
  - Determining a review date for each of the goals in the Family Plan; and
  - Advising the parent(s) of their right to have the Family Plan reviewed with legal counsel or a trusted third party (Elder, Designated Representative, Chief and Council, community member etc.) prior to the parent agreeing to the plan.
  - Seeking the parent's consent to the Family Plan.
- If, after using collaborative methods, parent(s) are unable or unwilling to agree to the goals and strategies of the Family Plan which are necessary to keep the child/youth safe, consider whether a supervision order, or s.28 protective intervention order may adequately protect the child/youth prior to considering a removal.
- Implement the Family Plan for the child/youth and family by:
- Ensuring that the family and all individuals with a role in the Family Plan receive a copy of the plan, including representatives from the child/youth's Indigenous community in accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA, and the applicable Indigenous authority (if a coordination agreement and/or Indigenous law applies to the child/youth) in accordance with Appendix I in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
  - Arranging for all necessary services to start as soon as possible; and
  - Preparing the family to participate in the services.

- When there is a third party involved in the development of a Family Plan, such as at a Family Case Planning Conference or Family Group Conference, the plan developed may be considered in lieu of a Family Plan if the plan has the key components of:
  - The priority needs to be addressed;
  - The goals, described in clear and simple terms regarding what the family would like to change in their lives in relation to the identified need;
  - Indicators that described in clear and simple terms what will appear different when the need is met (from the viewpoint of the family or from the viewpoint of others);
  - Strategies to reach goals, where the person responsible for implementing the strategy is also noted; and
  - A review date, when progress towards the goal will be reviewed and a determination made on whether the goal has been met.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.7: Ongoing Protection Services Practice Cycle</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

**Policy Statement**

The practice cycle for Ongoing Protection Services begins after a Family Plan has been developed and implemented, and includes the following components: continual evaluation of the family’s progress; reassessment and analysis; and revised planning. During Ongoing Protection Services, the child/youth may be living with their parent(s) or outside of the family home, by agreement or court order.

**Outcomes**

- Children, youth and families receive services and/or participate in strategies identified in their Family Plan.
- Families make progress toward achieving their goals.
- The vulnerability of children and youth to future harm or maltreatment is reduced.
- Services provided during the ongoing protection services practice cycle are provided in a manner consistent with the coordination agreement and/or Indigenous law or s. 92.1 agreement that applies to the child/youth, if there is one, and information is shared with the applicable Indigenous authority to support coordinated service delivery, following [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).



## Standards

- 3.7(1)** Consult with a supervisor, at least once during each practice cycle, to determine how frequently the child/youth and family should be visited by the child protection worker and others. Document the resulting decision.
- 3.7(2)** At least every six months, revise assessments and planning with the family and others involved.
- 3.7(3)** For children/youth who have not been confirmed as being Indigenous, make reasonable efforts to obtain information pertaining to their cultural identity on an ongoing basis and when any new relevant information emerges, following [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).

## Procedures

### ***Engaging with Families and Evaluating Progress***

- When the child/youth lives with their parent(s), in consultation with a supervisor, use the rating from the Vulnerability Assessment (or Vulnerability Re-assessment at least every six months) along with other pertinent case information as one source of guidance to determine how frequently to schedule planned visits with family members.
- If the child/youth's Indigenous community has an agreement with the director under section 92.1 of the CFCSA, involve the community in accordance with it.
- If an applicable Indigenous authority provides written notification that it is or will be providing services to the child/youth under the coordination agreement or Indigenous law that applies to them, and requests that the director withdraw from a CFCSA proceeding, promptly begin the process of withdrawing under [3.10 Child Protection Response with Indigenous Authority Involvement](#).
- If an applicable Indigenous authority provides notice (verbal or written) that it is or will be providing services to the child/youth under the coordination agreement and/or Indigenous law that applies to them and a voluntary care agreement of special needs agreement is in place, see [Chapter 2 Family Support Services and Agreements](#).
- If at any time, new information suggests the child/youth is Indigenous and a coordination agreement and/or Indigenous law may apply to them, promptly contact the relevant Indigenous authority as set out in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- As an ongoing process that occurs during interactions with the family, support the family's progress towards achieving their goals by:
  - Meeting with the family regularly and directly helping them achieve their identified goals;
  - Responding to any planned or unplanned changes in the family's circumstances or to incidents involving the family;
  - Preparing the family to participate in services;
  - Coordinating and monitoring any contracted or community services for the family; and
  - Assessing the appropriateness of services for the family.
- Observe the child/youth and any siblings in their home environment, and pay particular attention to how they interact with their parent(s).
- Evaluate the family progress through regular interactions with the child/youth, family and network/community around the family.
- Periodically document evaluations of the family's progress towards meeting the goals identified in the Family Plan.



### ***Reassessment and Revising Planning in the Practice Cycle***

- When a file is intended to remain open, at least every six months conduct a reassessment through the following steps:
  - Review the family's progress towards the goals outlined in the Family Plan;
  - If all the children/youth are living at home with their parent(s), complete the Vulnerability Reassessment;
  - If any child/youth has not been confirmed as being Indigenous, make reasonable efforts to obtain information pertaining to their cultural identity and confirmation of whether a coordination agreement and/or Indigenous law applies to them, following [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).
  - If at least one child/youth is living in out-of-home care because of protection concerns, complete a Reunification Assessment (and do not complete a Vulnerability Reassessment – the vulnerability rating from the Reunification Assessment is applied to all the children/youth who remain in the home); and
  - If it is determined that the family must continue receiving Ongoing Protection Services, revise the Family and Child Strengths and Needs Assessment as necessary.

- Complete a review recording.
- In addition to the six-month formal reassessment cycle, revise the above applicable assessments and review recording when a case is being transferred to another child protection worker and the previous assessment and review recording was conducted more than three months ago or is no longer relevant.
- In addition to the six-month formal reassessment cycle, complete the Reunification Assessment:
  - When the child/youth's return to their family is being considered;
  - When a court proceeding is to be conducted regarding the custody of the child/youth in an out-of-home placement and the previous assessment was conducted more than three months ago or is no longer relevant.
- When a new report related to the child/youth and family results in a Family Development Response Assessment or an Investigation, conduct a new Vulnerability Assessment as part of that Protection Response (not a Vulnerability Reassessment). Note that the new Vulnerability Assessment should not affect the original six-month Reassessment schedule that was established after Ongoing Protection Services began. When, however, the new Vulnerability assessment for the Family Development Response or Investigation has been completed within three months prior to the reassessment schedule in Ongoing Protection Services, a Vulnerability Reassessment need not be completed at the next reassessment. Instead, the recently completed Vulnerability Assessment can be relied on both for completing the Protection Response and for the reassessment in Ongoing Protection Services.
- For more information about how to complete the assessments, refer to the [Guidelines for Using Structured Decision Making Assessment Tools](#) in the Child Protection Response Model.

### ***Reviewing and Revising the Family Plan Based on Additional Information***

- In the context of a family meeting, collaborate with all family members, Indigenous community representatives (if the child/youth is Indigenous), and other individuals who have a role in Family Plan.
- If a service provider is unable to attend the family meeting, do not postpone the review of the family plan if it would cause unreasonable delay. Instead, review any information about the family's progress that the service provider has submitted.
- Revise the Family Plan based upon:

## Child Protection Response

- Progress in the previous Family Plan;
- New priorities from a revised Family and Child Strengths and Needs Assessment; and
- Any additional information received from participants in the family meeting.

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.8: Returning Children and Youth to Parents or Considering Permanency Alternatives</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

### **Policy Statement**

When a child/youth is living outside of the family home due to protection concerns, the primary goal of child protection workers is to return the child/youth to the parent(s) apparently entitled to custody. This ceases to be the primary goal when the child/youth is in the continuing custody of the director or living permanently with another family through a transfer of guardianship or adoption.

When appropriate and possible, concurrent planning is initiated while the child/youth is living outside of the family home, prior to establishing a continuing custody order, transfer of guardianship or adoption.

If it becomes evident that the child/youth cannot return to the family home, child protection workers seek stability for them through permanent connections (legal, relational, cultural, physical).

### **Outcomes**

- Children and youth return to permanent living arrangements with their parent(s) or with alternative families, whenever possible, in a timely manner.
- Children, youth and families, and Indigenous communities, whenever applicable, collaborate in decision-making processes for the purposes of achieving permanent living arrangements.

## Standard

**3.8(1)** When a child/youth is in an out-of-home placement by agreement or court order due to protection concerns, at least every six months while working towards reunification with the parent(s), determine, in consultation with a supervisor, whether to:

- Return the child/youth to their parent(s);
- Maintain focus on reunification while the child/youth remains out of the family home; or
- Implement an alternate permanency plan

**3.8(2)** When considering permanency alternatives, do so in a manner consistent with the coordination agreement and/or Indigenous law that applies to the child/youth, if there is one, following [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

## Procedures

### ***Completing the Reunification Assessment***

- In order to review the family's progress towards goals, the relationship between the child/youth and parent(s) and the safety of the home, conduct a Reunification Assessment at the following times:
  - Every six months, but not after a continuing custody order has been made or after the child/youth is permanently in the care of another individual;
  - When changes in the family's circumstances necessitate considering the return of the child/youth to their parent(s); and
  - Before a court proceeding regarding custody of the child/youth.
- In the six-month timeframe prior to completing the Reunification Assessment:
  - Provide appropriate support services and opportunities for the child/youth's parent(s) to demonstrate that they can provide a safe and nurturing environment.
  - Provide frequent access between the child/youth and parent(s), unless such access is not in the best interests of the child/youth, to maintain attachments between the child/youth and parent(s). Consult with a supervisor to determine the appropriate frequency and duration of contact between the child/youth and the parent(s).

- Under the guiding principles in Section 2 of the CFCSA, ensure that the safety and well-being of the child/youth remain the paramount considerations. If significant concerns about the parent(s)' ability to provide for the safety and well-being of the child/youth cannot be adequately addressed, even through the provision of services, do not return the child/youth to their family home.
- For more information about completing a Reunification Assessment, refer to the [Guidelines for Using Structured Decision Making Assessment Tools](#) in the Child Protection Response Model.

### ***Returning the Child/Youth to the Family***

- Once a determination has been made to return an infant or a child with support needs to their family, and there are concerns about safe sleeping, review the [Safer Sleep brochure](#) or [translated version](#) with the parent(s) and discuss safe and unsafe sleeping practices to assist them in developing a Safer Sleep arrangement.
- After it is determined that the child/youth will return to their family, revise the Family Plan as necessary to support the child/youth's return home, and involve the following groups/individuals:
  - The child/youth (appropriate to their developmental level);
  - The family;
  - Extended family members (if involved);
  - The Indigenous community (if applicable);
  - The child/youth's caregiver or care provider(s); and
  - Other community members or agencies that play a role in keeping the child/youth safe.
- If at any time, new information suggests that a coordination agreement and/or Indigenous law applies to the child/youth, see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#)
- If the child/youth's Indigenous community has an agreement with the director under section 92.1 of the CFCSA, involve the community in accordance with it.
- When the child/youth is living out of the family home under a care agreement (Sections 6 or 7 of the CFCSA), return before the agreement ends as a result of either the parent(s) or the director giving the required number of days' notice (as stated in the agreement) for the termination of the agreement.

- After a removal but before a presentation hearing is concluded, return the child/youth to the parent apparently entitled to custody under Section 33 of the CFCSA by presenting *Report to Provincial Court Form* (Form B [cf4062](#)) to the court if:
  - The director makes an agreement with the parent(s) about a plan that will adequately protect the child/youth;
  - The director determines that the family's circumstances have changed and, as a result, the child/youth no longer requires protection;
  - The director receives information that gives them reason to believe the child/youth does not need protection; or
  - A less disruptive way of protecting the child/youth becomes available.
- At any time after the presentation hearing, return the child/youth to the parent apparently entitled to custody and withdraw from a proceeding under Section 48 of the CFCSA by presenting *Report to Provincial Court Form* (Form B [cf4062](#)) to the court if:
  - The director makes an agreement with the parent(s) about a plan that will adequately protect the child/youth; or
  - The director determines that the family's circumstances have changed and, as a result, the child/youth no longer needs protection.
- During the term of a temporary custody order, apply, under Section 57 of the CFCSA, to change the custody order to a supervision order if circumstances have changed significantly since the temporary custody order was made and it is now safe for the child/youth to return to parent(s) under the director's supervision.
- When supporting the child/youth's return to the family home, complete the following:
  - Ensure that the child/youth and family receive the assistance necessary to facilitate the child/youth's transition back to the family home. (A gradual return with an increasing number of overnight stays in the family home each week may be appropriate in some circumstances. Any withdrawal under Sections 33 or 48 of the CFCSA should only occur after such transitioning is completed);
  - Ensure that the child/youth takes all of their personal belongings when returning to the family home.

- Ensure that the child/youth and family are given all relevant information and documents (including, for example, the child/youth's birth certificate, health care card, medical records, and school reports);
- If the parents have been receiving income assistance, inform the Ministry of Social Development & Social Innovation (MSDSI) that the child/youth has been returned to the parent(s)' care. (Fax Form [cf3471](#): *Children Cared for Outside the Parental Home Notification and Confirmation*);
- Inform the child/youth's school about their return to the family home as per the Joint Educational Planning and Support for Children and Youth in Care: Cross Ministry Guidelines.
- Inform the parent(s) about the steps that must be taken to resume receiving benefits for the child/youth (including, for example, health care coverage and Child Tax Benefit); and
- Provide the family with any necessary voluntary or mandatory support services and information about community resources available to help the family provide for the safety and well-being of the child/youth.

### **Concurrent Planning**



Concurrent planning is the process of actively working with parent(s) to reunite them with their child/youth while simultaneously developing an alternative permanent family plan for the child/youth.

- Discuss the need for concurrent planning with a supervisor during completion of the first Reunification Assessment. Concurrent planning is completed before the next Reunification Assessment is conducted (i.e. within six months) unless supervisory approval is obtained and documented on the Reunification Assessment.



Although the legislated time limits for temporary custody under Section 45 of the CFCSA are 12, 18 or 24 months (depending on the age of the child/youth), actions to support concurrent planning occur before the expiry of those time limits.

- Collaborate with the parent(s) and the child/youth (appropriate to his/her developmental level), to identify family members or community members who could provide care and/or should be involved in the planning process.
- Engage in the planning process, whenever possible, all pertinent family members, extended family members, and chosen support persons. If the

child/youth is Indigenous, engage a representative from their Indigenous community when making decisions about potentially permanent care provider(s) for the child/youth and share information with the applicable Indigenous authority (if a coordination agreement and/or Indigenous law applies to the child/youth) as required under Appendix I of [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

- Conduct a comprehensive assessment of the proposed care provider(s) in accordance with [Chapter 4 Out-of-Care Policy](#) before placing the child/youth with that individual;
- Ensure that the child/youth's care provider(s) are aware of the support services available to them as per [Chapter 4 Out-of-Care Policy](#) and;
- Ensure that concurrent planning does not impede efforts to return the child/youth to their parents.

### ***Implementing an Alternate Permanency Plan***

- Using the Reunification Assessment to support clinical decisions, and with approval of a supervisor, take steps to implement an alternate permanency plan for the child/youth when:
  - It is determined that reunification with the child/youth's parent(s) is not likely; or
  - The legislated time limits under Section 45 of the CFCSA are nearly expired, unless a judge has extended the timeframe pursuant to Section 45(1.1) of the CFCSA.
- Implement an alternate permanency plan through:
  - Permanent Transfer of Custody from the parent to another individual, pursuant to the director's application under Section 54.01 of the CFCSA. Six months residency with the proposed care provider(s) under Section 8 of the CFCSA or under a Temporary Out-of- Care Order is a pre-requisite for this option, with the consent of all parties required if the child/youth is to move directly from care under Section 8 to care under Section 54.01.
  - Continuing Custody Order, pursuant to Section 41(1)(d) or Section 49 of the CFCSA, with the subsequent goal of either:
  - Adoption under the *Adoption Act* (see [2019 Adoption Policy & Procedures](#)); or
  - If adoption is not in the child/youth's best interest and any required exception to adoption is granted by the involved manager, a Permanent Transfer of Custody from the Director to another



individual, pursuant to the director's application under Section 54.1 of the CFCSA.

- If a coordination agreement and/or Indigenous law applies to the child/youth, do not apply for a Permanent Transfer of Custody if the applicable Indigenous authority confirms it is or will be providing services to the child/youth. See [Chapter 6 Permanency Policies](#).

<b>Chapter 3: Child Protection Response</b>	
<b>Policy 3.9: Ending Ongoing Protection Services</b>	
<b>Effective Date of Policy:</b> <b>July 7, 2014</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

### Policy Statement

The decision to end Ongoing Protection Services is made through reviewing the family's circumstances and is based on a determination that the safety and well-being of the child/youth is sufficiently supported without further involvement of protection services.

### Outcomes

- Families, extended families and communities are able to assume responsibility for the safety and well-being of children/youth without the involvement of child protection services.
- Families and extended families seek services in the community to prevent incidences of child/youth maltreatment recurring.

### Standard



**3.9(1)** Make the determination to conclude Ongoing Protection Services in consultation with a supervisor, with the supervisor's approval of the decision documented.

### Procedures

#### ***Criteria for Concluding Ongoing Protection Services***

- Conclude Ongoing Protection Services when:
  - There have been no unaddressed reports of abuse or neglect;
  - There are no indications of current or imminent safety concerns;

- The family has demonstrated specific and sufficient behavioural improvements in the areas identified in the Family Plan, and there is documented evidence of these improvements;
- A recent Vulnerability Reassessment or Reunification Assessment confirms that factors which were identified as contributing to high vulnerability no longer exist or have been addressed sufficiently that they no longer pose direct risks to the child/youth's safety and well-being;
- The family has demonstrated the ability to access and use formal and informal resources to assist them in problem solving; and
- Family members state that they are ready and able to resume parenting without the director's support.



- Ongoing Protection Services are concluded, and any interim, temporary custody or supervision order ended, as a result of the director withdrawing from a CFCSA proceeding.
- When all of the above criteria have not been met, with the approval of a supervisor, conclude Ongoing Protection Services only when:
  - There is no legal basis for continuing to provide mandatory Ongoing Protection Services (i.e. there are no reasonable grounds to believe that the child/youth's safety or well-being is threatened by a circumstance listed in Section 13 of the CFCSA) and the family is refusing voluntary involvement with the director;
  - A permanency plan has been put in place for the child/youth and no other children/youth are being cared for in the home;
  - The family has moved to another jurisdiction which is now providing child protection services;
  - The family cannot be located in spite of the child protection worker having explored and exhausted all reasonable options to locate them; or
  - There are grounds to withdraw from child protection proceedings under Sections 33, 33.01 or 48 of the CFCSA.
  - If an Indigenous authority has provided written notification that it is or will be providing services to the child/youth under a coordination agreement and/or Indigenous law that applies to them, promptly begin the process to withdraw from the proceeding (see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#)).
- Where a withdrawal is being considered by the director, pursuant to s. 33.01 (1) (a) or s. 48(1.1) (a), regarding an Indigenous child/youth whose

parent apparently entitled to custody has made an agreement with the child/youth's Indigenous community, the director:

- Obtains a copy of the agreement between the child/youth's parents and the Indigenous community;
  - Confirms that all parents apparently entitled to custody of the child/youth are in favour of the agreement (however, if the uninvolved parent's whereabouts are unknown, the director may forgo that parent's agreement if reasonable efforts have first been made to locate and obtain that parent's views without success);
  - Considers the child/youth's view;
  - Explores with a representative from the Indigenous community (the position identified by the governance of that community such as Band Manager, Band Social Worker or Designated Representative) the community's ability to provide care for the child/youth;
  - In collaboration with the Indigenous community representative, visits the home(s) where the child/youth would be cared for;
  - Obtains consent from the individual(s), who would be providing care for the child/youth as determined by the parent(s) and Indigenous community, to conduct a criminal record check and prior contact check (Initial Record Review and Detailed Record Review) on the individual(s) and to share the results with a representative from the Indigenous community;
  - Where concerns have been identified, in collaboration with the Indigenous community, factors in the community's views on strengths and protective factors to manage risks.
- The director is responsible for determining that the agreement is adequate to protect the child/youth after taking into account all of the above information in collaboration with the Indigenous community. If the director's initial decision is that the agreement between the parents and Indigenous community is not adequate to protect the child/youth, the decision is reviewed by the Director of Operations or equivalent position in an Indigenous Child and Family Services (ICFS) Agency before being finalized.
- If the director determines that the agreement between the parents and the Indigenous community is adequate to protect the child/youth, the agreement is saved on the electronic child service and family service file, and the director's reasons for withdrawal are documented in Form B and provided to the parents and to the Indigenous community prior to the

application to the court. The director's reasons documented in Form B must include:

- How the agreement protects the child/youth from previously identified protection concerns involving the parent(s); and
  - That the director agrees with the Indigenous community in considering the child/youth to be safe in their living arrangement.
- Where the director has withdrawn from court proceedings, the director may have no further involvement or may offer, where appropriate, support services through agreements such as the Extended Family Program.

### ***Involving Family and Others in Concluding Ongoing Protection Services***

- Before ending Ongoing Protection Services:
- Involve the family, and where applicable, extended family members, in discussions about ending Ongoing Protection Services so that:
    - Family members may more clearly understand that their efforts towards achieving the goals of the Family Plan will enhance their ability to care for and provide a safe home for the child/youth;
    - The family has an opportunity to contribute to decisions about how and when Ongoing Protection Services will end and may, consequently, be better able to sustain the positive change that has been made; and
    - The process of ending Ongoing Protection Services is an opportunity to reflect with the family on their successes and achievements.
- Involve service providers and, where applicable, the Indigenous community (in accordance with any applicable agreement with the director under section 92.1 of the CFCSA) and an applicable Indigenous authority if a coordination agreement and/or Indigenous law applies to the child/youth (see Policy [3.10 Child Protection Response with Indigenous Authority Involvement](#)), in discussions about ending Ongoing Protection Services so that:
- There is an opportunity to discuss and clarify any future role and working relationships that service providers or the community may have with the family;
  - When service providers are expecting to terminate their involvement with the family, there is an opportunity to identify

- any problems that might arise and to strategize accordingly before services are withdrawn;
- If service providers or, where applicable, the Indigenous community, have ongoing child protection concerns, there is an opportunity to reconsider the decision to end Ongoing Protection Services and/or to strategize about how to mitigate the concerns.
- When the decision is made to close the file, inform involved extended family members and any other individuals and organizations with a role in supporting the family and keeping the child/youth safe, of the intention to close the case and the date on which this will take place.

### ***Recording the Decision to Conclude Ongoing Protection Services***

- Complete associated assessments (only the Vulnerability Reassessment or Reunification Assessment) upon ending ongoing protection services unless:
  - A alternative permanency plan has been established for the child/youth and there are no other children/youth living in the family home; or
  - The family cannot be located in spite of all reasonable means of doing so having been attempted and exhausted.
- Complete a Closing Recording.
- Send a letter to the family that:
  - Recognizes the family's participation and progress;
  - Summarizes the goals they have achieved;
  - Recognizes the agreement in place between the parents and the Indigenous community, where applicable, that is adequate to keep the child/youth safe;
  - Provides clarification about any circumstances in which there would be a need for re-involvement of child protection services; or
  - Identifies community supports that are in place or may be available.
- Record the ending of Ongoing Protection Services on the same day that the letter is sent to the family



<b>Policy 3.10: Child Protection Response with Indigenous Authority Involvement</b>	
<b>Effective Date of Policy:</b> <b>November 25, 2022</b>	<b>Amendment Date of Policy:</b> <b>January 15, 2024</b>

**Policy Statement**

When a coordination agreement and/or Indigenous law applies to a child/youth, the director promptly contacts the applicable Indigenous authority as outlined in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#). Depending on the circumstances, the director then:

- promptly refers a child protection report to the Indigenous authority, or
- promptly takes the required steps to withdraw from a CFCSA proceeding

The director provides protection response services under the CFCSA, following this policy and in a manner consistent with any coordination agreement and/or Indigenous law, or s. 92.1 agreement that applies to the child/youth.

If there is uncertainty whether an Indigenous law applies to a child/youth, the director ensures there is no disruption in services for the child/youth or family.

In circumstances where more than one Indigenous law may apply, the director encourages resolution through traditional Indigenous dispute resolution methods if possible, or through alternate dispute resolution (ADR) procedures. Refer to [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) for more information.

**Outcomes**

- Indigenous authorities receive child protection reports respecting their children/youth in accordance with the applicable collaboration agreement and/or Indigenous law and any relevant agreement in place with the Indigenous community or Indigenous governing body under the CFCSA.

- Indigenous children, youth and families experience as seamless as possible transition between services provided under the CFCSA and those provided under a coordination agreement and/or Indigenous law.
- The director's provision of protection services is consistent with the applicable coordination agreement and/or Indigenous law or s. 92.1 agreement (as described in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#)) and involves consultation and cooperation with the applicable Indigenous authority.
- Indigenous children, youth and families receive available services to meet their needs.

### Standards

- 3.10(1)** When a child protection report is received, promptly confirm whether the child/youth is Indigenous, whether a coordination agreement and/or Indigenous law applies to them, and whether there is an applicable Indigenous authority in accordance with [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).
- 3.10(2)** When an Indigenous authority confirms verbally or in writing that a coordination agreement and/or Indigenous law applies to a child/youth and it will assess the information in a protection report respecting the child/youth, promptly refer the report to the Indigenous authority.
- 3.10(3)** Comply with an applicable coordination agreement and/or Indigenous law or s. 92.1 agreement in place and act in a manner consistent with the agreement and/or Indigenous law that applies to the child/youth. If it is not possible to act in a manner consistent with the coordination agreement and/or Indigenous law and/or s. 92.1 agreement, follow the applicable policies and procedures in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- 3.10(4)** Upon receiving a child protection report and confirming that a coordination agreement and/or Indigenous law applies to the child/youth, provide services under the CFCSA only in emergency circumstances, at the request of the Indigenous authority, or if the Indigenous authority does not confirm that it will assess the information in a report respecting the child/youth.
- 3.10(5)** If a coordination agreement and/or Indigenous law applies to a child/youth, respond to any urgent situations where there is reason to believe the child/youth faces an immediate health or safety risk, if requested to do so by the Indigenous authority, or as follows:

- after attempting to contact the applicable Indigenous authority, if such an attempt is possible given the immediacy and severity of the circumstances, and
- if the Indigenous authority cannot be reached within a timeframe appropriate to the circumstances, or if an Indigenous authority requests the director to act.

Promptly contact the Indigenous authority to confirm whether is or will provide services to the child/youth or if any further involvement is required under the CFCSA.

- 3.10(6)** Take the required steps to withdraw from all CFCSA court proceedings respecting the child/youth upon receiving written confirmation from an Indigenous authority that it is or will be providing services to the child/youth under the applicable coordination agreement and/or Indigenous law and requests the director to withdraw. Collaborate with the Indigenous authority to develop a plan for the child/youth's transition to the Indigenous authority.
- 3.10(7)** Share relevant information with an Indigenous authority when requested and as required under a coordination agreement and/or Indigenous law or s. 92.1 agreement, following [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services – Appendix I: Information Sharing](#).
- 3.10(8)** If there is uncertainty as to whether a coordination agreement and/or Indigenous law applies to a child/youth, or more than one coordination agreement or set of Indigenous laws may apply, ensure that does not result in a disruption of services to the child/youth or family. Refer to [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services for Alternative Dispute Resolution methods](#).
- 3.10(9)** Prior to ending CFCSA services, ensure all information is documented in ICM and/or the Child Service or Family Service files, including the child/youth's Indigenous community or communities and contact name, the date, and time of the referral to the Indigenous authority, and the reason for ending the director's involvement.

CFCSA section 4.1 requires that the CFCSA be interpreted and administered in accordance with the following principles:

- Indigenous peoples have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the *Constitution Act, 1982* and by the *United Nations Declaration on the Rights of Indigenous Peoples*;

- the inherent right of self-government includes jurisdiction in relation to Indigenous child and family services, law-making authority in relation to those services and authority to administer and enforce laws made under that law-making authority; and
- Indigenous laws have the force of law in British Columbia.

An Indigenous authority may provide one or more type of Indigenous child and family services. If a coordination agreement and/or Indigenous law applies to a child/youth who is involved with the director under the CFCSA, even if services are not provided under the coordination agreement and/or Indigenous law, a director must act in accordance with [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

If there is any uncertainty that a coordination agreement and/or Indigenous law applies, check the [Repository of Agreements](#) and identify the coordination agreement and/or Indigenous law referenced in the written confirmation provided by the Indigenous authority. Consult with the team leader, and if necessary Legal Services Branch, if the coordination agreement and/or Indigenous law cannot be identified through the repository.

*Note: The purpose of identifying the coordination agreement and/or Indigenous law in the written confirmation is to ensure the scope of the coordination agreement and/or Indigenous law covers the type of service and the geographic location to transition the child/youth to the Indigenous authority depending on the child/youth's legal status and location.*

When taking the steps below, follow terms in the applicable coordination agreement if there is one. If there is a conflict or inconsistency with this policy and a coordination agreement, s.92.1 agreement, or any other agreement that applies to the child/youth, the agreement prevails to the extent of the conflict or inconsistency.

For certainty, no action described in this policy is intended to override agreed upon actions in a coordination agreement or s. 92.1 agreement. Ensure relevant coordination agreements and s.92.1 agreements are followed when working with Indigenous children and youth.

For more information, including definitions of relevant terms, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services: Working Collaboratively with an Indigenous Authority](#).

## Procedures

### ***Referring Child Protection Reports to an Indigenous Authority when a Protection Response is not Initiated***

- Upon receiving a new child protection report and confirming that the child/youth is Indigenous, identify and document the Indigenous community or communities to which the child/youth belongs and follow the steps in [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#) to confirm whether an Indigenous law applies.
- Review the Repository for any coordination agreements and/or s. 92.1 agreements that may apply to the child/youth; check if there are specific procedures or requirements for referral of reports or confirming whether an agreement and/or Indigenous law applies to the child.
- Contact the relevant Indigenous authority to inform them that a new protection report has been received respecting the child/youth. Promptly refer the report to the Indigenous authority confirming that
  - the coordination agreement and/or Indigenous law applies to the child/youth, and
  - it will assess the information in the report.
- This confirmation may be verbal or written. If verbal, document the details of it on the file (name of the Indigenous authority representative who provided the verbal confirmation, date, and time it was provided). Follow up with the Indigenous authority as soon as possible following referral of the report and attach the written confirmation to the file prior to closing.
- If more than one coordination agreement and/or Indigenous law applies to the child/youth, contact each applicable Indigenous authority and/or Indigenous community as early as possible for each community to inform them that a new protection report has been received respecting the child/youth.
  - As early as possible encourage the applicable Indigenous authorities and/or Indigenous communities to collaborate on a plan for the child/youth, including which Indigenous authority will be responsible for assessing the information in the report. The director must consult and cooperate with Indigenous authorities and/or Indigenous communities to support resolving any disputes in a timely and objective manner. Refer to [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
  - If written confirmation is not available from all relevant Indigenous authorities about which one will assess the information in the report, within a timeframe appropriate to the circumstances and in consideration of the child/youth's health or safety, advise all

relevant Indigenous authorities that an assessment will be conducted under the CFCSA.

- Upon completion of the screening assessment, inform all relevant Indigenous authorities of the outcome. If a single Indigenous authority has been confirmed in writing by all as being the one to receive the report, refer the report to it. If none can be identified, continue providing child protection services (if indicated by the screening assessment) until each Indigenous authority confirms in writing whether one will assess the information in the report. Encourage the Indigenous authority to come to a resolution through traditional Indigenous dispute resolution methods if possible, or through alternate dispute resolution (ADR) procedures. Refer to [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#) for more information.
- If an Indigenous authority does not confirm that it will assess the information in the report, or requests the director to provide child protection services, conduct a screening assessment following the procedures in *Policy 3.1*. Provide CFCSA services in a manner consistent with the applicable coordination agreement and/or Indigenous law as described in [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#), following this policy and [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#).
- If an Indigenous authority confirms it will assess the information in the report and does not request that the director conduct a screening assessment, the assessment is not initiated prior to referring the report. Refer to the [ICM User Guide](#) for more information.
- When it is clear a coordination agreement and/or Indigenous law applies, a screening assessment may still occur in certain circumstances:
  - if there is an immediate health or safety risk to the child/youth and the director is unable to contact the Indigenous authority in a timeframe appropriate to the circumstances, despite attempts to do so given the immediacy and severity of the circumstances (see section below – *Role of the Director in Emergency Situations when Indigenous Law Applies*);
  - the Indigenous authority does not confirm it will receive the report; or
  - the Indigenous authority requests the director to conduct the assessment under the CFCSA.

- When a report is being referred to an Indigenous authority, provide information to the Indigenous authority as required under [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services - Appendix I: Information Sharing](#).
- Contact the person who made the report to inform them of the referral to the Indigenous authority.
- Refer the report to the Indigenous authority by the method requested by the Indigenous authority. For example, fax or encrypted email (see [e-Communications Information Management Guidelines](#)).
- Prior to closing the report, ensure all information is documented including
  - the child/youth's Indigenous community or communities, Indigenous authority and contact names,
  - the name of the reporter
  - the date and time of the referral to the Indigenous authority, and
  - the reason for ending the director's involvement.
- Once the referral is completed and the Indigenous authority has confirmed it has received the information, the report can be closed. No additional action is required.

### ***Role of the Director in Emergency Situations when Indigenous Law Applies***

- If a coordination agreement and/or Indigenous law applies and there is an immediate risk to the child/youth's health or safety contact the applicable Indigenous authority if possible, given the immediacy and severity of the circumstances.
- If the Indigenous authority cannot be reached or respond within a timeframe appropriate to the circumstances, a director may act under the CFCSA to address the child/youth's immediate health or safety needs. The director must follow-up with the Indigenous authority at the first possible opportunity once the child/youth's immediate health or safety needs have been addressed.
- Following completion of a screening assessment, contact the Indigenous authority prior to taking any further action to confirm if it will assume responsibility for the report. If the Indigenous authority confirms that it will, follow the steps in the sections below on referring child protection reports. If the Indigenous authority will not assume responsibility, continue to follow [Policy 3.1](#) and act consistent with the applicable coordination agreement and/or Indigenous law or s. 92.1 agreement, sharing information with the

Indigenous authority as required under [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#)

- See *Policy 3.5 Less Disruptive Measures and Placement Decisions under Removal and Custody Orders*, respecting the use of less disruptive measures than removal in a child protection response.
- If all less disruptive measures have been explored and have not mitigated the immediate child protection concerns, a removal may be considered under Section 30 of the CFCSA. See [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#) for notice requirements prior to removing an Indigenous child/youth, in their best interests.
- After the child/youth's immediate health or safety is no longer at risk, follow the applicable steps in the next two sections for promptly referring a child protection report to an Indigenous authority.

### ***Referring Child Protection Reports to an Indigenous Authority During a Protection Response***

- If a protection response is underway and information is received that confirms a coordination agreement and/or Indigenous law applies to the child/youth, promptly contact the applicable Indigenous authority to confirm whether it will assess the information in the report (see above - *Referring Child Protection Reports to an Indigenous authority*).
- If multiple coordination agreements and/or Indigenous laws may apply to the child/youth, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#). As early as possible encourage the applicable Indigenous authorities and/or Indigenous communities to collaborate on a plan for the child/youth, including which Indigenous authority will be responsible for assessing the information in the report. The director must consult and cooperate with Indigenous authorities and/or Indigenous communities to support resolving any disputes in a timely and objective manner.
- When written confirmation is received from all relevant Indigenous authorities respecting which Indigenous authority will assess the information in the report, follow the steps below to refer the report.
- Once an Indigenous authority has provided verbal or written confirmation that it will assess the information in the report, ensure information is documented and shared with it as required under [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services - Appendix I: Information Sharing](#).
- Inform the Indigenous authority of any safety concerns that were identified during the protection response and if any steps were taken to address them, including any Safety Plans. If a Safety Plan was developed, provide

a copy of it to the Indigenous authority and inform the authority that the director's involvement with the plan will end once the report has been referred to the Indigenous authority (see section below in *Ending a Safety Plan when Indigenous Law Applies and Referring the Report*).

- If a protective intervention order (PIO) or restraining order under the CFCSA is already in place for the child/youth, inform the Indigenous authority that it is in effect and provide a copy of the order prior to ending involvement. Information about PIOs or restraining orders should be shared at the earliest stage possible to support planning and ensure the child/youth's safety.
- Inform the parent(s) and child/youth (12 years of age or older) that the report has been referred to the Indigenous authority to provide Indigenous child and family services. Notification may be verbal or written.
- Contact the person who made the report to inform them that it has been referred to the Indigenous authority. Provide the person with the name and contact information of the Indigenous authority so they can follow up with them if needed.
- Prior to closing the report, ensure all relevant information is documented including:
  - the contact names of the child/youth's Indigenous community or communities and the relevant Indigenous authority;
  - the name of the reporter;
  - any safety concerns and actions taken;
  - the date and time of the referral to the Indigenous authority; and
  - the reason for ending the director's involvement.
- When these steps are completed, the Family Development Response, Youth Service Response, or Investigation and any related Child Service or Family Service records may be closed, and the director's involvement ends once the child/youth has transitioned to the Indigenous authority.
- If any voluntary services or a care agreement were provided during the child protection response, keep the Child Service or Family Service records open while those services continue. For more detailed information refer to the following policies:
  - [Chapter 2 Family Support Services and Agreements](#)
  - [Chapter 4 Out-of-Care Policy](#)
  - [Standards for Youth Support Services and Youth Agreements](#)

***Ending a Safety Plan when Indigenous Law Applies and Referring the Report (Family Development Response and Investigation)***

- When an Indigenous authority confirms that a coordination agreement and/or Indigenous law applies, and it will assess the child protection report, the Safety Plan will end under the CFCSA once the report has been referred to the Indigenous authority and it begins providing Indigenous child and family services (see *Referring Child Protection Reports to an Indigenous Authority* above).
- Prior to ending the Safety Plan:
  - Provide all information to the Indigenous authority related to the child/youth's immediate safety and well-being including any safety assessments, actions taken to mitigate safety concerns, any outstanding safety concerns, a copy of the Safety Plan, and any other related information or plans regarding the child/youth's safety (see [Policy 1.2 Indigenous Jurisdiction over Child and Family Services - Appendix I: Information Sharing](#)).
  - Make reasonable efforts to meet in person with the Indigenous authority to discuss planning for transition to the Indigenous authority for the child/youth. If an in-person meeting cannot occur, information may be shared verbally and/or in writing. It is important that the child/youth's safety remain a priority during the transfer.
  - As soon as the Indigenous authority provides notice of its intent to assess the report, notify the parents, the child/youth (12 years of age or over), and other family members or persons who were involved in the development of the Safety Plan, (at minimum, the people who signed it), that the director's involvement in the plan will end on the day and time the Indigenous authority will begin providing Indigenous child and family services.
  - Prior to the date of transition, inform the parent(s) and provide a copy of the letter from the Indigenous authority that confirms the date and time when it will assess the child protection report and begin providing Indigenous child and family services, thereby ending the Safety Plan under the CFCSA. Provide the Indigenous authority with the child/youth's information, a list of any court orders respecting the child/youth that are still in effect, any other relevant file information.

### **Voluntary Services**

- If voluntary services have been requested or initiated as part of a child protection response and a coordination agreement and/or Indigenous law applies to the child/youth, see:
  - [Family Support Services and Agreements Policy, Chapter 2](#) for s. 5 Support Service Agreements, s. 6 Voluntary Care Agreements and s. 7 Special Needs Agreements
  - [Out of Care Policies - Chapter 4](#) for s. 8 Extended Family Program Agreements
  - [Standards for Youth Support Services and Youth Agreements](#) for s. 12.1 Support Services for Youth and s. 12.2 Agreements with Youth

### **Working with Indigenous Peoples and Indigenous Authorities**

- Inclusive and collaborative approaches support coordinated decision making and planning for Indigenous children, youth and families and follow the principles of the CFCSA and the [Aboriginal Policy and Practice Framework](#). This involves following the Circle process which includes:
  - (a) *Gathering the Circle* – learning who needs to be involved and including them in the Circle, building relationships and partnerships, and considering all perspectives and strengths to support engagement and appropriate decision-making,
  - (b) *Listening, Assessing and Finding Solutions* – seeking out and listening to the child/youth and family’s perspective, ensuring a collaborative, inclusive and holistic assessment process, acknowledging strengths, and developing a plan to support the child, youth and family,
  - (c) *Creating Security, Belonging and Well-Being* – recognizing the importance of a child/youth’s cultural connection and identity to their well-being and taking actions to strengthen the connection through facilitating family and community participation, inclusiveness in decision-making, transparency and information sharing, and using trauma-informed approaches,
  - (d) *Keeping the Circle Strong* – staying connected with those in the Circle process and continuing to strengthen relationships through trust, open communication, and working in an engaged and holistic manner to ensure the well-being of children, youth and families.

- If a coordination agreement and/or Indigenous law applies to a child/youth, contact the applicable Indigenous authority at the first point of involvement with the child/youth, in accordance with [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#) and [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- Consult and cooperate with Indigenous communities and Indigenous authorities in the planning and delivery of services to children, youth and families regardless of whether the Indigenous authority is providing services, in accordance with any agreement with the community under the CFCSA.

If there is a dispute about the application of an Indigenous law regarding an Indigenous child/youth, see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).

### ***Ending supervision orders when there is no CFCSA proceeding underway***

- The procedures in this section apply if a child/youth is the subject of a supervision order and the Indigenous authority has provided written confirmation that it is, or will be, providing services to the child/youth and there is no CFCSA proceeding for the director to withdraw from. This means there is no application before the court.
- Follow the steps outlined in the [Practice Directive for Ending Protection or Guardianship Services](#) for supervision orders.

### ***Withdrawal from a CFCSA Court Proceeding***

- The procedures in this section and the following withdrawal sections apply if a child/youth is in one of the following legal statuses under the CFCSA with a CFCSA court proceeding underway and an Indigenous authority has provided written confirmation that it is or will be providing services to the child/youth and requests that the director withdraw from CFCSA proceedings while the child is on removal status (see *Withdrawal Before a Presentation Hearing or Before the Conclusion of a Presentation Hearing*, below).
  - See [Policy 5.1\(b\) Children and Youth in Care Policies - Chapter 5](#) or *procedures on withdrawing from CFCSA court proceedings when a children/youth is in care under an interim or temporary custody order*.
- Ensure the written confirmation provided by the Indigenous authority includes the following required information:
  - The child's name and, if known, date of birth;
  - The name of the Indigenous authority;

- The name of the individual, or the position held by an individual, authorized to accept service on behalf of the Indigenous authority and the relevant address for service;
- Identification of the Indigenous law that applies to the child; and
- That the Indigenous authority is or will be providing child and family services in accordance with the coordination agreement and/or Indigenous law identified in the confirmation.

*Note: An Indigenous authority may provide written confirmation in CFCSA Form 1 or in a format the Indigenous authority chooses as long as the above information is included.*

- Contact the Indigenous authority as soon as possible upon receiving a written confirmation if there is any concern that one or more of the required pieces of information indicated above was not provided in the written confirmation or if there is no current applicable court proceeding underway (i.e. s. 33.02 of the CFCSA does not apply).
- Check the [Repository of Agreements](#) and identify the coordination agreement and/or Indigenous law referenced in the written confirmation provided by the Indigenous authority. Consult with a team leader, and if necessary Legal Services Branch, if the coordination agreement and/or Indigenous law cannot be identified through the repository and follow up with the applicable Indigenous authority.

*Note: The purpose of identifying the Indigenous law in the written confirmation is to ensure the scope of the Indigenous law covers the type of service and the geographic location to transition the child/youth to the Indigenous authority depending on the child/youth's legal status and location*

- Document that the Indigenous authority provided written confirmation that it is, or will be, providing child and family services to the child/youth and requests that the director withdraw from CFCSA proceedings in ICM.

### ***Withdrawal Before a Presentation Hearing or Before the Conclusion of a Presentation Hearing***

- Before a presentation hearing, or before the conclusion of a presentation hearing, when an Indigenous authority provides confirmation that it is or will be providing child and family services and requests the director withdraw, and the child/youth has been brought into care by removal under section 30, 36 or 42 of the CFCSA, the director is still required to attend court no later than 7 days after the removal and file a Presentation Form (Form 1: [cf4050 - Presentation Form - Form 1](#))
- Use the Presentation Form (Form 1: [cf4050 - Presentation Form - Form 1](#)) until receiving the confirmation from the Indigenous authority of the date

and time they will provide services under Indigenous law/or any Indigenous law order application is resolved.

***After receiving Indigenous authority's confirmation and request to withdraw***

- Inform director's counsel of the written confirmation and request from the Indigenous authority.
- The written confirmation must include the following information:
  - the child's name and, if known, date of birth;
  - the name of the Indigenous authority;
  - the name of an individual, or the position held by an individual, authorized to accept service on behalf of the Indigenous authority and the relevant address for service;
  - identification of the Indigenous law that applies to the child;
  - confirmation that the Indigenous authority is or will be providing child and family services in accordance with the Indigenous law,
- If all of the information listed above is not included in the Indigenous authority's written confirmation, promptly contact the Indigenous authority to obtain the information.
- A presentation form for a presentation hearing must be filed, preferably by being faxed to the Court Registry as soon as possible and prior to notifying individuals of the Indigenous authority's confirmation and request to withdraw to ensure that proceedings relating to the removal have commenced and there is an existing court file that can be associated in case a person wants to make an application respecting Indigenous law.
- Ensure applicable Indigenous governing bodies are provided notice of significant measures under the federal Act. See [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
- If there are any protective intervention orders (PIO) or restraining orders, these orders will not automatically be cancelled when the director withdraws or the continuing custody order is cancelled. The director and the Indigenous authority should discuss any safety concerns prior to cancelling a PIO or restraining order. It is possible for the director to maintain/let expire a protection intervention order at the request of the Indigenous authority, however a restraining order should be cancelled.
- The director should consult and cooperate with the Indigenous authority when it is applying to cancel a restraining order or a protection intervention order.

- Request an adjournment of the CFCSA presentation hearing in consultation and cooperation with the Indigenous authority. Consult with director's counsel if necessary.
- Promptly notify the following, if practicable, that the Indigenous authority who requested the withdrawal is or will be providing Indigenous child and family services in accordance with a coordination agreement and/or Indigenous law:
  - Each person who is entitled to be informed of the presentation hearing under section 34 (3), 36 (2.1) or 42.1 (3), as applicable;
  - If applicable, any relevant Indigenous authority other than the Indigenous authority that requested the withdrawal.
- Ensure provided notice of significant measures under the federal Act (See [Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#)).
- Notification under section 33.03 is given using [Form J](#) with the exception of the child 12 years and older, the PGT, and anyone else that has been made a party under s. 39(4); for these persons use [Form F](#) and must include the following information:
  - The name of the Indigenous authority;
  - That the Indigenous authority has requested that the director withdraw and has confirmed that it is, or will be providing Indigenous child and family services in accordance with an Indigenous law;
  - An application can be made for an order under s. 33.04 of the CFCSA to determine that the Indigenous law applies;
  - The application must be made in 7 days after the date of notification;
  - How to get an application form for or an order respecting Indigenous law (See: [Court forms - Province of British Columbia \(gov.bc.ca\)](#))
  - That an extension application must be made within the 7 days after the date of notification;
  - A copy of form 3.1 Application respecting Indigenous law order unless notifying verbally;
  - The name of the child/youth;
  - The location of the court where an application for a hearing and an extension application can be made;
  - The address to serve the director, and

- The court/registry file number
- Notification requirements are set out in CFCS regulations s.12.6. The preferred method to notify an individual is in writing, in person. When giving notification in person, the director must provide written notification in Form J if the person may be an applicant.
- Additional methods for notification in writing include giving Form J by encrypted email, if the person may be an applicant (see: [instructions on encrypted email](#) and follow up email with password), fax, or registered mail.
- Notification may also occur by direct telephone conversation. Telephone notification is intended to be a last resort when all methods of written notification are not practicable. Prior to notifying a person by telephone conversation, discuss the circumstances with the person and attempt to arrange another method for them to be notified, in writing. (Note: the first point of contact with the person would start the 7 day time period to make an Application respecting Indigenous law).
- Notification in writing (in [Form J](#)) and a copy of Form 3.1 Application respecting Indigenous law order (See: [Court forms - Province of British Columbia \(gov.bc.ca\)](#)) and to seek legal advice.
- When notifying a person verbally by direct telephone conversation
  - confirm that the director is providing important legal information in the telephone conversation that is time sensitive and has legal consequences.
  - Seek the consent of the person to proceed with providing this information by telephone.
  - Ensure that the above information is provided in the telephone notification Make written notification available for pick up and encourage the person to retrieve a copy of the.
- For telephone notification to be legally effective under s. 33.03(2) of the CFCSA, the telephone notification must include:
  - information that the Indigenous authority that requested the withdrawal is, or will be providing services, and
  - information about an application that may be made, if a person believes the Indigenous law does not apply, including the time period for making the application.
- Proof of notification or attempts to provide notification must be documented using the Notification Tracking Form or another method of documentation.

- If, in consultation with the Team Leader, notification to a person is not deemed practicable, the reason must be documented using the Notification Tracking Form link here: [Link] or another method of documentation.
- Proof of notification documentation must include the date and time a person was notified, the method used for notification or the reason why a person was not notified. Also document all attempts made to notify the person.
- If notification was given by telephone, record specific details of the conversation and information conveyed about the potential court applications and time period for making an application.
- See CFCSA Regulations 12.5 at: [Child, Family and Community Service Regulation \(gov.bc.ca\)](http://www.gov.bc.ca) to determine when a person is deemed notified.
- Proof of notification documentation may also include best efforts made and methods used to attempt to notify a person. These methods can be used only to inform a person that you are attempting to notify them on a time sensitive matter. This does not count as notification. No confidential information is to be provided when using other methods.
  - The director must be prepared to speak to proof of notification in court: who was notified, when and by what method, who was not notified and the reason(s) why notification was either not practicable or attempts were unsuccessful. If the person was notified by telephone, the director must be prepared to speak to what information was given about potential court applications and the time period for making an application. Proof of notification will need to be attached to the Report to Court [form G](#) when the director withdraws.
- Contact the child/youth, family and other significant persons involved to discuss the transition to the Indigenous authority for those children to whom the Indigenous law applies and address questions they may have.

***If an Application is Made that an Indigenous Law does not Apply***

- If someone who received the notification is a potential applicant who may file an application for an order respecting Indigenous law, direct them to where they can obtain the information to make an application (see section below in *Application for an Order Respecting Indigenous Law*).
- Request director's counsel check the court file to determine if any application has been made by an individual entitled to make an application or has applied for an extension. If this is not possible, the director who served notice may check with the registry. This is to be done after the 7 day period for the last individual notified has passed.

- When an application is made as to whether an Indigenous law applies within the 7 days, or an extension application is made, the director must attend the commencement of the hearing to become a party to the proceedings.
- When an application is made as to whether an Indigenous law applies within the 7 days, or an extension application is made, the director/director's counsel, is responsible to call the list and speak to the application as to whether an Indigenous law applies, or an extension application. The director must also be prepared to speak to proof of notification and service: who was notified and/or served, when and by what method, who was not notified and the reason(s) why notification was either not practicable or attempts were unsuccessful.
- Where there is an application to determine if an Indigenous law applies, there will be a sub file/file number related to the CFCSA withdrawal proceedings. In the case of multiple applications, there will be a separate file for each applicant/application. The application and/or report to court must be filed on each file associated with the application.
- If a person makes an application for an extension of the 7-day time period to make an application for an Indigenous law order hearing, the applicant must serve the director at least 4 days before the date set for the hearing. The director must then serve the Indigenous authority at least 2 days before the date set for the hearing. The director should informally notify the Indigenous authority as soon as they know about an extension application to ensure the Indigenous authority has enough time to attend the hearing and respond to the application if needed. If the Indigenous authority is not able to attend the hearing either in person or by remote attendance but would like to respond to the application the director should request an adjournment of the extension hearing to the next list day.
- When a person has made an application for a hearing to determine if an Indigenous law applies and chooses to discontinue (i.e. withdraw) their application, the applicant must give instructions to the court. On request, the court registry may set the matter to a list day for the applicant to speak to the discontinuance in front of a judge. If desired, a director may also facilitate this process by calling the matter forward on the next available list day.
- If a person has filed an application and does not intend to proceed with the application, the director must inform the Indigenous authority of this in writing, after the discontinuance is confirmed by the court, and provide any other information the director considers relevant to conclude that the process may proceed for transition.

### ***Transition to an Indigenous authority***

- The transition occurs after
  - each person has been notified,
  - the applicable 7-day time periods have elapsed for each person or the director has determined notification is not practicable for a person(s),
  - the director has verified at the registry that no application has been filed; and
  - if any applications were filed, discontinuances are confirmed by the court or applications have been dismissed by the court.
  - If no application to determine if an Indigenous law applies was made within the 7 days, or no application was made for extension use [Form X: Outcome of Notification/Notice Period](#), inform the indigenous authority in writing and request written confirmation of the date and time when it will provide, or continue to provide, services to the child/youth.
- Inform director's counsel of the date and time the Indigenous authority provided so the matter can be put on the CFCSA Family Court List Day in the applicable community after the date and time provided by the Indigenous authority.
- At the date and time indicated by the Indigenous authority, any court order application, supervision order, interim order, temporary custody order, and maintenance order under s. 97 (5) respecting the child/youth ends.
- Present a written report to the court using [Form G: Report to Provincial Court: Withdrawal Due to Indigenous Law](#) stating the reasons for removing the child/youth and the reasons for the withdrawal, before the date and time indicated above if possible. Include the following in it:
  - a copy of the confirmation that the Indigenous authority is providing, or will be providing, Indigenous child and family services in accordance with an Indigenous law and has requested that the director withdraw;
  - proof that each person was notified as described above or the reason that a person was not notified, using the [Notification Tracking Form](#) or another method of documentation.
  - a copy of the director's written notice to the Indigenous authority that no application was made as to whether Indigenous law applies (if applicable); and
  - a copy of the written confirmation provided by the Indigenous authority of the date and time it will provide, or continue to provide, Indigenous child and family services to the child/youth.
- If there are any protective intervention orders (PIO) or restraining orders, these orders will not automatically be cancelled when the director

- withdraws or the continuing custody order is cancelled. The director and the Indigenous authority should discuss any safety concerns prior to cancelling a PIO or restraining order. It is possible for the director to maintain/let expire a protection intervention order at the request of the Indigenous authority, however a restraining order should be cancelled.
- ensure the child/youth's safety. The director should not cancel a PIO or restraining order without discussing this with the Indigenous authority first. For more information about sharing information with Indigenous authorities see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#).
  - Provide a copy of the written [Form G: Report to Provincial Court: Withdrawal Due to Indigenous Law](#) to each person notified of the director's intent to withdraw. Under s. 4(4) of the CFCS Regulation, an address and telephone number of a person other than the director need not be included in a report to court if it might result in a person being molested, harassed or annoyed.
  - The director must attend court to present [Form G: Report to Provincial Court: Withdrawal Due to Indigenous Law](#) and withdraw from the CFCSA proceedings.
  - If an application for determination of whether Indigenous law applies is filed, see the section below on Application as to Whether an Indigenous law Applies.

### ***Application for an Order Respecting Indigenous Law***

- The following people, if notified under s.33.03(2) of the director's withdrawal before a presentation hearing or before the conclusion of a presentation hearing due to Indigenous law, may apply to the court (within 7 days of being notified or served notice) for an order that the Indigenous law referred to in the notice does not apply to the child/youth:
  - each parent;
  - any relevant designated representative, as applicable;
  - if applicable, any relevant Indigenous authority other than the Indigenous authority that requested the withdrawal.
  - In very rare circumstances, a director may make an application for an order respecting Indigenous law. A decision to proceed with the application can only be made with approval of the Provincial Director of Child Welfare.
- If a person makes an application for an order respecting Indigenous law as to whether an Indigenous law applies while the child/youth is under removal status and the CFCSA proceeding will be adjourned until the application respecting Indigenous law is heard, or the matter is resolved through mediation or other alternative dispute resolution mechanisms

- before the presentation hearing proceeds, the child/youth remains on removal status until the withdrawal is complete or the presentation hearing is concluded.
- The application for an order respecting Indigenous law must be made:
    - within 7 days after the date of the notification provided by the director (form J); or
    - within the time period specified by the court if an extension is granted.
  - The person (applicant) must promptly serve notice of the application on the director at least 12 days before the date set for the hearing.
  - Upon receiving notice of the application from the person (applicant), promptly serve notice of the time, date and place of the hearing of the application on the following at least 10 days before the date of the hearing:
    - the child, if 12 years of age or older;
    - each parent;
    - the following designated representative, as applicable
    - if applicable, any relevant Indigenous authority other than the Indigenous authority that requested the withdrawal;
    - the Public Guardian and Trustee if:
      - the parent apparently entitled to custody is under 19 years of age (note this is only required if a presentation hearing has not concluded), or
    - a person, other than a director, who has custody of a child under an interim order or temporary custody order under the CFCSA (note this is only required following a presentation hearing).
  - If an individual cannot be served at least 10 days prior to the hearing, the director may apply for a court order to extend the period of service or to dispense with the requirement to serve a party under section 69 of the CFCSA.
  - If a person and any other person, including a director or an Indigenous authority, are unable to resolve a dispute about whether an Indigenous law applies, mediation, alternative dispute resolution, or traditional dispute resolution mechanisms are encouraged and may be used as a means of resolving the dispute either before or after a court application is made.
  - The parties may choose to participate in mediation, alternative dispute resolution or traditional dispute resolution and request an adjournment of the hearing on an Indigenous law order application. If successful in reaching an agreement, the consent order/agreement can be presented to the court by the director and the hearing will end.
  - The director must consult and cooperate with Indigenous authorities and/or Indigenous communities when an application is made to support resolving the matter in a timely manner.

- If the court orders that the Indigenous law applies, withdraw as outlined in the sections above on *Withdrawal Before a Presentation Hearing or Before the Conclusion of a Presentation Hearing*.
- If the court orders that CFCSA proceedings continue, the adjourned CFCSA proceedings must be placed back on the list and any existing CFCSA order remains in place and the director follows the applicable policies.

***Informing and supporting children/youth in care***

- Upon receiving a written request to withdraw from CFCSA proceedings, meet with the child/youth in person to inform them of what will occur, include the Indigenous authority in this meeting if possible. Ensure this is done in a way that is developmentally appropriate.
- Facilitate the child/youth meeting the Indigenous authority worker and support the relationship leading up to the transition
- Determine who has important relationships with the child/youth, including their parent(s), extended family, current caregiver and involve these individuals in discussions with the child/youth about the transition, if appropriate.
- Inform the child/youth in person as soon as possible when the Indigenous authority has confirmed the date and time when it will be providing services or have custody of the child/youth.
- Ensure the child/youth is seen in person prior to the date and time of the transition. Document details on in person visit in ICM.

***Upon the director's withdrawal:***

- Any supervision order or order under s.97(5) (agreements and orders for child support) that are in effect will be cancelled, as will any CFCSA applications related to Family Law Act (FLA) matters (see section below for FLA matters);
- If an order under s.97(5) is cancelled any arrears owing in respect of that order are not cancelled;
- When an access order is in place for a child/youth related to sections 30, 36 or 42 of the CFCSA, the access order will end once the director withdraws from the presentation hearing;
- Applications for CFCSA court orders will also end, including any application for a continuing custody order (for information on actions to take when there is a continuing custody order and an Indigenous authority confirms it intends to have custody of the child/youth, see Policy 5.1(b) (in [Children and Youth in Care Policies - Chapter 5](#)), and
- Any Child Service or Family Service record will be closed.

### ***Withdrawals and Ending the Director’s Involvement in Relation to Family Law Act (FLA) Matters***

- If a non-custodial parent or another person’s guardianship application under the FLA is planned to be heard together with a CFCSA proceeding and an Indigenous authority requests the director to withdraw, follow the process for withdrawals outlined above.
- Ensure the Indigenous authority is aware of any FLA applications and proceedings that are in progress and provide updates on court matters as needed. Inform the Indigenous authority that FLA proceedings do not end when the Indigenous authority provides the notice described above.
- Inform the Indigenous authority of any safety concerns for the child/youth. Information can be shared with the Indigenous authority (see [Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services - Appendix I: Information Sharing](#)) to support its assessment and planning for the child/youth.
- When a priority parenting matter application is in process and the director has completed Schedule 1 of a person’s application, notify the person who applied for the FLA order and provide a copy of the Schedule 1 to the Indigenous authority.
- If out of care arrangements were made during the FLA process, refer to [Chapter 4 – Out of Care Policy](#).

### ***Links to Related Resources***

[BC Provincial Court CFCSA Rules](#)

[Child, Family and Community Service Regulation \(gov.bc.ca\)](#)

[Aboriginal Policy and Practice Framework \(APPF\)](#)

[Policy 1.1 Working with Indigenous Children, Youth, Families and Communities](#)

[Policy 1.2 Upholding Indigenous Jurisdiction over Child and Family Services](#)

[Chapter 2 Family Support Services and Agreements](#)

[Chapter 4 Out-of-Care Policy](#)

[Chapter 5 Children and Youth in Care Policies](#)

[Chapter 6 Permanency Policies](#)

[Standards for Youth Support Services and Youth Agreements](#)

[Chapter 8 Resource Work Polices](#)

## Glossary

**The following definitions apply for the purposes of this document.**

**assessment:** the process of collecting information on children, youth and families in order to make informed decisions. Different supports, programs and services may be chosen depending on the outcome of the assessment(s).

**care provider:** a person who cares for a child/youth under one of the out-of-care living arrangements available under the *CFCSA*, including sections 8, 35(2)(d), 41(1)(b), 54.1 and 54.01.

**caregiver:** a person with whom a child/youth is placed by a director and who, by agreement with the director, has assumed responsibility for the child/youth's day-to-day care.

**child:** a person under 19 years of age; includes a youth.

**child with capacity:** a child who is capable of understanding issues that affect him or her and who is able to give or refuse informed consent. An assessment of a child's capacity is based on the child's:

- age;
- developmental level and maturity; and
- ability to understand the nature, complexity and effect of the decision or course of action.

**Collaborative Planning and Decision Making:** Includes Family Group Conferences and Family Case Planning Conferences (both per s.20); Child Protection Mediation; and other Alternative Dispute Resolution mechanisms.

**coordination agreement:** the mechanism established under the federal Act for Canada, BC, and an Indigenous governing body to address coordination measures for the exercise of Indigenous jurisdiction over Indigenous child and family services. The Province may enter into a coordination agreement under section 90.1(1) of the *CFCSA*.

**cultural plan:** a framework required for developing an action plan for an Indigenous child/youth in care, which describes how a child/youth's connection to the Indigenous community is promoted and preserved, and may include:

- the identification and involvement of a person from the child/youth's Indigenous community to be their cultural contact or mentor;
- ways in which the child/youth will be supported to learn about and practice culturally specific activities, including traditional customs and cultural activities that are unique to the community, and
- the identification of actions to facilitate the child/youth's access to the

Indigenous community's oral history (including story telling), language, songs and dances, and involvement in ceremonial activities, arts and crafts or sports events and activities.

**discrimination against a child/youth:** when a child/youth experiences prejudice or is harmed on the basis of gender, sexual orientation, physical or developmental disability, culture, ethnicity, religion or race.

**extended family:** includes relatives related by blood or marriage and includes second and third generations. Extended family also includes individuals who have a significant and/or meaningful relationship to a child/youth or adult but are not related by blood or marriage, such as "godparents" or individuals to whom the child/youth refers to as "aunt" or "uncle". Family or extended family in Indigenous cultures includes relations and community people involved in "raising" a child/youth and the people with whom the child/youth was raised. It is a connection to the elders and ancestors.

**facilitator and family conference coordinator:** under CFCSA s.20 mean the same thing. "Facilitator" is the person responsible for providing the service and may also reference Child Welfare Mediator. A facilitator does not make final case planning decisions.

**family conference plan of care:** (as defined by the CFCSA) plans developed through a family conference that will protect the child/youth from harm, serve the best interests of the child/youth, take into account the wishes, needs and role of the child/youth's family and the child/youth's culture and community. Plans of care contain information required under CFCSA sections 20 and 21.

**family development response:** one of two child protection response pathways and the preferred approach when the alleged abuse or neglect is of lower severity and when parents are able and willing to participate in collaborative assessment and planning. FDR is a solution-focused approach that includes the family members and builds on their strengths during the assessment of the family's capacity to care for the child/youth safely. It also allows for more in-depth assessment of strengths and needs, and the provision of intensive short-term services, when required.

**First Nation:** any of the following:

- a band as defined in the *Indian Act* (Canada);
- an Indigenous legal entity prescribed by a regulation made under section 103 (1) (a) of the CFCSA (a list of prescribed entities is available on iConnect [\[link\]](#));

**formal and informal kinship care:** terms used in the Council on Accreditation (COA) Standards to refer to arrangements where a child/youth is cared for by relatives.

**formal kinship care:** living arrangements where children/youth in care (by court order or agreement) are placed by a person delegated under the CFCSA with relatives approved as “caregivers” under the CFCSA.

**informal kinship care:** all out-of-home living arrangements not included in formal kinship care.

Informal kinship care arrangements may or may not include support from a person delegated under the CFCSA. These arrangements include:

- the “child in home of relative program” (*BC Employment and Assistance Act*)
- agreements with a child/youth’s kin and others, and
- court orders placing a child/youth in the interim or temporary custody of a person other than the parent under the director’s supervision.

**formal supports:** resources within or outside the community that obtain their funding either through public (provincial or federal government) or private sources for specific, agreed-upon purposes. Formal supports provide individuals within and across all communities with professional public and private services in many domains, ranging from health to education and emergency public services.

**Indigenous Authority:** a body or entity, including an Indigenous governing body, that is authorized by an Indigenous governing body to provide Indigenous child and family services under Indigenous law.

**Indigenous child and family services:** services provided by an Indigenous authority to support Indigenous children and families, including prevention services, early intervention services and child protection services.

**Indigenous Child and Family Services Agency (ICFS Agency):** formerly known as Delegated Aboriginal Agency (DAA)

**Indigenous Governing Body (IGB):** means an entity that is authorized to act on behalf of Indigenous peoples that holds rights recognized and affirmed by section 35 of the [Constitution Act, 1982](#).

**Indigenous law:** a law in relation to Indigenous child and family services that is made in respect of Indigenous children and families by an Indigenous governing body in accordance with the law-making authority of the Indigenous governing body.

**Informal supports:** natural resources or “helpers” within the community that are not typically funded by government and that are part of or result from available resources and capacities within the community.

**natural helpers:** persons in a community who provide others with respected advice and help, or persons whose counsel and help is sought by others. Examples of natural helpers are religious leaders, elders, volunteers, family members, neighbours, and community leaders. Natural helpers may form informal networks including mutual aid and self-help groups.

**parent:** defined in the *Child, Family and Community Service Act* as:

- The mother of a child;
- the father of a child;
- a person to whom custody of a child has been granted by a court of competent jurisdiction or by an agreement; or
- a person with whom a child resides and who stands in place of the child's mother or father.

**plan of care:** an action-based planning tool for children/youth in care, used to identify specific developmental objectives based on continuous assessments of the child/youth's evolving needs and the outcomes of previous decisions and actions. Care plans are completed by the child/youth's worker with the involvement of the child/youth, the family, extended family, Indigenous community if the child/youth is Indigenous, the care provider, service providers and significant people in the child/youth's life.

**Public Guardian and Trustee:** a public official appointed to carry out functions under the Public Guardian and Trustee Act and various other statutes, including the *Infants Act*. The Public Guardian and Trustee performs three broad categories of functions:

- protecting the legal rights of people with mental disabilities;
- administering the estates of people who have died, usually where the deceased left no will and has no family member in the province willing or able to administer the estate, and for missing persons; and
- protecting the rights and interests of children and youth.

**record:** Schedule 1 of the *Freedom of Information and Protection of Privacy Act* defines *record* as "books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records."

**relative:** means a person

- who is related to another by birth or adoption, or
- who, in the case of an Indigenous child, is considered to be a relative by the child or by the child's Indigenous community in accordance with that community's customs, traditions or customary adoption practices.

**resiliency:** a concept that is parallel to capacity. Resiliency is the ability of the child/youth, family or community to succeed or cope even in the face of significant adversity. This ability changes over time, and is enhanced by protective factors in the individual, family, community and environment.

**smoke and vapour free environment:** neither smoking nor vaping takes place at any time in enclosed spaces where children/youth in care would be exposed to second-hand smoke/vapour or the residual toxins from second-hand smoke/vapour (including but not limited to tobacco, cannabis, and e-substances). This includes the foster caregiver's residence and vehicle. This does not restrict spiritual activities relating to the use of tobacco.

**support needs:** a child/youth with support needs has documented significant impairment associated with an ongoing physical, cognitive, communicative and/or emotional/behavioural condition that requires specialized care and support. One criterion for making a special needs agreement (SNA) is that the child/youth has support needs.

**stability and continuity of lifelong relationships:** a term that describes a basic need in all children/youth for continued or new relationships with family and significant people, including extended family and community connections. Children/youth who have this need met have an increased potential for developing meaningful relationships with others into adulthood. This includes relationships with parents, siblings, extended family, friends, caregivers and others with a connection to the child/youth through family, culture, faith, identity or community. Stability and continuity of lifelong relationships is a primary consideration in planning and providing services for children/youth. All services should promote stability and continuity of lifelong relationships by:

- promoting and facilitating regular ongoing contact with those significant to the child/youth;
- maintaining or, where required, developing enduring and stable living arrangements for the child/youth as quickly as possible;
- minimizing disruption of caregivers or care providers; and
- fitting services to meet the child/youth's age, developmental level and sense of time.

**support services agreement:** a written agreement that specifies services and timeframes and includes the parent's consent. The required information can be recorded on a Support Services Agreement form (Form CF2606) or another document that specifies the services and timeframes and includes the parent's signature.

**youth:** for supports under the CFCSA, a youth is a person who is 16 years of age or over, but under 19 years of age.

**youth service response:** a differential response to youth in need of assistance through CFCSA s.12.1 and s.12.2 that involves screening, assessment, short-term planning and utilization of youth support services, such as youth-family mediation, mentorship, safe housing and outreach services. A youth services response may also provide comprehensive longer-term service planning for a youth receiving services for mental health issues or receiving services through a youth agreement. Out-of-care supported living services may in turn use any number of youth services, such as one-to-one youth support workers, group supports and youth housing supports, including safe housing.