

Child Protection Response Policies – Chapter 3



Ministry of Children and Family Development

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Chapter 3: Child Protection Response	
Policy 3.1: Assessing the Report and Determining the Most Appropriate Response	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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.

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 child/youth is First Nation, Nisga'a or Treaty First Nation and resides on their Nation's land, the report is transferred to the Nation in accordance with an agreement with the director under section 92.1 (1) of the CFCSA, if such an agreement exists.
- 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 a First Nation, Nisga'a or Treaty First Nation child/youth who resides on their Nation's land, confirm whether the Nation has an agreement with the director under section 92.1 (1) of the CFCSA (for transferring child protection reports). If there is such an agreement, transfer the report to the Nation in accordance with it.

If a report has not been transferred to a Nation, as described in standard 3.1(2):

- 3.1(3)** For every new report, conduct an Initial Record Review within 24 hours of receiving the report.
- 3.1(4)** 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(5)** Obtain and document supervisor approval for any overrides in the Screening Assessment and upon the completion of the Screening Assessment.
- 3.1(6)** Supervisor approval is required and documented for any change to a Screening Decision after the Screening Assessment has been completed.
- 3.1(7)** 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:
 - with which the child/youth is registered or entitled to be registered as a member or citizen,
 - with which the parent is a member or citizen, or
 - which the parent, or child if aged 12 or older, has identified as their community;
 - 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)

- Conduct an electronic record search (both ICM and Best Practices, which is used by some Delegated Aboriginal Agencies) to determine if an electronic record already exists for the child, youth or family. If an electronic record already exists, 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

- 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 Centralized Screening (if the request is from a Delegated Aboriginal Agency, email it to the identified Aboriginal Services 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 Centralized Screening 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 Centralized Screening 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 First Nation, Nisga'a or Treaty First Nation and resides on their Nation's land, determine if the Nation:
 - has been prescribed by regulation to receive child protection reports, and
 - has an agreement with the director under section 92.1 (1) of the CFCSA (to receive child protection reports).

- If the Nation has been prescribed and has an agreement under section 92.1 (1) as described above:
 - Provincial Centralized Screening does not complete a screening assessment,
 - transfer the report to the Nation in accordance with the agreement,
 - inform the person who made the report that it has been transferred to the Nation, and
 - document these actions.

- If there is no agreement in place between the director and the Nation under section 92.1 (1) of the CFCSA (for transferring child protection reports) and a Delegated Aboriginal Agency has the responsibility to assess the report and complete the Screening Assessment, transfer the report as soon as possible to the Delegated Aboriginal Agency without completing the Screening Assessment.

- When a Delegated Aboriginal Agency does not have responsibility and there is no agreement in place between the director and the Nation under section 92.1 (1) of the CFCSA (for transferring child protection reports), , Provincial Centralized Screening assesses the report.

- If a Screening Assessment has occurred and a protection response is required for a child/youth who is First Nation, Nisga'a or Treaty First Nation and who resides on their Nation's land, determine if the Nation has an agreement with the director under section 92.1 (1) of the CFCSA (for transferring child protection reports). If there is such an agreement:

- transfer the report to the Nation in accordance with the agreement, after receiving written confirmation that it will conduct an assessment or an investigation, and
 - inform the person who made the report that it has been transferred to the Nation.
- If a report is not transferred to the child/youth's Nation or a DAA 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.
- 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 immediately or within 24 hours of receiving the report; or
 - Within 5 days: the family must be contacted 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
 - Transferring the report to the child/youth's Nation in accordance with an agreement in place between the director and the Nation under section 92.1 (1) of the CFCSA (see "When a Child/Youth is Indigenous", above).
- 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 Guidelines for Using Structured Decision Making Assessment Tools in the Child Protection Response Model.
- For more information about a Youth Service Response, see Standards for Youth 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 transferred to a First Nation, Nisga'a Nation or Treaty First Nation in accordance with an agreement in place between the director and the Nation under section 92.1 (1) of the CFCSA, inform the person who made the report that it has been transferred to the Nation.

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.
- 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 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.

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.

Chapter 3: Child Protection Response	
Policy 3.2: Family Development Response	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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.

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 three 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.

3.2(2) Meet with every child/youth who lives in the family home and conduct, to the extent possible according to the child'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, 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 time line. 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 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(9) 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(10) 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(11) 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;
 - Determine whether the child/youth is Indigenous (as defined in Section 1 of the CFCSA) and adhere to established protocol agreements that pertain to Indigenous children/youth, where applicable; and
 - 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 neither of the above apply, when supported by parental consent.

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 significant 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 Guidelines for Using Structured Decision-Making Assessment Tools in the Child Protection Response Model.

Developing a Safety Plan

- If safety factors have been identified, develop the Safety Plan collaboratively with the child/youth's family. 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.
- Obtain parents' agreement to the terms of the Safety Plan. If only one parent is present at the time of completing the Safety Plan, obtain their agreement and follow up with the other parent as soon as possible. If parent(s) are unable or unwilling to agree to the terms of the Safety Plan which are necessary to keep the child/youth safe, consider whether a supervision order, or s.28 protection order may adequately protect the child/youth prior to a removal.
- When, with the agreement of the parent(s), the Safety Plan involves the child/youth staying in the home of an individual other than that of the parent(s) apparently entitled to custody, apply due diligence in assessing that the home is safe by:
 - Asking police if they have concerns about the past or present behaviours of any adults in the home and whether they pose a potential safety risk to the child/youth;
 - Conducting an Initial Record Review (formerly called Prior Contact Check) to determine whether any adults living in the home have had previous involvement with services under the CFCSA;
 - Consider conducting a Detailed Record Review if necessary to interpret the results of the Initial Record Review;
 - Visiting the home at the time that the child/youth is brought to the home or, if the child/youth is brought to the home by the police or another person, visit the home as soon as reasonably possible; and

- Speaking with local professionals, if appropriate and available, who have knowledge of the individual or family and are able to speak to the safety of the home. In Indigenous communities, professional contacts may include a Band Social Worker or Delegated Aboriginal Agency representative. Information from professionals is sought only after gaining the consent of the individual(s) who will potentially be caring for the child/youth.
- 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 parents of their right to review the safety plan with legal counsel;
 - Confirm that parents understand the terms of the safety plan;
 - Affirm parents' informed and voluntary consent to the safety plan; and
 - State that parents may withdraw their consent at any time, with the result that the Director may apply for a court order;
- 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 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.

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) 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 regarding FDR, explain to the parent(s) the director's obligation to involve the community.
- 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 Special Needs, Child and Youth Mental Health, or Youth Justice).
- 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 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); or
 - The family has fled and/or cannot be located and therefore further assessment services cannot be offered.
- 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 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 with no open case; or
 - Voluntary support services under an open case.
- 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 case for Ongoing Protection Services instead of continuing with providing protection services under FDR.

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;
 - Any other individuals such as any other parent, the care-provider(s), teachers, staff at community agencies, representatives from their Indigenous community and neighbours, 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.
- 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.
- 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).
- When reporting the outcome of the FDR Assessment phase, ensure that the identity of the reporter remains anonymous.

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).
- 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 Guidelines for Using Structured Decision Making Assessment Tools in the Child Protection Response Model.

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;
 - 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 practise 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; and
 - Determining a review date for each of the goals in the Family Plan.

- 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 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 considered to be in immediate danger, 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, 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.

Chapter 3: Child Protection Response	
Policy 3.3: Investigation	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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.
- 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 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(4)** Meet with every child/youth who lives in the family home and conduct, to the extent possible according to the child'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(5)** 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(6)** 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(7)** 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(8) 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(9) 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 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 neither of the above apply, when supported by parental consent.

Seeing and Interviewing Each Child

- 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 seen 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 considered to be in immediate danger, make every effort to locate them, including:

- Involving the police if the child 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 significant contact with the child/youth's family, and before making the decision to leave the child/youth in the family home.
- 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 Guidelines for Using Structured Decision Making Assessment Tools in the Child Protection Response Model.

Developing a Safety Plan

- When safety factors have been identified, develop the Safety Plan collaboratively with the child/youth's family. When necessary to ensure the safety or well-being of the child/youth, also involve the following individuals in developing the Safety Plan:
 - Extended family members;
 - Community members (including cultural community and, where needed, involving a translator) ; 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, develop the Safety Plan in accordance with it.
- Obtain parents' agreement to the terms of the Safety Plan. If only one parent is present at the time of completing the Safety Plan, obtain their agreement and follow up with the other parent as soon as possible. If parent(s) are unable or unwilling to agree to the terms of the Safety Plan which are necessary to keep the child/youth safe, consider whether a supervision order, or s.28 protection order may adequately protect the child/youth prior to a removal.

- When, with the agreement of the parent(s), the Safety Plan involves the child/youth staying in the home of an individual other than that of the parent(s) apparently entitled to custody, apply due diligence in assessing that the home is safe by:
 - Asking police if they have concerns about the past or present behaviours of any adults in the home and whether they pose a potential safety risk to the child/youth;
 - Conducting an Initial Record Review to determine whether any adults living in the home have had previous involvement with services under the CFCSA;
 - Visiting the home at the time that the child/youth is brought to the home, or, if the child/youth is brought to the home by the police or another person, visit the home on the next working day; and
 - Speaking with local professionals, if appropriate and available, who have knowledge of the individual or family and are able to speak to the safety of the home. In Indigenous communities, professional contacts may include a Band Social Worker or Delegated Aboriginal Agency representative. Information from professionals is sought only after gaining the consent of the individual(s) who will potentially be caring for the child/youth.
- 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 parents of their right to review the safety plan with legal counsel;
 - Confirm that parents understand the terms of the safety plan;
 - Affirm parents' informed and voluntary consent to the safety plan; and
 - State that parents may withdraw their consent at any time, with the result that the Director may apply for a court order.
- 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.

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).
- 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 Special 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.
- Only change the protection response from an Investigation to a 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 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 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 with no open case; or
 - Voluntary support services under an open case.

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;
 - 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.
- 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.
- 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.

Chapter 3: Child Protection Response	
Policy 3.4: Collaborative Planning and Decision Making	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

Policy Statement

Collaborative Planning and Decision Making (CPDM) is offered to families throughout the case management continuum when other less intensive collaborative practices have been insufficient or ineffective in achieving agreement in Child Protection matters involving planning or dispute resolution. CPDM are processes that utilize a neutral independent third party facilitator.

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.
- Disputed issues are resolved and agreements are reached cooperatively without requiring court-ordered decisions.

Standard: Offering CPDM to Families

3.4(1) Offer a family a culturally relevant CPDM option as an alternative to resolving disputes in court in the following circumstances:

When a determination is made (or is likely to be made) to seek removal under Section 30(1)(b) of the CFCSA and no other less disruptive measures are available or adequate to protect the child/youth;

- After the commencement of a presentation hearing but before it is subsequently contested in a summary presentation hearing;

- When a protection hearing is contested; and
 - 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)** Offer a family a culturally relevant CPDM option to resolve significant disagreements or complex circumstances around the safety or well-being of a child/youth at any time during the case management process when other less intensive collaborative practices have been unsuccessful at achieving resolution. If the child/youth or family is Indigenous, offer a CPDM option that incorporates their traditions and customs.
- 3.4(3)** When developing and implementing a CPDM agreement/plan with a family, ensure that the outcomes of the CPDM process address the identified child protection issues, the safety and well-being of the child/youth, and all related goals and important permanency planning considerations.

Procedures

Determining When to Offer CPDM

- When determining whether disagreements or complex circumstances around safety or well-being of a child/youth are significant enough to warrant the use of CPDM, consider the following:
 - 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/or
 - The level of disagreement or complexity needs to be facilitated by a neutral independent third party.
- If it is determined that a CPDM process is appropriate for the family's circumstances, consult with the supervisor regarding recommendations and pre-approval for a CPDM process.
- 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.



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 with 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 neither of the above apply, when supported by parental consent.
- 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.

When Offering CPDM to Families

- When it is determined that CPDM will be offered to the family, provide them with information about the available CPDM options and encourage them to participate in the decision regarding which of the following CPDM options would best address their circumstances:
 - Family Case Planning Conference (FCPC);
 - Family Group Conference (FGC);
 - Child Protection Mediation (CPM); or
 - Traditional Decision Making (TDM) (including Circles for Indigenous communities).
- When a CPDM option has been mutually agreed upon with the family, start the CPDM process by making the necessary referral.
- 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 the CPDM process to take place.
- Document on the family's file 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.



Note that when a less formal CPDM option (e.g. FCPC) is selected initially, the family is able to transition into a more formal CPDM process at a later date (e.g. FGC or Mediation) should it become necessary.

If an Offer of CPDM is Declined or Consent is Not Provided

- If the family declines participation in a CPDM process, document the refusal and communicate to the family the following information:
 - The option to use CPDM is available to the family at any time should they change their mind; and
 - By declining CPDM as an alternative to court, some decisions may be made in court without the same opportunities for family involvement that are available through CPDM processes.
- Parental consent is not required to proceed with a CPDM process if:
 - The child/youth is in the continuing care of the director under the CFCSA,
 - The director is the child/youth's guardian.
- In addition to the situations described above, a FGC may occur without the parent's consent or involvement if:
 - Supported by authority under section 79 (a) or (a.2) of the CFCSA, or
 - In accordance with any agreement in place between the director and the Indigenous community under section 92.1 of the CFCSA.
- Circumstances when it might be appropriate to hold a FGC without parental consent include:
 - When there is a likelihood that the child/youth will come into care, or
 - When permanency planning is delayed for a child/youth in care because the parent does not consent to a FGC or any other CPDM process.
- If a FGC will proceed without parental consent or involvement:
 - Ensure the parent has had the process fully explained and is aware that the option to use CPDM will be available if they change their mind,
 - Inform the child/youth, parents, other family members, Indigenous community representatives, professionals and other invitees of the decision to convene a FGC without parental consent,
 - During the FGC, only share information pertaining to the child's needs – do not disclose the parent's personal information unless supported by the parent's written consent or section 79 of the CFCSA,

- Advise all professionals involved in the FGC that it is being held without parental consent and as such, they should do the following if sharing the parent's personal information during the FGC:
 - Seek parental consent to share the information, and
 - Follow their practice guidelines and the relevant legislation.

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.


Preparing for CPDM Processes

- Before participating in a CPDM process with the family:
 - 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 and services that are available to the child/youth and family for the purposes of supporting the CPDM agreement and/or 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 and/or plan (e.g. a plan not exceeding 6 months and extensions not exceeding a total period of 18 months under Section 21 of the CFCSA); and
 - 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 agreement/plan developed within the CPDM process.
- Assist the third party facilitator in preparing for the CPDM process with the following:
 - Identify all significant members of the immediate family, extended family, and community who should be involved in the CPDM process (along with their contact information);



- Provide information about:
 - The major issues or factors in the child/youth and family's situation in summary form;
 - Any decisions to be considered during planning, including permanency considerations;
 - The safety needs of family members in the context of the CPDM process;
 - Whether domestic violence has occurred or is occurring, whether any 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); and
 - The capacity of the child/youth to participate in the CPDM process.
- Before the CPDM process begins, contact the CPDM third party facilitator to determine which individuals, including any legal representatives, will be participating in the process.

 Third party facilitators of CPDM processes (even if the individuals are MCFD employees) do not have open access to case file information and are informed about a case only on a need to know basis under section 79 (e) of the CFCSA.

 In CPDM processes, a neutral setting is preferable and it is the responsibility of the facilitator to select the setting that supports the CPDM process. Although legal representation is not required, legal counsel may attend at the request of the individuals involved in the CPDM process, except where it is counter to the process being utilized (e.g. lawyers are not part of FGC “private family time”)

During the CPDM Process

- Although the CPDM process is led by a third party facilitator, 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;

- Collaborative reviews of the final CPDM agreement/plan are scheduled and include all involved individuals;
- A back-up plan for the child/youth and family in the event of any significant change in circumstances is developed collaboratively;
- A resolution process in the event that disputes arise during the term of the agreement/plan is developed collaboratively; and
- The views of the child/youth and parent(s) are heard and incorporated into the CPDM process, and their rights are respected.



Note that for cultural purposes, Traditional Decision Making (TDM) processes may require some flexibility and, as a result, may vary from the components listed above.

Approving the CPDM Agreement/Plan

- Before agreeing to 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 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, review it with the supervisor for final approval, and return the approved agreement/plan to the third-party facilitator for distribution to participants.
- If the family's CPDM agreement/plan 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 an agreement/plan is not approved by the supervisor or by a presiding judge, communicate this to the third-party facilitator and provide:
 - Recommendations for the required changes; or
 - The reasons why the CPDM process must be abandoned.
- If changes to the agreement/plan are required, participate in all additional processes (CPDM or otherwise) that the third-party facilitator determines necessary to arrive at the required changes.



- When the necessary changes have been made, present the plan/agreement to the supervisor for approval or further recommendations, and report back to the facilitator and involved parties until the process is complete or abandoned.
- In the event that 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.

Chapter 3: Child Protection Response	
Policy 3.5: Less Disruptive Measures and Placement Decisions under Removal and Custody Orders	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019


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.

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.
- 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

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- 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 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 neither of the above apply, when supported by parental consent.

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 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 from harm by another parent living separately

- Unless the child/youth's safety is in immediate danger, they should not be brought into care if they have a parent apparently entitled to custody who is a protecting parent and living separately from the concerning parent.
- If it is not possible for the parents to agree to a safety plan that is sufficient to protect the child, 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.
- 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 *Family Law Act* (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 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 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).

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 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.
- 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.
- 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).
- 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;
 - The agreement documents the terms of supervised access if this is a requirement; 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 to be removed, conduct the removal in person by being in the physical presence of the child 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.
- 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.
 - Discuss the intended living arrangements with the proposed care provider(s);
 - Conduct an Initial Record Review and Detailed Record Review (formerly called Prior Contact Check) to determine whether any adults living in the home have had previous involvement with services under the CFCSA (see “Conducting an Initial Record Review” and “Conducting a Detailed Record Review” in 3.1);
 - Ask police if they have concerns about the past or present behaviours of any adults in the proposed home including whether they pose a potential safety risk to the child/youth;
 - Request a Protection Order Registry Check if necessary (see “Requesting a Protection Order Registry Check” in 3.1);
 - Ensure that the proposed care provider(s) understand the protection concerns that pertain to the child/youth and agree to the plan, including the provisions in the plan for the child/youth to maintain contact with and to reunite with their parent(s);
 - Visit the home to determine that the house is safe;

- 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. If the child/youth is Indigenous, contact their Indigenous community, the Band social worker and/or the Delegated Aboriginal Agency representative. 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 Social Innovation (MSDSI) that the child/youth is living outside the family home and that there is a need for MSDSI 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, 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 Policy 4.1:

- 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 policy 4.1 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 policy 4.1 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 with 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 Policy 4.3, 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.

FLA Guardianship Applications for a Child under a CFCSA Custody Order

- 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.

Chapter 3: Child Protection Response	
Policy 3.6: Initiating Ongoing Protection Services	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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.
- 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, 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 neither 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;
 - Identifying strategies, activities and services that will help the family achieve the goals of the Family Plan; and
 - Determining a review date for each of the goals in the Family Plan.
- 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.
 - 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.

Chapter 3: Child Protection Response	
Policy 3.7: Ongoing Protection Services Practice Cycle	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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.

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.

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.
- 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 case 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 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:
 - 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.

Chapter 3: Child Protection Response	
Policy 3.8: Returning Children and Youth to Parents or Considering Permanency Alternatives	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2019

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 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

Procedures

Completing the Reunification Assessment

- In order to review the family's progress towards goals, the relationship between the child 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

- 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 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 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 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.
- Conduct a comprehensive assessment of the proposed care provider(s) (in accordance with Chapter 4) 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); 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*; or
 - If adoption is not in the child'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.

Chapter 3: Child Protection Response	
Policy 3.9: Ending Ongoing Protection Services	
Effective Date of Policy: July 7, 2014	Amendment Date of Policy: April 1, 2018

Policy Statement

The decision to end Ongoing Protection Services is made through reviewing the case 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 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.
- 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.
- 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 whose parent apparently entitled to custody has made an agreement with the child's Indigenous community, the director:
- Obtains a copy of the agreement between the child'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'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;
 - In collaboration with the Indigenous community representative, visits the home(s) where the child would be cared for;
 - Obtains consent from the individual(s), who would be providing care for the child 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 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, the decision is reviewed by the Director of Operations or equivalent position in a Delegated Aboriginal Agency before being finalized.
- If the director determines that the agreement between the parents and the Indigenous community is adequate to protect the child, 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 from previously identified protection concerns involving the parent(s); and
 - That the director agrees with the Indigenous community in considering the child 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), 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 case, 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 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 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.

Glossary

The following definitions apply for the purposes of this document.

assessment: the process of collecting information on children 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 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 is placed by a director and who, by agreement with the director, has assumed responsibility for the child'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.

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

- the identification and involvement of a person from the child's Indigenous community to be his or her cultural contact or mentor;
- ways in which the child 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'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: when a child 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 or adult but are not related by blood or marriage, such as “godparents” or individuals to whom the child refers to as “aunt” or “uncle”. Family or extended family in Indigenous cultures includes relations and community people involved in “raising” a child and the people with whom the child was raised. It is a connection to the elders and ancestors.

family conference plan of care: (as defined by the CFCSA) plans developed through a family conference that will protect the child from harm, serve the best interests of the child, take into account the wishes, needs and role of the child’s family and the child’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 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 [\[link\]](#));

First Nation child: a child who is a member, or is entitled to be a member, of a First Nation

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

formal kinship care: living arrangements where children 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’s kin and others, and
- court orders placing a child 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 child: a child:

- (a) who is a First Nation child,
- (b) who is a Nisga’a child,
- (c) who is a Treaty First Nation child,
- (d) who is under 12 years of age and has a biological parent who
 - (i) is of Indigenous ancestry, including Metis and Inuit, and
 - (j) considers him/herself to be Indigenous, or
- (e) who is 12 years of age or over, of Indigenous ancestry, including Metis and Inuit, and considers him/herself to be Indigenous.

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 in care, used to identify specific developmental objectives based on continuous assessments of the child's evolving needs and the outcomes of previous decisions and actions. Care plans are completed by the child's worker with the involvement of the child, the family, the extended family and Indigenous community if the child is Indigenous, the care provider, service providers and significant people in the child'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."

resiliency: a concept that is parallel to capacity. Resiliency is the ability of the child, 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 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.

special needs: a child with special 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 has special needs.

stability and continuity of lifelong relationships: a term that describes a basic need in all children for continued or new relationships with family and significant people, including extended family and community connections. Children 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 through family, culture, faith, identity or community. Stability and continuity of lifelong relationships is a primary consideration in planning and providing services for children. All services should promote stability and continuity of lifelong relationships by:

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