

<b>Ministry of Social Services</b> <b>Child Protection Services Manual</b>	<b>Chapter 1: Overview of Manual</b> <a href="#">(Back to table of contents)</a>

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## 0.0 Revisions

**April 2016**

### 2.6 Intake and Investigation – Investigations of Physical and Sexual Abuse

Amendments to this section include:

The addition of a standard under Medical Examinations that the caseworker or designate will accompany the child to be examined by a physician immediately following the caseworker's first face to face contact. A designate may include a caseworker who is an officer under *The Child and Family Services Act* or a law enforcement officer who is assisting in the investigation.

### 7.3.2 General Application Policies and Protocols – Serious Occurrence Categories, Reporting and Review

Amendments to this section include:

- Redefining Low Impact Serious Occurrences to include behavior of a child or youth that impact the health and safety of others, whether or not the behavior occurred in an approved resource;
- Redefining Medium Impact Serious Occurrence to include serious violent offences committed or alleged to have been committed by a child or youth and providing a definition of serious violent offences;
- Redefining High Impact Serious Occurrences to include victims of aggravated sexual assault as defined in Section 273 of the Criminal Code and removing the caveat "that may result in significant long term physical or psychological trauma as determined by a qualified medical practitioner";
- Redefining Medium Impact Serious Occurrences to include victims of sexual assault and removing the caveat "that may not result in physical harm, by may result in psychological trauma";
- Providing a definition of "medically fragile" and an exception under reporting standards for medically fragile children. Caseworkers will not be required to complete a Preliminary Serious Occurrence Report for every serious occurrence that is related to the child's medical condition. Only notification to Quality Assurance via email will be required; and
- Removing the requirement for Quality Assurance to prepare a semi-annual report for High Impact Serious Occurrences.

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### **7.3.3 General Application Policy and Procedures – Serious Occurrence Quality Assurance Review**

Amendments to this section include:

- Changing the time frame for completion of a Quality Assurance Review within 6 month of the date of occurrence to within 6 months of the date of notification to Quality Assurance.

### **7.3.6 General Application Policies and Protocols – Serious Occurrence Notification and Reporting Quick Reference – Appendix “A”**

Amendments to this section include:

- Changing the Quick Reference document to reflect the above changes to sections 7.3.2 and 7.3.3 of the Serious Occurrence Reporting and Review Policy.

### **7.5 General Application Policies and Protocols – Protocol for Child Protection Case Transfers**

This policy has been inserted into the Child Protection Services Manual and is intended to replace Chapter 10.1: Case Transfer of the Family Centered Services Manual. This policy includes:

- Procedures specific to the transfer of responsibilities for child protection services;
- A definition for “courtesy contact”;
- A standard that courtesy contact is to be completed by a CFP caseworker and documented in a contact log in Linkin; and
- A Transfer of Responsibility Checklist that is contained in Chapter 8.31.

### **7.11 General Application Policies and Procedures – Ministry of Social Services and First Nations Child and Family Case Review**

Amendments reflect the change from completion of case reviews by Service Areas to completion by a centralized Quality Assurance Unit. Other amendments include:

- Procedures for conducting First Nations Child and Family Service (FNCFS) Agency file reviews;
- Clarification of roles and responsibilities associated with case review procedures;
- Time frames for completing FNCFS Agency case reviews changed from completion every three years to completion annually;
- The addition of timelines for completion of Program Case Review Reports by Quality Assurance - Two months (60 days) to complete the draft report and send to the Service Area/Agency;

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- The addition of a procedure for inviting Service Area/FNCFS Agency staff to participate in the case review process;
- Timelines and process added to include a one month (30 day) time frame for Service Area/FNCFS Agency to complete and submit a response/action plan;
- A debrief of the Program Case Review Report is now included in procedures;
- “File Review” changed to “Case Review” to reflect Linkin terminology; and
- A process for addressing immediate safety concerns.

**July 2016**

## **2.2 Child Protection Intake – Receiving and Screening Reports of Child Maltreatment: What Constitutes an Intake Report on an Active Child Protection Case?**

Amendments include:

- The addition of factors to consider when determining whether a report on an active case constitutes a new intake in Linkin;
- The addition of case examples to clarify the difference between a new intake report and a “change in family circumstance”; and
- The addition of the Linkin procedures for associating a new intake with an active case in Linkin.

## **2.7 Intake and Investigation: Investigations Involving Parents in Separate Households.**

Amendments to this section include:

- Revision of the definition of “parent” to reflect the definition of “parent in The Children’s Law Act, 1997;
- Revision of the requirement for re-approval of a Non-Removal Parent Place of Safety from every 30 days to every 60 days in order to be consistent with recent revisions to the “Place of Safety” policy in the Children’s Services manual;
- Clarification of standards for completion of the CADP for children place with a non-removal parent. The CADP is not required at 45 days but required at 120 days in rare and unique circumstances where a child is in a non-removal parent place of safety for 120 days. Typically, placement of a child with a non-removal parent as a “Place of Safety” is short term; and
- Clarification of case administration procedures in Chapter 4.3.8 in the Children’s Services manual:
  - The Ministry will not apply for the Children’s Special Allowance and maintenance payments will not be provided;

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- The non-removal parent may apply for the Canada Child Benefit (CCB) and the caseworker should provide a letter to the non-removal parent confirming that the child is residing with them and the Ministry is not making maintenance payments;
- When enrolling a non-removal parent as a provider in Linkin, the “Type of Service” will be “Place of Safety – No Pay”;
- Further clarification regarding how to determine the custodial or access rights of each parent; and
- The addition of guidelines for the non-immediate placement of a child who is in the temporary care of the Ministry with a non-removal parent.

### 3.2 Ongoing Child Protection Services – Ongoing Case Management

Information regarding caseworker contacts that may be delegated to another service provider or individual has been deleted and the reader is now referred to the SDM® Policy and Procedures for information on delegated contacts.

### 3.2 Ongoing Case Management – New Intake Reports on an Active Child Protection Case

Amendments include:

- The addition of factors to consider when determining whether a report on an active case constitutes a new intake in Linkin;
- The addition of case examples to clarify the difference between a new intake report and a “change in family circumstance”; and
- The addition of the Linkin procedures for associating a new intake with an active case in Linkin.

### 7.3.6 General Application Policies and Protocols – Serious Occurrence Notification and Reporting Quick Reference – Appendix “A”

Amendments to this section include:

- The addition of the notification standard that the Supervisor must notify the FNCFS Agency when a First Nations child is impacted by a Medium Impact Serious Occurrence. This standard is already in the notification standards in the body of the policy but needs to be reflected in the Quick Reference chart.

### 7.6 General Application Policies and Protocols: Birth/Maternity and Child Welfare Alerts

Maternity alerts received from other provinces or territories are to be documented in a “Interprovincial Intake” case in Linkin. All other maternity alerts will be documented in Linkin as a “Family Services –Pregnancy Counselling” Intake case in Linkin until the birth of the child.

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## **7.7 Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories**

The new P/T Protocol replaces the 2006 Protocol in this section.

## **8.12 Inter provincial Child Protection Alert**

Interprovincial Child Protection Alert replaces Canada Wide Alert

## **8.28 Inter provincial Placement Agreement**

Interprovincial Placement Agreement replaces Case Transfer Agreement – Schedule “B”

## **8.29 Inter provincial Request for Services**

New form as per new Protocol, also available in Templates

## **September 2016**

### **2.3: Child Protection Investigation**

### **2.4: Notice of Child in Need of Protection/Offer of Family Services**

### **3.2: Ongoing Case Management**

### **3.3: Offer of Family Services: Parental Services Agreement and The Structured Decision Making® Safety Plan**

### **Appendix Ch. 3: Offices not using SDM®/Linkin**

Amendments to the above sections include the following:

- Removal of SDM® from the title of the Safety Plan;
- A requirement to complete the PSA when all children remain in the home;
- A statement that it is best practice to complete a PSA in all circumstances regardless of the child’s status;
- A recommendation for the completion of a short term PSA (no longer than 30 days) at the conclusion of an initial investigation (prior to transfer to ongoing) when there are no safety threats, a safety plan has not been signed and all children remain in the home;
- A requirement that both parents sign the PSA when there are two parents in the household;
- A guideline that states it is best practice to clearly outline an individual or service provider’s roles and responsibilities on the PSA when required caseworker contacts have been delegated to that individual or service provider; and

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- The removal of the requirement to make application to court **in all circumstances** when a parent signs a PSA but then fails to follow through with services outlined on the PSA. The word “will” make application to court has been replaced with “may” make application to court.

## 7.6 General Application Policies and Protocols – Birth/Maternity and Child Welfare Alerts

The name of this section has been changed to “Child Protection Alerts” and references to “Interprovincial Alerts” in the section have been changed to “Interprovincial Child Protection Alerts”. These changes are required so that the language in the policy is consistent with the language in the 2016 Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories.

### October 2016

#### 7.3.2: Serious Occurrence Categories, Reporting and Review

Amended policy to state that notification to the Coroner’s office must occur in the case of a child death (previously stated “child in care death”) to align with the MOU between the Ministry of Social Services and the Chief Coroner of Saskatchewan.

### March 2017

#### 5.2.10: Court Orders

Removed reference to: Form ‘N’ - Birth Parent Acknowledgement and Form ‘O’ - Adoptive Parents’ Agreement, which are no longer in use as per legislative changes in *The Adoption (Birth Registration Information) Amendment Regulations, 2015*.

#### 8.1: Service Authorization Form

Updated form

#### 8.2: Agreement for Residential Services

Added the following statement pertaining to federal child benefits (Children’s Special Allowance / Canada Child Benefit) so that families are aware the Ministry applies for benefits after 30 days:

- The Ministry of Social Services will apply for federal child benefits on behalf of the child after 30 days, resulting in termination of parental benefits.

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## 8.7: Notice of Apprehension

Added the following statement pertaining to federal child benefits (Children's Special Allowance / Canada Child Benefit) so that families are aware the Ministry applies for benefits after 30 days:

- The Ministry of Social Services will apply for federal child benefits on behalf of the child after 30 days, resulting in termination of parental benefits.

## 8.38 Form N – Birth Parent Acknowledgement

Removed form as per changes to *The Adoption (Birth Registration Information) Amendment Regulations, 2015*.

**May 2017**

## 3.2: Ongoing Case Management

Amended section on Assessment and Case Plan to reflect the new Assessment and Case Plan form and Linkin Documentation process

## 3.3: Contact Standards – In-home Families

New section – This section, along with Section 3.4 and 3.5, replaces the Saskatchewan SDM<sup>®</sup> Minimum Service Levels and Contact Guidelines that were previously contained in the SDM<sup>®</sup> Policy and Procedures Manual.

## 3.4: Contact Standards – Parent of Child in Placement (Goal of Reunification)

New section – This section, along with Section 3.3 and 3.5, replaces the Saskatchewan SDM<sup>®</sup> Minimum Service Levels and Contact Guidelines that were previously contained in the SDM<sup>®</sup> Policy and Procedures Manual.

## 3.5: Contact Standards – Child in Placement and Placement Caregiver (Goal of Reunification)

New section – This section, along with Section 3.3 and 3.4 replaces the Saskatchewan SDM<sup>®</sup> Minimum Service Levels and Contact Guidelines that were previously contained in the SDM<sup>®</sup> Policy and Procedures Manual.

## 4.10: Permanency Planning and Time Limited Services

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Amended this section to reflect the new Assessment and Case Plan (ACP) form and associated approval procedures for Formal Review of cases where a family is identified as receiving services for more than a cumulative total of 18 months. (The ACP no longer contains a separate section for the “Formal Review”.)

## 6.2: Linkin Documentation

Removed references to the Assessment and Case Plan/Child Assessment and Developmental Plan forms as “communication” documents in Linkin.

### 3.0A – Offices not using SDM®/Linkin – Ongoing Child Protection Services.

Standards were amended to reflect the new provincial contact standards which apply to both Ministry and First Nations Child and Family Service Agencies.

### 6.0A: Offices not using SDM®/Linkin – Case Documentation

Added the following statement:

- Depending on the extent of SDM® Assessment tool utilization, non-Linkin offices may choose to use the SDM® Assessment and Case Plan (ACP) form and the SDM® Child Assessment and Developmental Plan (CADP) form or the ACP for Child Protection Files form and the CADP form.

### 8.33 and 8.34: SDM® Assessment and Case Plan/Child Assessment and Developmental Plan

New Assessment and Case Plan (ACP) and Child Assessment and Developmental Plan (CADP) forms replace the SDM® ACP and SDM® CADP forms. Moved the SDM® ACP and SDM® CADP forms to 8.5A and 8.6A for use by non-linkin offices.

### 8.5A/8.6A: SDM® Assessment and Case Plan/SDM® Child Assessment and Developmental Plan

Added these sections for the SDM® Assessment and Case Plan form and the SDM® CADP form for use by non-linkin offices.

**July 2017**

## 2.2 Child Protection Intake – Receiving and Screening Reports of Child Maltreatment

Amended time frame for final approval of the screening decision for reports where a non-immediate response is indicated. Final approval of the screening decision by the supervisor (or

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Review Team approval) must be made with 48 hours of receipt of report. Approval of screening decisions where an immediate response is indicated was not amended and must be within the same working day.

Updated policy to include a section on “Additional Screening Activities”. Additional screening activities may be appropriate because the initial report does not provide sufficient information to make a screening decision. In these circumstances the screening decision must be made within 48 hours or receipt of the report. This section also defines what constitutes additional screening activities.

## 2.3 Child Protection Investigation

Amendments to this section include:

- Updated to include medical examination standards that were previously contained in Chapter 2.6 Investigations of Physical and Sexual Abuse.
- Added procedure for application for a **Warrant for Access To Child** pursuant to Section 13.1 of *The Child and Family Services Act* which allows the caseworker to take a child for a medical examination in circumstances where the parent is unavailable or refuses consent for an examination.
- Added practice guidelines regarding the different mandates, roles and responsibilities of law enforcement and child protection when there is a joint investigation. This information was previously contained in Chapter 2.6 Investigations of Physical and Sexual Abuse.
- Added the following standards for interviews during an investigation:
  - Interviews of all caregivers living in the home;
  - Interviews of all children living in the home using methods consistent with the child’s developmental stage and ability to communicate;
  - Interviews of siblings who reside outside the home, who continue to have contact with the family **and** who may have knowledge of the reported concern;
  - Direct observations of the child’s living environment; and
  - The gathering of collateral information from people who may have relevant knowledge of the family and/or child.
- Added practice guidelines regarding announced vs. unannounced visits to the home and completing interview of children with prior parental notification.
- Added a section in Practice Guidelines regarding “Final Investigation Findings”. This section describes what information should be gathered and analyzed in order to determine whether or not a child is in need of protection pursuant to Section 11 of *The Child and Family Services*

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Act. This section includes definitions of “substantiated”, “unsubstantiated” and “inconclusive” which are terms used to describe the verification of child abuse/neglect allegations.

## 2.6 Investigations of Physical and Sexual Abuse

Removed entire chapter from the manual and incorporated a portion of the Standards and Procedures in this chapter into Chapter 2.3 Child Protection Investigation.

## Appendix Chapter 2.3A Offices not using SDM®/Linkin – Intake and Investigation

Added the standards for interviews, medical examinations and applying for **Warrant for Access** as above.

## October 2017

## 2.2 Child Protection Intake – Receiving and Screening Reports of Child Maltreatment

### Appendix Ch. 2: Offices not using SDM/Linkin – Intake and Investigation

#### 2.2A: Receiving and Screening a Report of Child Maltreatment

Changed the time frame for final approval of the screening decision as follows:

- Where the SDM® Intake Assessment indicates a non-immediate response time, supervisor approval (or Review Team approval) must be made within two working days of receipt of the report, rather than within 48 hours of receipt of report. Where the SDM® Intake Assessment indicates an immediate response, the time frame will not change (approval must be within the same working day); and
- Where additional screening activities are required, a screening decision and supervisor approval (or Review Team Approval) will occur within three working days of receipt of the referral.

Change also applies to the Flexible Response time frames for approval of the screening decision.

#### 7.1.13.2 Lawsuits Involving Current or Former Employees

New policy to provide information for Ministry staff regarding processes to be followed during lawsuits involving current or former employees.

## 4.10 Permanency Planning and Time Limited Services:

Procedures: Permanency Planning:

- Included additional information on planning committees to discuss the case planning of children and families so that a group decision is reached jointly.

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Procedures: Adoption:

- Provided more information on foster adoptions; and
- Set out guidelines on expectation for foster adoptions and added the requirements for having an MFA assessment completed.

### 8.38 Consent to Disclose Information and Client Fact Sheet

Forms added to this section as referenced in Chapter 7.1.5

## February 2018

### Chapter 7.13 Practicum Placements

- Added a policy statement;
- Re-ordered Standards;
- Added new Standard:
  - Initially, a practicum student will be shadowed by a primary worker/supervisor. As the student demonstrates competence to achieve a higher level of independence, more and different work will be assigned.
- Added information regarding coordination of practicums from First Nations University of Canada, Faculty of Indigenous Studies;
- Added reference to staffing coordinators' role in arranging student selection and placement when applicable in larger urban offices;
- Updated the process for obtaining criminal record and vulnerable sector checks (CRC/VRC's) to align with current staffing processes, i.e. Saskatchewan Public Service Commission is responsible for coordinating and tracking CRC/VSC's once received from local Police Service or RCMP;
- Removed requirement of obtaining reference checks for practicum students;
- Added requirement to review the Code of Professional Conduct with the student; and
- Added section regarding mid-term and final student evaluations.

### 12.48 Place of Safety Designation

- Added consent/signature section for child welfare record check and description of risk factors if applicable;
- Added option of completing Child Welfare Record Declaration for prior out of province/country residents; and
- Added check box for provision of Electronic Funds Transfer (EFT) form.

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## April 2019

### 8.5: Safety Plan

- Updated the Safety Plan form (#2010) to reflect Integrated Practice (IPS) language (Harm and Worry statements) and to provide more space for the caseworker to write the safety plan. The revisions replace language that can be perceived as harsh and judgmental with softer language that is factual, concise, behaviorally specific and easily understandable for families receiving child protection services; and
- The revisions also include the ability to write either “Ministry of Social Services” or the name of the First Nations Child and Family Services Agency that is entering into the agreement with the caregiver.

### 8.18 Affidavit of Personal Service

#### 8.19(a) Affidavit of Service by Registered or Certified Mail

#### 8.19(b) Affidavit of Service by Facsimile Transmission (New section)

- Changed the Affidavit of Service forms to remove the “Expiry date” line and add “Being a Government Official”. A new form – Chapter 8.19(b) was created for the purpose of serving by facsimile.

## November 2019

Amended the following sections of the manual as a result of the implementation of the Flexible Response/Integrated Practice Strategies in screening and investigation.

### 1.1 Introduction

### 2.2 Child Protection Intake: Receiving and Screening Reports of Child Maltreatment

### 2.3 Child Protection Investigation:

### 2.4 Notice of Child in Need of Protection/Offer of Family Services

### 3.2: Ongoing Case Management

### 3.6 Offer of Family Services – Family Services Agreement (Form 2014) and the Safety Plan (Form 2010)

### 6.2.1 Linkin Documentation - Intake Case

### 7.4 MSS and FNCFS Shared Planning for Children and Families

### 8.6 Parental Service Agreement

### 8.16 Notice of Child in need of Protection

### 8.44 Screener Narrative

### 2.3A Child Protection Investigation

### 3.2A Offices Not using SDM®/Linkin: Ongoing Case Management

### 5A Office Not using SDM®/Linkin: Case Documentation

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**Amendments to the above sections include the following:**

- Addition of Integrated Practices as part of the province's child welfare transformation strategy in the Introductory section of the manual;
- Addition of Practice Guidelines for Screening Review Teams;
- Addition of the Screener Narrative that is to be used in conjunction with the SDM® Intake Assessment at Screening;
- Addition of guidelines of how to enter the Screener Narrative in Linkin;
- Addition of a question to the Screener Narrative to prompt the screener to ask about the parent and child's band/ Métis membership;
- Added a reference to the Child and Family Program SharePoint site that contains a guide for Integrated Practices in Screening;
- Amended timelines for investigation to include the investigation phase (30 days) and the transition phase (15 days);
- Amended the timelines for completion of the SDM® Family Risk Assessment from "within 15 days" to "within 30 days" to align with investigation timeline amendment;
- Replaced Notice of Child in Need of Protection form 2027 with a *Letter of Notification of Child in Need of Protection* that is to be provided to the parent/caregiver when a child is found to be in need of protection;
- Added a standard for a "Transition Meeting" to be arranged and facilitated by the Investigaiton caseworker and to be attended by the designated ongoing caseworker upon determining a child is in need of protection and prior to the transfer of the case to ongoing services;
- Added a *Letter of Notification to First Nations Child and Family Services Agency* that is used when a child who is registered or eligible to be registered to a Band is found to be in need of ongoing child protection services;
- Replaced the *Parental Services Agreement* with the *Family Services Agreement* that represents an agreement between the parents/caregivers for family services pursuant to Duty to offer Services: Section (14) (2) of *The Child and Family Servicess Act*. Added practice guidelines for appropriate completion of the Family Services Agreement; and
- Amended the timelines for completion of the initial SDM® Family Strengths and Needs Assessment from "within 45 days from investigation assignment" to "within 60 days from investigation assignment".

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**June 2020**

### **3.7 Working with Service Providers**

- Added procedures to ensure caseworkers explore available support options through Ministry funded programs;
- Added procedure regarding referrals to CBO – use of established agency referral process, including required invoicing information; and
- Added procedure that supervisor must approve use of private service provider if no Ministry funded program is available.

### **3.8 Service Providers and Service Provider Agreements**

- Changed title from “Service Provider Contracts” to “Service Providers and Service Provider Agreements”;
- Incorporated policy from previous Section 3.9 “Family Support – Parent-Aid Services”;
- Changed language throughout from “Service Provider Contracts” to “Service Provider Agreements”;
- Added distinct procedures for approval of Service Provider Agreements with CBO’s and private service providers; and
- Clarified roles of caseworker, family support service provider and CBO.

### **3.9 Service Provider Categories and Payments**

- Listed all service provider categories, including approval, documentation and Linkin coding requirements for each;
- Specified which categories require a Service Provider Agreement and when parents need to sign; and
- Added paragraph regarding use of requisitions for payment of emergency needs.

### **8.13 Child and Family Programs Service Provider Agreement**

New agreement template will be used for all service providers as directed in Chapter 3.9; and Replaces forms 8.13 Family Support Services Contract and 8.14 Parent-Aid/ Family Support Services Contract.

**September 2020**

### **2.2: Child Protection Intake – Receiving and Screening Reports of Child Maltreatment**

### **2.3: Child Protection Investigation**

### **2.2A and 2.3A – Offices not using SDM®/Linkin**

Amendments to the above section include the following:

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- Amended definition of immediate response time to “same day/within 24 hours of referral” from “same day as referral”;
- Amended non-immediate investigation response timeline to “within 5 calendar days of screening decision” from “within 5 calendar days of receipt of report”;
- Clarification of the definition of what constitutes an initial investigation response. The initial investigation response must include, at minimum, an actual or attempted face to face contact with the child or children subject to the allegations.
- Clarification that law enforcement’s contact with a family does not replace the requirement for the initial child protection face to face contact in an investigation.
- Addition of guidelines for circumstances where child protection service staff are not able to complete the initial “immediate” response contact with the child and law enforcement has made contact.
- Addition of a standard that supervisors may approve extending the time frame for the first response in an investigation when circumstances beyond the ministry’s control prevent the first response from occurring within the prescribed timelines. In these circumstances supervisory approval must include a strategic plan for the extension, including a timeline for review.
- Chapters 2.2A and 2.3A were revised as all First Nations Child and Family Agencies, with the exception of one, are now using the SDM tools that are applicable to screening and investigation. Standards that apply only to non-linkin or non-SDM offices were left in these appendix chapters.

## **2.7: Investigations involving Parents in Separate Households**

## **4.3: Apprehending and Returning a Child**

### **Amendments to the above sections include the following:**

- Chapter 2.7 was amended to include a list of potential safety interventions when case workers are conducting investigations involving parents in separate households, in order of priority, starting with the least intrusive intervention.
- Safety Planning with the non-removal parent to restrict access of the removal parent may be done without the consent of the removal parent as long as the plan does not breach an existing court order or written agreement for custody/access.
- Addition of the ability to return an apprehended child to the non-removal parent who has the right to custody pursuant to Section 17(3) of *The Child and Family Services Act* under specific circumstances.
- If a return of an apprehended child to the non-removal parent occurs pursuant to Section 17(3), the ministry is not mandated by law to provide ongoing reunification services to the removal parent. The ministry may end child protection involvement if there are no longer any child protection concerns.

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- Addition of a caveat that when a child is returned to the non-removal parent, it may be in the child's best interest to provide reunification services to the removal parent despite not being mandated by law to do so. In these circumstances, reunification services may be provided up to one review period (90 days from investigation assignment). If reunification is not possible within this time period, the caseworker and supervisor are to formally review the plan and make a decision on next steps.
- Addition of guidelines for circumstances where a child has been in care under a temporary order in an ongoing case and there is a plan to place the child with a non-removal parent.

## February 2021

### 1.1: Introduction

- Updated to reflect the name change of the Children's Research Centre, the non-profit organization in Wisconsin, USA, which developed the Structured Decision Making® (SDM) system for child protective services. The organization changed its name to Evident Change, effective December 1, 2020

### 1.3: Overview of Child Protection Services

- Updated to reflect the name change for the Children's Research Centre to Evident Change

### 2.2: Child Protection Intake – Receiving and Screening Reports of Child Maltreatment

- Removed reference to Alerts or Special Cautions for a report concerning an expectant mother as this practice is discontinued.
- Added procedures to ensure caseworkers review Linkin when there are reports of concern regarding an expectant mother and to ask specific questions to determine if there are other children in the home.
- If yes AND the information gathered indicates that these children may be in need of protection, complete a Child Protection Intake.
- When there are no other children in the home believed to be in need of protection, the report will be documented in the Information and Referral Intake.
- Added practice guidelines for calls received regarding expectant mothers, additional questions that should be asked to determine the women's circumstances and whether other children in the home may be in need of protection.

### 2.3: Child Protection Investigation

- Within Practice Guidelines, added bullets regarding:
  - Ensuring child protection caseworkers discuss with hospital staff the possibility of a mother and infant remaining in hospital until further planning can be completed to avoid a possible apprehension.

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- Ensuring First Nation and Métis Health Services staff and the family's Indigenous community are given opportunity to engage with the mother, where appropriate.
- Ensuring the mother's privacy is respected in circumstances where an apprehension must occur as a last resort.

#### **6.2.7: Linkin Documentation – Special Cautions**

- Removed the bullet 'How to create a Special Alert or Caution in Linkin for maternity alerts'.

#### **7.6 Child Protection Alerts**

- Removed references and bullets that refer to making special cautions or alerts to hospitals for expectant mothers; and
- Removed section of policy titled 'Maternity Alerts'.

#### **7.13 Practicum Placements**

- Updated policy to reflect the decrease in allowable classroom training hours for social work practicum students from 100 hours to 40 hours per semester, based on Canadian Association of Social Workers (CASW) changes;
- Included lists of mandatory and optional ministry training to be completed by practicum students.

### **May 2021**

#### **7.1.11 Requesting Personal Health Information**

- Removed the reference to children in care as policy is specific to child protection investigations or for the provision of child protection services;
- Updated to reference the Saskatchewan Health Authority;
- Removed the "Note" regarding children's health information and how to include in Linkin (this was added to the Children's Services Manual Ch. 11.3.1);
- Added a bullet to reference the CSM when requesting health records for children in care.

#### **8.26 Request for Access to Personal Health Information**

- Template 8.26 was updated in consultation with the Saskatchewan Health Authority (SHA); the ministry logo was removed from the form and was replaced with the SHA logo;
- Changed the template number from 2052 (previously in the I drive) to 8.26 to align with the corresponding number in SharePoint.

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### 8.30 Notification of an On-reserve First Nation Child Taken into Care

- Updated form to reflect name change of *Aboriginal and Northern Affairs Canada (AANDC)* to *Indigenous Services Canada (ISC)*.

## August 2021

### 3.9 Service Provide Categories and Payments

- Amended policy section to reflect increased rate of pay for Elder/Knowledge Keeper services provided to the ministry;
- Included reference to “Knowledge Keepers” in addition to Elders;
- Added provision to pay a per diem for Elder/Knowledge Keeper assistants when required.

### 7.5 Case Transfer Protocol - Child Protection

- Changed title to **Case Transfer Protocol - Child Protection**;
- Clarified the role of the supervisor for both the referring and receiving office (Procedures);
- Clarified that the office managing the child protection case is responsible for all court related matters;
- Added a paragraph to reflect that should a case be transferred with missing information, the information is requested but the case is not returned to the receiving office.

### 8.31 Transfer of Responsibility Checklist

- Updated the Transfer of Responsibility checklist (8.31) to indicate whether the First Nation Agency has been notified of the case transfer;
- Updated the checklist to include Extended Family Provider file case transfers (which typically accompany the child care case transfer);
- Added a line to indicate whether a Cultural Connections Plan for the child has been completed or updated;
- Reference to the checklist (8.31) is included in both the Child Protection and Children’s Services manuals (formerly 12.18 in the CSM).

## January 2022

### 2.2 Receiving and Screening Reports of Child Maltreatment

- Clarified the role of a child protection officer in daycare investigations.

### 2.3 Child Protection Investigation

- Clarification that the *CFSA* mandate is limited to protection concerns which relate to a parent’s actions pursuant to Section 11.

### 2.11 Investigations of Abuse and Neglect in Child Care Resources (Day Care)

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- Identified the role of a child protection officer in daycare investigations pursuant to *The Child Care Act*, and the ability to provide courtesy services upon request with supervisory approval.

#### 7.4 MSS and FNCFS Shared Planning for Children and Families

- Changed the timeframe for the case transfer from 60 to 90 days, based on consultation with service area and Indigenous Services Unit representatives;
- Removed the requirement to provide paperwork for files relocating less than 60 days within 10 working days;
- Added the requirement of monthly case consultations pending formal case transfer;
- Added procedures to request courtesy services from the closest service area, as well as to request to transfer of the file to the closest service area office if no agreement is reached for transfer to FNCFS agency after 90 days;
- Updated language regarding placement priorities to align with the federal child welfare legislation: *An Act respecting First Nations, Inuit and Métis children, youth and families*;
- Added the requirement that applicable FNCFS agencies be invited to participate in the initial case conference using alternate means such as virtual or telephone contact;
- Removed the section “Tracking Child Welfare Involvements within the Province of Saskatchewan” and “Guidelines for Tracking Information Between ACI & Linkin” and replaced with a reference to the new Linkin guide: *Working with Indigenous Clients and First Nation Agencies*;
- Added reference to Children’s Services Manual Chapter 2.5.3: Cultural Planning with Indigenous Children and Youth;
- Developed a “Referral Letter to Agencies” (8.48) for notification purposes when a family has relocated or is planning to relocate;
- Developed a MSS/FNCFS Transfer of Responsibility Checklist (8.33) to ensure all required documents are forwarded (similar to provincial Transfer of Responsibilities Checklist);
- Updated the Transfer of Responsibility Agreement (8.32) to include child care, child protection, and/or provider file transfers;
- Clarified that the referring office retains the original paper files for all case transfers;
- Under Person of Sufficient Interest Placement Breakdown, added details regarding initiating contact with referring office through the central child protection intake line;
- Moved the heading “Agency involvement in Off Reserve Case Planning” to the beginning of the policy section;
- Expanded the shared practice section to highlight and reference policies where shared planning with agencies is currently applied, such as:
  - The practice for long term or permanent wards annual review to include a review committee with a representative from the child’s FNCFS agency.
  - Added program details and process to be followed for Family Finders referrals.

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### 7.15 Children/Youth at Risk of Suicide

New policy provides standards and guidelines for caseworkers who are providing child protection services to families with children or youth who are at risk of suicide, including:

- Best practices for the provision of in-home child protection services to families who have a child/youth at risk of suicide;
- Best practices for identifying and recognizing children/youth who are at risk of suicide;
- Best practices for the parent/caregiver, the caseworker and others who play the role of a first aider when a child/youth is at acute risk of suicide;
- Best practices for suicide safety planning with parents/caregivers and children/youth who are at risk of suicide;
- Use of the Personal Safety Plan (12.65) to assist the family in safety planning.
- Definitions of Non-suicidal self-injury, suicide attempt, suicidal ideation and suicide first aid.

### 8.32 MSS/FNCFS Transfer of Responsibility Agreement

- Updated the Transfer of Responsibility Agreement to include child care, child protection, and/or provider file transfers.

### 8.33 MSS/FNCFS Transfer of Responsibility Checklist (New)

- New Checklist to ensure all required documents are forwarded (similar to provincial Transfer of Responsibilities Checklist).

### 8.45 Paper File and Documentation Request Form

- Updated form in accordance with the changes to Income Assistance program, Linkin, Admin and Records management.

### 8.48 Referral Letter to Agencies (New)

- New Referral Letter for notification purposes when a family has relocated or is planning to relocate to a First nation community.

**April 2022**

### 2.9 Intake and Investigation re: Section 35 of *The Youth Criminal Justice Act*

- Included provision of a standardized acknowledgement letter to be provided to the youth court within five days of receipt of the Section 35 referral, as well as a formal letter of response to be provided back to the court with the outcome of the assessment.

### 7.16 Child Welfare Record Search

- New policy and form (8.52) were created for use by FNCFS agency staff when requesting child welfare record searches from the ministry for the purpose of completing child protection investigations.

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#### **8.49 Acknowledgement Letter - Section 35 Referral**

- New template letter

#### **8.50 Response Letter - Section 35 Referral**

- New template letter

**8.51 Child Welfare Record Search - FNCFS Agency:** New template form for use by FNCFS agency staff to request child welfare record searches from the ministry.

**June 2022**

### **3.6 Offer of Family Services**

- Clarified that a Family Services Agreement is not required when reunification is no longer the goal and where there is an extension of the Agreement for Residential Services beyond 24 months.

### **4.7 Agreement for Residential Services (Section 9)**

- Added the provision that extension of an Agreement for Residential Services beyond 24 months may be completed when a parent is unable to care for the child because of a child's disability or significant impairment;
- Added specific criteria and procedures for extension of a Section 9 agreement beyond 24 months;
- Added criteria and procedures for closure of child protection file when Section 9 agreement is extended beyond 24 months;
- In circumstances where a child turns 16 before the expiration of a Section 9 Agreement, an assessment may be completed to extend until the child's 18<sup>th</sup> birthday when other orders or agreements are not considered appropriate;
- Included stipulation that contact standards apply as for long-term and permanent wards;
- Included bullet stating that an Agreement may be terminated at any time by the parent or the ministry upon providing 48 hours written notice as to the reason for the termination;
- In Practice Guidelines added definition of "Disability/Significant Impairment".

### **4.8 Agreement for Services to 16/17 Year Old's**

- Added provision that if parents remain actively involved in planning, the Agreement for Residential Services may be extended beyond the child's 16<sup>th</sup> birthday when there is no longer a reunification plan, and it is determined that a Section 10 Agreement is not appropriate.

### **4.10 Permanency Planning and Time Limited Services**

- Added clarification that permanency plans may include the placement of children outside the family home for families who wish to extend Agreements for Residential Services beyond 24

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months when they are not able to care for the child because of disability or significant impairment of the child;

- Added bullet regarding closure of the parent’s child protection file when there is no finding that a child is in need of protection.

## November 2022

### 2.7 Investigations involving Parents in Separate Households

#### 5.2. 10 Court Orders

- Removal of the requirement to complete an assessment of a non-removal parent using the Non-removal Parent Assessment form 12.57.
  - Discontinuation of Form 12.57: Non-removal Parent Assessment form
- Replace the requirement to complete the Non-removal Parent Assessment form with completion of the Place of Safety Designation form.

## April 2023

### 6.3.1 Record and Paper File Retention

The title was changed for consistency with CSM. Policy statement was added to clarify requirement to maintain paper and electronic records. Updated procedures to include:

- reference to applicable legislation;
- updated timeframes for consistency with the Operational Schedule (ORS), including clarification that retention timeframes begin at the time of closure;
- included timeframes for Adoption records;
- clarified timeframe extensions subject to legal holds; and
- identified the role of the ministry’s Designated Records Officer (Records and Privacy Division) in determining eligible records/files for destruction in accordance with government standards.

### 7.1.4 Disclosure of Information to FJSB

Updated title to reflect the change from Family Law Division to Family Justice Services Branch, including updates to language from “Custody and Access Assessments” to “Parenting/Parenting-

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time assessments” and “Children’s Voices Reports” (language updated in the Children’s Law Act, 2020). Changes to the policy include:

- Added policy statement regarding coordination of information when requested by Family Justice Services;
- Identified applicable legislation;
- Expanded procedures to clarify process when a Parenting/Parenting Time or Children’s Voices Report has been ordered;
- Clarified that a copy of the court order and a Social Services Inquiry form are to be provided to the Service Delivery Office, by the Supervisor or Family Law Worker, along with the Confidentiality Agreement and signed releases of information;
- Removed Authorization for the Release of Information and Confidentiality Agreement forms from the manual and Sharepoint as these forms are used by Justice; and
- Clarified procedures pertaining to the retention and destruction of records, as they apply to the sharing of information with Justice.

## December 2023

### 2.2 Child Protection Intake – Receiving and Screening Reports of Child Maltreatment

- Revised the policy statement to omit the Screener Narrative and SDM Intake Assessment. Both tools were added to the Standards section.
- Added a procedure for identifying and recording information pertaining to a child and family’s Indigenous identity at the time of intake.
- Included practice guidelines titled Indigenous Identity to provide context for identifying, verifying, and recording information pertaining to a child and family’s Indigenous identity at the time of an intake.
- Added Linkin Tip Sheet: Constitutional Status Process and Definitions to the reference section.
- Added Chapter 8.44 Screener Narrative to the reference section.

### 2.3 Child Protection Investigation

- Added procedure to determine child and family’s Indigenous identity upon initial contact at the time of investigation.
- Included practice guidelines titled Indigenous Identity to provide context for identifying, verifying, and recording a child’s Indigenous identity at the time of the investigation.
- Added Linkin Tip Sheet: Constitutional Status Process and Definitions to reference section.

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## 2.7 Investigations Involving Parents in Separate Households

- Updated to include the Vulnerable Sector Check as part of the Criminal Record Check process.

## 8.44 Screener Narrative

- Added questions to help identify and record information pertaining to a child and family's Indigenous identity at the time of screening.

## Various

- Updated Aboriginal and Northern Affairs Canada (AANDC) to Indigenous Services Canada (ISC)
- Changed Metis to Métis
- Replaced Metis Nations of Saskatchewan with Métis Nation - Saskatchewan
- Changed Aboriginal to Indigenous
- Replaced First Nations and Métis Consultants with Indigenous Services Consultants
- Replaced First Nations and Métis Services with Indigenous Services
- Replaced Child Tax Benefit with Canada Child Benefit

## February 2024

### 3.10 Use of Secure Detoxification and Stabilization for Youth at Risk for Severe Drug Use

- This new chapter adds *The Youth Drug Detoxification and Stabilization Act* to policy.
- It provides caseworkers an option when working with youth who have severe substance abuse issues.
- The new policy allows youth at risk for severe substance use and overdose and are a risk to themselves or others to be placed in secure detoxification and stabilization to work on their addictions and develop a case plan for when they are released.

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## 1.0 Overview of Manual

### 1.1 Introduction

The purpose of the Child Protection Services Manual (2016) is to promote consistent, high quality service delivery to children and families receiving child protection services in Saskatchewan. The manual provides the framework within which child protection services are delivered. The standards described in the manual establish minimum service levels for Ministry of Social Services and First Nations Child and Family Services Agency staff who are involved in the delivery of child protection services.

The standards, procedures and practice guidelines are intended to promote and create a culture of case practice that:

- Maintains a primary focus on child safety;
- Promotes the best interests of the child;
- Promotes permanency for children within the family and the community;
- Increases families' capacity to care for their children;
- Supports families in accessing culturally relevant services that build on strengths, needs and resources;
- Encourages the engagement of children and families in decision making and planning;
- Promotes information sharing and collaboration with First Nations and Métis communities; and
- Integrates the use of Integrated Practice strategies and research based assessment tools within a broad, flexible approach to service delivery.

#### Background:

Recommendations from an extensive, independent review of the child welfare system in Saskatchewan in 2009 (Child Welfare Review) resulted in the Ministry of Social Services implementing a number of initiatives as part of Saskatchewan's Child Welfare Transformation Strategy. The initiatives have significantly transformed child protection services in Saskatchewan. The implementation of the Structured Decision Making® System for Child Protective Services (SDM®) in 2012, the Linkin automated case management system in 2012 and Integrated Practice (IPS) in 2017 has altered the framework within which child protection services are delivered. As a result of these three initiatives, the standards and procedures for child protection services, as well as the terminology used to describe child protection services have changed substantively.

The Child Protection Services Manual incorporates SDM®, IPS and Linkin into the child protection service framework and is to be used in conjunction with the SDM® Policy and Procedures Manual and the Linkin and Integrated Practice Training materials.

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Not all First Nation Child and Family Service (FNCFS) Agencies in Saskatchewan use the Linkin Case Management System or all of the SDM® assessment tools and, as a result, references to these in the Child Protection Services Manual may not be relevant to these Agencies. Accordingly, the Child Protection Services Manual contains an appendix that is to be used by FNCFS Agencies. The appendix is not intended to be a replacement for the manual and should be used in conjunction with it.

The Child Protection Services Manual is also a companion document to the Children's Services Manual which contains the policies that are specific to children in out-of-home care.

### **Structured Decision Making® for Child Protective Services (SDM®)**

As part of the Saskatchewan Child Welfare Transformation Strategy, a commitment was made to support families to safely care for their children by implementing an improved assessment tool to more accurately identify families and children most at risk of abuse and neglect. This commitment resulted in the adoption of the SDM® model which was developed by Evident Change (formerly the Children's Research Center), a non-profit organization in Madison, Wisconsin, USA.

Following extensive consultation with Evident Change, six SDM® assessment tools were adopted and customized for use in Saskatchewan. The assessment tools are used by child welfare staff to guide case decisions at different points throughout all phases of service delivery. The principle behind the SDM® system is that decisions can be improved by clearly defined and consistently applied decision-making criteria.

SDM® is a fundamental part of child protection services in Saskatchewan. The SDM® Manual must be used in conjunction with the Child Protection Services Manual in order for the caseworker to have a complete and thorough understanding of child protection policies and procedures. Numerous references and links to the SDM® Policy and Procedures Manual are included throughout this manual.

### **Integrated Practice (IP)**

Following the implementation of SDM®, the Ministry of Social Services in Saskatchewan contracted with Evident Change to implement an Integrated Practice model in Saskatchewan. The model integrates SDM® assessments with a number of strength based, solution focused case practice approaches such as Signs of Safety, Family Centred practice, PRIDE and Differential Response. The Integrated Practice tools and strategies, when used in conjunction with the SDM® System for Child Protective services, creates a day-to-day child welfare casework approach that is designed to help key stakeholders involved with a child (parents, caseworkers, extended family, service providers, court officials, lawyers) keep a clear focus on assessing and enhancing child safety, well-being and permanency at all points in the case continuum.

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The policies and procedures in this manual support the use of Integrated Practice tools and strategies in conjunction with the SDM® decision making assessments to enhance information gathering, critical thinking and shared decision making and planning with children and families.

**Throughout the manual, in the Practice Guidelines sections, there are references to Integrated Practice tools and strategies that are relevant to each policy.**

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## 1.0 Overview of Manual

### 1.2 Manual Structure

The Child Protection Services Manual is arranged into chapters. Each chapter contains sections that include some or all of the following:

- **Legislation** - states the section of *The Child and Family Services Act* that provides the authority for the policy described in the chapter;
- **Policy** - states the Ministry's mandate and what will be done to meet the mandate;
- **Intent** - articulates the rationale for the policy and standards;
- **Definitions** - define major concepts contained in the policy;
- **Standards** - outline the tasks or activities that are required of child protection staff. They are statements of minimum expectations of service and provide the baseline for measuring the Ministry's level of performance;
- **Procedures** - provide direction for accomplishing a task required by a standard (how it will be done);
- **Practice Guidelines** - provide information on best practice concepts or activities that assist child protection caseworkers in delivering high quality child protection services; and
- **References** - include links to other related sections of the manual, other companion policy manuals such as The Children's Services Manual, SDM® Policy and Procedures and the Linkin Training Manuals. The Reference section also includes a link to the Appendix that is to be used by FNCFS Agencies not using SDM® or Linkin.

#### Appendices: Offices not using Linkin/SDM®

The appendices for the Manual are intended as a reference for First Nations Child and Family Service Agencies who do not use Linkin and/or SDM®. Four of the eight chapters in the manual have a related appendix. The appendix is not intended to be a replacement for the entire chapter and should be used in conjunction with the chapter.

Each appendix contains policies and procedures that apply to offices not using SDM® or Linkin but are no longer relevant to offices using Linkin/SDM®. Links to the appendix are provided in each section of the chapter.

Where there are references to specific SDM® Assessments in this manual, offices not utilizing SDM® should refer to Appendix Ch. 2: Intake and Investigation and Appendix Ch. 3: Ongoing Child Protection Services for information on tools for assessing safety, risk and family strengths and needs such as the Pennsylvania Risk Assessment, genogram, ecomap and scaling tools.

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The manual is arranged in the following format:

- **Table of Contents**
- **Chapter 0 – Revisions:** identifies the date when new policies are inserted into the manual or when existing policies are amended.
- **Chapter 1 – Overview of the Child Protection Services Manual:** provides an introduction to the manual, information on the structure of the manual and an overview of the principles that guide child protection services in Saskatchewan.
- **Chapter 2 – Intake and Investigation:** describes the standards and procedures for receiving, screening and investigating allegations of child maltreatment. This chapter also contains standards and procedures for investigations of specific case types such as adapted investigations, Investigations Involving Parents in Separate Households and Investigations of Abuse and Neglect in Child Care Resources.
- **Chapter 3 – Ongoing Child Protection Services:** describes the standards and procedures for providing ongoing child protection services when an investigation has concluded that a child is in need of protection pursuant to *The Child and Family Services Act*. This chapter contains information regarding the role of the child protection caseworker, the elements included in the ongoing case management process such as SDM® Assessments, assessment and case planning, minimum service contacts, ending child protection services etc. Chapter 3 also contains standards and procedures that guide the caseworker in working with a network of resources and services providers.
- **Chapter 4 – Placement in Out of Home Care:** describes the standards and procedures for when a child is removed from the parent and placed in out of home care. Included in this chapter are standards and procedures related to returning a child home, family contact and visitation, permanency planning and time limited services.
- **Chapter 5 – Court Related Information:** outlines the caseworker's role and responsibilities in child protection court proceedings. It also describes how specific policies and procedures are related to specific provisions of *The Child and Family Services Act*.
- **Chapter 6 – Case Documentation:** describes the standards and procedures for quality record keeping and case documentation. It outlines the procedures for child protection case documentation in the Linkin case management system.
- **Chapter 7 – General Application Policies and Protocols:** contains Ministry of Social Services' and other related policies that impact child protection services. The policies in this chapter

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contain standards and procedures that relate to child protection services in general and have a wide range of applicability. Some examples include policies on Information Sharing, Serious Occurrence Reporting and Review, Interprovincial Protocol, MSS and FNCFS Shared Planning for Children and Families, Right to Appeal, Caseload Supervision, Supervision of Practicum Students and *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

- **Appendices: Offices not using SDM®/Linkin:** contains standards and procedures that are no longer relevant to Ministry offices who are using SDM®/Linkin but continue to be relevant to First Nations Agencies in Saskatchewan who are not using SDM®/ Linkin.

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## 1.0 Overview of Manual

### 1.3 Overview of Child Protection Services

#### Mandate:

*The Child and Family Services Act* provides the legislative authority for the provision of child protection services to children and families. Section 3 of the Act states:

“The purpose of the Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner”.

#### Principles that guide Child Protection Services:

##### 1. Child Safety:

Safety is “actions of protection taken by a caregiver that address the danger to the child and are demonstrated over time” (Adapted from The SDM® System: An integrated model of practice, Evident Change formerly the Children’s Research Center, 2015). The primary purpose of child protection services is to identify children who are in immediate danger of child maltreatment and determine what interventions are required to ensure safety.

##### 2. Reducing the Risk of Child Maltreatment:

As well as assessing immediate safety, an integral part of child protection services is to obtain an objective assessment of the likelihood of future child maltreatment and to provide services to the child and family that are designed to mitigate the risk.

##### 3. Child Well-being:

Child well-being means that a child’s basic, developmental and special needs are fulfilled and the child has an opportunity to grow and develop in an environment that provides nurturance and support. Child protection services are not intended to ensure that the care provided to children by their families is optimal; however, the services to children and families must ensure child safety and meet or exceed the “best interests of the child” as defined in Section 4 of *The Child and Family Services Act*.

##### 4. Family Preservation and Family Centred Services:

The “*family-centred services*” approach is founded on the principle that the first and greatest investment of time and resources should be made in the care and support of children in their own family system. This means that resources which have traditionally been expended

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on one family member are more wisely invested in supporting and strengthening the entire family, including extended family caregivers.

The family-centred philosophy is based on the following principles:

- Child protection services should empower the family and encourage self-sufficiency. By learning more effective coping skills, using both formal and informal resources, the family may provide healthier and safer environments for children;
- The family is a system which is constantly interacting with other systems in its environment. This way of viewing the family takes into account the complex interdependence of child, family, extended family, school, peers, community etc. and expands assessment and case planning options;
- Each family has the right to participate in services that address its unique needs, focusing and building on family strengths and potential. Assessment and planning with the family conveys respect and empowerment, and facilitates family participation in the change process;
- Assessment and planning focuses upon the family system, rather than any one individual within the family. In this context, caseworkers recognize the capacity of the family system to ensure safety, permanence and well-being for children;
- A child's need for attachment should be addressed through strengthening family connection; and
- Families must be treated with dignity and respect, and have adequate opportunities to have their view considered.

## 5. Permanence and Time Limited Services:

The importance of stability and permanence cannot be overstated. Children have a fundamental right to grow and develop in a safe and stable environment. The ideal environment is for children to experience permanence within their immediate families.

Any placement outside the family unit is a source of stress for children. When children are separated from their families for extended periods of time the effects of separation are more severe. Delays in cognitive, social and emotional development are common outcomes for children that have extended separation or multiple placements in out of home care.

In circumstances where there is a need for out of home placement, the detrimental effects of separation can be mitigated by placement selection that includes a thorough exploration of extended family and others who have a significant relationship with the child and considers the child's need for identity, security and attachment. The effects of separation

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can also be mitigated by case planning that ensures the child has opportunity for familiar experiences, contact with family and connections to culture.

Child Protection Services must be time focused in order to meet the developmental needs of children and to acknowledge the family's right to be free from unnecessary intervention. All efforts should be made to reduce risks and achieve outcomes in a limited period of time. Traditionally, planning in child welfare was sequential with initial attention on preserving the family unit followed by permanency planning when efforts at family preservation became unlikely. Concurrent planning with the family is a case management approach that provides for services designed to preserve the family unit, while simultaneously developing an alternative plan, should efforts to mitigate safety and risk be unsuccessful. In circumstances where child protection services have been provided over a significant period of time, it is important that caseworkers and supervisors regularly review and assess the family's progress towards the goal of mitigating safety and risk.

#### 6. **Culturally Relevant Practice:**

Cultural competence in child protection practice includes the following elements:

- The awareness and acceptance of difference (valuing diversity);
- The awareness of one's own cultural values;
- Understanding the dynamics of cultural difference;
- Development of cultural knowledge; and
- The ability to adapt practice to the cultural context of the child and family.

A high percentage of families receiving child protection services in Saskatchewan are First Nations and Métis peoples. The over-representation of First Nation and Métis children and youth in the child welfare system is often related to structural risk factors of poor housing, substance misuse, and the socio-economic conditions and opportunities of First Nation and Métis peoples in Canada. Building upon the Ministry of Social Services' objective of working differently with First Nations and Métis people, the Touchstones of Hope Principles help to guide the development and practice of child welfare services in the province and create better outcomes for children and families. A "Touchstone" is a "high standard against which we measure other things".

The Touchstones of Hope Guiding Values include:

Self-Determination

- Non-Indigenous child welfare workers need the capacity and understanding to work effectively with Indigenous communities, experts, children, youth, and families; and

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- The role of children and young people in making decisions that affect them must be recognized.

#### Culture and Language

- Child welfare policy and practice are most effective when they reflect and reinforce the intrinsic and distinct aspects of Indigenous cultures; and
- Language is the essence of culture, and child welfare knowledge, policy, and practice are most relevant when expressed in the language of the community served.

#### Holistic Approach

- Child welfare approaches that reflect the reality of the whole child preserve the continuity of relationships and recognize the child is shaped by her/his culture (including traditions, spirituality, and social customs), environment, social relationships, specific abilities and traits.

#### Structural Interventions

- Child welfare workers must learn to differentiate between structural (also known as distal) risks and family risks to a child or youth, and develop meaningful responses to both; and
- Substance misuse is a major problem, and child welfare must develop programs to redress neglect arising from parental substance misuse, preferably in tandem with culturally based addictions experts and services within the context of the economic poverty of many communities.

#### Non Discrimination

- Indigenous children and youth receiving child welfare services should not receive inferior services because they are Indigenous;
- Indigenous peoples are entitled to equal access to child welfare resources that are responsive to their needs, and the unique cultural context of their experience; and
- Indigenous ways of knowledge must be given full credence when child welfare work is carried out with Indigenous children, youth, and their families, and Indigenous interventions used as a first priority.

(Adapted from the Touchstones of Hope, First Nations Caring Society)

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## 7. Quality Assessment and Case Planning:

Child protection caseworkers must thoroughly collect and analyze information in order to objectively assess levels of safety and risk and develop sound case plans. The caseworker's own assumptions and biases ultimately play a role in the assessment process. The use of SDM® assessments and Integrated Practice tools and strategies provide criteria that guide the caseworker in decision making and case planning and increase the consistency and reliability of those decisions.

Case plans should be safety driven and based on behavioural outcomes rather than service driven and based on compliance.

## 8. Inclusive and Collaborative Case Practice:

Inclusive and collaborative case practice emphasizes:

- Family involvement in decision making and case planning;
- Partnerships with formal and informal community resources and other government ministries in providing services to families;
- The use of natural helping networks to support families and protect children;
- The use of culturally relevant resources to support families and protect children;
- The use of family centred and group decision making forums such as case conferences, Talking Circles, Review Teams etc.; and
- A flexible approach that provides a response to the family's individual circumstances.

## Definitions:

For the purpose of this manual, the following definitions apply:

**Child** - an unmarried person who is under 16 years of age.

**Parent** - the mother or father of a child or a person to whom custody of a child has been granted by a court or an agreement of custody.

Where there are references in the manual to managers, staff, supervisors and caseworkers, it is intended that the reference is inclusive of First Nation Child and Family Service (FNCFS) Agency managers, staff, supervisors and caseworkers. Where the term Director, Service Delivery is used it is intended that this include FNCFS Agency Executive Directors.

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## 2.0 Intake and Investigation

### 2.1 Introduction

Where there are references in this chapter to SDM® or Linkin policies and procedures, offices not using SDM® or Linkin should refer to [Appendix Ch.2 – Offices not using Linkin/SDM®](#). A link to the appendix is provided at the end of each policy section. The appendix is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 2.

### Introduction

Pursuant to *The Child and Family Services Act (CFSA)*, the Ministry is required to receive and investigate allegations of child maltreatment to determine whether a child is in need of protection. The Ministry has the duty to offer family services when an officer has concluded that a child is in need of protection.

Investigations of child maltreatment have the following core elements in common:

- All screened in referrals require an investigation to determine whether a child is in need of protection pursuant to Section 11 of *The Child and Family Services Act*;
- All investigations require evidence and fact finding to support the investigation conclusion of whether or not a child is in need of protection;
- All investigations include an assessment of child safety and an assessment of the risk of future child maltreatment using the SDM® safety and risk assessment tools; and
- All investigations have a primary focus on child safety.

A report of child maltreatment, subsequent investigation and resulting conclusion can have a profound impact on a family and the community. It is important that the approach to intake and investigation emphasizes the following:

- A flexible and individualized approach when entering the family system;
- Ascertaining facts and completing assessments through family engagement and inclusiveness;
- Supporting families in accessing culturally relevant services that build on self-identified strengths, needs and resources;
- Building on existing strengths and increasing families' capacity to care for their children; and
- Promoting permanency for children within the family and community.

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## Legislation

### [The Child and Family Services Act](#)

*The Child and Family Services Act* states: “The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner.”

#### **Child in Need of Protection**

Section 11 describes the circumstances which cause a child to be in need of protection.

#### **Duty to Report**

Section 12 requires that every person who has reasonable grounds to believe that a child is in need of protection, report this information to a designated official (child protection worker with the Ministry of Social Services, or First Nation Child and Family Services Agency, or to a peace (police) officer).

#### **Duty to Investigate**

Section 13 states that the Ministry of Social Services has the authority and is required to investigate reports of child abuse and neglect in the province of Saskatchewan.

Section 61 delegates this same authority to First Nations Child and Family Services Agencies for provision of services on reserve.

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## 2.0 Intake and Investigation

### 2.2 Child Protection Intake - Receiving and Screening Reports of Child Maltreatment

#### Policy

All reports of alleged child maltreatment will be screened to determine whether the report meets the criteria for an investigation, and if so, how quickly to respond. This includes allegations of child maltreatment in foster homes, alternate care homes and Persons of Sufficient Interest placements.

#### Intent

The purpose of receiving and screening information about the alleged child maltreatment is to:

- Obtain sufficient information to determine whether the allegation constitutes a report of child abuse and neglect pursuant to *The Child and Family Services Act*;
- Determine if the information meets the criteria for an investigation; and
- Determine the timeframe for response if screened in for investigation.

#### Standards

- All reports of child abuse and neglect will be screened for investigation using the Structured Decision Making (SDM)<sup>®</sup> Intake Assessment and the Screener Narrative, including allegations of child maltreatment in foster homes, alternate care homes and Persons of Sufficient Interest homes. (completion of the Screener Narrative does not apply to First Nations Child and Family Services Agencies)
- Where the SDM<sup>®</sup> Intake Assessment indicates **an immediate response time**, supervisor/review team approval regarding investigation assignment and response time will be made within the same working day as receipt of the report (see procedures – Screening Review Team).
- Where the SDM<sup>®</sup> Intake Assessment indicates a **non-immediate response time**, supervisor/review team approval regarding investigation assignment and response time will be made within two working days of receipt of report (including the day of the report).
- Where **additional screening activities** are required to determine whether or not the report meets the criteria for investigation, completion of the SDM<sup>®</sup> Intake

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Assessment and the decision to screen in or screen out for investigation must be made within three working days (including the day of the report) (see Practice Guidelines – Additional Screening Activities).

**Note:** The SDM® Intake assessment and Screener Narrative are **not** used to screen allegations of child maltreatment in child care resources, facilities, or institutions.

## Procedures

**When a report is received the following procedures apply:**

1. At the time of the report, the caseworker will complete the SDM® Intake Assessment and the Screener Narrative to assist in determining whether the information in the report meets the criteria for abuse and neglect pursuant to Section 11 of *The Child and Family Services Act* and to determine how quickly to respond. If screened in for investigation, an “immediate” response (within the same working day or within 24 hours of receipt of referral) or a “non-immediate” response (within five calendar days of screening decision) is required.
2. Where the report received does not pertain to child abuse and neglect, it is not to be considered a child protection intake report. For example, the caller describes concerns regarding the treatment of an adult son who is living at home with his parents. In these circumstances, the information should be recorded as an Information and Referral Intake in Linkin. If appropriate, refer the caller to a community resource for preventive services and support.
3. Where the report pertains to concerns regarding an expectant mother, complete a review of Linkin and ask the caller specific questions to determine if there are other children in the home:
  - If yes **AND** the information gathered indicates that these children may be in need of protection, complete a Child Protection Intake.
  - Where there are no other children in the home believed to be in need of protection, the information will be documented in the Information and Referral Intake. An alert or special caution will not be issued (see Practice Guidelines).
4. The caseworker will obtain a full and detailed report of the incident or circumstances that cause the reporter to be concerned that a child may be in need of protection (see Practice Guidelines: Receipt of Report – Engagement and Interview Guide and Chapter 8.44 – Screener Narrative).

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5. The caseworker will review Linkin and the Automated Client Index (ACI) to determine if there is an active or closed case and record previous allegations, services provided, and the outcome of interventions (First Nations Child and Family Service Agencies should check their respective data bases and contact the nearest ministry office for Linkin information).
6. The caseworker will review available Linkin, Automated Client Index (ACI) information and request information from the caller to verify Indigenous identity at the time of the intake report. Where it is identified that the child, youth or family may be of Indigenous ancestry, the caseworker ensures this information is accurately recorded in Linkin, if not already completed. When entering information in Linkin, caseworkers will refer to [Linkin Constitutional Status Process & Definitions](#) Tip sheet to ensure information is accurately identified. **Note:** An Indigenous client's Constitutional Status may require updates to reflect changing circumstances.
7. Where information received from the reporting person is not sufficient to reach a decision of whether or not maltreatment criteria is met, the caseworker should complete additional activities to determine whether or not to screen in for investigation.
  - These additional screening activities should begin immediately upon conclusion of the intake contact.
  - The decision to either screen in or screen out for investigation must be made within three working days (including the day of the report).
  - Additional screening activities do not include contact with the subjects of the report or persons such as extended family, friends or acquaintances who have a personal relationship with the subjects of the report (see Practice Guidelines: Additional Screening Activities).
8. All reports of child abuse and neglect, including the SDM® Intake Assessments are recorded in a Linkin Intake case (First Nations Child and Family Services Agencies not using Linkin will record reports on the Intake Report – Form 2092).
9. After the Linkin Intake case is completed, it is submitted to the supervisor for approval. If the report is to be reviewed by the screening review team, the supervisor will not approve the intake in Linkin until after the review team meeting (see Practice Guidelines: Screening Review Team).

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10. In cases where the report meets the criteria for abuse and neglect, the intake will be assigned for investigation, unless an SDM® override to screen out is applied.
11. Investigations will be assigned in a time frame that coincides with the SDM® Response Priority timeframes of “immediate” (within same working day) or “non-immediate” (within five calendar days of screening decision).
12. When the report is regarding an active child protection case and contains allegations which are not essentially the same **incident** of child maltreatment already investigated or assigned for investigation, the report will be a **new** intake which will be screened for investigation (see Practice Guidelines: What Constitutes a New Intake on an Active Case).

**Note:** Where an allegation of child abuse requires investigation pursuant to the Criminal Code, the ministry is responsible to:

- inform caller of their duty to notify law enforcement; and
- refer to law enforcement.

This includes those reports which are screened out but may fall under the Criminal Code i.e., third party allegations. For further information regarding third party child day care allegations, please refer to Ch. 2.11.

## Practice Guidelines

### Screening Review Team:

A review team is a collaborative decision-making forum that can be established at critical decision point(s) in the case continuum. The “Review Team” can be a fixed team with core participants that meet regularly, or it can be variable with different participants depending on the nature of what is being reviewed. The forums may or may not include the family and external stakeholders. Review Team collaboration improves information sharing and objective decision-making.

Where there is a Review Team at screening, a report is screened by the screener and forwarded to the screening supervisor. The screening supervisor then determines whether the report meets the criteria for review by a Review Team. The following will occur when reports are screened by a Review Team:

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- Meet daily, where applicable, to review all reports that have been selected for review;
- Review the Screener Narrative and SDM® Intake Assessment;
- Review and analyze all other available information including that provided by other ministry staff (e.g. information from the ongoing caseworker), ministry records and any information provided by a FNCFS Agency;
- Make the final screening and response priority decision within two working days of receipt of report, including the day of the report, unless an immediate (same day) response is already indicated;
- Where there are additional screening activities required to make a screening decision, the screening decision will be made within three working days of receipt of report as per policy;
- The Review Team members will commit a representative to the review meetings and arrange for back up in the representative's absence;
- Final decisions made by the review team will be made by group consensus. Group consensus is defined as seventy-five per cent (75%) membership agreement;
- The supervisor facilitating the Review Team meeting will be responsible for recording dissenting views on decisions;
- Due to the need to meet required timelines for investigations, group consensus will include members who are in attendance for the review;
- The Review Team may use the *Collaborative Assessment and Planning Framework* to guide group discussion and facilitate decision-making (see link below for *Best Practice Reference Material - Integrated Practices for Safety and Risk Participant Guide* in Child and Family Program SharePoint site: Manuals and Forms);
- If disagreement arises, a dispute resolution process will be initiated, the terms of which will be determined by the membership of the Review Team; and
- For reports that require an immediate response and timelines do not permit review by Review Team, a caseworker will be assigned to respond within the same working day as the report. Immediately following first contact, the investigation supervisor may arrange for the case information to be reviewed by a Review Team, depending on the circumstances. In these circumstances the report will not be rescreened but will be reviewed for further collaborative planning or for learning purposes.

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**Receiving a Report of Child Maltreatment (Adapted from Engagement and Interview Guide, Sue Lohrbach, August 2013)**

**Introduction:**

- Identify yourself to the reporter/caller by name and role with the ministry and then ask for the name of the person making the report. If the reporter requests confidentiality, he/she should be advised that if the child protection investigation results in a child protection hearing or a criminal proceeding the name of the caller can no longer be protected.

**Reason for the call:**

- What concern/worries do you have?

**Preparation:**

- I will be asking you questions to which you may or may not have the answers. These questions are important to assist with the decision we will have to make, so I thank you in advance for your time and concern.

**General Information:**

- What is the child(ren)'s name? Age?
- What are the parental caregivers' names and address?
- What do you know about where the children live? One household? Two households? Other? Are there other children in the home?
- What is your relationship to the children?
- What do you know about any other adults in the children's home(s)?
- Do you have any knowledge about the child or family's Indigenous identity? Does the child/youth/ parents or any known family members identify as First Nations, Métis or Inuit? Is the child/family's community known?
- What do you know about the family's language? Additional languages spoken? Other considerations regarding ethnicity, race and culture?

**Child Vulnerability:**

- What do you know about any special/additional/complex needs that the children may have?
- What do you know about where the children were at the time of the incident you described?
- What do you know about how the children reacted? What is the impact on the child?

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**Clarifying Questions** (to gather information specific to frequency, severity and duration)

- When you say \_\_\_\_\_ (i.e., mental health issue, alcoholic, domestic violence, dirty/messy house), what do you mean?
  - ✓ Behaviour?
  - ✓ Is there a formal diagnosis?
  - ✓ Did it happen one time, or more than once?
  - ✓ Over clothes, under clothes?
  - ✓ Are there hazards in the home or on the property? Please describe.
  - ✓ Were weapons used? Please describe.
  - ✓ What were the specific injuries? Were they observed? Described? Reported?
  - ✓ Specific drugs? Please describe.
- What do you know about who would have been responsible?
  - ✓ Specific actions/behaviours?
  - ✓ About whose parenting are you worried?
- When did the incident occur? Where did it occur? How do you know? Did you observe, did someone tell you?
- When did you last observe or see this?
- Where are the children right now? For how long?

**General Assets/Strengths and Exception Questions**

- What do you know about the general health and development of the children? Details?
- What do you know about family supports? Details?
- What do you know about positive parenting practices (use of discipline that is free from fear and pain)? Details?
- What do you know about any other service provider/resources that are involved with the family? Details?
- What do you know about times when worrisome behaviours are absent? Details?

**Closing**

- Did you inform the family that you were going to report?
- What was their reaction?
- How do you expect they will react to someone from Child Protection Services showing up? What, if anything, should we be aware of?

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### Reports Received Regarding Expectant Mothers

Ask the following questions:

- Describe the details about the circumstances that caused you to be concerned.
- Does this person currently care for other children or have other children in the home who may be impacted by the concerns?
  - If yes **AND** the information gathered indicates that these children may be in need of protection, complete a Child Protection Intake.
  - Do not issue a special caution/alert on the system.
- Refer to community services or appropriate cultural supports for preventive support services.
- Assist the caller by providing contact information for community services.
- What are the family's supports, extended family, plan for after birth of child?
- Advise the caller to report any new concerns they have following the birth of the baby, as outlined in *The Child and Family Services Act (CFSA)*, Section 12 Duty to Report.

Calls regarding an at-risk expectant mother (e.g., using substances or exposed to domestic violence) with no other children will be screened out of the Abuse and Maltreatment Intake process and will be documented in the Information and Referral Intake.

### Indigenous Identity:

Identifying and recording a family's Indigenous Identity (Constitutional status) at the time of an intake is essential to ensure:

- First Nations, Métis or Inuit children and families are aware of, and have access to, available services and supports through their respective Indigenous community at the onset involvement.
- Notification requirements identified within the CFSA, existing policy and procedures, and under federal child welfare legislation (where identified by an Indigenous Governing Body) are met; and
- Identification of an Indigenous Governing Body's authority over the delivery of child welfare services to members of their nation, resulting in information sharing and/or a transfer to the Indigenous Governing Body for follow up.

**Note:** Callers may or may not have information regarding a family's Indigenous Identity at the time of the report. Reviewing existing Linkin and ACI information can

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help determine a child's Constitutional status or connection to their community where the information has previously been recorded.

#### **Additional Screening Activities:**

Where information received from the reporting person is not sufficient to reach a decision of whether or not maltreatment criteria is met, the caseworker should complete additional activities to determine whether or not to screen in for investigation. These additional screening activities should begin immediately upon conclusion of the intake contact and the decision to either screen in or screen out for investigation must be made within three working days (including the day of the report). Additional screening activities may include:

- A review of case information (Linkin and ACI) to determine history of concerns/credibility of former complaints that is relevant to the current reported concern;
- Consultation with other ministry/FNCFS Agency staff who have knowledge of the family to clarify concerns in the report;
- Contact with community agencies/professionals (school, medical, child care provider) that may have direct knowledge relevant to the issues in the complaint; or
- Contact with the reporter to clarify intake information.

**Important** - Additional screening activities do not include contact with the subjects of the report or persons such as extended family or an acquaintance who has a personal relationship with the subjects of the report, unless the individual is the reporter.

In most cases, additional screening activities should not include asking the reporting party to ask additional questions of the subject of the report or others with a personal relationship with the family.

#### **What Constitutes a New Intake Report on an Active Child Protection Case?**

- When new information received on an active case is **not** the same **incident** of child abuse and neglect already investigated or assigned for investigation, the new information will be a new intake. The decision of whether or not to create a new intake case is based, not on the allegation type (physical/sexual abuse, neglect, domestic violence, etc.), but on whether the information describes a new incident of child abuse and neglect.

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- When determining whether information is a “new incident of child abuse/neglect,” the following should be considered:
  - Does the information describe an action or inaction of the parent that has a direct impact on the child’s safety; and
  - Does the information require screening for an investigation where a timeline for response may be required?
- New incidents of child abuse/neglect differ from “changes in family circumstances.” Changes in family circumstances or new information about a family, as opposed to a new incident of child abuse and neglect, do not require a new intake/investigation but **may** require a reassessment of safety and risk on an active case.
- In situations where it is unclear whether to complete a new intake, the caseworker and supervisor should create the intake and screen the information.

The following describe situations that are “new incidents” of child abuse/neglect that require a new intake for the purpose of screening for investigation:

1. The reason for involvement in an ongoing case is physical abuse and the caseworker receives a call from the teacher that the child has disclosed being hit by the parent and has a bruise. This might be the same allegation type, but it is a new incident of child abuse that requires a new intake for purpose of screening for investigation.
2. The reason for involvement in an ongoing case is due to neglect (inadequate supervision) and the caseworker receives a call from the neighbor that the children are alone without supervision. This would be a “new incident” for which an intake is completed for the purpose of investigation.
3. The reason for involvement in an ongoing case is domestic violence and the caseworker receives information that a new incident of domestic violence has occurred. (e.g., the domestic violence outreach worker reports that during a visit to the home she observed bruising on the mom’s face who then disclosed being hit by dad while the kids were present). This would be a new incident for which an intake is required.

**Note:** The SDM® Policy and Procedures manual states that “If a new referral is received while a case is open an initial risk assessment (not a risk reassessment) will be completed

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during the investigation, according to risk assessment policy and procedures in this manual. The original reassessment schedule will remain in effect.”

The following describes “changes in family circumstances” on active cases that do not require completion of a new intake for the purpose of screening for investigation but may require a reassessment of safety and/or risk.

1. The safety plan in an ongoing case is for the grandmother to reside in the family home due to concerns with the mother’s ability to provide adequate supervision. The caseworker receives information that the grandmother has moved out of the home. This describes a “change in family circumstance” that would not require a new intake but may require a reassessment of safety or risk as per SDM® policy and procedures.
  2. Exposure to domestic violence is the reason for involvement in an ongoing case. There is a safety plan that the father is to have supervised visits and is not to attend the family home. The caseworker receives information that the father has been in the home. This describes a change in circumstance that does not require a new intake but may require reassessment as per SDM® policy.
  3. Inadequate supervision due to alcohol abuse is the reason for involvement in an ongoing case. The parents have been maintaining sobriety as per case plan. The caseworker receives information from an extended family member that the parents are suspected of using alcohol again. This would not require a new intake but is a change of circumstance that may require reassessment as per SDM® policy.
- Where a new intake report is **screened in** on an active investigation case in Linkin, the new allegation will be added to the existing investigation case.
  - Where a new intake report is **screened in** on an active ongoing case in Linkin, the investigation case must be associated to the ongoing case prior to investigation case closure. This new intake will then appear on the ongoing case home page.
  - Where a new intake report is **screened out** on an active case, the new intake cannot be associated with the active case. In this circumstance, screened out intakes on active cases will appear in the “Cases” tab on the Person Page in Linkin.

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### Integrated Practice Strategies in Screening

Integrated practice tools and strategies, used in partnership with the SDM® Intake Assessment definitions, can assist in thorough information gathering, critical thinking, engagement of the reporting party, balanced assessment of worries and strengths and decisions about screening and response times.

For further details on various Integrated Practice strategies and tools that can be used in the screening process see *Best Practice Reference Material: Integrated Practices in Screening Participant Guide* on the Child and Family Programs SharePoint site. (Link to SharePoint Site below)

### References:

- [SDM® Intake Assessment Policy and Procedures](#)
- [Linkin SharePoint– Linkin/General/Linkin Manuals/Intake Manual](#)
- [Ch. 2.10: Investigations of Abuse and Neglect in Group Home Resources](#)
- [Ch. 2.11: Investigations of Abuse and Neglect in Child Care Resources \(Day Care\)](#)
- [Ch. 2.12: Investigations of Abuse and Neglect in Foster Homes](#)
- [Ch. 2.13: Investigations of Abuse and Neglect in Alternate Care and Persons of Sufficient Interest Placements](#)
- [Ch. 8.44: Screener Narrative](#)
- [Appendix Ch. 2.2A: Offices not using SDM®/Linkin - Receiving and Screening a Report of Child Maltreatment.](#)
- [Child and Family Programs SharePoint – Manuals and Forms/Best Practice Reference Material: Integrated Practices in Screening Participant Guide](#)
- [Linkin Constitutional Status Process & Definitions Tip Sheet](#)

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## 2.0 Intake and Investigation

## 2.3 Child Protection Investigation

### Legislation

[The Child and Family Services Act - Section 13](#)

### Policy

The Ministry of Social Services will investigate all reports of alleged child abuse and neglect where reasonable grounds exist to believe that a child is in need of protection as set out in Section 11 of *The Child and Family Services Act*.

### Intent

The intent of these procedures is to ensure that all child protection investigations are:

- Conducted thoroughly in order to ensure child safety and make an accurate determination of whether a child is in need of protection;
- Carried out in a timely manner with the rights of the family in mind;
- Inclusive of all family members in decision making and planning; and
- Adapted to each family's unique circumstances and needs.

### Definitions

- **Parent** – is the mother or father of a child or a person to whom custody of a child has been granted by a court or an agreement of custody.
- **Child in Need of Protection** – [Section 11 of The Child and Family Services Act](#) defines a “child in need of protection.” The child protection investigation will determine whether or not a child is in need of ongoing child protection services.
- **SDM® Safety Assessment** – a tool that helps assess whether any children are currently in immediate danger of serious physical harm and to determine what interventions should be initiated to provide protection. This tool assists in determining the protective capacities and resources of the parents. The tool is also used to develop a safety plan with the parent, if necessary. The **SDM® Safety Assessment** tool assists the caseworker in determining if the child is “safe,” “safe with services” or “unsafe.”

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- **SDM® Risk Assessment** – a tool that assists caseworkers in assessing the likelihood a parent, through action or omission, will harm their children in the next 12 to 18 months. The tool assists in determining whether a parent has a very high, high, moderate, or low probability of harming their children in the future.
- **Safety Threat** – a condition that may place a child in immediate danger of serious harm if present.
- **Safety Plan** – whenever there are safety threats identified and any children remain in the home, a safety plan is completed. The safety plan documents the specific interventions and services that will be implemented immediately to ensure child safety while the investigation continues. The safety plan is completed with the family.
- **Risk of future child maltreatment**– risk of future harm, as defined by the SDM® System for Child Protective Services, refers to the likelihood that a family will harm their children in the next 12 to 18 months. It is important to keep in mind the difference between safety and risk. Safety differs from risk assessment in that it refers to the child’s present danger of serious physical harm and risk is the likelihood of future harm.
- **Response Time** – the maximum amount of time a caseworker has to complete an initial face-to-face contact with the child(ren) who are subject to a screened in report of child abuse and neglect. Response time is considered met if a caseworker has had an actual or attempted face-to-face contact with the child(ren) subject to allegations. If an actual or attempted face-to-face contact has been made by an after-hours child protection worker, response time will be considered met.
- **Interview** – One of the primary activities of child protection investigations involves interviewing children, parents, and others. Interviews may be conducted to gather information for assessments or to gather evidence. There are various methods of interviewing, depending on the purpose of the interview and depending on the characteristics of the individual being interviewed.
- **Ongoing Child Protection Services** – services to families where it has been determined through investigation that a child is in need of protection within the meaning of *The Child and Family Service Act*.

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## Standards

### A child protection investigation will include at minimum:

- An initial face-to-face contact with the child(ren) who are subject to the allegations within the required investigation response time. (Immediate – same day as report or within 24 hours of report/Non-immediate – within five calendar days of screening decision).
- Completion of the SDM® Safety Assessment as per SDM® policy and procedures.
- A safety plan, where the SDM® Safety Assessment determines a child is “safe with services.” The safety plan must be completed and signed by the parent prior to the caseworker leaving a child in the home.
- Interviews of all caregivers living in the home.
- Interviews of all children living in the home using interview methods consistent with the child’s developmental stage and ability to communicate. Where the child’s developmental stage or ability to communicate is not conducive to an effective interview, direct observation of the child must occur. The caseworker should document the reason for not interviewing the child.
- Interviews of other siblings, who reside outside of the home, continue to have contact with the family and who may have knowledge of the reported concern.
- Direct observation of the child’s living environment. If information is obtained that the child’s living conditions are hazardous and/or suggestive of neglect, the entire home is seen and, in particular, the child’s sleeping area.
- Medical examinations:
  - If there are visible signs of injury or illness that are suspected to be a result of abuse or neglect or an examination is required to confirm abuse or neglect, the caseworker or designate will accompany the child to be examined by a physician immediately following the caseworker’s first face-to-face contact. A designate may include a caseworker who is an “officer” under the *The Child and Family Services Act* or a law enforcement officer who is jointly investigating the alleged incident or assisting in the investigation.

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- When a physician's examination is required, every effort should be made to obtain the permission of the parent, unless child safety will be compromised.
- Whenever possible, the non-offending parent should be present at the examination.
- If the parent is unavailable or refuses consent for an examination, the caseworker may apply for a **Warrant for Access to Child** pursuant to Section 13.1(1) of *The Child and Family Services Act* to allow the caseworker to take the child for a medical examination or interview without apprehension (see Section 5.2.2 Duty to Investigate/Warrant for Access to Child).
- Collateral information is gathered from people who may have relevant knowledge of the family and/or child.
- SDM® Safety and Risk Assessment is completed in all initial child protection investigations, all new investigations on existing cases, investigations of non-custodial caregivers who are participating in reunification cases and Indefinite Person of Sufficient Interest (PSI) placements. The SDM® Safety Assessment and the SDM® Family Risk Assessment are not used in investigations of allegations of child abuse and neglect in foster homes, alternate care homes, child care facilities, residential facilities, and definite PSI placements.
- An SDM® Family Risk Assessment within 30 calendar days of assignment for investigation and prior to investigative finding of whether or not a child is in need of protection. First Nations Child and Family Service Agencies not using **SDM®** are required to complete the Pennsylvania Model Risk Assessment (see References - [Appendix Ch. 2.3A – Non SDM®/non-Linkin offices: Risk Assessment](#)).
- An Investigation finding whether or not a child is in need of protection pursuant to Section 11 of *The Child and Family Services Act* must be determined within 30 calendar days from the date of investigation assignment.
- Where it is determined that a child is in need of protection, written notification must be provided to the parents using the Letter of Notification of Child in Need of Protection.
- Upon determining whether or not a child is in need of ongoing child protection services, the investigation caseworker will either close or transfer the case to ongoing

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child protection services within 15 calendar days following the investigation finding (see Procedures: Transition Phase).

- The caseworker will advise the family of their [right to appeal](#) (see Chapter 7.9) any decision and the process of appeal which is outlined in the brochure at the above link.
- The caseworker will review safe sleeping practices with the family if there are children under the age of 2 ([see the Children's Services Manual, Chapter 4.3.9 Safe Sleeping Practices](#)).
- Upon determination that the family requires ongoing child protection services and prior to transfer, the caseworker will:
  - Arrange and facilitate a transition meeting, whenever possible, that includes the prospective ongoing caseworker, the family and any supports requested by the family;
  - Provide written notification to the First Nation Child and Family Services Agency for whom the parent(s) and child(ren) are registered or eligible to be registered to using the Letter of Notification to First Nations Child and Family Services Agencies (see Chapter 8.48: Letter of Notification to First Nations Child and Family Services Agencies); and
  - Provide written notification of the investigation finding of a child in need of protection to the parent using the *Letter of Notification of Child in Need of Protection* (see Chapter 8.16: *Letter of Notification of Child in Need of Protection*).

## Procedures

**The following procedures will occur in an investigation:**

1. The supervisor will assign the intake case for investigation based on the SDM® response priority timeframes (immediate/non-immediate).
2. Where the information received alleges that a criminal offence may have been perpetrated against a child, local law enforcement will be informed of the allegation. The caseworker will work with law enforcement according to established protocols for joint investigation ([see Provincial Child Abuse Protocol](#)).

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3. Where the reported concern requires an “immediate” response, at minimum, an initial face-to-face contact with the child(ren) subject to the allegations and an assessment of safety as per the SDM® Safety Policy and Procedures will be completed within the same working day or within 24 hours of receipt of the report. The SDM® Safety Assessment **form** should be completed as soon as possible but no later than three working days from the first face-to-face contact.
4. In cases where an immediate response is required, there may be times (particularly after regular business hours) where child protection services is not able to complete the first response due to unique circumstances such as:
  - The location of the home is remote, or weather conditions make an immediate face-to-face child protection response unfeasible.
  - The after-hours child protection service is unable to attend due to other referrals that need attending to.

In the above circumstances, law enforcement may have attended the home and determined the children can remain in the home. In these situations, and as soon as possible thereafter, child protection services should be in contact with law enforcement regarding their assessment and then follow up to complete the initial face-to-face contact and a more in-depth safety assessment using the SDM® Safety Assessment.

5. For a child who has already been apprehended by law enforcement and no children remain in the home, and for whom no SDM® Safety assessment has been completed, the caseworker will complete the SDM® Safety Assessment within three working days of the referral.
6. Where the report requires a “non-immediate” response, at minimum, an initial face-to-face contact with the child subject to the allegations will be completed by a child protection caseworker within five calendar days of screening decision. An assessment of safety will be completed upon first face-to-face contact as per the SDM® Safety Assessment policy and procedures. The SDM® Safety Assessment **form** should be completed as soon as possible but no later than three working days from the first face-to-face contact.
7. Where the report requires a “non-immediate” first response within five calendar days of screening decision, the supervisor may approve an extension in exceptional circumstances. Typically, these would be circumstances that are beyond the ministry’s control or where a strategically planned delay is necessary in order to

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conduct the investigation in a way that allows for a thorough and quality assessment of safety but does not compromise child safety. Approved exceptions should include a strategic plan, including a time frame for review. Some examples of this might be:

- The caseworker has made multiple attempts to have face-to-face contact with the child/children subject to the allegations via various methods without success.
  - The value of coordinating a joint investigation with police outweighs the need to respond within five calendar days **and** the child is in an alternative safe environment.
  - Contact has been made with the family and an appointment scheduled that lies outside the five calendar day period due to scheduling issues and the delay does not compromise child safety (e.g. first non-immediate response is due Thursday but the appointment is scheduled for Friday).
8. Upon initial contact with the family, determine if the family identify as Indigenous (First Nations Status, First Nations non-status, Métis, or Inuit), and identify the family's respective Indigenous community.
- Advise the family of the ministry's obligation to notify a First Nations Child and Family Services Agency or an Indigenous Governing Body (IGB), if applicable. Indigenous children and families may have access to a range of culturally responsive services and supports through their respective community (for example, collaborative planning to establish family-community-cultural contact and connections, support network and/or, child and family service delivery where an IGB has exercised jurisdiction).
  - The caseworker may also review available Linkin and Automated Client Index (ACI) information to identify existing information. Where it is identified that the child, youth or family may be of Indigenous ancestry, the caseworker ensures this information is accurately recorded in Linkin, if not already completed. When entering information in Linkin, caseworkers will refer to the: [Linkin Constitutional Status Process & Definitions Tip Sheet](#) to ensure information is accurately identified.

**Note:** An Indigenous client's Constitutional Status may require updates to reflect changing circumstances.

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9. If a safety threat is present and the safety decision is “safe with services,” a safety plan must be completed and signed by the caregiver prior to the caseworker leaving the home.
10. The safety plan remains in effect during investigation until all threats have been resolved, or the child is removed due to failure of the plan, or the safety plan is incorporated into the Family Services Agreement during ongoing case involvement ([see Chapter 3.3 Offer of Family Services – Family Services Agreement \(Form 2014\) and the Safety Plan \(Form 2010\)](#)).
11. A safety plan is not required if there are no safety threats, and the child is assessed as “safe.”
12. Where the safety decision is “unsafe” because one or more safety threats exist and there are no safety interventions available to ensure child safety, removal of the child from the home is required (see Chapter 4 – Placement in Out of Home Care).
13. During the investigation, the caseworker will assess the risk of future child maltreatment using the SDM® Family Risk Assessment tool.
14. The SDM® Family Risk Assessment assists the caseworker in determining the likelihood of future child maltreatment prior to determining whether or not a child is in need of protection and ongoing child protection services are required. In most cases, a high or very high risk level should result in a determination that the family requires ongoing child protection services.
15. The caseworker will determine if the family or child has any previous child protection involvement, as indicated by information in Linkin or the Automated Client Index (ACI). If there is reason to believe the family has received services from a First Nation Child and Family Services Agency or another jurisdiction, the caseworker will obtain and review the nature of this involvement and consider it in the overall child protection investigation.
16. If the parent refuses access to the child, an application may be made to a Justice of the Peace or a Judge for a Warrant for Access pursuant to Section 13(1) of *The Child and Family Services Act*.
17. The caseworker will reach an investigative finding of whether or not the child(ren) is in need of protection and whether the family requires ongoing services within 30 calendar days from the date of investigation assignment. The analysis includes all

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information gathered throughout the investigation through interviews, collateral contacts and safety and risk assessment (see Practice Guidelines).

18. Where there continues to be an unresolved safety threat at the conclusion of the investigation, the child(ren) will be found to be in need of protection and ongoing services will be required, regardless of risk level.
19. A short-term Family Services Agreement (FSA) is recommended in the initial investigation, prior to transfer to ongoing services and within 30 days of notification to the parent of a child in need when:
  - There is no safety plan (no safety threat) at the conclusion of the investigation;
  - The case will be transferred to ongoing services; and
  - The child(ren) remains in the home.

An FSA completed in these circumstances should be short term and reviewed and adjusted as required following transfer to ongoing services and upon completion of the FSNA at 60 days. The short-term FSA will reflect the parent's acknowledgement and agreement to participation in ongoing services offered by the ministry (see Chapter 3.3: Offer of Family Services: Family Services Agreement (Form 2014) and the Safety Plan (Form 2010)).

20. Where the parent has moved to reserve or another office location, notify the appropriate supervisor/FNCFS Agency. After a discussion with the supervisor of the receiving office, the originating office will reassign the owner of the Investigation Case to that supervisor. The originating office will ensure that all information in the Investigation case is updated (see Chapter 7.5 Protocol for Child Protection Case Transfers). Where the parent has moved to reserve where the FNCFS Agency does not use Linkin, the originating office will print the information from the Intake and Investigation case in Linkin and provide this information to the Agency. The caseworker must document the referral in the Investigation Case prior to closing.

#### **Transition Phase:**

21. Upon determining the investigation finding of whether or not a "child is in need of protection" and ongoing services are required, the caseworker will either close or transfer the case to ongoing child protection services within 15 calendar days of the finding.

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22. For investigation cases that will be closed, the caseworker should arrange a closure meeting with the family, whenever possible. The meeting provides an opportunity for further discussion regarding the family's need for preventive services and potential referrals to community resources.

23. Where the finding of the investigation is that a child/family is in need of ongoing child protection services, the investigation caseworker will complete the following prior to case transfer:

- Arrange and facilitate a transition meeting that will include the family, the investigation caseworker, the ongoing caseworker and any supports requested by the family. The transition meeting will help to provide a seamless transition to ongoing services (see Transition Meeting below).
- Notify the caregivers in writing and in person of the outcome of the investigation by providing the Letter of Notification of Child in Need of Protection. This may be done at the transition meeting (see Chapter 2.4 Notice of Child in Need of Protection/Offer of Family Services).

**Note:** Notice of Child in Need of Protection is required only when an investigation is concluded, and the child is deemed to be in need of protection. Where a child is apprehended, a Notice of Apprehension is required.

- Notify the First Nation Child and Family Services Agency for whom the parent(s) and child(ren) are registered or eligible to be registered by sending the Agency Notification Letter to the Agency. The notification provides the opportunity for FNCFS Agencies to contribute to planning decisions from the onset of involvement (see Chapter 8.48 Letter of Notification to First Nations Child and Family Services Agencies).
- Provide [Your Right to Appeal](#) pamphlet (see Chapter 7.9 Right to Appeal).

24. All investigations will be documented in Linkin in the Investigation case, including the SDM® Safety and Risk Assessments and a recommendation for closure or transfer to ongoing.

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## Practice Guidelines

- Investigations of child abuse and neglect should be carried out thoroughly in order to accurately assess child safety and risk and whether a child is in need of ongoing protection services.
- Child safety is always the primary focus of the investigation.
- Conducting an investigation should be customized to the nature of the circumstances and in the least disruptive and intrusive manner.
- Investigations should focus on ascertaining facts and completing assessments through family engagement and collaborative decision making unless child safety is compromised.
- While assessment tools are helpful in structuring and guiding case decisions (safety and risk), a broader assessment of the family's circumstances, capacities and patterns of behaviour must be taken into account when determining whether or not a child is in need of protection and ongoing child protection services are required.
- Families should be fully informed of decisions that affect them.
- Families should be engaged in problem solving and decision making.

### Indigenous Identity:

Identifying and recording a family's Indigenous Identity (Constitutional Status) during an investigation can help ensure:

- First Nations, Métis or Inuit children and families are aware of, and have access to, available services and supports through their respective Indigenous community at the onset of involvement.
- Notification requirements identified within *The Child and Family Services Act*, existing policy and procedures, and under federal child welfare legislation (where identified by an Indigenous Governing Body) are met; and,
- Identification of an Indigenous Governing Body's authority over the delivery of child welfare services to members of their nation, resulting in information sharing and/or a transfer to the Indigenous Governing Body for follow up.

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- If, during the investigation, the caregiver cannot be located, the caseworker will contact collaterals and continue efforts to locate the caregiver and document these efforts.
- If it is necessary to contact a parent at a place other than the home (e.g., place of employment) discretion must be used in order to protect the family's privacy.
- Announced versus unannounced visits to the home are recommended unless child safety is compromised. Unannounced visits to the home may be required when:
  - It is necessary to assess safety and risk without the family having the opportunity to modify any of its usual conditions (e.g., it is suspected that a person who presents an immediate safety threat to the child is present in the home);
  - It is not possible to contact the family to arrange an appointment; or
  - The family is avoiding contact with the caseworker.
- Interviews with children outside of their home environment should be completed with prior parental notification (or as soon thereafter as possible), unless the gathering of evidence to ensure child safety will be compromised.
- Where joint investigations with law enforcement are conducted, the child protection worker and the law enforcement officer have different mandates, skills, decisions to make and actions to take. The caseworker determines the immediate safety of the child and whether a child is in need of protection and ongoing child protection services are required, whereas the role of the law enforcement officer is to determine whether a criminal offence has been committed.
- When a decision is made by a supervisor to initiate contact on a screened in "immediate" report the following day of the report (within 24 hours) rather than the same day of the report, the rationale for the decision should be documented. Some examples of circumstances where it may be appropriate to respond the following day (within 24 hours) may include, but is not limited to:
  - Child safety requires a strategically slower response.
  - The child's current location is such that initiating contact the same day may create a threat to the child's safety OR the values of coordinating a multi-agency response outweighs the need for a same day response.
  - The child is in an alternative safe environment. The child is no longer in the same place or is with the parent/caregiver who is not the alleged perpetrator

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and is not expected to have contact with the alleged perpetrator for the next 24 hours.

- In circumstances where there is an active investigation with respect to a newborn infant that is still in the hospital, discuss with hospital staff the possibility of the mother and infant remaining in hospital until further safety assessment and planning can be completed.
- Supporting parents to care for their children is a priority. Removal of a child at birth is a last resort. Exploration of the least disruptive measures is critical, such as seeking out extended family and community supports to assist the mother and child in locating safe living arrangements. Invite First Nations and Métis Health Service staff to be involved, where appropriate, to engage with mother and hospital staff.
- In circumstances where an infant cannot safely remain in the parent's care and requires removal from the hospital, all attempts must be made to ensure this is completed with the utmost sensitivity and respect for privacy and confidentiality (e.g., outside the postpartum unit). If the child is Indigenous, include the Indigenous community as soon as possible in planning.

#### **Final Investigation Finding:**

Determining whether or not a child is in need of protection as per Section 11 of *The Child and Family Services Act* requires a comprehensive analysis of **all** information gathered during the investigation, including:

##### **1. Verification of Child Abuse or Neglect Allegations (did the child suffer abuse/neglect):**

- **Substantiated** – The weight of the evidence supports a finding that the child has suffered abuse or neglect as a result of an action or omission by the child's parent; or
- **Unsubstantiated** – The weight of the evidence supports a finding that the child has not suffered abuse or neglect as a result of an action or omission by the child's parent; or
- **Inconclusive** – Critical information necessary for establishing the probability that abuse or neglect occurred or did not occur, cannot be obtained. This finding does not mean that abuse or neglect did not occur, but rather that a lack of information

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makes it impossible to establish a balance of probabilities that abuse/neglect occurred or did not. All attempts to gather assessment information must be exhausted before this conclusion is reached. This finding is not a “default” for cases where the decision to substantiate or not substantiate is difficult to make. An example of this might be an investigation of physical abuse or sexual abuse allegations where a child is too young to be interviewed, the doctor is not able to completely rule out accidental injury or non-accidental injury, and therefore critical information necessary to establish the probability that abuse, or neglect did or did not occur cannot be obtained.

2. **Safety Assessment** (whether or not the child is in **immediate** danger of serious physical harm and what interventions need to be maintained or initiated to provide appropriate protection) – A safety assessment that indicates there is one or more safety threats at the conclusion of the investigation will result in a determination that the child is in need of protection.
3. **Risk Assessment** (the likelihood that child abuse or neglect will occur in the future) – A risk assessment that indicates a high or very high risk of future maltreatment will typically result in a child in need of protection.
4. **Other information gathered through interviews, collaterals, observations, and historical records.**

**Note:** Both safety and risk assessment tools play a significant role in structuring and guiding the decision of whether or not a child is in need of protective services.

Where it is determined at the conclusion of an investigation that a child is in need of protection pursuant the Section 11 of *The Child and Family Services Act*, ongoing child protection services must be offered and provided.

#### **Indigenous Identity:**

Identifying and recording a child or family’s Indigenous Identity (Constitutional Status) at the time of an intake is essential to ensure:

- First Nations, Métis or Inuit children and families are aware of, and have access to, available services and supports through their respective Indigenous community at the onset of involvement.

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- Notification requirements identified within the *Child and Family Services Act*, existing policy and procedures, and under federal child welfare legislation (where identified by an Indigenous Governing Body) are met; and,
- Identification of an Indigenous Governing Body's authority over the delivery of child welfare services to members of their nation, resulting in information sharing and/or a transfer the Indigenous Governing Body for follow up.

### Family-Centred Conferencing

The child-focused and family-centred approach to service delivery is both a philosophy and a practice that supports active and meaningful participation of families in decision making and case planning. Family-centred conferencing is rooted in the premise that family input in the design and provision of services is important and is valued. The philosophy recognizes that families are experts in knowing what interventions will be most supportive to them. It also promotes the belief that individuals within a family have strengths upon which they can draw.

In keeping with the values of family-centred practice, various forms of conferencing including Indigenous healing traditions and talking circles are encouraged as techniques to ensure that the child protection worker and the family actively participate together in the development of the service plan. Such conferencing enables the extended family, community, and professionals to come together directly with the child and family to openly discuss concerns, identify strengths, and seek realistic solutions. These discussions result in a case plan that contains specific and deliberate expectations allowing progress to be measured.

The family-centred conference should be used for situations requiring significant decisions, such as:

- The development of a case plan and for case plan review;
- Seamless transition of a transfer of a case;
- Prior to a child coming into care on a planned basis or following a child coming into care on an unplanned basis;
- Prior to a child returning home from care;
- Anytime a critical/significant decision is to be made about the child and family;
- Prior to court if there is lack of agreement;
- For alternative dispute resolution and prior to proceeding to formal dispute resolution; and
- Prior to case closure.

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The vast majority of these conferences will be facilitated by the caseworker, who invites the child, family and their chosen circle of support.

The level of complexity of a case will determine what type of family-centred conference will be most helpful based on the caseworker's clinical analysis. More formal conferences may be facilitated by a third party such as an Elder or a mediator. It is best practice to use a neutral facilitator in cases involving:

- High levels of conflict or volatility;
  - Large complex family systems;
  - Strained relationships between family members and ministry caseworkers;
  - Complex situations (multi-generational abuse/neglect, sexual abuse, substance abuse, domestic violence, mental illness etc.); and
  - Extensive cultural or language difference between the caseworker and the family.
- (Adapted from the Child Protection Standards in Ontario, February 2007)

**Note:** Family-centered conferences should be used with great caution in domestic violence cases.

### **Transition Meetings:**

A transition meeting will be arranged and facilitated by the investigation caseworker. The transition meeting will include the family, the investigation caseworker, ongoing caseworker and child care worker (where applicable) and any existing supports requested or agreed to by the family. The transition meeting helps the family and ongoing caseworker (if different than the investigation caseworker) gain a clear understanding of the findings of the investigation and for the ongoing caseworker to begin engagement with the family. It also provides an opportunity to help the family understand the next steps in the child protection services process.

Wherever possible, the location of the meeting should be in the family's own environment or in a neutral environment. The meeting is a good time to:

- Review the investigation findings;
- Provide the family with the Notice of Child in Need of Protection letter and what this means going forward;
- Give the family a sense of what the next steps are within the ongoing services phase;

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- Review any planning that has occurred during the investigation (e.g., review of safety planning, review of short term Family Services Agreement, discussion of any supports implemented);
- Review planning for the child and for family contact where children have been placed in out of home care; and,
- Ensure the family is clear on what is expected in the court process where an application is currently before the courts.

\*Caution should be taken when determining the number of people in the transition meeting. Information shared in the meeting is highly sensitive and occurs at a sensitive time in the case process. Too many people in attendance can be overwhelming to the family and the intent and purpose of the transition meeting should be considered. The transition meeting is not intended to be a case planning meeting where new supports and services other than the ongoing caseworker are introduced, unless requested by the family.

#### **Integrated Practices in Investigation:**

Integrated practice tools and strategies, used in partnership with the SDM® Safety and Risk Assessments, can assist in thorough information gathering, critical thinking, engagement of the family and a balanced assessment of worries and strengths.

For further details on various Integrated Practice strategies and tools that can be used in the investigation process see *Best Practice Reference Material: Integrated Practices for Safety and Risk Participant Guide* on the Child and Family Programs SharePoint site (link to SharePoint site is below).

#### **References (Links)**

- [SDM® Safety Assessment Policy and Procedures](#)
- [SDM® Family Risk Assessment Policy and Procedures](#)
- [Ch. 2.4: Notice of Child in Need of Protection/Offer of Family Services](#)
- [Ch. 3.2: Ongoing Case Management: Task Timeline for In-home Child Protection Cases](#)
- [Ch. 3.3: Offer of Family Services – Parental Services Agreement \(Form 2014\) and the Safety Plan \(Form 2010\)](#)
- [Chapter 4: Placement in Out-of-Home Care](#)
- [Linkin Sharepoint – Linkin/General/Linkin Manuals/Investigation module](#)
- [Children’s Services Manual, Chapter 4.11: Out of Home Care: Allegations of Child Abuse and Neglect.](#)

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- [Appendix Ch. 2.3A: Offices not using SDM®/Linkin, Child Protection Investigation](#)
- [Child and Family Programs SharePoint site: \*Best Practice Reference Material: Integrated Practices for Safety and Risk Participant Guide.\*](#)

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## 2.0 Intake and Investigation

### 2.4 Notice of Child in Need of Protection/Offer of Family Services

#### Legislation

[The Child and Family Services Act - Section 14](#)

#### Policy

The Ministry will provide written notification to parents when it has been determined through investigation that a child is in need of protection and ongoing services are required. The Ministry will offer services that assist in maintaining child safety and mitigating risk of future child maltreatment.

#### Intent

The family has a right to be involved with and fully informed of decisions that impact them.

#### Procedures

1. Upon investigative conclusion that a child is in need of protection pursuant to Section 11 of *The Child and Family Services Act*, the parent is to be notified in writing of that conclusion.
2. Notification to the parent will be completed by providing them with a *Letter of Notification of Child in Need of Protection* (Ch. 8.16). The notice should be completed using plain language that is understandable, non-threatening and strength based. (eg. harm and worry statements)
3. At the time of notification, the caseworker will advise of the need for ongoing child protection services and the need to formalize a case plan by signing Family Services Agreement (FSA) (Form 2014). Where all children are in the care of the Minister, an FSA may be completed but is not required. (See Ch. 8.6: Family Services Agreement)
4. There must be an FSA signed within 30 days of written notice of a child in need of protection and any children remain in the home. An FSA may be completed at the conclusion of the initial investigation and prior to transfer to ongoing child protection services when all children remain in the home, there are no safety threats and a safety plan has not been signed by the parents. An FSA completed prior to transfer to ongoing services will be short term in nature and will need to be reviewed and

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revised as needed, following transfer to ongoing services and completion of the Family Strengths and Needs Assessment. ([See Ch. 3.6: Offer of Family Services – Family Services Agreement \(Form 2014\) and the Safety Plan \(Form 2010\)](#))

5. The caseworker will advise the family of their right to appeal this decision and explain the process of appeal. A copy of the [Your Right to Appeal](#) pamphlet will be provided.
6. Where the family refuses to participate in services, the caseworker will continue attempts to engage the family.
7. Where the parent refuses to participate in services and enter into a Family Services Agreement (FSA) within a 30 day period from notification, the caseworker will make application for a protection hearing pursuant to Section 14(4) of *The Child and Family Services Act*.
8. Where the family has already signed the Safety Plan due to unresolved safety threats, the Safety Plan acts as the agreement throughout the investigation process until a case plan is developed and an FSA is completed and signed with the family. (See Ch. 3.6: Offer of Family Services – Family Services Agreement (Form 2014) and the Safety Plan (Form 2010)).
9. When a parent fails to comply with the conditions of a signed FSA, the family circumstances must be reassessed and if the child remains in need of protection, a new offer of family services is made. If the parent refuses to enter into a new agreement or a new agreement is not in the child's best interests and it is within 30 days since written notification of a child in need of protection, an application to court may be made pursuant to Section 14(4) of *The Child and Family Services Act*.
10. If the parent refuses to enter into a new agreement or a new agreement is not in the child's best interest and it is more than 30 days since initial notification was provided, a new ***Letter of Notification of Child in Need of Protection*** (form 2027) must be provided to the caregiver and an application to court may be made within thirty days of the most recent notification.

## References

- [Chapter 3.3: Offer of Family Services – Family Services Agreement \(2014\) and the Safety Plan \(2010\)](#)

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## 2.0 Intake and Investigation

### 2.5 Adapted Investigations

#### Policy

An Investigation that does not include the completion of an **SDM® Risk Assessment** may be approved by a supervisor if it is determined that the child or children subject to the report are safe, there is evidence that proves the reported allegation to be false and there is no additional information indicating that a child is in need of protection.

#### Intent

Child protection investigations must be conducted thoroughly in order to make a determination of whether an instance of abuse and neglect has occurred, the immediate safety of the child, the level of risk of future abuse and neglect, and whether a child is in need of protection. At the same time, child protection investigations must be conducted with the least amount of intrusion required to make that determination and with the rights of the family in mind.

#### Procedures

When an investigation is closed as “Adapted” the following procedural standards will apply:

1. An adapted investigation **may** be approved if it is clearly established that:
  - The child(ren) is safe;
  - The allegation(s) is false; and
  - There is no additional information that exists to indicate that a child(ren) is in need of protection.
2. An adapted investigation will include at minimum:
  - A field contact;
  - An **SDM® Safety Assessment**;
  - Contact with the parent(s);
  - A face to face contact with the alleged child victim and parent(s) in cases involving allegations of abuse;
  - A home visit in cases involving allegations directly related to the home environment where viewing the home is crucial to evaluating the validity of the complaint;

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- An evaluation of prior history of child protection involvement;
  - Supervisory consultation and approval; and
  - Clear and thorough documentation of the rationale for approving the Adapted Investigation.
3. In order to clarify information or to complete a safety assessment, an adapted investigation may include:
- The gathering of collateral information;
  - Interviews of the alleged child victim and alleged perpetrator at first face to face contact in cases of physical or sexual abuse; and
  - The need to re-contact the reporter to gain further clarification.
4. An adapted investigation does not include:
- Completion of a risk assessment; and
  - Completion of multiple interviews involving collateral contacts for the purpose of assessing the validity of the allegation(s). In cases where multiple interviews and investigative steps have been undertaken, a full investigation, including an **SDM® Risk Assessment** will be completed.

**Note** - In order for an investigation to be closed as an Adapted Investigation the information gathered through collateral or field contacts needs to clearly prove the allegation is false, the child is safe and there are no other protection concerns. The caseworker and supervisor must make the distinction between “unsubstantiated” allegations and “false” allegations. If the information gathered only indicates that there is a lack of evidence that the allegation is true (unsubstantiated) then a full investigation including a risk assessment will be completed. Proving the allegation to be false will involve gathering information that proves beyond all reasonable doubt the allegation to be false.

**Administrative Procedures:**

1. Completion of applicable SDM® assessment forms.
2. Completion of Intake and Investigation case in Linkin.
3. Recording of contacts and collaterals in Linkin.
4. Indicate in comments section in Linkin that approval for an adapted investigation has been given and the reasons for the decision.

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## References:

- [SDM® Policy and Procedures](#)
- [Linkin SharePoint – Linkin/General/Linkin Manuals/ Investigation Module](#)

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<b>Section 2.6: Investigations of Physical and Sexual Abuse</b>	

## 2.0 Intake and Investigation

## 2.6 Investigations of Physical and Sexual Abuse - removed

This section has been removed and is now included in Chapter 2.3 Child Protection Investigation.

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<b>Section 2.7: Investigations Involving Parents in Separate Households</b>	

## 2.0 Intake and Investigation

### 2.7 Investigations Involving Parents in Separate Households

#### Policy

When a child's parents do not live together the child may be a member of both households. Caseworkers must assess the household of the parent who is subject to the allegations of child maltreatment. This may be the child's primary residence or the household of the non-primary parent who also provides care and supervision to the child.

Structured Decision Making® (SDM®) assessments are used to assess the household(s) of the caregiver(s) of the child who is the subject of the investigation.

When there are safety concerns for a child in one parental household, the ministry will explore the capacity of the other parent to be a safety resource for the child.

Caseworkers must consider the parent's legal rights to custody or access when there is an allegation of maltreatment and children are members of two households.

#### Intent

Investigations involving parents living in separate households can be complex. The intent of these procedures is to ensure that investigations involving two households are carried out consistently and in a manner that:

- Keeps the best interest of the child as the primary concern;
- Recognizes that, in the vast majority of cases, it is in the best interest of the child to remain in the care of one parent when removal from the other parent is required;
- Recognizes the legal rights of parents with custody or access;
- Provides one parent the legal ability to continue caring for their child and to protect their child from abuse and neglect when there are allegations of child maltreatment in the other parent's household;
- Encourages parents to work collaboratively in the best interests of their children.

#### Definitions

**Parent** – For the purpose of this policy, “parent” means:

- The father or mother of a child, whether born within or outside of marriage; or
- The father or mother of a child by adoption.

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**Caregiver** – as per SDM® Policy and Procedures, caregivers are parents, legal guardians or other adults in a household who provide care and supervision for the child.

**Household** - As per SDM® Policy and Procedures, a household is all persons who have significant in-home contact with the child, including those who have a familial or intimate relationship with any person in the home. SDM® assessments are completed on households. When a child's parents do not live together, the child may be a member of both households if both parents provide care and supervision for the child.

**Custody** – A parent's right and responsibility for the care and upbringing of a child. This includes the right to make decisions about the child including medical decisions, where the child goes to school and where the child should live. The right to custody can be by order of the court or by **written** agreement between the parents.

**Joint Custody** – Both parents are joint legal custodians with equal rights, powers and duties.

**Sole Custody** – One parent has all the rights, powers and duties of a legal custodian.

**Presumption** – Unless a court order or written agreement states otherwise, presumptions under *The Children's Law Act, 1997* include the following:

- If parents lived together following the birth of their child, the parents have joint custody of the child with equal rights, powers and duties.
- If parents did not live together following the birth of their child, the parent with whom the child resides has sole custody.

**Access** – Access includes a parent's right to spend time with the child and receive information about the child's education, health and general welfare. This does not include a right to be consulted or to participate in the making of decisions by the parent who has sole custody. The right to access can be by order of the court or by **written** agreement between the parents.

**Non-removal parent** - Where a child has to be removed due to safety threats in one parent's household, the term non-removal parent is used to describe the other parent for which there are no safety threats.

## Standards

**When a child is a member of two parental households and there are allegations of child maltreatment:**

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Investigation standards and procedures outlined in Chapter 2.3: Child Protection Investigations apply to all investigations including investigations involving parents in separate households.

## Procedures

**When a child is a member of two parental households and there are allegations of child maltreatment** the following procedures are unique to investigations involving parents in separate households and should be considered in these types of investigations.

- Assess the household where there is an allegation(s) according to procedures outlined in Chapter 2.3: Child Protection Investigation.
- Where there are allegations in both households, separate SDM® assessments will be completed on each and if appropriate, separate safety plans may be completed. This may include circumstances where there is an allegation that one parent fails or is unable to protect according to SDM® Policy and Procedures. However, where the parent is unable to protect the child solely because of the existence of a legal custody/access order, investigation assessments of this household are not required.
- When a child is a member of two households and there are safety concerns in one household necessitating restrictions of parent/child contact, the following should be considered in order of priority.
  - Safety planning that includes any necessary restrictions of contact, with the consent and agreement of both parents. For example, safety planning may include supervised visitation with temporary placement of the child with one parent (private arrangement).
  - Safety planning with the parent without safety threats to restrict access when the parent with safety threats is not able/willing to participate in a safety plan, as long as it is not in breach of an existing order or written agreement for custody/access.
  - If appropriate safety planning is not possible and apprehension of the child is necessary to ensure safety, return of the child to the non-removal parent who has a right to custody pursuant to section 17(3) of *The CFSA*.

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- If return of the child to the non-removal parent pursuant to section 17 (3) is not possible because of an existing court order or written agreement, placement of the child with the non-removal parent as an approved “place of safety”.
- If apprehension is required and placement with a non-removal parent as above is not possible, follow the out of home care placement priorities outlined in the Children’s Services Manual, Chapter 2.3: Placement Selection.

### **Safety Planning when a child is a member of two parental households**

- In circumstances where there is a safety threat in one household, the caseworker may include the parent without safety threats as a safety resource on the safety plan. For example, a safety plan that temporarily restricts access may be considered. This safety planning must be done with the consent and written agreement of both parents if the safety plan contravenes an existing court order or written agreement for custody or access.
- At no time should safety plans contravene an existing court order or written agreement for custody or access without the written consent of both parents. It is imperative that the caseworker not counsel a parent to breach a court order or agreement to which the caregiver(s) is subject to. This could result in a caseworker and/or caregiver being found in contempt of the court order.

### **Apprehension of a child who is a member of two parental households**

- Where it is determined that a safety concern is present in one household, safety planning may not be possible, and it may be necessary to apprehend the child when:
  - Restriction of the parent’s contact with the child is necessary to mitigate the safety concern; **and**
  - Restriction of the parent’s contact contravenes an existing court order or written agreement for custody or access; **and**
  - The parent with the safety concerns is unable or unwilling to enter into a safety plan that includes access restrictions.

**Or;**

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- There is no court order or written agreement for custody or access but the child's immediate location is at the household with immediate safety concerns and that parent is unable or unwilling to enter into a safety plan to take the child to the other parent's household.
- Where the caseworker apprehends the child the caseworker will provide both parents with a copy of **Notice of Apprehension** (Form 2016) and apply to court for a protection hearing. (See Ch 5: Apprehension and Applying to court)
- At any time following apprehension, the caseworker may return the apprehended child to a parent who has a right to custody when it is no longer believed that the child apprehended would be at risk of serious harm if returned, as per Section 17(3). In circumstances where the access of the removal parent must continue to be restricted to mitigate safety, a safety plan should be in place outlining the restrictions before returning. Where the removal parent is not in agreement with the safety plan restrictions, a safety plan may be completed with the non-removal parent outlining their responsibility to ensure the child's safety as long as it is not in breach of an existing custody order or written agreement.
- If the child is returned to a parent who has a right of custody pursuant to section 17 (3) and the ministry has filed an application with the court, the ministry may withdraw their application pursuant to Section 25 of *The Child and Family Services Act*.
- Following return of the child to a non-removal parent who has a right to custody, if it is assessed that a safety plan is no longer necessary and the child is no longer in need of protection, the caseworker and supervisor will need to make a decision of whether or not to provide reunification services to the removal parent. (see Practice Guidelines)
- If it is not possible to return the child to the non-removal parent who has a right of custody due to an existing court order or written agreement for custody/access that allows the removal parent access and the removal parent does not agree to a safety plan, an alternative is to place the child with the non-removal parent who has a right to custody as a "Place of Safety" pursuant to Section 17 (1) (b) of *The Child and Family Services Act (CFSA)*.

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### Non-removal parent as Place of Safety

- To be considered as a “Place of Safety” the non-removal parent must not have any current allegations of child maltreatment.
- The caseworker must complete a “Place of Safety” assessment that is approved by the Director or designate. The assessment will not include a criminal record check where the child is already a member of both parental households. (See [Children’s Services Manual](#), Chapters 4.3.2: Place of Safety and 4.3.8: Placement with a Non-Removal Parent)
- The child remains on apprehended status and in the care and custody of the minister until a disposition from the Court is granted or an agreement with the parents can be reached. During this time the caseworker may limit access of the removal parent. The apprehension supersedes the existing custody/access order or agreement.
- Child in care contact standards and the SDM® Child Strengths and Needs Assessment apply to children in the care of the Ministry in a non-removal parent “Place of Safety”.
- Due to the typically short term nature of this arrangement, the Child Assessment and Developmental Plan (CADP) is not required at 45 days. There may be rare and unique circumstances where a child is in a non-removal parent place of safety for 120 days, at which time the CADP will be required.
- The ministry may recommend a court order that the child be returned to the parents pursuant to Section 37(1)(a), with terms and conditions that may include a provision respecting access pursuant to Section 37(5) and a period of supervision by the ministry pursuant to Section 36(6) of *The Child and Family Services Act*.
- Alternatively, the ministry may recommend a court order placing the child in the custody of the non-removal parent pursuant to Section 37(1)(a) of *The CFSA*. In most cases, recommendations for an order pursuant to Section 37(1)(a) should be time-limited if the case plan involves reunification services to the removal parent.
- There must be re-approval of the non-removal parent “Place of Safety” every 60 days. (See [Children’s Services Manual](#), Chapter 4.3.2: Place of Safety)
- If at any time, the caseworker believes that the apprehended child would not be at risk of incurring serious harm if returned, the officer shall return the child to a person who has the right of custody as per Section 17 (3) of *The Child and Family Services*

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Act. The caseworker must remember that if a court order or written agreement for custody or access existed prior to apprehension it will be reinstated upon return and the caseworker should not counsel any breaches of that order or agreement without agreement from both parents.

**In circumstances where one parent has sole custody or the child is not a member of two parental households because one parent has not provided care and supervision to the child the following procedures apply:**

- Safety planning, as an alternative to apprehension, may include a private arrangement for care of the child with the other parent who has not previously provided care and supervision to the child.
- The nature of the relationship between the two parents must be considered and safety planning must be done with consent and written agreement of both parties. In these circumstances, the caseworker will complete a “private arrangement” assessment as per the procedures in the Children’s Services Manual – Chapters 4.3.1: Private Arrangement and 4.3.8: Placement with a Non-removal Parent: Procedures, Private Arrangement.
- If apprehension is necessary, the child may be placed in a “Place of Safety” with the non-removal parent who has **not** provided care and supervision to the child pursuant to Section 17 (1) (b) of *The CFSA*.
- Placement of the child in this circumstance requires a **Place of Safety Assessment** that includes a Criminal Record/Vulnerable Sector Check or a Criminal Record Declaration for Caregivers (Pending Completion of a Formal Criminal Record Check) for every adult member of the household. (See the [Children’s Services Manual](#): Chapter 4.3.8: Placement with Non-Removal Parent-Procedures: Non-Removal Parent as a Place of Safety)

#### **Placement of Child who is in Temporary Care with a Non-removal Parent**

- Where a child has been in care under a temporary order in an ongoing case and there is a plan to place the child with a non-removal parent, the caseworker may file an application with the court to vary the order and place the child in the custody of the non-removal parent pursuant to 37 (1) (a) or return the child to the non-removal parent where the parents have a formal written agreement to vary their status as joint legal custodians of the child.

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- There may be times when an immediate placement of a temporary ward with a non-removal parent may be in the best interests of the child, while waiting for the court to vary the temporary order. In these circumstances the child may be placed with the non-removal parent as a place of safety in the interim until the court varies the order.

#### **Linkin/Case Administrative Procedures:**

- Where a child is a member of two households and there are allegations of child maltreatment in both households, separate assessments will be completed on each within the same Investigation Case in Linkin.
- Where a child is in the care of the ministry and placed with a non-removal parent, the caseworker will use the Placement Type of “Non-removal Parent” in Linkin. Non-removal parents are not enrolled as Providers in the linkin system.
- The ministry will not apply for the Children’s Special Allowance and maintenance payments will not be provided to placements with non-removal parents.
- Certain expenditures to provide for emergency needs such as food, clothing and other basic needs may be provided through requisitions.
- The non-removal parent can apply for the Canada Child Benefit (CCB). The caseworker should provide a letter to the parent confirming the child is residing with them and the ministry is not making maintenance payments. The parent can attach this to their CCB application form.
- The child is nominated for Supplementary Health coverage, using the web-based only Health Nomination Process. The caseworker should provide the non-removal parent with the child’s health number, if required.

Please refer to the Linkin E-Learning Training Manual for complete instructions on the process to enroll Providers in Linkin.

### **Practice Guidelines**

**How does the caseworker determine who has the right to custody or access?**

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- Court Order/Written Agreement – have the parents produce a copy of the court order or written agreement as soon as possible during an investigation. Only the parents can request and produce a copy of a custody/access order.
- If the parents cannot produce a copy of the order but both agree on its contents this is sufficient to determine the custody and access arrangements.
- If a written agreement or court order does not exist, talk to both the parents and try to determine whether the parents lived together following the birth of their children and whether or not a presumption of joint custody exists.
- If the right to custody is not clear, the caseworker should consult with their supervisor and legal counsel before making decisions regarding returning or placing a child with the non-removal parent or as soon thereafter as possible.

#### **Apprehension and Placement of Child with Non-removal Parent:**

- It is important to exercise caution in the decision to place a child with one parent and restrict the access of another. The caseworker must keep in mind the possible long term consequences of such a decision.
- If the goal is to reunify the child to the care of the removal parent, the nature of the relationship between the parents should be taken into consideration. Consideration should be given to the willingness and the ability of the parent with whom the child is placed to support reunification efforts and contact between the child and the removal parent.

#### **Decision to discontinue child protection services to the removal parent.**

- The decision of whether to provide or to discontinue reunification services to the removal parent when a return to the non-removal parent is made pursuant to Section 17(3) of *The CFSA* should be given careful consideration. Even though the ministry is not obligated by law to provide child protection reunification services to a parent when there are no longer any child protection concerns, it may be in the best interests of the child to provide services to the removal parent for a limited period of time in some circumstances. For example, if the removal parent has been the primary residence of the child, there is a likelihood for successful reunification in the near future and the non-removal parent is able and willing to participate in reunification it may be in the best interests of the child to provide family services to the removal parent for up to one review period (90 days from investigation assignment). If

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reunification is not possible within this time period, the caseworker and supervisor should review the case and make a decision of whether or not to provide or discontinue services and close involvement.

## References

- [SDM® Policy and Procedures; SDM® General Definitions](#)
- [Children's Services Manual: Chapter 4.3.1: Out-of-Home Care: Private Arrangement](#)
- [Children's Service Manual: Chapter 4.3.2 – Out-of-Home Care: Place of Safety](#)
- [Children's Services Manual: Chapter 4.3.8: Out-of-Home Care: Placement with a Non-Removal Parent](#)

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## 2.0 Intake and Investigations

### 2.8 Child in Need of Medical Treatment

#### Policy

The Ministry of Social Services will respond to referrals regarding a child in need of medical treatment where a parent refuses medical treatment for a child and a qualified medical practitioner considers the medical treatment essential.

#### Procedures

- Notify the Director, Service Delivery immediately of a referral regarding a child in need of medical treatment. **Any decision to proceed to court or apprehend the child must be made with consent of the Director, Service Delivery;**
- Determine the basis of the reporter's belief that medically indicated treatment is being or will be withheld;
- Consult with the parent to determine:
  - Knowledge of child's condition;
  - Knowledge of the recommended treatment; and
  - Parent's reason for refusal.
- If the parent is not providing needed medical treatment because of religious or cultural beliefs, give the parent the opportunity to find an adequate alternative unless the child is in immediate danger. (For example, a parent of the Jehovah's Witness faith may wish to consult with the Medical Liaison Committee of Jehovah's Witnesses.);
- Prior to a decision regarding Ministry action, a letter should be obtained from the doctor involved stating:
  - Diagnosis and treatment required; and
  - Prognosis if treatment is withheld.

The doctor should be advised that he/she may be required to give evidence at a protection hearing.

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- Once the medical evidence is obtained and the parents have been consulted, the Director, Service Delivery, in consultation with the caseworker, supervisor and legal counsel, must determine the course of action:

**Options:**

***The Child and Family Services Act - Section 14:***

- Proceeding to a hearing pursuant to Section 14 must be considered;
- The judgement of the physician should be relied upon to determine if the medical procedure may be safely delayed pending the hearing; and
- If a court order is granted, the attending physician must be advised immediately by telephone with follow up by couriered letter.

***The Child and Family Services Act - Section 17:***

- If in the physician's opinion, the child is at immediate risk, the Ministry will apprehend the child and provide consent for necessary medical treatment;
- In an emergency, action will be determined by time available before treatment is required;
- If there is insufficient time to obtain a letter from the doctor prior to making a decision, this should be obtained as soon as possible thereafter; and
- If the child is apprehended, the caseworker will sign the medical consent for treatment.

## Practice Guidelines

In some cases, qualified physicians will disagree as to whether the treatment is essential. In those cases, the Ministry should make every attempt to bring the issue before the court to allow the court to determine if the treatment is essential.

Consultation is required with the parents and doctors to obtain as much information as time permits.

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<b>Section 2.9: Intake and Investigation Re: Section 35 of <i>The Youth Criminal Justice Act</i> (April 1, 2012)</b>	

## 2.0 Intake and Investigation

### 2.9 Intake and Investigation Re: Section 35 of *The Youth Criminal Justice Act*

#### Legislation

Section 35 of *The Youth Criminal Justice Act* (YCJA) reads:

*"In addition to any order that it is authorized to make, a youth justice court may, at any stage of proceedings against a young person, refer the young person to a child welfare agency for assessment to determine whether the young person is in need of child welfare services."*

#### Intent

The intent of Section 35 of the YCJA is to provide a mechanism in legislation for the court to refer a youth for assessment, not only to child protection, but to any agency that works within the broad definition of child well-being or child welfare.

- Section 35 allows a judge to make a referral only, whereas Section 34 (medical and psychological reports) and Section 40 (pre-sentence reports) allow for a judge to make an order.
- While Section 35 states that a referral may be made at any stage of proceedings, it is expected that referrals will be made only in situations where it is perceived that a referral would facilitate access to appropriate child protection, housing, income security, health, and other services.
- Under Section 35, a judge may order a child welfare assessment that may include:
  - assessment to determine if a child is in need of protection;
  - assessment regarding child's mental health/development;
  - assessment regarding school placement;
  - financial assistance; and
  - housing.
- From the perspective of Child and Family Programs, a child welfare assessment will be defined as an assessment to determine whether a child is in need of protection. Other assessments referenced above do not fall within the mandate of Child and Family Programs.

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## Procedures

1. The information contained in the Section 35 referral must be evaluated along with other available and relevant information.
2. The ministry's response to Section 35 referrals differs based on the following scenarios:
  - referrals where there is no active Child and Family Programs involvement;
  - referrals where there is an active child protection case, but children remain in the home;
  - referrals where the youth is in care of the ministry.
3. In situations where there is no active involvement, Child Protection Intake will treat referrals from the court the same as a referral from any other professional. If there isn't information in the referral that would indicate a youth is in need of protection, it is not assigned for investigation.
4. If the information in the referral includes grounds to believe that a youth is in need of protection, an investigation is completed.
5. A standardized Acknowledgement Letter (8.51) is provided to the court within five days of receiving the Section 35 referral.
6. The Acknowledgment letter will include request for further information from the court if the referral is lacking information to indicate the youth is in need of protection.
7. Upon completion of review or investigation, the outcome will be provided to the court using a standardized Response Letter (8.52) indicating one of the following:
  - Investigation concludes that a youth is in need of protection;
  - The youth is in an out of home care placement;
  - Investigation concludes that the youth is not in need of protection pursuant to Section 11 of the *CFSA*.

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<p style="text-align: center;"><b>Section 2.10: Investigations of Child Abuse and Neglect in Group Home Resources</b></p>	

## 2.0 Intake and Investigations

### 2.10 Investigations of Abuse and Neglect in Group Home Resources

- Allegations of physical or sexual abuse of a child/youth while residing in an out of home group care residence shall receive an immediate and thorough investigation;
- **SDM® assessments** are not used to screen or investigate allegations of abuse and neglect in Group Home Resources. The investigation shall be a combination of conducting interviews and gathering information (i.e. medical reports, police investigation information, etc.) to formulate a conclusion;
- The investigation is recorded on the **Group Home Final Investigation Report** form by the investigating caseworker. The caseworker responsible for the group home will create a “provider incident” in Linkin which also documents the allegation and that it has been referred for investigation; and
- The child protection caseworker who conducts the investigation, the Service Area, and Community Service Group Home Standards Consultants continue to have responsibility for various aspects of the process. For a detailed description of the roles and responsibilities of those involved in the group home investigation process see the link below.

## References

- The complete policy and procedures for investigations of abuse allegations in Group Home Resources is found in the Children’s Services Manual (Chapter 4.9), in the Children’s Residential Services Manual (Chapter 9.7) and in the Youth Centred Manual (Chapter 4.9).
- [Linkin SharePoint – Linkin/General/eLearning/Resource Worker/Creating an Incident.](#)

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<b>Section 2.11 Investigations of Abuse and Neglect in Child Care Resources (Day Care)</b>	

## 2.0 Intake and Investigation

### 2.11 Investigations of Abuse and Neglect in Child Care Resources (Day Care)

- The Ministry of Social Services investigates all reports of alleged child abuse and neglect where reasonable grounds exist to believe that a child is in need of protection as set out in Section 11 of *The Child and Family Services Act*.
- The Ministry of Education, Early Learning and Child Care (ELCC) receives and investigates complaints concerning licensed and unlicensed child care providers and facilities pursuant to *The Child Care Act*. If, at any time, ELCC assesses that the complaint indicates a child may be in need of protection they will notify child protection services i.e. a parent who is aware of safety concerns, continuing to place a child in the care of a provider.

#### Child Care Investigations specific to the child care provider, facility, and/or board members (Third Party Investigation)

- Where an allegation of abuse requiring investigation does not meet the definition of a child in need of protection as described in Chapter 2.2, but may be an offense pursuant to the Criminal Code, law enforcement will be responsible to conduct the investigation. These investigations are considered third party investigations.
- As set out in Chapter 2.2, **the Ministry is responsible to:**
  - **inform caller of their duty to notify law enforcement; and**
  - **refer to law enforcement.**
- Where a third-party Child Care investigation is specific to a child care provider, facility, and/or board member, and expertise in child abuse investigations is warranted, Child Protection may provide courtesy support upon request, subject to supervisory approval.
- In circumstances where the allegation is strictly third party as above, Structured Decision Making® (SDM®) assessments are not used to screen and investigate allegations of abuse and neglect in child day care resources.
- Once assigned for investigation, a case conference involving the child protection caseworker, supervisor, ELCC consultant and Program Manager will be held to plan the response that is required to fully address the complaint.

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- ELCC is responsible to take appropriate action to ensure the immediate safety of the children pending the outcome of the investigation. This includes informing the licensee of the investigation and any actions required to protect the health and safety of the children.
- It is the role of the ELCC Consultant to inform the parent or parents of the complaint and pending investigation.
- It is the role of the child protection caseworker to assist the ELCC Consultant in the investigation. The caseworker's responsibilities include ensuring police authorities are involved as required, conducting interviews, assessing safety, and determining the validity of the allegation.
- Upon conclusion of the investigation, it is the role of the ELCC Consultant to advise the licensee of the results of the investigation, any regulations with which the licensee has not complied and any actions required.
- It is the role of the ELCC consultant to monitor the licensee to ensure any required actions are implemented within the given time frames. If the necessary changes are not implemented, ELCC is responsible to take other actions which may include amending, suspending, or cancelling the facility's license.
- An intake where the allegations are specific to the child care resource is documented in Linkin in the Category of "Family Services" with the type "SDM® Policy Override". In this instance, the primary client and caretaker and the alleged maltreater is the Day Care.
- The investigation is documented in a Family Services Investigation Case in Linkin. (Offices not using Linkin will document the investigation on the **Investigation Record** (Form 2093).
- If, at any time, during the third party investigation, allegations arise regarding the resource provider's own children or the ability of the parents of any children in the day care to protect, a child protection investigation will be assigned.

**Joint investigations where the care provider is both a child care resource operator and a parent of children subject to allegations of abuse and neglect:**

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- Where the alleged maltreater is both a child care provider and parent whose children may also be subject to the allegations and there is evidence to support an allegation of child abuse and neglect, pursuant to Section 11, a child protection caseworker will be assigned to conduct a child protection investigation. The role of the child protection caseworker in this circumstance is to conduct a child protection investigation on the parent's household as per *Chapter 2.3: Child Protection Investigation*, including the use of SDM® assessments. With respect to the other children who are subject to third party allegations as part of a child care resource, the child protection worker may assist ELCC in conducting the day care investigation. (See Third Party Investigation above)
- In these circumstances, the child protection investigation regarding the parent and their child/children is documented as a Child Protection Services/Child Abuse and Neglect Intake and Investigation in Linkin and the Daycare investigation (courtesy services) is documented as a Family Services Intake/SDM® Policy Override in Linkin. (See Linkin V7 Manual, Chapter 3: The Intake Case/Other Types of Child Protection Intakes.)

## References

[Ch. 7.14: Early Learning and Child Care – Investigation of Complaints](#)

[Saskatchewan Child Abuse Protocol 2019](#)

[Linkin V7 Manual Chapter 3: The Intake Case/Other Types of Child Protection Intakes](#)

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<p><b>Section 2.12: Investigations of Abuse and Neglect in Foster Homes</b></p>	

## 2.0 Intake and Investigation

### 2.12 Investigations of Abuse and Neglect in Foster Homes

- Investigations of child abuse and neglect in foster homes shall receive an immediate and thorough response to ensure safety and well-being in the home. The investigation is completed by a child protection caseworker;
- The **Structured Decision Making® (SDM®) Intake Assessment** is used to determine whether or not an allegation of child maltreatment meets the criteria for a child protection investigation;
- The **SDM® Safety and Risk Assessments** are not used in investigations of child abuse and neglect in foster homes;
- The foster home investigation is to be completed within 30 days;
- Investigations of abuse and neglect in foster homes will be documented on the **Final Investigation Report Foster Care** (Form 2335), as well as completion of an Investigation case in Linkin. This report is placed on the Resource file;
- The investigation will also be documented as an “incident” in the Incident Report in Linkin, indicating the incident “category” as an allegation of abuse and neglect against a provider; and
- Offices not using Linkin will use the **Final Investigation Report Foster Care** (Form 2335) to document a foster home investigation.

The policy and procedures regarding allegations of abuse and neglect in foster homes can be found in Chapter 4.4.10 of the Children’s Services Manual.

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<p><b>Section 2.13: Investigations of Abuse and Neglect in Alternate Care and Persons of Sufficient Interest Placements</b></p>	

## 2.0 Intake and Investigation

### 2.13 Investigations of Abuse and Neglect in Alternate Care and Persons of Sufficient Interest Placements (PSI)

- Investigations of child abuse and neglect in Alternate Care and PSI placements shall receive an immediate and thorough response to ensure safety and well-being in the home. The investigation is completed by a child protection caseworker;
- The **Structured Decision Making® Intake Assessment (SDM®)** is used to screen allegations of abuse and neglect in Alternate Care homes or PSI placements;
- The **SDM® Safety and Risk Assessments** are not used in investigations of child abuse and neglect in Alternate Care home or **time-limited** PSI placements;
- The **SDM® Safety and Risk Assessments** are used in investigations of child abuse and neglect in **Indefinite** PSI placements;
- Alternate Care and PSI placement investigations are completed within child protection investigation time frames described in Chapter 2.3: Child Protection Investigations;
- Investigations of Alternate Care and PSI placements will be documented exclusively in an Investigation Case in Linkin;
- The investigation will also be documented as an “incident” in the Incident Report in Linkin, indicating that the incident “category” is an allegation of abuse and neglect against a provider; and
- Offices not using Linkin will use the Investigation Record (Form 2093) to document Alternate Care and PSI Placement investigations.

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<b>Section 2.14: Apprehension of 16/17 Year Olds</b>	

## 2.0 Intake and Investigation

### 2.14 Apprehension of 16/17 Year Olds

#### Legislation

[Section 18 of \*The Child and Family Services Act\*](#) provides for the apprehension of a 16 or 17 year old where an officer concludes the youth is in need of protection within the meaning of Section 11 and where the Director, Service Delivery considers the circumstances to be of an exceptional nature.

#### Policy

Under exceptional circumstances, the Ministry may apprehend a youth who is in need of protection within the meaning of Section 11 of *The Child and Family Services Act*.

#### Procedures

- This provision does not apply to youth who are able to protect or remove themselves from a dangerous situation. In those cases, the youth should be referred for services pursuant to Section 10, or a referral to a community resource;
- The Director, Service Delivery must consider the nature of the circumstances to be exceptional before approving any plan to apprehend a 16 or 17 year old youth;
- All sections in PART III of *The Child and Family Services Act* apply when a youth is apprehended pursuant to Section 18, except for sections 14, 15, 17 and 20;
- Structured Decision Making® (SDM®) assessments are **not** used to assess whether or not to apprehend a 16/17 year old;
- The caseworker will address the following questions when assessing whether to apprehend a 16 or 17 year old youth:
  - Is the youth likely to suffer serious harm without protective intervention?
  - Is the youth able to protect him or herself?
  - Is someone in the home or in the community able to protect the youth?
  - Is the youth willing and able to remove him or herself from a dangerous situation?
  - Is the situation acute? and
  - Is the youth resistant to intervention or assistance?

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- Efforts to reunite the youth with his or her family and/or to provide voluntary services through an Agreement for Services to 16/17 Year Olds should be the primary focus if a youth is apprehended.

**Linkin Requirements for services pursuant to Section 10:**

- All reports regarding a request for services for 16 and 17 year old youth pursuant to Section 10 of *The Child and Family Services Act* will be documented in Linkin;
- An Intake will be completed in Linkin under the Intake Category – “Family Services” and the “Intake Type” – “16/17 Year Old”;
- The intake is submitted to the supervisor for approval. Where the approved intake has a recommendation of “screened in”, an investigation case will be triggered. The decision to provide services to the youth pursuant to Section 10 is documented in the investigation case; and
- The investigation case in Linkin will include all of the information gathered during the Section 10 assessment.

For more information on the Linkin process for Section 10 services, please reference the [Linkin SharePoint – Linkin/General/Linkin Manuals/ Intake Module](#).

**Note** - For complete policies and procedures pertaining to services for 16 and 17 year olds pursuant to Section 10 of *The Child and Family Services Act*, please refer to:

- Supports and Services to 16 /17 Year Olds Policy and Procedures Manual; and
- Chapter 4.8: Placement in Out-Of-Home Care, Agreement for Services to 16 and 17 Year Olds.

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<b>Section 3.1: Introduction</b>	

## 3.0 Ongoing Child Protection Services

### 3.1 Introduction

Where there are references in this chapter to Structured Decision Making® (SDM®) or Linkin policies and procedures, offices not using SDM® or Linkin should refer to [Appendix Ch.3 – Offices not using Linkin/SDM®](#). A link to the appendix is provided at the end of each policy section. The appendix is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 3.

Ongoing child protection services are provided to families when an investigation has concluded that a child is in need of protection within the meaning of Section 11 of *The Child and Family Services Act*. Ongoing services is a process of supporting the family in addressing issues that contribute to the risk of child maltreatment. Ongoing services include family centred and strength based assessment, collaborative case planning and assisting the family in connecting with support services.

The purpose of the assessment and case planning process is to:

- Assist families in understanding the reason for involvement and the Ministry's expectations. This enables families to participate in decision making;
- Continually re-examine the level of safety and risk. Accurate assessment of safety and risk is critical to the development of effective case planning;
- Identify underlying issues and needs in the family that impact safety and risk;
- Identify family strengths/capacities that help mitigate risk and provide areas of hope and opportunity;
- Provide a blueprint for the working relationship between the caseworker and family. The "blueprint" is based on the risks and strengths identified through the assessment process; and
- Develop a case plan. The goal of the plan is to:
  - Clearly articulate a thorough analysis of all information gathered throughout the assessment process;

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- Identify specific goals, tasks and outcomes for the family to achieve in order to resolve identified areas of concern, reduce risk and increase safety;
- Assist the family in identifying and engaging with a network of resources and support services; and
- Provide a vehicle for measuring progress and making critical decisions.

The case planning process is done collaboratively with the family. The result is a record of clear and measureable goals, objectives and tasks that are assigned to the participants, with time frames for completion. Participants in the case planning process may include all family members, extended family, community members, foster parents, collateral service providers, members of the family's cultural community or Band/First Nation Child and Family Service Agency (FNCFS Agency).

The case plan guides the family, child protection caseworker and other service providers toward well-defined goals and outcomes against which progress can be measured over time. It is the link between assessment and intervention.

The case plan is documented on the **Family Services Agreement** (Form 2014). The **Family Services Agreement** represents the Ministry and FNCFS Agencies' statutory obligation to offer family services and the parents' consent to receive those services.

The child protection caseworker continually evaluates progress toward case plan goals and may need to adjust the plan to better meet the unique needs of the child and family as they emerge or as circumstances change over time.

The role of the ongoing child protection caseworker is to:

- Meet with the family regularly and provide direct service to support the achievement of identified goals and outcomes;
- Respond to any planned or unplanned changes or circumstances;
- Prepare the family for participation in services;
- Arrange, coordinate and monitor contracted or community services;
- Assess the appropriateness of services;
- Facilitate communication amongst services providers;
- Reassess risk and safety and achievement toward goals;

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- Develop and implement a concurrent plan if the prognosis for a child's reunification with his/her parent is not likely; and
- Initiate a court application when required.

Evaluating progress is a continuous process that occurs during each interaction the caseworker has with the family. To ensure time limited services and permanency for children case reviews are completed regularly every four months.

Ending of ongoing child protection service occurs when:

- Child safety is no longer a concern;
- The family has made changes in behaviour and functioning that indicate a decreased risk of future child maltreatment;
- The family has demonstrated the ability to access and use resources to assist them in the future; or
- Reunification efforts are no longer possible and an alternative permanent plan for the child has been made. In circumstances where an order supporting an alternative permanent plan (e.g. permanent order, long term order or Indefinite PSI) is recommended, the child protection case worker must continue reunification efforts until the order is issued by the court.

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<b>Section 3.2: Ongoing Case Management</b>	

### 3.0 Ongoing Child Protection Services

#### 3.2: Ongoing Case Management

#### Legislation

*The Child and Family Services Act:*

[Section 11 - Child in Need of Protection](#)

[Section 14 - Duty to Offer Family Services](#)

[Section 17 - Apprehension](#)

[Section 9 - Residential Agreement for Care](#)

[Section 52 - Minister as Parent](#)

#### Policy

When it is determined that a child is in need of protection and ongoing child protection services are required, an ongoing child protection case will be created. The assigned caseworker is responsible for implementing services and managing all aspects of the ongoing child protection case.

Structured Decision Making® (SDM®) assessments are completed at the determined time frames for assessment and reassessment to guide ongoing case decisions regarding safety, risk, strengths/needs and permanence of a child.

#### Intent

The intent of this policy is to ensure that ongoing services to families and children are delivered and managed in a way that:

- Enhances the caseworker's understanding of the child and family's strengths and needs that impact risk and safety;
- Provides the caseworker with tools to assess and re-assess safety and risk;
- Promotes achievable goals, outcomes and the child's need for safety and permanency;
- Assists the family in increasing safety and reducing risk of child maltreatment;
- Supports the family in making progress toward goal achievement;
- Ensures the child achieves permanency in a timely manner; and

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- Ensures contacts, case activities, decisions, assessment/case planning and progress towards goals are documented clearly and thoroughly.

## Standards

- Wherever possible, the prospective ongoing case worker to be assigned upon case transfer from initial investigation will attend a transition meeting with the investigation worker and the family prior to transfer. (See Ch. 2.3: Child Protection Investigations, Transition Meetings) The requirement for a transition meeting also applies to circumstances where the investigation caseworker and ongoing caseworker are the same person;
- SDM® tools for assessment and reassessment will be completed as per the time frames outlined in the SDM® Policy and Procedures manual;
- **A Family Services Agreement (FSA)** outlining the case plan is completed with the parent within 30 days of providing written notification to the parent that a child is found to be in need of protection when any children remain in the home and must be reviewed and renewed every 120 days along with the **Assessment and Case Plan (ACP)** and all applicable SDM® assessments. [See Ch. 3.6: Offer of Family Services – Family Services Agreement \(Form 2014\) and the Safety Plan \(Form 2010\).](#);
- If the parent refuses to enter into an **FSA** within 30 days of receiving written notification of a child in need of protection an application for a protection hearing will be made pursuant to Section 14(4) of *CFSA*;
- Minimum contacts with families will be completed as per policy. See Ch 3.3: Contact Standards – In-home Families; Ch. 3.4: Contact Standards – Parent of Child in Placement (Goal of Reunification); Ch. 3.5: Contact Standards – Child in Care and Placement Caregiver (Goal of Reunification);
- When a child is returned home, a caseworker must have a personal in-home visit with the child and parent within one week;
- A case conference with the family and key service providers must be facilitated during the initial **ACP** review period (90 days);

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### **Section 3.2: Ongoing Case Management**

- An **ACP** will be completed 90 days after the initial investigation and every 120 days thereafter and at closure;
- A comprehensive case review with the supervisor must occur at minimum once every four months in conjunction with reviews of the **ACP** and at case transfer and closure;
- In circumstances where a child is placed in out of home care, a Child Assessment and Developmental Plan (CADP) ([Ch. 8.33](#)) is due at 45 days from the date of placement, updated every 120 days thereafter and when the child is discharged from care. (See [Children's Services Manual, Ch. 2.5: Assessment and Case Planning for Children and Youth in Out-of-Home Care](#));
- A formal review by the Director, Service Delivery or designate is required when a family has been receiving services for a cumulative total of 18 months; and
- The child protection caseworker will meet with the family within 15 days following the decision to end child protection services.

**Note** - Even though completion of the Family Services Agreement (FSA) is not a minimum requirement when a child is in the care of the Ministry, best practice is to complete an FSA with parents in all circumstances. There are many situations where parents whose children are in the care of the Ministry are agreeable to a case plan that is outlined in an FSA. The FSA is an effective way to clearly define the case plan, the services agreed upon and the outcomes anticipated, regardless of the child's legal status. It is a tool that can assist the caseworker in measuring the family's progress and can facilitate discussion about the family's progress toward safety. It provides a concrete time limit for involvement and represents the family's agreement for services, regardless of whether or not the children are in care. It emphasizes the caseworker's and each family member's accountability to the case plan.

### **Elements of Ongoing Child Protection Services**

#### **1. SDM® Assessments**

Ongoing child protection case management includes those circumstances where children remain in the home with their caregivers, or are in an out of home placement.

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### **Section 3.2: Ongoing Case Management**

The delivery of ongoing child protection and child in placement services is supported by the following SDM® tools:

**The SDM® Family Strengths and Needs Assessment (FSNA)** is used to assess parent/caregiver and child functioning, identify priority strengths and needs, and provides the basis for case plans and service referrals.

**The SDM® Family Risk Reassessment (FRR)** is completed by caseworkers on all in-home child protection cases where **all** children are in the home. It provides a structured assessment of the family's progress towards reducing the risk of future child maltreatment.

**The SDM® The Family Reunification Assessment (FRA)** is completed by caseworkers for all in-placement cases where at least one child is in the care of the Ministry with a goal of reunification. It is used by the caseworker to evaluate risk, visitation and safety, and to inform recommendations concerning reunification and permanency planning for a child who is in temporary out of home care.

**The SDM® Safety Assessment (SA)** helps assess whether any children are currently in immediate danger of serious physical harm that may require a protective intervention, and to determine what interventions should be initiated to provide protection. This tool assists in determining the protective capacities and resources of the caregivers and in developing a safety plan with the parent.

Reassessing child safety is a critical consideration throughout the involvement with the family. Considerations of safety threats should be incorporated into each contact with the family.

The **SDM® Safety Assessment** is completed in any open child protection investigation or ongoing case in which changing circumstances require safety assessment due to the following:

- Change in family circumstances;
- Change in information known about the family;
- Change in ability of safety interventions to mitigate safety threats; or
- A risk assessment that results in a low or moderate final risk level.

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The **Safety Plan** will be completed whenever a safety threat has been identified and any child will remain in the home. The safety plan must document the specific interventions that will be taken immediately to ensure child safety in the home. The safety plan must be approved and signed by a supervisor. In ongoing cases, the safety plan may be incorporated into the Family Services Agreement as part of the family case plan. (See Chapter 3.3 Offer of Family Services – Family Services Agreement and the SDM® Safety Plan)

Refer to the [SDM® Policy and Procedures Manual](#) for timeframes for completion of SDM® assessments

### **2. Assessment and Case Plan (ACP)**

The **ACP** is an overall analysis of the assessment and planning process that has occurred within the 120-day assessment period. The ACP template is used to provide a framework for the overall case analysis. (See [Ch. 8.34: Assessment and Case Plan](#)) The ACP is critical to quality case work practice and:

- Provides a framework to organize relevant information and facts gathered during the assessment period. This forms the basis of the overall analysis and case plan for the assessment period;
- Provides a framework that assists the caseworker and supervisor to keep a sharp focus on safety, well-being and permanence;
- Assists the caseworker in structuring their thinking about the assessment and planning process; and
- Facilitates communication and case reviews by others such as covering caseworkers, supervisors, legal counsel, other service agencies etc.

The following factors should be taken into account when formulating the overall assessment and case plan and completing the ACP.

- History of child protection involvement and any patterns and/or themes (positive or negative) that have impacted the family's ability to address safety and risk overtime;
- Danger – If the children were in the parent's care today without intervention what am I worried would happen to the children as a result?

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- Risk – What am I and others worried will happen without intervention and what is the likelihood this will happen in the future?
- Safety – Actions of protection taken by the parent that directly address danger and are demonstrated over time;
- Progress toward goal achievement – What progress has the family made toward ensuring child safety and reducing risk of future harm so that the children can be returned or the case can be closed;
- Priority Strengths and Needs – Identification and assessment of family strengths and needs in order to develop a quality case plan; and
- What do the caregivers need to do differently in their care of the children to address danger and risk? How long do they need to do things differently in order to demonstrate that the children will be protected over time?

The ACP is to be completed at each 120-day timeframe for the ongoing case where there is an active child protection service, including cases that are to be closed (protection services ended). The children can either be at home or in placement. The initial ACP is to be completed 90 days after the completion of the initial investigation and transfer to ongoing services.

**Linkin Documentation:** The ACP will be completed and approved outside of Linkin on the ACP template. Once completed and approved by the supervisor, the supervisor will copy and paste the ACP into Linkin.

**Note** - Offices not using SDM® will complete the **ACP** (Form 2096). (See Appendix Ch. 3.2: Offices not using Linkin/SDM®, Ongoing Case Management – ACP)

### **3. Family-Centred Case Conference**

A case conference with the family and key service providers must be facilitated during the initial **ACP** review period (90 days). (See Practice Guidelines – Family-centred Conferencing) If a case conference is not possible, the rationale must be documented in a contact log.

### **4. Minimum Contacts with Children and Families**

There are minimum contact standards required for families receiving ongoing child protection services. The individual circumstances of the family including the level of risk, the presence of immediate safety concerns and the severity of child maltreatment

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dictate the frequency and nature of contacts beyond the minimum standards. See Ch. 3.3: Contact Standards – In-home Families; Ch. 3.4: Contact Standards – Parent of Child in Placement (Goal of Reunification); Ch. 3.5: Contact Standards – Child in Care and Placement Caregiver (Goal of Reunification).

## 5. Supervisory Review

All cases are reviewed with a supervisor once every four months. In addition to the required supervisory reviews every four months, case reviews are required at case transfer and closure.

Other case consultations with the supervisor are completed on a case by case basis when SDM® assessments require approval and when critical casework decisions are made with respect to removal of a child, investigation, reunification of a child home, recommendations to the court and permanency planning.

## 6. Formal Review

Formal Review of the ongoing child protection case is required by the Director, Service Delivery or designate when a family has received 18 months of cumulative child protection service.

The Director, Service Delivery or designate must approve any application to Family Court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis.

See [Chapter 4.10: Permanency Planning and Time Limited Services](#).

## 7. New Intake Reports on an Active Child Protection Case

- When new information received on an active case is **not** the same **incident** of child abuse and neglect already investigated or assigned for investigation, the new information will be a new intake. The decision of whether or not to create a new intake case is based, not on the allegation type (physical/sexual abuse, neglect, DV etc.), but on whether the information describes a new incident of child abuse and neglect;

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- When determining whether information is a “new incident of child abuse/neglect” the following should be considered:
  - Does the information describe an action or inaction of the parent that has a direct impact on the child’s safety; and
  - Does the information require screening for an investigation where a timeline for response may be required?
- New incidents of child abuse/neglect differ from “changes in family circumstances”. Changes in family circumstances or new information about a family, as opposed to a new incident of child abuse and neglect, do not require a new intake/investigation but **may** require a reassessment of safety and risk on an active case;
- In situations where it is unclear whether to complete a new intake, the caseworker and supervisor should create the intake and screen the information; and
- The following describe situations that are “new incidents” of child abuse/neglect that require a new intake for the purpose of screening for investigation:
  - The reason for involvement in an ongoing case is physical abuse and the caseworker receives a call from the teacher that the child has disclosed being hit by the parent and has a bruise. This might be the same allegation type but it is a new incident of child abuse that requires a new intake for purpose of screening for investigation;
  - The reason for involvement in an ongoing case is due to neglect (inadequate supervision) and the caseworker receives a call from the neighbor that the children are alone without supervision. This would be a “new incident” for which an intake is completed for the purpose of investigation; and
  - The reason for involvement in an ongoing case is domestic violence and the caseworker receives information that a new incident of domestic violence has occurred. (e.g. the domestic violence outreach worker reports that during a visit to the home she observed bruising on the mom’s face who then disclosed being hit by dad while the kids were present). This would be a new incident for which an intake is required.

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**Note** - The SDM® Policy and Procedures manual states “If a new referral is received while a case is open an initial risk assessment (not a risk reassessment) will be completed during the investigation, according to risk assessment policy and procedures in this manual. The original reassessment schedule will remain in effect.”

- The following describe “changes in family circumstances” on active cases that do not require completion of a new intake for the purpose of screening for investigation, but **may** require a reassessment of safety and/or risk;
  - The safety plan in an ongoing case is for the grandmother to reside in the family home due to concerns with the mother’s ability to provide adequate supervision. The caseworker receives information that the grandmother has moved out of the home. This describes a “change in family circumstance” that would not require a new intake but may require a reassessment of safety or risk as per SDM Policy and Procedures;
  - Exposure to domestic violence is the reason for involvement in an ongoing case. There is a safety plan that the father is to have supervised visits and is not to attend the family home. The caseworker receives information that the father has been in the home. This describes a change in circumstance that does not require a new intake but may require reassessment as per SDM® policy; and
  - Inadequate supervision due to alcohol abuse is the reason for involvement in an ongoing case. The parents have been maintaining sobriety as per case plan. The caseworker receives information from an extended family member that the parents are suspected of using again. This would not require a new intake but is a change of circumstance that may require reassessment as per SDM® policy.
- Where a new intake report is **screened in** on an active investigation case in Linkin, the new allegation will be added to the existing investigation case;
- Where a new intake report is **screened in** on an active ongoing case in Linkin, the investigation case must be associated to the ongoing case prior to investigation case closure. This new intake will then appear on the ongoing case home page; and

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- Where a new intake report is **screened out** on an active case, the new intake cannot be associated with the active case. In this circumstance, screened out intakes on active cases will appear in the “Cases” tab on the Person Page in Linkin.

## 8. Ending Child Protection Services

Child protection services will be ended when:

- The risk of future child abuse and/or neglect has been mitigated;
- No safety threats are present in the home; and
- The child(ren) in the home are no longer in need of protection pursuant to Section 11 of *The Child and Family Services Act*.

Other important factors that should be present when the child protection services ends include:

- The family has demonstrated specific and measurable behavioural improvements in the areas identified in the case plan and the **SDM® Family Strengths and Needs Assessment**;
- The caseworker has observed and documented evidence of these improvements;
- The family has demonstrated the ability to access and use formal and informal supports to assist them in problem solving; and
- The family states they are ready and able to safely care for their children without the support of child protection services.

In some circumstances child protection services may need to end, even though the above criteria have not been met. Other criteria include:

- A permanent out of home care plan has been achieved and there are no longer any children being cared for in the home;

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- The child is over the age of 16 years and no longer a child in need of protection;
- The family has moved to another jurisdiction and is receiving child protection services in that location; (See Ch. 7.7: Interprovincial Transfer Protocol and Ch. 7.4: MSS and FNCFS Shared Planning for Children and Families);
- The caseworker will meet with the family within 15 days following the decision to end child protection services;
- At the closure meeting the caseworker should review reasons for ending services, the achievements and strengths of the family, how the family plans to manage problems that arise in the future and the family's future supports and resources;
- Supervisory case review and approval is required when ending child protection services; and
- Documentation regarding the ending of child protection services is completed in the Linkin Ongoing Case and as part of the Assessment and Case Plan.

## Practice Guidelines

### Family-Centred Conferencing:

The child-focused and family-centred approach to service delivery is both a philosophy and a practice that supports active and meaningful participation of families in decision making and case planning. Family-centred conferencing is rooted in the premise that family input in the design and provision of service is important and is valued. The philosophy recognizes that families are “experts” in knowing what interventions will be most supportive to them. It also believes that individuals within a family have strengths upon which they can draw as they work toward positive change that will influence and improve child safety as well as the family's overall well-being. In keeping with the values of family-centred practice, various forms of conferencing including Indigenous healing traditions and talking circles are encouraged as techniques to ensure that the child protection worker and the family together actively participate in the development of the service plan. Such conferencing enables the extended family, community and professionals to come together directly with the child and family to openly discuss concerns, identify strengths, and seek realistic solutions. These discussions result

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in a case plan that contains specific and deliberate expectations allowing progress to be measured.

The Family-centred Conference should be used for situations requiring significant decisions in the life of a case, such as:

- Assessment and the development of a case plan and for case plan review;
- For seamless transition of a transfer of a case;
- Prior to a child coming into care on a planned basis or following a child coming into care on an unplanned basis;
- Prior to a child returning home from care;
- Anytime a critical/significant decision is to be made about the child and family;
- Prior to court if there is lack of agreement;
- For alternative dispute resolution and prior to proceeding to formal dispute resolution; and
- Prior to protection services ending.

The vast majority of these conferences will be facilitated by the caseworker, who invites the child, family and their chosen circle of support.

The level of complexity of a case will determine what type of family centred conference will be most helpful based on the caseworker's clinical analysis. More formal conferences may be facilitated by a third party such as an Elder or a mediator. It is best practice to use a neutral facilitator in cases involving:

- High levels of conflict or volatility;
  - Large complex family systems;
  - Strained relationships between family members and Ministry caseworkers;
  - Complex situations (multi-generational abuse/neglect, sexual abuse, substance abuse, domestic violence, mental illness, etc.); and
  - Extensive cultural or language difference between the caseworker and the family
- (Adapted from the Child Protection Standards in Ontario, February, 2007).

**Note-** Family centred conferences should be used with great caution in domestic violence cases. The primary concern in these cases is safety.

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## References

- [SDM® Policy and Procedures Manual](#)
- [Chapter 2.2: Child Protection Intake – Screening and Receiving Reports of Child Maltreatment](#)
- [Chapter 2.3: Child Protection Investigation](#)
- [Chapter 4: Placement in Out of Home Care](#)
- [Chapter 5: Court related Information](#)
- [Linkin Ongoing Training Module](#)
- [Appendix C h. 3: Offices not using SDM®/Linkin](#)

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**Task Timeline for In-home Child Protection Cases**



Intake	Investigation			Ongoing	
Receipt of Report  <b>SDM®</b> Intake Assessment  Create Linkin Intake Case  Create Screener Narrative	<b>→ Within 5 days of Report</b>  Assign for investigation and create Linkin Investigation Case  <b>SDM®</b> Safety Assessment (first contact with child and family)  Safety Plan (if required)	<b>→ Within 30 days of investigation assignment</b>  <b>SDM®</b> Risk Assessment  Investigation Finding (Child in Need of Protection?)	<b>→ Within 15 days of Investigation Finding</b>  Transition Meeting, Notification of Child in Need of Protection and Letter to the FNCFS Agency when ongoing services are required.  Documentation and approval of investigation in Linkin  Transfer for ongoing child protection services or close investigation.	<b>→ Within 120 days of initial investigation assignment</b>  Create Ongoing Case and create Outcome Plan at case transfer  <b>Initial SDM®</b> Family Strengths and Needs Assessment (within 60 days of investigation assignment)  Initial FSA – Following SDM® FSNA and within 30 days of Notice of Child in Need if not completed in investigation and no safety plan.  Case Conference (90 days from intake)  <b>SDM®</b> FSNA Reassessment/FSA – at every assessment and case plan review when the decision is case continuation  <b>SDM®</b> Risk Reassessment  ACP	<b>→ 240 Days</b>  <b>SDM®</b> Family Strengths and Needs Assessment  Create Review Plan in Linkin  <b>SDM®</b> Risk Reassessment  ACP

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### 3.0 Ongoing Child Protection Services

#### 3.3 Contact Standards – In-home Families

##### Policy

Families receiving child protection services where any children remain in the home must be contacted by their caseworkers according to minimum contact standards. The individual circumstances of the family including level of risk, the presence of immediate safety concerns and the severity of child maltreatment dictate the frequency and nature of contacts beyond the minimum standards.

##### Intent

Regular ongoing contact with families receiving child protection services is required in order to:

- Engage the family in case planning;
- Monitor developments in the case;
- Observe interaction between parent and child;
- Conduct interviews;
- Facilitate development and implementation of the case plan;
- Assess/reassess safety, risk, strengths and needs; and
- Assess progress toward case plan objectives (participation in services, demonstration of skills, etc.).

##### Definitions

- **Contact** - is any direct face to face, telephone or email interaction/communication/observation with a parent/caregiver or child that has a specific purpose as noted above.

**Note** - A face to face contact includes direct observation of children (e.g. where an infant or toddler is present in the home but sleeping in another room, the caseworker must directly observe the child).

- **Collateral Contact** - is a face to face, telephone or email contact with individuals other than the primary and secondary parent/caregivers and children, and should be limited to those who have relevant and current knowledge about the family's participation and progress in services and the general safety of the child(ren). A collateral contact provides the caseworker with relevant information that assists in monitoring case

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developments, assessing safety and risk, progress toward case plan goals, etc. A collateral contact may include a service provider, teacher, physician, extended family member, a person who is a member of the family's safety network, etc.;

- **Assigned Caseworker** - is the Ministry Child and Family Programs (CFP) or First Nation Child and Family Services (FNCFS) Agency caseworker assigned by the supervisor to provide ongoing case management services to the family;
- **Alternate Caseworker** - is a Ministry CFP or FNCFS Agency caseworker who completes required face to face contacts with a parent or child, in the absence of the assigned caseworker. This does not include practicum students, after hour emergency workers or case assistants. (See Ch. 7.13: Practicum Placements); and
- **Alternate caseworker contact** - is a required contact completed by an alternate CFP or FNCFS Agency caseworker in the event that the assigned caseworker is not able to complete the contact for workplace/operational reasons. (See Procedures). Required contacts completed by alternate caseworkers must fulfill the intent and definition of a contact.

## Standards

- The caseworker will have, at minimum, one face to face contact with the parent(s) and each child once a month. (This includes a parent who is residing outside the home due to safety concerns but continues to be or will be involved in parenting.)
- One of the required monthly face to face contacts must occur in the family home. In circumstances where a family does not have a residence (family is homeless, transient), face to face contact may occur elsewhere.
- Face to face contact with children over the age of six will occur outside the immediate presence of their parent/caregiver every other calendar month.
- The caseworker will have, at minimum, two collateral contacts per month in cases where the risk of future child maltreatment is high or very high and one collateral contact per month in cases where the risk of future child maltreatment is low or moderate.

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- When a child is returned home, the caseworker must have an in-home visit with the child and parent within one week.
- The caseworker will facilitate a family centered case conference with the family and key service providers during the initial review period (within 90 days of transfer to ongoing). The case worker will attempt to include all parents/caregivers and children (where appropriate) in this case conference. (See Ch. 3.2: Ongoing Case Management – Practice Guidelines – Family-Centred Conferencing)
- The majority of required contacts will be completed by the assigned caseworker. (See Procedures - Alternate Caseworker Contacts)

**Note** – See Ch. 2.3: Child Protection Investigation and Ch. 2.6: Investigations of Physical and Sexual Abuse for contact standards specific to child protection investigations.

## Procedures

- The caseworker should ensure the family is aware of the caseworker’s responsibilities regarding contact standards. Documenting these responsibilities on the Parental Services Agreement or Service Provider contract, where applicable, increases transparency and openness regarding the Ministry’s involvement with the family.
- Announced vs. unannounced visits to the home are recommended unless child safety is compromised. Unannounced visits to the home may be required when:
  - It is necessary to assess safety and risk without the family having the opportunity to modify any of its usual conditions (e.g. it is suspected that a person who presents an immediate safety threat to the child is present in the home);
  - It is not possible to contact the family to arrange an appointment; or
  - The family is avoiding contact with the caseworker.
- Interviews with children outside of their home environment should be completed with prior parental notification (or as soon thereafter as possible), unless safety of the child will be compromised.
- Where the family is avoiding contact with the caseworker, attempted contacts should be made, including unannounced visits to the home, attempted telephone contact, contact via email, letter or text and attempted contact through collateral sources. The

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caseworker should consult with the supervisor to discuss solutions and clearly document their attempts at contact in Linkin.

- Contacts logs should clearly indicate who was contacted and the purpose and outcome of the contact. It is important to record observations of behaviour and environments, especially those related to safety and risk. ([See Chapter 6: Case Documentation](#))
- Where collateral contacts are completed by agreement on a regular basis by a service provider, the task should be identified and outlined on the service provider contract. If a service provider contract does not exist, the task should be outlined on the Parental Services Agreement.

Written correspondence such as medical reports and parent aide monthly reports are typically not included in the minimum required collateral contacts as they are not in “real” time and they do not include a dialogue between the caseworker and collateral source.

- In most cases the caseworker should develop a network of collateral contacts. In unique circumstances where collateral contacts are not available, additional caseworker contacts should be considered until regular collateral contacts are developed. The caseworker should document the reasons in Linkin. These additional caseworker contacts may be completed by a case assistant or a practicum student who is in week 13 – 15 of their practicum placement. ([See Ch. 7.13: Practicum Placements](#))
- Family-centered conferences should be conducted with caution where interpersonal violence in the home is one of the reasons for involvement. The primary concern is safety of the child and the adult victim. It may not be appropriate to include the perpetrator of violence in the case conference.
- For each case, the caseworker and supervisor should review the frequency and nature of contacts that are needed beyond the minimum standards throughout each review period, particularly at case transfer to ongoing or when the circumstances of the family change. (See Practice Guidelines).
- Alternate Caseworker Contact - Occasionally, required face to face contacts will be completed by an alternate Child and Family Program/FNCFS Agency caseworker in order to address work place/operational efficiencies. Where this occurs, the rationale for the

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alternate caseworker contact should be clearly documented on a contact log.  
Circumstances where an alternate caseworker contact may occur include:

- Periods of time when the assigned caseworker is unavailable and not able to meet the contact requirements; and
- Circumstances where courtesy services are provided at the request of another office. ([See Ch. 7.5: Protocol for Child Protection Case Transfers](#))

In all circumstances, the majority of required contacts will be completed by the assigned caseworker.

- Contacts, attempted contacts and supervisory review of contacts will be documented on contact logs in Linkin.

### Quick Reference Chart:

Minimum Contact Standards – In-home Families
<p><b>One</b> face to face contact with the parent(s) and each child once a month, one of which must occur in the family home. If the family is homeless, face to face contact may occur elsewhere.</p> <p><b>One</b> collateral per month for low/moderate risk/<b>Two</b> collaterals per month for high/very high risk</p> <p>The above contacts must include:</p> <ul style="list-style-type: none"> <li>• Face to face contact with children over the age of six outside the immediate presence of their parent every other calendar month; and</li> <li>• An in-home visit with the child and parent within one week following return of a child in placement.</li> </ul> <p>The majority of required contacts will be completed by the assigned caseworker (see definitions of assigned caseworker and alternate caseworker).</p>

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## Practice Guidelines

- The standards outlined above are statements of minimum expectations of service and provide a baseline for measuring child protection services. Beyond the minimum contact standards, caseworkers and supervisors should review the need for more frequent contact and review the type of contact required in each case, depending on factors such as:
  - Risk level as prescribed by the SDM® Family Risk Assessment;
  - The existence of immediate safety threats and safety planning;
  - The severity of abuse/neglect and impact on the child;
  - The level of exposure that the family has in the community;
  - The level of support services provided to the family; and
  - The family's progress toward case plan goals.

Example – Circumstances where the risk is high or very high, or where a safety plan is in place, may require more frequent contact if the children are isolated and not regularly visible in the community.

## References

[Ch. 3.4: Contact Standards – Parent of Child in Placement \(Goal of Reunification\)](#)

[Ch. 3.5: Contact Standards – Child in Care and Placement Caregiver \(Goal of Reunification\)](#)

[Ch. 2.6.2: Children's Services Manual: Contact Standards – Children/Youth who are Long Term and Permanent Wards](#)

[Ch. 6.2.5: Case Documentation: Linkin Documentation – Contact Logs](#)

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### 3.0 Ongoing Child Protection Services

#### 3.4 Contact Standards - Parent of Child in Placement (Goal of Reunification)

#### Policy

Parents receiving ongoing child protection services where all children are in placement with a goal of reunification must be contacted by their caseworkers according to minimum contact standards. The individual circumstances of the family including level of risk, the presence of safety concerns and the severity of child maltreatment dictate the frequency and nature of contacts beyond the minimum standards.

**Note** – When any children remain in the home, Section 3.3: In-home Contact Standards apply.

#### Intent

Regular ongoing contact with families receiving child protection services is required in order to:

- Engage the family in case planning;
- Monitor developments in the case;
- Observe interaction between parent and child during visitation;
- Conduct interviews;
- Facilitate development and implementation of the case plan;
- Assess/reassess safety, risk, strengths and needs; and
- Assess progress toward case plan objectives (participation in services, demonstration of skills, etc.).

#### Definitions

- **Contact** - is any direct face to face, telephone or email interaction/communication/ observation with a parent and/or child that has a specific purpose as noted above;
- **Collateral Contact** - is a face to face, telephone or email contact with individuals other than the primary and secondary parent/caregivers and children, and should be limited to those who have relevant and current knowledge about the family's participation and progress in services and the general safety of the child(ren). A collateral contact provides the caseworker with relevant information that assists in monitoring case

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developments, assessing safety and risk and determining progress toward case plan goals;

- **Assigned Caseworker** - is the Ministry Child and Family Programs (CFP) or First Nations Child and Family Services (FNCFS) Agency caseworker assigned by the supervisor to provide ongoing case management services to the family;
- **Alternate Caseworker** - is a Ministry CFP or FNCFS caseworker who completes required face to face contacts with a parent or child, in the absence of the assigned caseworker. This does not include case assistants, after hour emergency workers or practicum students. (See Ch. 7.13: Practicum Placements); and
- **Alternate caseworker contact** - is a required face to face contact completed by an alternate CFP or FNCFS Agency caseworker in the event that the assigned caseworker is not able to complete the contact for workplace/operational reasons (see Procedures). Required contacts completed by alternate caseworkers must fulfill the intent and definition of a contact.

## Standards

- The caseworker will have, at minimum one face to face contact with each parent once per month. (This includes a parent who is residing outside the home due to safety concerns but continues to be or will be involved in parenting.)
- One of the required monthly contacts must occur in the family home. In circumstances where a family does not have a residence (family is homeless, transient) face to face contact may occur elsewhere.
- The caseworker will have, at minimum, two collateral contacts per month in cases where the risk of future child maltreatment is high or very high and one collateral contact per month in cases where the risk of future child maltreatment is low or moderate.
- The caseworker will facilitate a family centered case conference with the family and key service providers during the initial review period (within 90 days of transfer to ongoing). The case worker will attempt to include all parents/caregivers and children (where

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appropriate) in this case conference. (See Ch. 3.2: Ongoing Case Management – Practice Guidelines – Family-centred conferencing.)

- The majority of required contacts will be completed by the assigned caseworker. (See Procedures - Alternate Caseworker Contacts)

Exceptions to the minimum contact standards for parents with children in care with a goal of reunification may be granted as outlined in the case plan and approved by the Director, Service Delivery or designate. (See Procedures)

## Procedures

- The caseworker should ensure the family is aware of the caseworker’s responsibilities regarding contact standards. Documenting these responsibilities on a Parental Services Agreement or a service provider contract, where applicable, increases transparency and openness regarding the Ministry’s involvement with the family.
- Announced vs. unannounced visits to the home are recommended unless child safety is compromised. Unannounced visits to the home may be required when:
  - It is necessary to assess safety and risk without the family having the opportunity to modify any of its usual conditions (e.g. it is suspected that a person who presents an immediate safety threat to the child is present in the home);
  - It is not possible to contact the family to arrange an appointment; or
  - The family is avoiding contact with the caseworker.
- Where the family is avoiding contact with the caseworker, attempted contacts should be made, including unannounced visits to the home, attempted telephone contact, contact via email, letter or text and attempted contact through collateral sources. The caseworker should consult with the supervisor to discuss solutions and clearly document their attempts at contact in Linkin.
- Where reunification is no longer the recommended goal of services, an application has been made to court for a long term order, permanent order or an order placing the children in the indefinite custody of a person of sufficient interest, contact standards must be maintained and reunification services offered until the court order is granted.

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- When the parent is consistently refusing all contact and reunification services, the caseworker will have, at minimum, one attempted contact via phone or in-home visit with the parent once a month until the applicable court order is granted. This exception to the contact standards requires Director or designate approval. The rationale and approval must be documented in Linkin. Refusing contact and reunification services means the following occurs consistently, without exception, over a 120 day review period:
  - The parent refuses contact with the caseworker by clearly stating they do not want contact with the caseworker;
  - The parent avoids contact by not allowing the caseworker into the home, is not present for announced visits or does not accept phone calls or respond to messages left by the caseworker; and
  - The parent clearly states they do not want services deemed necessary for reunification.

**Note** - The above definition does not include circumstances where parents are refusing reunification services but continue to have visits with their children in the home.

- Contacts logs should clearly indicate who was contacted and the purpose and outcome of the contact. It is important to record observations of behavior and environments, especially those related to safety and risk. ([See Chapter 6: Case Documentation](#))
- Where the collateral contacts are completed by agreement on a regular basis by a service provider, the task should be identified and outlined on the service provider contract. If a service provider contract does not exist, the plan for the service provider to share contact information should be discussed with the parent(s).

Written correspondence such as medical reports and parent aide monthly reports are typically not included in the minimum required collateral contacts as they are not in “real” time and do not include a dialogue between the caseworker and collateral source.

- In most cases the caseworker should develop a network of collateral contacts. However, in unique circumstances where collateral contacts are not available, additional caseworker contacts should be considered until regular collateral contacts are developed. The caseworker should document the reasons in Linkin. These additional caseworker contacts may be completed by a practicum student who is in week 13 – 15 of their practicum placement or a case assistant. (See Ch. 7.13: Practicum Placements)

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- Family-centered conferences should be conducted with great caution where interpersonal violence in the home is one of the reasons for involvement. The primary concern is safety of the child and the adult victim. It may not be appropriate to include the perpetrator of violence in the case conference.
- For each case, the caseworker and supervisor should review the frequency and nature of contacts that are needed beyond the minimum standards throughout each review period, particularly at case transfer to ongoing or when the circumstances of the family change. (See Practice Guidelines)
- Alternate Caseworker Contact - Occasionally, a supervisor may assign required face to face contacts to an alternate Child and Family Program/FNCFS Agency caseworker in order to address work place/operational efficiencies. Where this occurs, the rationale for the alternate caseworker contact should be clearly documented on a contact log. Circumstances where an alternate caseworker contact may occur include:
  - Periods of time when the assigned caseworker is unavailable and not able to meet the contact requirements; and
  - Circumstances courtesy service are provided at the request of another office. (See Ch. 7.5: Protocol for Child Protection Case Transfers)

In all circumstances, the majority of required contacts will be completed by the assigned caseworker.

- Contacts, attempted contacts and supervisory review of contacts will be documented on contact logs in Linkin.

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## Quick Reference Chart

<p>Minimum Contact Standards – Parent of Child in Placement (Goal of Reunification)</p> <p><b>One</b> face to face contact w’ the parent(s) once a month, one of which must occur in the family home. If the family is homeless, face to face contact may occur elsewhere.</p> <p><b>One</b> collateral per month for low/moderate risk/<b>Two</b> collateral per month for high/very high risk.</p> <p>The majority of required contacts will be completed by the assigned caseworker. (See definitions of assigned caseworker and alternate caseworker)</p>
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## Practice Guidelines

- The standards outlined above are statements of minimum expectations of service and provide a baseline for measuring child protection services. Beyond the minimum standards, caseworkers and supervisors will review the need for more frequent contacts and review the type of contact required in each case, depending on factors such as:
  - The frequency and duration of unsupervised in-home visitation;
  - Risk level as prescribed by the SDM® Family Risk Assessment;
  - The existence of immediate safety threats and safety planning;
  - The severity of abuse/neglect and impact on the child;
  - The level of exposure that the family has in the community;
  - The level of support services provided to the family; and
  - The family’s progress toward case plan goals.

## References

[Ch. 3.3: Contact Standards – In-Home Families](#)

[Ch. 3.5: Contact Standards - Child in Placement and Placement Caregiver \(Goal of Reunification\)](#)

[Ch. 2.6.2, Children’s Services Manual: Contact Standards – Children/Youth who are Long Term and Permanent Wards](#)

[Ch. 6.2.5: Case Documentation: Linking Documentation – Contact Logs.](#)

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### 3.0 Ongoing Child Protection Services

#### 3.5 Contact Standards - Child in Care and Placement Caregiver (Goal of Reunification)

#### Policy

Children in the Ministry's care with a goal of reunification must be seen by their caseworkers according to minimum contact standards. The case plan and the individual needs of the child, the child's family and the placement caregiver will dictate the frequency and nature of contacts beyond the minimum standards.

#### Intent

Regular ongoing contact with children in care and their placement caregiver is required in order to:

- Assess the child's medical, educational, social, cultural, recreational and therapeutic needs;
- Ensure the placement caregiver has adequate information about the child and his family;
- Observe interaction between the child and placement caregiver;
- Assess placement stability and placement caregiver's ability to meet child's needs;
- Work as a team with the placement caregiver to ensure the child's needs are met;
- Plan for family contact, shared parenting and family reunification;
- Assess visitation quality;
- Monitor and assess progress toward case plan objectives; and
- Review and adjust case plans.

#### Definitions

- **Child in care with a goal of reunification:** A child or youth in care of the Ministry where the goal is reunification. This includes:
  - Children who are apprehended;
  - Children who are temporary wards; and
  - Children placed under Residential Services Agreements (Section 9).

This does not include:

- Children placed with Persons of Sufficient Interest;

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- Youth receiving services through the 16 & 17 year old program (Section 10); and
  - Children who are long term or permanent wards. ([See Children's Services Manual, Ch. 2.6.2: Contact Standards – Children/Youth who are Long term and Permanent wards](#)).
- **Contact** - is any face to face, phone or email interaction/communication/ observation with a child or placement caregiver that has a specific intent and purpose as noted above;
  - **Collateral Contact** - is a face to face, phone or email contact with individuals other than the child and their caregivers (parents or placement caregiver) and should be limited to those who have relevant and current knowledge about the child, the child's adjustment to their placement and the general safety and well-being of the child. A collateral contact provides the caseworker with information that assists in monitoring case developments, assessing safety and risk and determine progress toward case plan goals. A collateral contact may include a service provider, teacher, physician, extended family member, a person who is part of the child's safety network, etc.;
  - **Assigned Caseworker** - is the Ministry Child and Family Programs (CFP) or First Nation Child and Family Services (FNCFS) Agency caseworker assigned by the supervisor to provide ongoing case management services to the child;
  - **Alternate Caseworker** - is a Ministry CFP or FNCFS Agency caseworker who completes required face to face contacts with a child or placement caregiver, in the absence of the assigned caseworker. This does not include case assistants, after hours workers or practicum students. (See Ch. 7.13: Practicum Placements);
  - **Alternate caseworker contact** – is a required face to face contact completed by an alternate CFP or FNCFS Agency caseworker in the event that the assigned caseworker is not able to complete the contact for workplace/operational reasons. Required contacts completed by alternate caseworkers must fulfill the intent and definition of a contact. (See Procedures); and
  - **Medically Fragile** – Medically fragile describes a child who has a diagnosed condition that can become unstable and change abruptly. Medically fragile children require frequent ongoing medical intervention and live with ongoing threats to their lives, health and well-being. Ongoing medical intervention may include including frequent

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hospitalization, daily monitoring and treatment by trained professionals and/or parents and caregivers. Examples include children who require medical devices such as a tracheostomy vent for breathing or a gastronomy tube for feeding.

## Standards

- The caseworker will have, at minimum, one face to face contact per calendar month with the child and one contact with the placement caregiver every calendar month.
- The above contacts will include, at minimum, one face to face contact with the child and the caregiver in the placement caregiver's home every other calendar month.
- The caseworker will have, at minimum, one collateral contact per month. In circumstances where the child is medically fragile, the collateral will include a medical professional who regularly provides medical services to the child. (See "medically fragile" definition above)
- Face to face contact with a child who is over the age of six will occur outside the immediate presence of the child's placement caregiver once every six months.
- Where the assigned caseworker or alternate caseworker is not present when the child is placed or changes placement, the child must have face-to-face contact with the assigned or alternate caseworker within two working days.
- In all circumstances, the majority of required contacts will be completed by the assigned caseworker. (See Procedures - Alternate caseworker contact)

Exceptions to the minimum contact standards for children in care may be granted as outlined in the case plan and approved by the Director, Service Delivery or designate.

## Procedures

- Alternate caseworker contact - Occasionally, required contacts will be completed by an alternate CFP or FNCFS Agency caseworker in order to address work place/operational efficiencies. Where this occurs, the rationale for the alternate caseworker contact should be clearly documented on a contact log. Circumstances where an alternate caseworker contact may occur include:

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- Situations where extensive travel is involved and there are a number of caseworkers with children placed in the same provider home;
- Periods of time when the assigned caseworker is unavailable and not able to meet the contact requirements; and
- Circumstances where courtesy services are provided at the request of another office. ([See Ch. 7.5: Protocol for Child Protection Case Transfers](#))

In all circumstances, the majority of required contacts will be completed by the assigned caseworker.

- Contacts logs should clearly indicate who was contacted and the purpose and outcome of the contact. It is important to record observations of behavior and environments, especially those related to safety and risk. ([See Chapter 6: Case Documentation](#))
- Where the collateral contacts are provided by agreement and on a regular basis by a service provider, the task should be identified and outlined on the service provider contract. If a service provider contract does not exist, the plan for the service provider to share contact information with the Ministry should be discussed with the service provider, placement caregiver and the child, where appropriate.

Written correspondence such as medical reports or monthly service provider reports are typically not included in minimum required collateral contacts as they are not in “real” time and they do not include a dialogue between the caseworker and the collateral source.

- In unique circumstances where collateral contacts are not available, additional caseworker contacts should be considered until regular collateral contacts are developed. The caseworker should document the reasons in Linkin. These additional caseworker contacts may be completed by a case assistant or a practicum student who is in week 13-15 of their practicum placement. ([See Ch. 7.13: Practicum Placements](#))
- Contacts, attempted contacts and supervisory review of contacts will be documented on contact logs in Linkin.

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## Quick Reference Chart

Contact Standards – Child in Care and Placement Caregiver (Goal of Reunification)
<p><b>One</b> face to face contact with child once per calendar month</p> <p><b>One</b> contact with placement caregiver once per calendar month</p> <p><b>One</b> collateral contact per month</p> <p>The above contacts include:</p> <ul style="list-style-type: none"> <li>• One face to face with the child and placement caregiver in the placement caregiver's residence once every other calendar month;</li> <li>• One face to face contact with the child over the age of six outside the immediate presence of the child's placement caregiver once every six months; and</li> <li>• If the assigned caseworker or alternate caseworker is not present when the child is placed, the child must have a face to face contact with the assigned or alternate caseworker within two working days.</li> </ul> <p>The majority of contacts in a review period must be completed by the assigned caseworker.</p>

## Practice Guidelines

1. In each case, the caseworker and supervisor should review the frequency and nature of contacts that are needed beyond the minimum standards, throughout each review period, particularly when the circumstances of the family, child or placement caregiver change.
2. More frequent contact should occur during the first two months of placement as there are many tasks for the child, family, caregiver and caseworker to organize and complete during the first part of an out-of-home placement such as:
  - Assuring the child is aware of planning;
  - Addressing issues of loss/grief;
  - Assessing the child's medical, educational, social, cultural, recreational and therapeutic service needs;
  - Planning for family contact, shared parenting and family reunification;

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- Reviewing and adjusting case plans when information is obtained from personal contact with the child, family or caregiver;
  - Addressing any problems, the child may be experiencing; and
  - Providing continuity for the child, the child's family and the caregiver.
3. Where the assigned caseworker or alternate caseworker is not present when the child is placed or changes placement, the child must have face to face contact with the assigned or alternate caseworker, within two working days for the following reasons:
- The child may need reassurance about his or her family, visiting schedules with family and significant others need to be determined, information about the planning needs to be shared and/or developed, and plans for future contact with his or her caseworker developed;
  - The caregiver may need additional information about the child's care and have questions about the visiting schedule, family involvement and case plan;
  - The caseworker will need to assess the child's adjustment to the placement and the caregiver's need for support, as well as further determine case planning and contact requirements; and
  - The caseworker may need to explore with the child's extended family who could provide care for the child.
4. Contacts in the caregiver's home provide the caseworker with an opportunity to assess the child's needs and the caregiver's capacity to meet those needs in their normal setting.
- Changes in the caregiver's home such as: additional children or adults, change in sleeping arrangements, etc., can be discussed on site with the caregiver; and
  - Caseworkers can discuss special needs and other supportive services required to assist the child's adjustment and address developmental issues.
5. The caseworker must meet with the child (age six and older) apart from the caregiver at least once every six months. This meeting may occur in the child's bedroom or outside of the caregiver's home. Meeting with the child apart from the caregiver gives the child an opportunity to speak in confidence to the caseworker.
- A private meeting with the child should be held as soon as possible after placement;

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- It is important that the child have time alone with the caseworker to discuss matters that are important to the child and that the child may not feel comfortable sharing with the caregiver; and
  - During these times caseworkers need to ask the child specific questions about the placement including their relationship with the caregiver, other members of the caregiver's family, other children placed in the home, friends, school and community.
6. Caseworkers need to communicate regularly with the other caseworkers and the Resources worker when children from different families are placed in the same out-of-home care resource. Such coordination is required to assure children's needs are not in conflict with each other and to assure caregivers are not given conflicting directions from caseworkers.
  7. When visiting a foster home, a caseworker or resources worker should inquire about all children placed in the home and provide relevant information to the caseworkers of all the children.

## References

[Ch.3.3: Contact Standards - In-Home Families](#)

[Ch. 3.4: Contact Standards - Parent of Child in Placement \(Goal of Reunification\)](#)

[Ch. 2.6.2: Children's Services Manual: Contact Standards – Children/Youth who are Long Term and Permanent Wards.](#)

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### 3.0 Ongoing Child Protection Services

### 3.6 Offer of Family Services – Family Services Agreement and the Safety Plan

## Legislation

*The Child and Family Services Act (CFSA):*

[Section 14 – Duty to Offer Family Services](#)

[Section 17 - Apprehension](#)

## Policy

The Ministry of Social Services will offer services to families when supports are necessary to ensure child safety in the home during an investigation and when a child is found to be in need of protection and ongoing services are required.

## Intent

The Ministry of Social Services will offer services to families, reflecting both the intent of Section 14 and 17 of *The Child and Family Services Act (CFSA)* and the methodology of "Family-Centred Services" which describes the ministry's preference to work with families by agreement.

The circumstances where family services will be offered are:

- Section 14 authorizes the offer of family services to a parent(s) when an investigation has substantiated that a child is in need of protection. This is typically done through completion of a Family Services Agreement (FSA)
- Section 17 authorizes the offer of family services where a child is at risk of being apprehended. In these circumstances family services are offered to ensure the child's safety in the home. This is typically done through completion of a Safety Plan where the child is assessed as being "safe with services" as per SDM® Policy and Procedures.

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## Standards

- **A Safety Plan (8.5)** is required when one or more safety threats have been identified and any children remain in the home. (See SDM® Policy and Procedures: SDM® Safety Assessment).
- The caseworker's supervisor will review the Safety Plan.
- There must be a **Family Services Agreement (8.6)** signed with the parent(s) within 30 days of providing written notification to the parent that a child is found to be in need of protection pursuant to Section 11 of *The CFSA* and any children remain in the home (see Chapter 2.4: Notice of Child in Need of Protection). Where **all** children are in the care of the ministry, an FSA may be completed but is not required. (This includes children in care under Section 9 agreements.)
- The agreement is to be signed by the parent(s) and a copy provided to the parent(s). Where there are two parents in the household, both will sign the FSA.
- If the parent(s) refuses to enter into an FSA within 30 days of receiving written notification of a child in need of protection an application for a protection hearing will be made pursuant to Section 14(4) of *CFS*.
- An FSA must be reviewed and renewed every 120 days along with the Assessment and Case Plan and all applicable SDM® assessments.

## Procedures

### 1. Safety Plan

The Safety Plan (Form 8.5), signed by the parent(s), represents the parent's acknowledgement of and their agreement to the provision of services to address safety.

- The Safety Plan remains in effect until all safety threats have been resolved, or the child is subsequently placed due to failure of the plan or the Safety Plan is incorporated into the family's case plan in the FSA (Form 8.6);

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- Where the family has signed a Safety Plan due to unresolved safety threats during the investigation phase, the Safety Plan may act as the agreement throughout the investigation process until a case plan is developed and an FSA (Form 8.6) is completed and signed with the family;
- Where the Safety Plan is incorporated into the case plan on the FSA, the Safety Plan is no longer required;
- If the family is not able to adhere to the Safety Plan, a reassessment of safety should occur;
- The services outlined on the Safety Plan may be provided by the caseworker, a community agency, service provider, extended family member, friend, neighbour or elder to ensure the child's safety;
- There may be exceptional circumstances where the parent's signature on the Safety Plan cannot be obtained immediately (see SDM® Policy and Procedures Manual: Safety Assessment Policy and Procedures, for more on the policy regarding Safety Plan signatures); and
- The caseworker should document the signing of the Safety Plan in a contact log in Linkin.

**Note** - For Agencies not using the Safety Plan, the FSA (see below) is used to document immediate safety planning, as well as longer term case planning.

## **2. Family Services Agreement (Form 8.6)**

The FSA (Form 8.6) signed by the parent(s) represents their acknowledgement of the need for ongoing child protection services and their agreement to the provision of those services. The FSA also defines the case plan that has been agreed upon with the family.

An FSA is not required when reunification is no longer the goal and where there is an extension of the Agreement for Residential Services beyond 24 months. In these circumstances, on-going child protection services are not required (see Chapter 4.7 Agreement for Residential Services (Section 9) for more information).

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### **Initial Investigation:**

Completion of an FSA is recommended at the conclusion of the initial investigation and prior to transfer to ongoing services when:

- The child is found to be in need of protection and ongoing child protection services are required;
- The child is not in immediate danger (no safety threat or safety plan); and
- The child(ren) remain in the home.

An FSA completed in the above circumstances should be short term up to a maximum of 30 days and will be reviewed and adjusted as required following transfer to ongoing services and completion of the SDM® Family Strengths and Needs Assessment (SDM® FSNA). Completing a short term FSA prior to transfer to ongoing services in the above circumstances allows more time for the development of the ongoing case plan following completion of the SDM® FSNA in the ongoing services stage. The short term FSA may include a statement such as “the parents will meet with the ongoing caseworker to further assess the family’s needs and develop a case plan that addresses the reason for involvement”. If the investigating caseworker has made a referral for services, the FSA may include these services as well.

### **Ongoing Child Protection Services:**

- The FSA is completed and/or renewed following transfer to Ongoing Services and completion of the SDM® FSNA.
- The FSA is completed within 30 days of the notification of a child in need of protection unless a short term FSA or Safety Plan was already signed in the initial investigation stage. In that case the FSA will be completed prior to the expiration of the short term FSA or Safety Plan.
- If a Safety Plan was completed during the investigation, the safety plan is to be incorporated into the FSA unless the safety threats have been resolved.

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- Where a short term FSA was completed in the investigation stage, the ongoing caseworker reviews and adjusts the FSA as required, following completion of the SDM® Family Strengths and Needs Assessment (FSNA).
- The FSA will be reviewed and renewed every 120 days along with the Assessment and Case Plan and all applicable SDM® assessments.

**Note** - Even though completion of the Family Services Agreement (FSA) is not a minimum requirement when a child is in the care of the ministry, best practice is to complete an FSA with parents in all circumstances. There are many situations where parents whose children are in the care of the ministry are agreeable to a case plan that is outlined in an FSA. The FSA is an effective way to clearly define the case plan, the services agreed upon and the outcomes anticipated, regardless of the child's legal status. It is a tool that can assist the caseworker in measuring the family's progress and can facilitate discussion about the family's progress toward safety. It provides a concrete time limit for involvement and represents the family's agreement for services, regardless of whether or not the children are in care. It emphasizes the caseworker's and each family member's accountability to the case plan.

**When a parent signs a Family Services Agreement but fails to comply with the conditions of the Agreement:**

- The child and family circumstances should be reassessed;
- If the child remains in need of protection, a new offer of family services should be made;
- If the parent refuses to enter into a new agreement or a new agreement is not in the child's best interest and it is **within 30 days** since the notification of a child in need of protection was provided to the parent, an application to court may be made pursuant to Section 14(4) of *The CFSA*;
- If the parent refuses to enter into a new agreement or a new agreement is not in the child's best interest and it is **more than 30 days** since the Letter of Notification of a Child in Need of Protection was provided to the parent, a new Letter of Notification of Child in Need of Protection must be provided to the parent and an application to court may be made within 30 days of notification; and

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- The caseworker should continue to negotiate for completion of an FSA if it continues to be in the best interest of the child.

### **Completion of a Family Services Agreement (FSA)**

- The caseworker completes the FSA (8.6) with the family. A copy is provided to the parent(s) and a copy will be placed on the Child Protection paper file. The caseworker will document the signing of the FSA in a contact log in Linkin;
- The caseworker will reach agreement with the family regarding the tasks and outcomes that will best provide for the safety of the child and assist in mitigating risk. The tasks should be measurable and time sensitive;
- Both the family and the caseworker contribute to the FSA. The family has knowledge of themselves and a sense of what will or will not help in their situation;
- Even though this is the family's plan, it is important that the caseworker ensure the services and activities outlined in the agreement address the bottom line of the ministry's mandate;
- Be specific in describing the activities of each family member and how the caseworker will measure achievement in the areas listed;
- If there is a service provider or support person involved, what are their roles and responsibilities in terms of monitoring the plan or reporting concerns. The family and service provider need to know up front what the expectations will be.
- Sections of the FSA include:

**1. Reason for Involvement** *(What has happened, impact on the child/children and what worries do we have for the child/children now and in the future?)*

The Reason for Involvement section may include harm and worry statements as follows:

- The Harm statement is a clear and specific statement about the harm/maltreatment that has happened or has been reported to have happened

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to the child. It should include specific caregiver actions or inactions that cause harm to the child and the nature and severity of harm experienced by the child; and

- The Worry statement is a simple behavioural statement of the specific worry concerning the child now and for the future and in what context. Worry statements answer two questions:
  - What are we worried will happen to the children if nothing else changes? and
  - In what situations or contexts are we worried this could happen?

**2. Goal Statement** *(What will be different and demonstrated over time to ensure the child/children's immediate and future safety? The desired end state that will be present when case plan objectives are achieved)*

Goal statements are constructed based on the worry statement. They are clear behavioural statements about what the caregivers will do differently to address the worry.

**3. Case Plan Action Steps** *(Specific actions/behaviour that need to be demonstrated throughout the agreement in order to take next steps in case planning)*

This section includes:

- **Caregiver Actions** *(specific behaviors or actions shown by the caregiver that address the worry and ensure safety is demonstrated over time); and*
- **Services/Activities** *(services and supports implemented to assist the family in reaching their goals)*

**4. Signatures**

The caseworker signs the agreement. All parents/caregivers of the household where there are allegations of child maltreatment should be involved in developing and contributing to the FSA. When there are two parents/caregivers in a household, both will sign the FSA.

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## References:

[Chapter 2.4: Notice of Child In Need of Protection](#)


[SDM® Policy and Procedures: SDM® Safety Assessment](#)

[Chapter 4.7 Agreement for Residential Services \(Section 9\)](#)

[Chapter 8.5: Safety Plan](#)

[Child and Family Programs SharePoint – Manuals and Forms/Best Practice Reference Material: Family Services Agreement Example and Guide.](#)

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## 3.0 ONGOING CHILD PROTECTION SERVICES

### 3.7 Working with Service Providers

#### Introduction

An important part of the caseworker's role is to help the family identify, engage and work with a network of community resources and supports to assist them in safely caring for their child and reduce the risk of future child protection concerns. Formal supports include counselling, Elder services, family support services, day care, etc. Informal resources/supports may include friends, relatives, band members, faith-based and community organizations.

The use of community service providers is based on the family's case plan and need for specific services. When service providers are used, the Ministry caseworker continues to have primary responsibility for casework and the management of service provision for the family.

#### Legislation

*The Child and Family Services Act*

[Section 5 – Family Services](#)

[Section 14 – Duty to Offer Family Services](#)


[Section 17 - Apprehension](#)

#### Intent

- The family is able to sustain safety and mitigate risk through a network of formal and informal resources in the community during and following their involvement with child protection services.
- The **SDM® Family Strengths and Needs Assessment** provides a framework for caseworkers and families to determine priority needs including services and resources to support the safe reunification of children with their families.

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## Policy


The Ministry of Social Services will offer family support services pursuant to Sections 14 and 17 of *The Child and Family Services Act (CFSA)*.

## Procedures

### Developing and Working with a Support Network:

1. The caseworker will:
  - Discuss types of services available with the family (always considering Ministry funded services as the first option); and
  - Discuss with the family what resources would help them, what has worked or not worked in the past, how they prefer to work on change and who they would prefer to work with.
2. Once service needs have been identified the caseworker will:
  - Determine availability of services through Ministry funded programs; and
  - Make a referral to the appropriate service provider agency, using the established agency referral process (ensuring that the referral includes required invoicing information if applicable).
3. The family and caseworker will meet with the assigned service provider to discuss a service plan and the anticipated outcomes of the service provider involvement.
  - The service plan should be directly related to the achievement of outcomes. The family must understand how the service provider's involvement leads to the change; and
  - The expectations of the service provider and the family must be clearly outlined in the Service Provider Agreement (see Chapter 3.8).
4. When there are multiple service providers a family-centred conference should be held. The goal of this conference would be to ensure that the services are coordinated to meet outcomes. The family and caseworker should meet together with the service providers throughout the involvement to discuss changes in family circumstances, planning and progress toward goals.

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5. If no Ministry funded program is available to meet the service needs of the family, the caseworker will consult with the supervisor to obtain approval for the use of a private service provider if available.

## Practice Guidelines

When assisting families in identifying and engaging with service providers, it is important that:

- All types of supports are explored, both informal and formal;
- The family's culture and diversity is respected;
- Culturally relevant services are sought;
- Family is the key source of information for identifying resources and measuring change;
- The focus is on changes in behaviour, not compliance; and
- The family is not overwhelmed by too many services.

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### 3.0 Ongoing Child Protection Services

### 3.8 Service Providers and Service Provider Agreements

#### Policy

The Ministry of Social Services may enter into agreements with service providers for the provision of support services to families.

#### Standards

- A Service Provider Agreement cannot exceed 4 months.
- A Service Provider Agreement must be approved by the Director, Service Delivery or designate **prior** to services being provided to the family.

#### Procedures


##### Approval of a Service Provider

1. Most services are available through community based organizations (CBO's) which are block funded by the Ministry to provide a number of hours of service for Ministry families. No direct payment is made for these services as the CBO employs, trains and supervises the family support service provider staff.
2. If a service provider is not associated with a CBO, the Director, Service Delivery or designate must approve the service provider before an agreement may be negotiated. Subsequently the Supervisor and Director, Service Delivery or designate must approve the Service Provider Agreement prior to the services being provided. The service provider will submit their invoice to the Ministry for payment (See Chapter 3.9).

##### Service Provider Agreements

1. The caseworker will prepare the Service Provider Agreement (Chapter 8.13) in consultation with the family and service provider.

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2. The Service Provider Agreement must clearly describe how the service will reduce the identified safety threats and help achieve the outcomes of the case plan. The tasks of service provider should be behaviourally specific and should assist the family in accomplishing the outcomes defined in the Agreement. The hours per week in an agreement will reflect the kinds of services that have been agreed upon.
3. The original copy of the approved Service Provider Agreement is placed on the Child Protection paper file and a copy is distributed to the parent(s) and service provider.
4. Upon expiry of the Service Provider Agreement after 4 months the agreement may be renewed depending on the progress and case plan.
5. A new Service Provider Agreement must be completed and approved by the supervisor for an extension of service.

**Service Provider Agreements with CBO's:**

1. The CBO co-ordinator and assigned family support service provider, caseworker and caregiver will meet to review the outcome and tasks of the Service Provider Agreement before the family support service provider begins working with the family.
2. There will be regular progress reviews that may include the CBO family support coordinator, family support service provider, caseworker and family. This review will evaluate progress regarding the terms of the Service Provider Agreement as well as a plan for renewal or termination.
3. During the evaluation of the case the caseworker will determine whether there is a continuing need for family support services and whether the goals, tasks and outcomes outlined in the Service Provider Agreement continue to be relevant to the family's circumstances. Changes to the Service Provider Agreement should be made accordingly.
4. The caseworker will discuss the renewal of the Service Provider Agreement with the supervisor. If the Service Provider Agreement will not be renewed the caseworker will notify the CBO family support co-ordinator as soon as possible.

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## Practice Guidelines

Agreements for service providers are intended to be an intensive short term intervention.

The services provided are directed toward reducing safety threats and risk while improving family functioning to enable parents to care for children in their own home or reunite families with children who are in care. The service cannot be initiated without the family's agreement, except by a court order.

Examples of services that may be provided to families include Family Support/Parent Aide, counselling, babysitting/respite, parent education/training, day care, transportation and mediation. (See Chapter 3.9 – Service Provider Categories and Payments for specific details on categories of service and approval levels.)


Communication should occur regularly between the caseworker, service provider and family. As case manager, the caseworker must monitor progress of the case plan, including the work of service providers. The caseworker will be in regular contact with service providers in addition to receiving regular progress reports.

Where an Agreement renewal is considered, it is important that the caseworker, family and service provider reassess the goals, tasks and outcomes of the Service Provider Agreement to ensure the service continues to be relevant to the family's circumstances. Completion of the SDM® Family Strengths and Needs Assessment will assist this process.

### Caseworker's Role

- Overall case management;
- Establishing specific behavioural outcomes and measurable indicators to support the case plan;
- Ensuring program and financial accountability for service provider agreements by having the agreements signed and approved before services commence;
- Being available for consultation regarding case details; and
- If issues arise regarding services of the agency they **must** be referred to the CBO Family Support Co-ordinator for resolution.

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**Family Support Service Provider's Role:**

- The family support service provider reports to a designated person in the CBO, not to the Ministry of Social Services;
- The family support service provider prepares a monthly report of the services provided;
- The family support service provider may perform many roles as outlined in the Service Provider Agreement based on the family's needs. The family support role may include direct support to the caregiver with parenting, child development and home management, assistance for school and medical appointments, etc.; and
- The family support service provider has a duty to report any safety concerns to the caseworker, as required by *The Child and Family Services Act (CFSA)*.

**CBO Role:**

- Provide for the administration of the family support program;
- Provide individual hiring and supervision of the family support staff;
- Provide training sessions for the family support staff; and
- Review family support service providers' monthly reports prior to forwarding to the Ministry of Social Services.

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### 3.0 Ongoing Child Protection Services

#### 3.9 Service Provider Categories and Payments

##### Policy

The ministry may approve payments to service providers in various categories, some of which require a Service Provider Agreement with the provider, while others do not.

Payments to private service providers may only be approved when block funded services are not available.

##### Procedures

The following provides a list of Service Provider categories, approval, documentation and Linkin coding requirements for each:

#### 1. Family Support /Parent-Aid Service Provider

Family support services may be approved to assist parents in the development of parenting and home management skills that will alleviate the safety threats or risk and enable parents to care for children in their own home or reunite families with children who are in care. The tasks of family support/parent-aid services should be behaviourally specific and should assist the family in accomplishing the outcomes of the case plan.

A Service Provider Agreement is required for CBO Family Support/Parent-aid Services and for private family support services. The Agreement is signed by the parents, caseworker and CBO coordinator/supervisor (or the private service provider). No direct payment is made for CBO services as the CBO employs the family support service provider staff. Private family support services will be based on Service Authorization/or invoice.

Approval: Director, Service Delivery or Designate

Linkin Financials: Other Benefit Service: FS – Parent Aide/Family Aide

#### 2. Family Support/Parent Aide Service Provider Expenses:

Expenses incurred by CBO family support service providers may not be included in block funded hours of service for ministry families. In these instances, the family support service provider will submit an invoice to the ministry.

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No Service Provider Agreement is required for CBO Family Support/Parent-aide or private service provider expenses. Payment will be based on Service Authorization and/or invoice.

CBO and private Family Support Service Provider expenses may include the following:

- Travel Costs:
  - Costs incurred by a family support service provider to transport a client to meet goals outline in the case plan may be reimbursed
  - The mileage rate will not exceed PSC/SGEU rates.

Approval: Supervisor - up to a maximum of \$400/month

Linkin Financials: Other Benefit Service: FS - Transportation Public/Private

- Food:
  - Costs incurred by a family support service provider to purchase a meal or snack for the client when necessary may be reimbursed, i.e. attending appointments in another community, etc.
  - The cost must not exceed the PSC/SGEU rates and must be supported by a receipt.

Approval: Supervisor - up to a maximum of \$50/month

Linkin Financials: Other Benefit Service: FS - Exceptional

- Long Distance Telephone Calls:
  - A family support service provider may be required to make long distance telephone calls as part of the implementation of a case plan

Approval: Supervisor - actual cost up a maximum of \$50/month

Linkin Financials: Other Benefit Service: FS – Exceptional

### 3. Assessment

Medical, psychological, psychiatric or other professional assessments of an individual or a family may be approved where a public agency cannot provide this service or cannot do so on a timely basis.

A Service Provider Agreement will be signed with the professional to outline service requirements. Parent signature is not required.

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Approval: Supervisor - up to a maximum of \$85/hour; not to exceed 5 hours/month

Linkin Financials: Other Benefit Service: FS – Assessment

#### 4. Counselling

Counselling and therapy may be approved for an individual or family where public agencies cannot provide this service or cannot provide the service on a timely basis.

A Service Provider Agreement will be signed with the professional to outline service requirements. Parent signature is not required.

Approval: Supervisor - up to a maximum of \$85/hour; not to exceed 12 hours/month

Linkin Financials: Other Benefit Service: FS – Counselling

#### 5. Mediation

Mediation is a short-term intervention which may be appropriate in situations when a neutral third party is required to assist in resolving differences (e.g. parent/teen conflict).

A Service Provider Agreement will be signed with the professional to outline service requirements. Parent signature is not required.

Approval: Supervisor - up to a maximum of \$85/hour; not to exceed 7 hours/month

Linkin Financials: Other Benefit Service: FS – Mediation

#### 6. Life Skills Training

Life Skills (fees, materials)

- Life skills training may be approved to assist individuals or parents to develop skills in areas such as budgeting, organization and communication.

No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

Approval: Supervisor - up to \$100/course

Linkin Financials: Other Benefit Service: FS -Training Life Skill

#### 7. Parent Education (fees, materials)

Parent education training may be approved to assist parents to gain knowledge regarding child development, parenting techniques, and discipline.

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No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

Approval: Supervisor - up to \$100/course

Linkin Financials: Other Benefit Service: FS -Training Parent Education

## 8. Child Development

A parent may require assistance for a child's physical, emotional and social development, e.g. child is developmentally delayed and requires services to prepare for enrolment in school. Services may include day care or play/nursery school.

Note: These service require a referral from a professional such as a psychologist or physician.

### Day Care

No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

Approval: Supervisor - up to \$100/month/child after subsidy; not to exceed 4 months

Linkin Financials: Other Benefit Service: FS - Child Development – Daycare.

### Play/Nursery School

No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

Approval: Supervisor - up to \$50/month; not to exceed 4 months

Linkin Financials: Other Benefit Service: FS – Child Development - Play/Nursery School.

## 9. Cultural Support

Cultural activities provide therapeutic value and promote development of a child's self-esteem and identity.

No Service Provider Agreement is required. Payment will be based on Service Authorization.

Approval: Fees/Supplies/Equipment (other than for camp): Supervisor - up to \$100/child/month.

Camp Fees and Supplies: Supervisor - up to \$250/child per camp

Linkin Financials: Other Benefit Service: FS—Exceptional

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**10. Elder/Knowledge Keeper Services**

Elders and/or Knowledge Keepers provide a wide array of services for ministry staff and families ranging from Talking Circles, Healing Circles, opening meetings with prayers, smudging, sweats, etc.

To engage with an Elder or Knowledge Keeper, caseworkers should approach their supervisor or discuss their request with an Indigenous Services Consultant, First Nations Child and Family Services (FNCFS) Agency, or Tribal Council. To identify a Métis Elder/Knowledge Keeper, caseworkers may contact the Métis Nation-Saskatchewan for assistance.

Elders and Knowledge Keepers are not traditionally paid for their services, but prefer to be given an honorarium and/or a gift of tobacco or cloth. The ministry's Indigenous Services Consultants may provide assistance regarding procedures for providing tobacco or cloth. In situations that require an Elder or Knowledge Keeper to travel from other communities, meals and mileage may be provided based on the circumstances.

Elders and Knowledge Keepers who participate in meetings, sweats, feasts, prayers etc., will be paid an honorarium.

No Service Provider Agreement is required. Payment will be based on Service Authorization.

The following rates are provided for Elder and Knowledge Keeper honorariums:

Approval: Supervisor - \$150.00 per half a day  
\$300.00 per diem  
\$150 per diem Elder/Knowledge Keeper Assistant (if required)  
Mileage/Meals – Reimbursement is provided based on PSC rates  
Linkin Financials: Other Benefit Service: FS - Elder Services

**11. Babysitting to Support Case Plan**

Payment for babysitting may be approved to allow families to carry out agreed upon activities as outlined in a Family Services Agreement (Chapter 8.6) such as to attend counselling or parent training.

No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

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Approval: Worker - up to \$50/month; not to exceed 4 months

Supervisor - up to \$100/month; not to exceed 4 months

Linkin Financials: Other Benefit Service: FS – Babysitting

## 12. Transportation to Support Case Plan

Payment for transportation may be approved to allow families to carry out agreed upon activities as outlined in a Family Services Agreement such as to attend counselling or parent training. The caseworker should attempt to arrange the most practical and economical method of transportation available.

Public Transportation: Actual costs

Private transportation: Negotiate for actual costs (e.g. gas required to make the trip) not to exceed PSC/SGEU rates

No Service Provider Agreement is required. Payment will be based on Service Authorization and invoice received.

Approval (Transportation): Worker - up to \$50/month; not to exceed 4 months

Supervisor - up to \$100/month; not to exceed 4 months

Linkin Financials: Other Benefit Service: FS - Transportation Public/Private

Approval (Accommodation): Manager – not to exceed \$150/day

Linkin Financials: Other Benefit Service: FS – Travel – Accommodations

## 13. Exceptional Support Services

Situations may arise that require exceptional services to maintain a family unit where the ministry has assessed safety threats in the home or to support a child who is living away from their parent in a private care arrangement (see Children's Services Manual, Chapter 4.3.1: Private Arrangement) due to safety threats in the family home.

Some types of exceptional services that may be required to maintain a family or support a private care arrangement home are:

- Emergency assistance for food and supplies:  
Families should be referred to the Income Assistance Program to determine eligibility before funds are issued through Child and Family Programs.

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**Section 3.9: Service Provider Categories and Payments**

Linkin Financials: Other Benefit Service code: FS - Alternate Supports – Emergency Food and Supplies

- **Emergency shelter:**  
A family may require assistance to cover costs of rent in exceptional circumstances. They should be referred to the Income Assistance Programs to determine eligibility before funds are issued through Child and Family Programs.

Linkin Financials: Other Benefit Service: FS – Exceptional

- **Emergency respite:**  
In exceptional circumstances when a parent requires emergency respite/babysitting to prevent a child coming in to care, approval may be provided for babysitting costs (for example, a single mother with a new born or severely ill child).

Linkin Financials: Other Benefit Service: FS – Babysitting

- **Medical Needs:**  
Medical services/supplies not covered by Saskatchewan Health or Health Districts

Linkin Financials: Other Benefit Service: FS - Alternate Supports – Medical

- **Educational Activities:**  
Short term activities may be paid for to achieve goals outlined in the case plan when there are no available community sponsored activity programs.

Linkin Financials: Other Benefit Service: FS - Alternate Supports – Education

No Service Provider Agreement is required for exceptional support services. Payment will be based on Service Authorization and invoice received.

Approval: Director, Service Delivery or designate

Use of Requisitions:

In emergency situations caseworkers may issue requisitions for payment of emergency needs such as food and supplies required to care for a child or in other exceptional circumstances where there is an immediate and emergent need.

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In general, all ministry payments are intended to be paid in arrears and require receipts/invoices. In exceptional circumstances, caseworkers may complete a Service Authorization and select “Internal Invoice” to process the payment to the Service Provider directly, or as noted above, requisitions may be used for emergency needs.

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### 3.0 Ongoing Child Protection Services

#### 3.10 Use of Secure Detoxification and Stabilization for Youth at Risk for Severe Drug Use

##### Policy

Secure detoxification and stabilization services are intended to be a last resort when other means of intervention have been unsuccessful and where a youth is causing serious harm to themselves and/or others through severe and persistent substance abuse.

When seeking secure detoxification and stabilization services for youth in care, caseworkers must follow the processes prescribed in *The Youth Drug Detoxification and Stabilization Act* and Regulations.

##### Standards

- Secure detoxification and stabilization services provide a controlled and safe environment for the care and education of young people with severe substance abuse.
- Most youth with substance use problems can be adequately helped in the community through services offered by the Saskatchewan Health Authority (SHA).
- Only a few youth will meet the criteria for involuntary detoxification and stabilization (see procedures below for the criteria).
- It may be in the best interest of the youth to have a stabilization period that provides a safe, secure environment to engage the youth and develop an ongoing treatment plan.
- *The Youth Drug Detoxification and Stabilization Act* allows for youth aged 12 to 17 years with severe addictions and who pose a risk to themselves, or others, to be placed somewhere safe on an involuntary basis up to a maximum of 15 days (an order is for five days with a maximum of two extensions permitted) for detoxification and stabilization.

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## Procedures

1. The caseworker should contact SHA's Youth Mental Health and Addictions Services or the youth's private counsellor to determine if there is a community plan in place for the youth.
2. If the youth is not adhering to the community plan, the caseworker should determine if a referral to secure detoxification and stabilization is required based on the following. Is the youth:
  - suffering from severe drug and/or alcohol addiction;
  - at risk of serious harm or danger to themselves or someone else;
  - needing confinement to ensure their safety or the safety of someone else; or
  - needing confinement to help detoxify and stabilize.
3. Director approval is required prior to applying for a Detoxification Order. If approved, the caseworker completes Form 12.80 from the Children's Services Manual ("Form A" from The Youth Drug Detoxification and Stabilization Regulations) to seek a warrant. Once completed, the caseworker calls the Chief Judges office to arrange an appointment. The request for a warrant is then put before a Provincial Court judge.
4. Caseworkers may assist families who have active Child and Family Programs involvement through the process to seek a warrant ("Form A" from The Youth Drug Detoxification and Stabilization Regulations; Form 12.80 in the Children's Services Manual) for secure detoxification and stabilization for their youth.
5. The request for a warrant is presented in Court. If the judge is satisfied that the basic criteria in the Act have been met, they will direct the police to locate the youth and transport them to the hospital. There, a doctor in the ER will complete an assessment to determine if the youth poses a risk to themselves or to others. If they do, a second doctor in the detoxification unit will complete another assessment within 24 hours. The assessments are used to determine if the youth should attend secure detoxification or receive services in the community.
6. Following their stay in secure detoxification and stabilization, youth are encouraged to attend drug and alcohol treatment at a youth facility and connect with community addiction supports. Ministry staff shall ensure that all relevant parties are notified, and that referrals are made to the appropriate mental health and addictions supports.

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## Practice Guidelines

- Secure detoxification and stabilization must only be pursued as a last resort.
- Factors that raise the risk of substance abuse for youth in care include childhood trauma, abuse and neglect, mental illness, grief and loss and social isolation.

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<b>Chapter 4.1: Introduction</b>	

## 4.0 Placement in Out-Of-Home-Care

### 4.1 Introduction

Where there are references in this chapter to SDM® or Linkin policies and procedures, offices not using Structured Decision Making® (SDM®) or Linkin should refer to [Appendix Ch.4 – Offices not using SDM®/ Linkin](#). A link to the appendix is provided at the end of each policy section. The appendix is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 4.

When assessment of safety indicates that a child is in need of protection and at risk of incurring serious harm and no arrangements can be made to ensure the child's safety in the home, out-of-home care must be considered to safeguard the child.

This chapter explains the Ministry's authority pursuant to the relevant sections of *The Child and Family Services Act (CFSA)* and sets out the procedures to be followed when recommending out-of-home care and upon initial placement of a child in care, including references to the Structured Decision Making System®, administrative processes and SDM®/ Linkin documentation.

**Note** – For complete policies and procedures that are specific to children in out-of-home care see the Children's Services Manual. The Children's Services Manual includes comprehensive policies and procedures regarding out-of-home care including contact standards, approval of out-of-home-care resources, payments etc.

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## 4.0 Placement in Out-Of-Home-Care

### 4.2 Recommending Out-of-Home Care

#### Policy

The caseworker and supervisor shall determine if out-of-home care is necessary to protect the child from incurring serious harm. In situations where safety planning is not sufficient to ensure immediate safety of the child in the home, the caseworker and supervisor will make the decision to place a child in out-of-home care.

#### Standards

- When placement in out-of-home care is necessary, caseworkers will assess, review and explore all possible family resources for out-of-home care.
- Where a child has been placed in foster care a thorough search for extended family placement must commence within 30 days of placement and be noted as part of the case plan.
- When a First Nation or Métis child is being considered for placement in out-of-home care or is placed in out-of-home care, the caseworker shall notify the appropriate First Nation Band, First Nation Child and Family Service (FNCFS) agency or local Métis association to explore supports and services.

#### Procedures

1. If, after considering all safety criteria, the caseworker concludes that a child is in an unsafe situation, it is the caseworker's responsibility to identify, provide or facilitate for an appropriate intervention that would mitigate those factors that jeopardize a child's safety.
2. These interventions are usually provided through:
  - Assistance to the family and child from a relative, friend, neighbour, or volunteer;
  - Moving family to an emergency shelter;
  - Arranging crisis intervention services;
  - Contracting for a parent aide/family support worker;
  - Arranging intensive home-based family preservation services;
  - Requesting assistance from the FNCFS agency or Band office;
  - Requesting assistance from Elders;

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- Arranging for medical/health intervention;
  - Arranging for domestic violence services;
  - Arranging or assisting in finding child care;
  - Emergency Protective Intervention Order;
  - Placement with extended family;
  - An Agreement for Residential Services (Section 9); and
  - Apprehension of the child.
3. When assessment of safety indicates that a child is in immediate danger of incurring serious harm and no arrangements can be made to ensure the child's safety in the home, out-of-home care must be considered to safeguard the child. The decision to remove a child from the home will be done in consultation with a supervisor, or as soon as possible thereafter.
4. Care in a least intrusive setting (relative or other significant person) that provides for the safety of the child must be the primary consideration.
5. In planning for out-of-home care of First Nations children the following placement priorities will apply:
- Placement with extended family;
  - Placement with a family from the same Band;
  - Placement with a family in another Band of similar culture and linguistic heritage;
  - Placement with another First Nation family; and
  - Placement with a non-Indigenous family, close to the child's home community.

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<b>Section 4.3: Apprehending and Returning a Child</b>	

## 4.0 Placement in Out of Home Care

### 4.3 Apprehending and Returning a Child

## Legislation

*The Child and Family Services Act:*

[Section 17 - Apprehension](#)

[Section 18 – Apprehension – persons aged 16 & 17](#)

## Policy

The Ministry of Social Services will apprehend and remove a child from a parent when all reasonable steps to provide for the safety of the child in the home have been unsuccessful and the child is believed to be in danger of immediate harm.

## Procedures

### Apprehension of a Child

1. Except in an emergency situation the decision to apprehend and remove a child(ren) from their parent requires supervisor consultation. The decision is guided by use of the Structured Decision Making® (SDM®) Safety Assessment.
2. For a child who has already been apprehended by law enforcement or other means, and for whom no safety assessment has been completed, the caseworker will complete a safety assessment within three working days of the apprehension.
3. Following the apprehension and upon further investigation and engagement with the family, the caseworker and supervisor shall jointly determine if:
  - The child is to be returned home;
  - The child may be returned home with a Safety Plan in place;
  - The family is willing to enter into an Agreement for Residential Services (Section 9); or
  - The child will remain in care under apprehended status pending a court hearing.

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## Return of an Apprehended Child

### Returning a Child within 48 hours:

1. *The Child and Family Services Act* permits the caseworker to return a child within 48 hours of being apprehended (referred to as Period of Grace) to the person who has a right to custody without making application to court. Before the child is returned, consultation between the supervisor and the caseworker must occur.
2. A reassessment of safety using the SDM® Safety Assessment must be completed to indicate there are no longer any safety threats present or the child is safe with services.
3. Where the child is returned within 48 hours, no application to court is required.
4. When calculating the 48 hours, do not include the day of apprehension and the days on which the offices of the Ministry are closed.

### Returning a Child beyond 48 Hours:

1. A child who has been apprehended may, at any time beyond the 48 hours, be returned to the person who has a right of custody of the child.
2. Before the child is returned, consultation between the supervisor and the caseworker must occur.
3. The caseworker must complete the SDM® Safety Assessment to ensure there are no unresolved safety threats.
4. If the child has been in care over 45 days, a SDM® Family Reunification Assessment must be completed prior to the return of the child.
5. An Application for a Protection Hearing (Form 2020) shall be made within 7 days for any child who has been apprehended and remains in care beyond 48 hours. The application is withdrawn if the child is returned home prior to the court date.

### Linkin /Administrative Procedures:

1. When a child comes into care, an ongoing case in Linkin must be created in order to complete the following:

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### Section 4.3: Apprehending and Returning a Child

- Document the removal reason, removal narrative and placement of the child;
  - Document the child's legal status (authority for care according to the *CFSA*);
  - Generate any payments required for the care of the child; and
  - Document the case plan for the child.
2. Documentation of the rationale and decision to apprehend is required on a contact log in the Investigation Case.
  3. Documentation of the rationale to return a child within or beyond 48 hours is required on a contact log in the Ongoing case.
  4. Completion of the SDM® Safety Assessment must be entered in Linkin.
  5. Any time there is a change in a child's placement or legal status, Linkin must be updated to reflect the change.

[Linkin /Linkin General Information/Training/Training Manuals/ Ongoing Training/Creating an Ongoing Case](#)

[Linkin /Linkin General Information/Training/Training Manuals/Ongoing Manual/ 3.8. Removals and Placements\)](#)

#### **Return of a Child with Membership in Two Households**

When a child, whose parents live separately and have joint custody or access rights, is apprehended due to safety concerns in **one** household, the following may occur:

1. The child may be returned to the parents if safety planning with the parents is possible and the safety plan resolves all safety threats to the child. (See [Ch 2.7: Investigations Involving Parents in Separate Households](#)) At no time can safety plans, without the consent of both parents, contravene an existing court order or written agreement for custody/access. It is imperative that the caseworker not counsel a parent to breach a court order or written agreement to which the parent is subject to. This could result in a caseworker and/or parent being found in contempt of the court order.
2. Return of the child to the non-removal who has a right to custody parent pursuant to section 17(3) of the Child and Family Services Act may occur if the child is no longer at risk of serious harm if returned.
3. If the above options are not appropriate the child may be placed with the other parent as a "place of safety" pursuant to Section 17 (1)(b) of *The CFSA*. (See Children's Services Manual: Ch 4.3.8: Placement with Non-Removal Parent). In this circumstance, the child

**Section 4.3: Apprehending and Returning a Child**

remains on apprehended status and in the care and custody of the minister until a disposition from the court is granted or an agreement with the parents can be reached. The apprehension supersedes the existing custody/access order or agreement and the caseworker may limit access of the removal parent if required for safety. (See Ch 2.7: Investigations Involving Parents in Separate Households). The court may make an order that the child remain with, be returned to or be placed in the custody of his or her parent pursuant to *The CFSA* Section 37(1)(a) and may impose any terms and conditions that the court considers appropriate, including provision respecting access pursuant to Section 37(5).

**Note** - It is important that the caseworker assess the presence of custody or access rights prior to decision making. If there is an order or written agreement, it is critical that parents produce a copy and that the caseworker contact the ministry's legal counsel for advice prior to decision making or as soon thereafter as possible. (See Ch 2.7: Investigations Involving Parents in Separate Households for further details on assessing custody or access rights).

**A child protection involvement will be considered resolved if:**

1. There are no further safety threats and the risk of abuse and neglect is low or moderate in each household to whom a child is a member or;
2. Sole custody has been awarded to one parent through *The Children's Law Act 1997* or Section 37(1)(a) of *The CFSA* and there are no further child protection concerns in this household, including the ability to protect.

**Apprehending a Youth Who is 16 or 17 Years of Age:**

1. Section 18 of *The CFSA* allows for the provision to apprehend a youth who is 16/17 years of age under exceptional circumstances, with the approval of the Director, Service Delivery.
2. Section 18 is not intended for apprehension of youth who are able to protect themselves or are able to remove themselves from a dangerous situation. In those cases, the youth may request services through a Section 10 Agreement, or a referral to a community service.
3. The caseworker should address the following questions when assessing whether to apprehend a 16 / 17 year old youth:
  - Does the youth appear competent?



**Section 4.3: Apprehending and Returning a Child**

- Is the youth able to protect him or herself?
  - Is someone in the home able to protect the youth?
  - Is the youth willing and able to remove him or herself from a dangerous situation?
  - Is the situation acute? and
  - Is the youth open to the caseworker's involvement or assistance from a community support?
4. Because *The CFSA* limits the circumstances where a 16/17 year old may be apprehended under exceptional circumstances, Section 18 is not intended to be used in cases of parent /teen conflict.
5. Where a 16/17 year old youth is apprehended, the process described in [Section 17](#) of *The CFSA* applies except for the period of grace (48 hour rule). Therefore, whenever a youth is apprehended, an **Application for a Protection Hearing (Form 2020)** must be filed, although it can be withdrawn at a later point. A **Notice of Apprehension (Form 2016)** shall be delivered to the parent.

Linkin /Administrative Procedures:

See [Linkin /Linkin General Information/Training/Training Manuals/Ongoing Manual/ 3.8. Removals and Placements](#)

**References:**

- [Child Protection Services Manual, Chapter 2.7: Investigations Involving Parents in Separate Households](#)
- [Children's Services Manual, Chapter 4.3.8: Placement with Non Removal Parent](#)
- [Structured Decision Making® Policy and Procedures Manual](#)
- [Linkin Training Manuals](#)

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## 4.0 Placement in Out-Of-Home Care

### 4.4 Placement of First Nation Children

#### Policy

When case planning for a First Nation child placed in off-reserve care, the Ministry of Social Services shall determine whether the child or their family are members of a First Nation and involve the appropriate First Nation Child and Family Services agency (FNCFS) in planning. The Ministry will follow the “MSS/FNCFS Shared Planning for Children” procedures (Ch 7.4).

#### Procedures

1. When a First Nation child is found to be in need of protection and placement in out of home care is necessary, placement priorities will be considered in the following order:
  - Placement with the child’s extended family;
  - Placement with the child’s Band or other family member’s Band;
  - Placement with another First Nation family; and
  - Placement in a Ministry/FNCFS approved foster home or staffed group home.
2. If placement is considered with a person living on reserve the worker must determine if there is any child protection history or other reason that the individual/family should not be considered as a placement for the child. This requires direct contact with the FNCFS agency of that reserve.
3. When a First Nation child is placed in out-of-home care, and the child’s parent resides on reserve, financial responsibility for the child rests with Indigenous Services Canada (ISC).

#### Linkin /Administrative Procedures:

1. If it is determined that the parent’s primary residence is “On Reserve”, the ‘Additional Details for First Nations’ section in Linkin, including the reason, must be completed.  
[See Linkin /Linkin General Information/Training/Procedures and How To’s/Placements on Reserve and Off Reserve Financial Responsibility](#)
2. When the parent’s primary residence is on reserve, “**Financial Services Notification of On-Reserve First Nation Child Taken into Care**” (Form 2105) must be completed.

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3. This form is submitted to Corporate Services (Financial Services), who then submits to ISC to determine payment.
4. It is critical to indicate that the parent(s) were residing on reserve at the time the child came into care as this will determine ISC assuming financial responsibility.

## References

- [Child Protection Services Manual, Chapter 7.4: MSS/FNCFS Shared Planning for Children](#)
- [Child Protection Services Manual, Chapter 8 Forms Financial Services Notification of On-Reserve First Nation Child Taken Into Care \(Form 2105\)](#)
- [Linkin Training Manuals](#)
- [Appendix Chapter 4 - offices not using SDM®/Linkin](#)

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## 4.0 Placement in Out-Of-Home Care

### 4.5 Emergency Care

#### Legislation

[The Child and Family Services Act, Section 7](#)

#### Policy

The Ministry of Social Services will assess immediate safety concerns when children are found without a parent or caregiver, or have been wrongfully removed from a parent or caregiver.

#### Intent

Section 7 of *The Child and Family Services Act (CFSA)* addresses the issue of children who are:

- Found without their parent and are in need of assistance to return to the parent; or
- Wrongfully removed or retained from the person who has a right to custody.

*The CFSA* authorizes certain actions to be taken without the necessity of an apprehension. The actions are:

- A caseworker or peace officer may take custody of a child who is found without his or her parent and is in need of assistance to return to the parent (e.g. missing children);
- A peace officer may take custody of a child when he or she believes the child was wrongfully removed or detained by a person who does not have the right to custody and may deliver the child to a caseworker to provide interim care; and
- The purpose of taking custody of the child is to return the child to the parent or to a person who has a right of custody to the child as soon as possible.

#### Procedures

1. The information is screened in as “General Neglect - parent is unable to provide care for the child” using the SDM® Intake Assessment.
2. Either the peace officer or the caseworker may take steps to return the child.

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3. In cases where it appears it will be some time before the parents can be located or it will take time to arrange the child's return to the parents, the caseworker will take custody of the child and is authorized to make interim short term arrangements for the child's care.
4. The child is not considered to be apprehended in these circumstances; therefore, an application to court is not required.

**Linkin /Administrative Procedures:**

1. Follow the process to document this action in Linkin when an Ongoing case must be created to make payments. See [Linkin /Linkin General Information/Training/Training Manuals/Ongoing Manual/ 3.8. Removals and Placements](#)
2. Complete the Narrative to explain the circumstances that led to the child being placed.

[Appendix 4.5A: Offices not using SDM/Linkin](#)

**Holding Intoxicated Youth Under 16**

1. A peace officer who finds a youth under 16 years of age intoxicated in a public place has a duty to take the youth into custody in accordance with law enforcement legislation (*The Summary Offences Procedures Act*).
2. Where a peace officer is holding an intoxicated youth aged 12 to 15, child protection services may become involved if no adult is available to take responsibility for the intoxicated child.

In the above situation, a child does not automatically come into the care of the Minister unless immediate safety concerns are identified.

The child may require emergency care, and if there appears to be emergency medical concerns, a child protection caseworker will arrange for a medical examination and a medical opinion as to the nature of the intoxication (e.g. extent of danger to the youth).

3. As the child has not been apprehended and is not in the custody of the Minister, the caseworker would not be in a position to provide medical consent, if required. However, in emergencies of a life threatening nature, physicians have authority under *The Health Information Protection Act (HIPA)* to provide required medical treatment to the child.

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4. If the intoxicated youth is 16 or 17 years of age, *The Summary Offences Procedures Act* does not apply. In this case, the youth may be held at the police station. Child protection services do not become involved.

#### **Repatriation of a Child When Police are Involved:**

A police officer may refer a child for repatriation pursuant to Section 7(1) of *The Child and Family Services Act* when:

- The police have taken custody of a child and have been unable to return the child home;  
or
- The police have arrested a parent who has abducted a child from the parent who has legal custody and have been unable to return the child home.

If a police officer refers a child for repatriation follow the Linkin procedures described in procedures described in [Linkin /Linkin General Information/Training/Training Manuals/Removals and Placements.](#)

#### **References:**

- [Linkin Training Manuals](#)
- [The Health Information Protection Act](#)
- [Summary Offences Act](#)

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## 4.0 Placement in Out-Of-Home Care

### 4.6 Interim Care - Child Under 12

## Legislation

### [The Child and Family Services Act, Section 8](#)

## Intent

Section 8 of *The Child and Family Services Act (CFSA)* is intended to complement *The Youth Criminal Justice Act*. It allows a peace officer to take into custody a child under 12 years where the peace officer believes the child has committed an act that would be a criminal offence if the child were twelve years of age or older.

## Policy

The Ministry of Social Services may provide child protection services to a family when their child under 12 years of age engages in behaviour which would constitute an offence under the criminal code if the child was aged 12 years or older.

## Procedures

1. The report will be screened using the Structured Decision Making® (SDM®) Intake Assessment as 'Other Mandated Referral Criteria'.
2. The intake may also meet other criteria for abuse or neglect and usual investigation procedures will apply.
3. The caseworker or peace officer will take steps to return the child to the parent or to a person who has a right of custody.
4. In cases where it appears it will be some time before the parents can be located or it will take time to arrange the child's return to the parents, the caseworker will take custody of the child and is authorized to make interim short term arrangements for the child's care.
5. The child is not considered to be legally apprehended in these circumstances therefore an application to court is not required.

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<b>Section 4.6: Interim Care – Child Under 12</b>	

#### **Linkin /Administrative Procedures:**

1. This will be documented in Linkin as “Apprehended” See [Linkin /Linkin General Information/Training/Training Manuals/ 3.8. Removals and Placements](#)
2. An ongoing file is created in Linkin where payments are going to be made on behalf of the child.

#### **References**

- [The Youth Criminal Justice Act](#)
- [Structured Decision Making® Intake Assessment](#)
- [Linkin Training Manuals](#)

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#### 4.0 Placement in Out-Of-Home Care

#### 4.7 Agreement for Residential Services (Section 9)

### Legislation

[\*The Child and Family Services Act, Section 9\*](#)

### Policy

The Ministry of Social Services may enter into an **Agreement for Residential Services** with families whereby the ministry will provide residential services for a child when the special circumstances of the family are such that either the basic or special needs of the child cannot be met.

### Intent

An **Agreement for Residential Services (Form 8.2)** may be used in an effort to work in a non-adversarial fashion with parents who are experiencing challenges providing care to their children. It is the ministry's preference to work by agreement if a child must enter care and it is possible to protect the child without apprehension. The parent gives up temporary custody of the child, but retains guardianship rights, including the right to consent to any required medical treatment. (See [Children's Services Manual](#), Chapter 11.3 Health Care /Medical Treatment)

### Standards

- The **Agreement for Residential Services** (also referred to as Section 9 Agreement) must specify the responsibilities of the parent and the ministry during the time frame of the Agreement; and
- Two original copies must be completed and signed by the parents and the Director, Service Delivery or designate.

### Procedures

1. The caseworker meets with the parents to sign the **Agreement for Residential Services (Form 8.2)**. The Agreement shall include terms and conditions of visits between parent and child and provide for as much parental involvement as possible.

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**Section 4.7: Agreement for Residential Services (Section 9)**

2. Before the Agreement is signed, it is to be reviewed in detail with the parents to ensure they understand the implications of the Agreement, including their roles and responsibilities as specified.
3. The caregivers should be advised of their right to seek advice from an independent third party before signing the Agreement. The independent third party advice does not necessarily mean legal advice but could include the advice of a close family friend, a member of the family's church or a member of the family's Band or First Nation community. The parents should be informed that any independent advice is incurred at their own expense.

4. Where the parents are separated:

If there is a custody order/written agreement:

- Obtain a copy of the order where possible;
- If one parent has sole custody only that parent is required to sign;
- If there is joint custody, both are required to sign; and
- The agreement must recognize all conditions outlined in the custody order.

If there is no custody order/ written agreement:

- Both parents are required to sign if there is a presumption of joint custody. (According to *The Children's Law Act, 1997*, if parents lived together following the birth of their child, the parents have joint custody of the child with equal rights, powers and duties. If they did not live together, the parent with whom the child resides has sole custody unless a court order or written agreement states otherwise); and
  - An agreement can proceed while attempting to locate the other parent or if the other parent cannot be located.
5. When the child is twelve years of age or older, the caseworker will discuss the Agreement with the child and encourage their signature on the Agreement.
  6. The **Agreement for Residential Services** is submitted by the caseworker to the supervisor who will forward to the Director, Service Delivery or designate. The Director approves and signs the Agreement on behalf of the Minister.

**Section 4.7: Agreement for Residential Services (Section 9)**

7. One original copy is placed on the Child Protection paper file and the other original copy is provided to the parents. A photocopy of the Agreement is placed on the child care paper file.
8. An Agreement for Residential Services may be signed for any period of time not exceeding one year.
9. Upon expiration, an extension of the Agreement may be signed and approved by the Director, Service Delivery or designate. Prior to extension a Structured Decision Making® (SDM®) Reunification Assessment must be completed.
10. The cumulative total of all Agreements and wardship orders with respect to the child may not exceed 24 months unless the extension is approved by the Director, Service Delivery or designate.
11. Termination of an Agreement may be completed at any time by the parent or the ministry upon providing 48 hours written notice as to the reason for the termination.
12. Where a child turns 16 before the expiration of an Agreement, it may be extended if it is assessed to be in the youth's best interest. The caseworker will discuss the case plan with the parents and youth. If the youth requires additional supports and the parents are not willing to participate in planning, a Section 10 Agreement may be signed with the youth following their 16<sup>th</sup> birthday (see Ch 4.8 - Agreement for Services to 16/17 Year Olds).
  - . A re-assessment may be required before the expiration of the Section 9 Agreement, to extend until the youth's 18<sup>th</sup> birthday where it is determined a Section 10 Agreement is not appropriate or to be in the youth's best interest.

**Extension of an Agreement for Residential Services beyond 24 months**

An extension of an Agreement for Residential Services beyond 24 months may be completed with a parent who is unable to care for a child because of a disability or significant impairment of the child, which may include the following:

- The child has a serious medical/ physical condition and is dependent on others for care;
- The child requires constant supervision, and frequent consultation with medical personnel;
- The child requires a high degree of supervision and intensive supports to address extreme aggressive or other antisocial behaviour;
- The child requires extensive psychological or psychiatric services.

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To determine if the child and parents' circumstances meet the requirements to extend the Agreement beyond 24 months, the following criteria must be met:

- There is no finding that a child is in need of protection as per Section 11 of the CFSA;
- A completed medical assessment by a qualified physician/practitioner indicates a child's disability or behavioral need would typically meet the criteria for a therapeutic or Residential placement;
- A parent is unable to make adequate provision for the care of a child because of such disability or illness, significant impairment or extreme behaviour;
- Parent(s) are committed to staying involved in planning (parent consent must be obtained prior to sharing information with community resources)

A case review meeting with the family, on-going caseworker, child care worker and other involved professionals will occur (prior to signing the agreement) to review permanency needs of the child. The outcome of the meeting may be a recommendation to extend the Residential Services Agreement rather than seeking a long-term/permanent order. This approach fosters shared decision-making, relationship-building and can help preserve the family.

When an extension of the Residential Services Agreement beyond 24 months is recommended, the following will occur:

- The Agreement is completed, signed and approved by the Executive Director, Service Delivery;
- The Transfer of Responsibilities Checklist (8.31) is completed where applicable;
- The case owner is updated in Linkin;
- The original copy of the Agreement is placed on the child care file and a copy is provided to the parent. The new agreement is not to exceed one year, but may be extended for additional one-year increments with the approval of the Executive Director, Service Delivery;
- The child protection file is closed;
- Contact standards are applied as for long-term and permanent wards (see CSM Ch.2.7 Contact Standards for Children who are Long-Term and Permanent Wards);
- Termination of the Agreement may be completed at any time by the parent or the ministry upon providing 48 hours written notice as to the reason for the termination.

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Note: A Family Service Agreement (FSA) is not required when reunification is no longer the goal and where there is an extension of agreement beyond 24 months; on-going child protection services are not required.

#### **Linkin / Administrative Procedures**

1. When the Agreement is approved, child in care administrative requirements and procedures will apply. **(See Children's Services Manual, Chapter 2.9.1 "Administrative Requirements" and [Linkin /Linkin General Information/Training/Training Manuals/Ongoing Training 3.8 "Removals and Placements"](#))**
2. All changes of the Authority for Care must be documented under the legal status area in Linkin.
3. Legal Status will require an edit to have an End-Date for the parents' involvement (closure of child protection file).

#### **Practice Guidelines:**

**Parental Involvement:** It is the intent of every Agreement for Residential Services that the child will return to the care of the parent. (The only exception is extension of a Residential Services Agreement beyond 24 months with Executive Director approval for a child with a significant disability or impairment.) Every Agreement shall include terms and conditions of visits between parent and child. Every Agreement shall provide for as much parental involvement as is practical.

**Significant Disability/Impairment:** is defined as a disability or impairment associated with a persistent physical, cognitive and/or emotional/behavioral condition that requires specialized care and support. To determine whether a child/youth has a disability, a thorough assessment will be completed by a qualified professional.

**Guardianship:** Although the parent gives up temporary custody of the child, he or she retains the guardianship rights to the child. An Agreement for Residential Services **does not** constitute a committal to the Minister.

**Consent to Medical Treatment:** Because the parent retains guardianship, the provision of medical care to the child while in the care of the Minister is subject to parental consent (see Children's Services Manual, Chapter 11.3 Health Care/Medical Treatment).

**Consent to Travel out of Province:** Because the parent retains guardianship, out of province travel for the child is subject to parental consent.

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**Section 4.7: Agreement for Residential Services (Section 9)**

**Term of the Agreement:** An Agreement for Residential Services may be entered for any period of time not exceeding one year. Upon expiration, the agreement may be extended, but the cumulative time period of all agreements with respect to the child cannot exceed 24 months unless the Director/Executive Director agrees to extend the period of the agreement.

**Extension of Agreement:** The Case plan shall be reviewed with the parents prior to the expiration of the Agreement.

If reunification planning requires additional time, the Director may consider extending the term of the agreement beyond 24 months of care where it is in the best interests of the child. Any plan to extend the Agreement should ensure permanency planning is occurring for the child.

An extension of the Agreement beyond 24 months may also occur when there is no reunification plan because the child's needs are beyond the capacity of the parents to safely care for their child at home (not due to any act or omission by the parent). The extension will become the child's permanency plan. See Procedures above.

**Termination of Agreement:** An Agreement for Residential Services may be terminated at any time by the parent or the ministry upon 48 hours written notice to the other party. When the parent terminates the agreement, the ministry may be required to assess the child's need for protective services.

**Agreements with Parents Living Outside Saskatchewan:** These agreements will only be entered into in very unusual circumstances. An example would be when the parents are separated and one lives outside of Saskatchewan.

**Child Turns 16 Years of Age:** Where a child turns 16 years of age prior to the expiration of an Agreement, it may be extended if it is in the child's best interests. The Agreement must be renewed prior to the expiration of the existing Agreement. Prior to the expiration of the Agreement the caseworker should discuss the case plan with the parents and youth. The Agreement may be extended to the youth's 18<sup>th</sup> birthday where it is determined to be in the youth's best interest.

If the youth requires additional supports and the parents refuse to participate in planning an **Agreement for Services to 16 & 17 Year Olds** (also known as Section 10 Agreement) may be considered. The Agreement may not be extended beyond the youth's 18<sup>th</sup> birthday.

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**Child Named in the Agreement is 12 Years of Age or Older:** Where the child named in the Agreement is 12 years of age or older, the case worker should explain the Agreement to the child and take the views of the child into account.

### References:

- [Children's Services Manual, Chapter 2.9.1 Administrative Requirements](#)
- [Children's Services Manual, Chapter 11.3: Health Care /Medical Treatment](#)
- [Agreement for Residential Services Form](#)
- [Agreement for Services to 16 & 17 Year Olds](#)
- [SDM® Policy and Procedures Manual, SDM® Reunification Assessment](#)
- [Linkin Ongoing Training Manual](#)
- [Ch 2 Intake and Investigation](#)

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#### 4.0 Placement in Out-Of-Home Care

#### 4.8 Agreement for Services to 16/17 Year Olds

### Legislation

[The Child and Family Services Act, Section 10](#)

### Policy

The Ministry of Social Services may provide support and residential services for a 16/17 year old youth in the need of supervision when there is no parent willing and/or able to assume responsibility for the youth.

For complete policies and procedures pertaining to services for 16 and 17 year olds, please refer to Supports and Services to 16 /17 Year Olds Policy and Procedures Manual.

### Intent

Section 10 of *The Child and Family Services Act (CFSA)* authorizes voluntary services to youth 16/17 years of age who require financial support and supervision when the parent is unable or unwilling to assume responsibility for the youth.

### Procedures

1. Investigation and assessment, including interviews with the parents, will provide the information required to complete a case plan.
2. **The Agreement for Services to 16 and 17 Year Olds (Form 2089)** is prepared detailing the obligations and expectations of the youth and the ministry.
3. The youth should be advised that they have the right to seek advice from an independent third party before signing the Agreement. The independent third party advice does not necessarily mean legal advice but could include the advice of a close family friend, a member of the youth's church, a member of the youth's First Nation, Métis/Inuit organization or the Advocate for Children and Youth. The youth should be informed that any independent advice is incurred at his or her own expense.

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**Section 4.7: Agreement for Residential Services (Section 9)**

4. The Agreement is signed by the youth and the caseworker. Two original copies of the agreement must be signed. One original copy will be kept on the youth's paper file and the other copy will be provided to the youth.
5. The case plan and the Agreement must be approved and signed by the supervisor and forwarded to the Director, Service Delivery or designate who will approve and sign the Agreement on behalf of the Minister.
6. An Agreement may extend up to one year and may be renewed but may not extend beyond the youth's 18th birthday.
7. At least one month prior to expiration of the Agreement, consultation with the Income Assistance Division is necessary if ongoing financial assistance is required by the youth.
8. The Agreement may be terminated by either party giving 48 hours written notice.
9. If verbal notice of termination is received from the youth, the caseworker should ask the youth to provide written notice of the termination. If written notice is not received within a reasonable time of the termination, the caseworker should confirm the termination in writing to the youth.

**Linkin/Administrative Procedures**

1. Upon Intake, a file is opened in Linkin under the category "Section 10 Agreement".
2. All actions are documented in Linkin.

[\(Linkin /Linkin General Information/Training/Training Manuals 3.8. "Removals and Placements Procedures and How To's/How to Provide Service for 16 & 17 Year Olds\).](#)

When services are approved, procedures including case plan recording, financial benefits and payment processes in the Support Services to 16/17 Year Olds Policy and Procedures Manual will apply.

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## Practice Guidelines

A Section 10 Agreement may be used in the following circumstances:

- Where a child who is in care pursuant to a Section 9 Agreement or temporary wardship order, turns 16 and requires continuing services; ,
- Where a court application to extend the wardship past the child's 16th birthday has been refused, and the parents decline to participate in planning;
- Where the children in a family household are found to be in need of protection and removed from the home, and it is considered to be in the best interests of the 16/17 year old youth to be removed from the home. If the youth is willing to leave the home, a Section 10 Agreement should be considered. Alternatively, the youth may be apprehended if he or she is in need of protection and is not capable of leaving the family home; and
- Where the parents remain willing to work with the youth, a Section 10 Agreement may be considered and a referral should be made for support services through other government ministries or community based organizations that specialize in youth services. It is not the intent of the ministry to undermine parental rights and responsibilities.

Note: Where parents remain actively involved in planning and the youth's needs are beyond the capacity of the parents to safely care for their child, an Agreement for Residential Services may be entered into prior to a youth's 16<sup>th</sup> birthday and extended to their 18<sup>th</sup> birthday when there is no longer a reunification plan (see Ch.4.7 Residential Services - Section 9).

## References:

- [Support Services to 16/17 Year Olds Policy and Procedures Manual](#)
- [Agreement for Services to 16/17 Year Olds](#)
- [Linkin Training Manuals](#)
- [Non SDM®/Linkin offices - See Appendix 4.2A Administrative Procedures link](#)
- [Appendix Ch. 4: Offices not using SDM®/Linkin](#)
- [Ch. 4.7 Residential Services \(Section 9\)](#)

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#### 4.0 Placement in Out-Of-Home Care

#### 4.9 Family Contact and Visitation

##### Policy

The Ministry of Social Services will ensure each child in care has an established plan of contact with their family, except in those circumstances where safety cannot be ensured.

##### Procedures

1. The caseworker will implement a visitation plan based on an assessment of risk and safety factors and the developmental needs of the child. The visitation plan should be inclusive of siblings, extended family and caregivers and related to the outcomes of the case plan.
2. Planned visits will be structured to provide an opportunity for parents to participate in routine child care activities and/or learn parenting skills in order to assure the safety of children and achieve timely permanence.
3. All cancelled visits will be reviewed by the supervisor and, if in the best interests of the child, rescheduled as soon as possible.
4. Court ordered visitations must be observed unless taken back to court for a review based on new information of safety threats for the child. The caseworker will amend the visitation schedule upon receiving the new court order.
5. Supervised visiting will occur in an area where supervision of the visit can happen with the least intrusion for the family but allow for adequate safety of the children and provide opportunity for observation of the parent/child interactions.

##### Linkin/Administrative Procedures

1. All visitation is documented in Linkin – see [Linkin/General/Linkin Manuals/ Outcomes Management Module](#).
2. [Ch 6.2.4: Linkin Documentation – Outcomes Management- Visitation Plans](#).

**Offices not using SDM®/Linkin will document the above information on a contact record on the paper file.**

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## Practice Guidelines

- Visiting provides reassurance to the child and family. Children know they have not been abandoned, which reduces anxiety associated with separation.
- Visiting allows for the assessment of reunification capacity and progress. Visiting allows the caseworker to:
  - Assess the caregivers' and child's willingness and ability to reconnect;
  - Alter the visiting plan;
  - Identify the need for informal and formal resources;
  - Empower the family in decision making; and
  - Assess the extent to which foster parents or extended family can serve as a resource to caregivers.
- Visiting provides an opportunity for:
  - Caregivers and children to learn and practice new skills; and
  - Caregivers to practice newly acquired parenting strategies and receive immediate feedback and coaching from the caseworker.
- Siblings are placed together unless it is not in their best interest.
- In situations where resource limitations do not allow placement together, a plan must be established at the time of placement for siblings to have regular contact with each other.
- This plan should be recorded within the case in Linkin.
- **Any plan where it is decided sibling placement or contact is not in the best interest of the child must be approved by the Director, Service Delivery or designate.**
- The permanency plan and sibling contact will be reviewed during regular supervision between the caseworker and supervisor.

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## References:

- [Linkin Training Manuals](#)
- [Structured Decision Making® Policy and Procedures Manual Section 1: Family Reunification Risk Reassessment and Section 2: Visitation Plan Evaluation](#)

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## 4.0 Placement in Out-of-Home Care

### 4.10 Permanency Planning and Time Limited Services

#### Legislation

*The Child and Family Services Act:*

[Section 9\(5\) - Agreement for Residential Services](#)

[Section 38\(9\) - Expiry of Orders](#)

#### Policy

The Ministry of Social Services will undertake concurrent planning for all children who are in out of home care and will ensure permanency planning is completed according to legislation and ministry policy when a child has been in care for a cumulative period of 24 months.

#### Definition

Child protection services must be time focused in order to meet the developmental needs of children and to acknowledge the family's right to be free from unnecessary intervention. All efforts should be made to reduce risks and achieve outcomes in a limited period of time. Traditionally, planning in child welfare was sequential with initial attention on preserving the family unit followed by permanency planning when efforts at family preservation became unlikely. Concurrent planning with the family is a case management approach that provides for services designed to preserve the family unit, while simultaneously developing an alternative plan, should efforts to mitigate safety and risk be unsuccessful.

#### Intent

The legislation imposes a cumulative total of 24 months for all Agreements for Residential Services or temporary orders in regard to a child. Any plan to extend past 24 months, whether by agreement or court order, must thoroughly review the child's situation, keeping in mind the best interest of the child and the principles of permanency planning.

#### Standards

- A formal review is required by a Manager, Service Delivery when a family has been receiving services for a cumulative total of 18 months and/or when a child has been in temporary care for a cumulative total of 18 months;

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- The Director, Service Delivery or designate must approve any application to court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis; and
- A decision to recommend an extension of an Agreement for Residential Services beyond 24 months must be approved by the Director, Service Delivery. In the circumstance that family re-unification is not the plan, the Executive Director, Service Delivery must approve the extension(s).

## Procedures

1. When completing an Assessment and Case Plan (ACP) for a family identified as receiving services for more than a cumulative total of 18 months and/or whose children have been in care for a cumulative total of 18 months, the caseworker will submit the ACP to the supervisor who will, in turn, submit to a Manager, Service Delivery for formal review and approval.
2. Upon review, the Manager, Service Delivery will consider the following:
  - The best interests of the child;
  - The steps that have been taken to assist and support the child's immediate family toward family reunification;
  - That extended family members have been contacted to determine their ability to provide care for the child;
  - The appropriate First Nation Child and Family Services Agency has been consulted;
  - The wishes of the family, extended family, Band, First Nation Child and Family Services Agency and child where appropriate;
  - The age of the child;
  - The developmental needs of the child;
  - The special needs of the child;
  - The number of times the child has been in and out of care; and
  - The possible effects of any delay in permanency planning for the child.

Any child protection case where services continue to be provided one year after the first Formal Review must have subsequent ACP's reviewed and approved by the Manager, Service Delivery.

See also Children's Services Manual, Chapter 3.2: Formal Review of Permanency Plans for Children.

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#### **Linkin /Administrative Procedures**

1. Caseworkers will create an ACP (See Chapter 8.34 - Forms) outside of Linkin and email the document to the supervisor who will sign the document electronically and forward to the Manager, Service Delivery.
2. Once approved, the Manager, Service Delivery will sign the document electronically and submit back to the supervisor.
3. The supervisor will then copy and paste the document into the Outcome Plan of the Ongoing Case in Linkin.

#### **Permanency Planning**

Permanency planning for children is not synonymous with permanent wardship or long term wardship. Rather, permanency planning is case planning that has the goal of having children live in families with nurturing parents or caregivers who make a long term commitment to the child and provide the opportunity to establish lifelong relationships. Permanency plans may also include extension of Agreements for Residential Services, when the family is not able to care for the child because of the child/youth's disability or significant impairment (not due to an act or omission by the parent).

A planning committee meeting will convene with child protection, out of home care and adoption case workers to review the permanency needs of the child. Every effort should be made to include family members and when applicable, First Nations/Métis agency/band members.

At the conclusion of the meeting, a permanency plan for the child(s) should be established with all committee members sharing an understanding of the rationale for the decision. An on-going cultural plan should always be incorporated into the child's permanency plan.

Permanency planning for children in care will focus on the following options:

- Return to the child's caregiver(s);
- Placement with extended family;
- Placement within the First Nations or Métis community;
- Adoption;
- Foster family or residential care; and
- Independence

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Permanent and long term wardship should only be considered where family reunification is unlikely and there is no extended family member who is able or willing to safely assume long term custody of the child. All custody options should be considered including:

- A private custody agreement between the caregivers;
- A Person of Sufficient Interest order under *The Child and Family Services Act*; and
- A custody application through *The Children's Law Act, 1997*.

#### **Reunification:**

Reunification planning is a process guided by the use of SDM® and Family Centred tools. The reunification of any child must be approved by the supervisor following completion of the caseworker's assessment.

So long as it is safe to do so, reunification should always be considered as a primary plan for children and families. This option aligns with family centred practice, maintains family connections and is less intrusive. This option should be considered when:

- The outcomes of the case plan have been achieved and there are no outstanding safety threats; and
- The risk of future child maltreatment which leads to out-of-home care has been reduced.

See [Structured Decision Making® Policy and Procedures Manual/Reunification Assessment, Section 5, Permanency Case Plan and Recommendation](#)

#### **Extension of Agreement for Residential Services beyond 24 months**

In some circumstances, when reunification is not the plan because the parent is unable to care for the child due to a disability or significant impairment of the child, the Agreement for Residential Services may be extended beyond 24 months with Executive Director approval (see Chapter 4.7 Agreement for Residential Services (Section 9) for more information).

#### **Persons of Sufficient Interest (PSI)**

Placement with a PSI should be considered when:

- A child in the care of the Minister has been placed for at least six months with an extended family member or other person who has a relationship with the child, and the placement is assessed as safe and meeting child's needs;

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- The PSI is willing to make a long term commitment to care for the child;
- A sense of family or connection may already exist between the child and family;
- The views of the child have been considered; and
- The child's parents have been informed about the recommendation for long term placement of the child with the PSI.

See also Children's Services Manual, Chapter 4.3.5 Person Having a Sufficient Interest

### **Long Term Order**

Long terms orders should be considered when:

- Family reunification with the immediate family is not likely within a time frame that is in the best interest of the child; and
- The child is 12 years of age and over and where the involvement of their family or extended family makes an adoption plan unlikely.

Long term wardship should not typically be considered for young children as it may restrict permanency planning and increase the potential for the child to "drift" in foster care. Where a young child has a significant relationship with family, long term wardship should only be considered if alternate permanent family placement outside of adoption can be ensured.

Long term orders provide ongoing support for the child/youth until the age of 18. Extension of Support Agreements pursuant to Section 56 can be offered until the youth's 21<sup>st</sup> birthday.

See Children's Services Manual, Chapter 3.3: Recommendation for Permanent and Long Term Wardship

### **Permanent Order**

Permanent orders should be considered when:

- Family reunification with the immediate family is not likely within a time frame that is in the best interest of the child;

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- There is no extended family available; and
- Registering for adoption is in the best interests of the child.

Permanent Wardship is typically considered for young children (usually under 12 years of age). Where parental rights are to be severed and where adoption is a viable option, open adoption can allow for a continued relationship between the child and birth family if appropriate.

Where a permanent or long term order is granted the caseworker must:

- Determine if the family has any gifts for the child or belongings of the child they wish to provide;
- Ensure that the family social history is gathered and complete;
- Determine future contact with the child and family including the nature of the contact;
- Arrange a meeting with the child and family for closure if no further contact is planned;
- Assist the family to address issues of grief and loss; and
- Discuss the long term plan with the child.

After closure of the family involvement within the ongoing case, family support may be provided from time to time through the child's caseworker. This support includes facilitating the child's contact with family and ensuring safety during contact.

In situations where family contact is not initially seen to be in the child's best interests, family contact must be reviewed at each annual case plan review.

### **Reunification after Permanent Order**

There are situations when consideration may be given to reunification of permanent or long term wards such as the following:

- When a child has been a permanent or long-term ward and no adoption has been arranged;

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- Permanent or long-term ward re-establishes a relationship with family;
- When there is information indicating that the family's circumstances have changed such that safety and risk level have improved; and
- When an adopted child returns to care, the birth family should be explored to determine if family members might be a resource for the child.

Prior to considering re-unification, an SDM® Reunification Assessment is completed and should a plan of re-unification be recommended and approved by the supervisor, the court order may be varied or terminated to facilitate family re-unification.

See [Chapter 5.2.13 Court Related Information - Variation or Termination of Orders](#)

#### **Linkin/Administrative Procedures:**

See [Linkin /Linkin General Information/Training/Training Manuals/ Outcomes Management/Reunification Assessment](#)

#### **Adoption**

This plan offers stability for a child who cannot return home and there are no other options for permanent placement with family or significant others including First Nations resources.

**Specific Adoptions:** (Foster Care/ Alternate Care /Extended Family caregivers adopting a specifically-identified child)

- While some caregivers may be approved for a specific adoption, fostering is not intended to circumvent the adoption process. The foster family/caregivers will be subject to the same wait times and processes as applicants from the Domestic Adoption registry;
- Foster parents or other caregivers adopting a specifically-identified child who has been in their care for a period of one year may apply to adopt;
- The foster parent, alternate care or extended family caregiver may have a Mutual Family Assessment (MFA) completed, in which case, an adoption worker will complete an update to the MFA. Caregivers who were approved under another type of assessment (no MFA completed), will be required to work with an adoption worker to complete all MFA requirements; and
- Adoptive applicants must undergo all aspects of the assessment process to determine the approval of an adoption placement.

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## Assisted Adoption

Assisted adoption provides the stability of an adoptive home for children permanently committed to the Minister. Adoptive families may be eligible to receive financial assistance from the ministry depending on the special placement or care needs of the children.

### Linkin/ Administrative Procedures:

Linkin does not capture information on Adoption cases.

- Information about a child who is in care under permanent wardship is captured in Linkin, however the name of the potential adoptive parent is not to be entered into Linkin, nor is the child's adoptive name, once it has been changed (see Children's Services Manual, Chapter 5.4: Adoption).

See also Adoption Services Manual for all policies and procedures pertaining to adoption.

### References:

- [Structured Decision Making® Reunification Assessment](#)
- [Children's Services Manual, Chapter 3.2: Formal Review of Permanency Plans for Children](#)
- [Children's Services Manual, Chapter 3.3: Recommendation for Permanent and Long Term Wardship](#)
- [Children's Services Manual, Chapter 4.3.5 Person Having a Sufficient Interest](#)
- [Children's Services Manual, Chapter 5.4: Adoption](#)
- [Child Protection Manual, Chapter 4.7 Agreement for Residential Services \(Section 9\)](#)
- [Child Protection Services Manual, Chapter 5.2.13 Court Related Information – Variation or Termination of Orders](#)
- [Adoption Services Manual](#)
- [Linkin Training Manuals](#)
- [Appendix Ch. 4: Offices not using SDM®/Linkin](#)

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## 5.0 Court Related Information

### 5.1 Caseworker Roles and Responsibilities in Court Proceedings

#### Introduction

This section focuses on the caseworkers' roles and responsibilities in child protection court proceedings. Child protection caseworkers' responsibilities as officers under *The Child and Family Services Act (CFSA)* include initiating court proceedings when necessary, ensuring that families are fully informed of the reasons behind a court action or recommendation and involving families and supporting them throughout the legal proceedings. As well as continuing to engage and work with the family, the caseworker must also complete administrative tasks related to the court proceeding.

Upon submitting an application for a child protection proceeding, the Ministry will have legal representation. In some areas of the province, legal representation is provided by private law firms who are appointed by the Minister to represent the Ministry in all legal matters. The Ministry of Justice, Civil Law Division, provides direct representation to other areas. (See Ch. 5.3 Family Law Division)

The role of the Ministry caseworker and supervisor is to provide direction to the Ministry's legal counsel on the purpose and plan for proceeding with court action. Legal counsel will provide the direction on what documentation and evidence is required for court.

**Note - When a First Nations Child and Family Services Agency files an application for a child protection proceeding, the Agency is responsible for hiring their own private legal counsel. The legal fees incurred are reimbursed by Indigenous Services Canada (ISC) except in circumstances where the Ministry is financially responsible for the costs of the court proceedings. (See [Ch. 5.3, Family Law Division](#))**

#### Policy

The Ministry of Social Services will initiate and manage child protection proceedings according to the procedures and time frames set out in *The CFSA* and in a manner that is supportive of the family and in the best interest of the child.

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## Intent

Child protection caseworkers will carry out their roles and responsibilities with respect to court proceedings in a manner that:

- Ensures the family is fully informed of the Ministry's actions and recommendations;
- Supports the family's right to be heard;
- Involves the family as much as possible in decision making;
- Supports a timely court resolution;
- Makes certain that legal counsel and the court receives clear, factual and thorough documentation of the case; and
- Places the primary focus on the best interests of the child.

## Procedures

The following are general procedures that should occur in all cases where the caseworker is initiating an application for a court hearing. Other detailed procedures that are specific to certain sections of *The CFSA* are outlined in Section 2: Provisions of *The Child and Family Services Act*.

**When filing an application with the Court for a child protection hearing, the caseworker should:**

1. Review, with the supervisor, the order being sought, circumstances, evidence, case plan and outcomes expected early in the planning process. This should be done prior to filing the application. The review and recommended order for court must be documented in a contact log and approved by the supervisor.
2. Ensure Notices of Apprehension (where applicable) and Notices of Hearing have been served within the applicable time frames and that the Affidavit of Personal Service has been completed.
3. Discuss the recommended order, case plan and objectives with legal counsel.
4. Arrange, wherever possible, a family-centred conference that ensures the caseworker and the family review the issues, the order sought and explores possible agreement and alternative solutions.

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5. Ensure the appropriate First Nation Child and Family Services Agency is aware of the court application and involved in planning prior to court if the child is Status Indian.
6. Withdraw the application for hearing if an agreement with the family is reached (e.g. the caseworker enters into an Agreement for Residential Services with the parent(s), or where the child has not been removed from the home and an agreement for child protection services is reached).

**The following documentation is required for court purposes:**

1. Current Structured Decision Making® (SDM®) assessments, a copy of the Linkin Investigation Summary Report, Assessment and Case Plan and contact logs. This documentation will describe the reason for the application and the specific order sought. Current documentation is necessary for legal counsel to complete affidavits. Offices not using SDM® and/or Linkin will provide copies of the Assessment and Case Plan, Investigation Record and contact records to their legal counsel.
2. Documentation regarding the family's prior involvement with the Ministry that is relevant to their current circumstances. This needs to be accurate, objective and thorough. Legal counsel for the Ministry will release this information to legal counsel for the parents.
3. A certified copy of the Registration of Live Birth is required for each child unless a previous order has been granted by the court for that child. These documents are obtained from Saskatchewan Vital Statistics and orders will not be issued without them. There may be a delay in receiving a new-born child's Registration of Live Birth. The court in these circumstances will allow the order to be granted, but the court order will not be available to the parties until the Registration of Live Birth is filed.
4. Where a parent of the child is deceased, a certified copy of the Certificate of Death is required.
5. Third party reports that contain information relevant to the rationale for the court order are also required for court purposes (e.g. Mobile Crisis Services reports, information gathered from sources such as police, physicians, teachers etc.).

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### Preparing Evidence/Witnesses for Court

1. If the parties agree to a court order and the parents are represented by counsel, an **Agreed Statement of Facts** will be prepared. This will be signed by the lawyers and filed with the court before the first appearance. This will set out evidence of the protection concerns, the order sought, and any conditions that are outlined in the order.
2. If the parents do not have legal counsel and agree with the Ministry's recommendations, an affidavit will be prepared and filed by legal counsel for the Ministry. The affidavit will form the evidentiary base for the order. (An affidavit is preferable because the parents may be unavailable before the first appearance to sign an Agreed Statement of Facts.) It is best practice for the caseworker to review the affidavit with the parent prior to court, if possible.

If the matter proceeds to a pre-trial conference in Court of King's Bench, and possibly a contested hearing, any facts which are not in dispute can be incorporated into an **Admission of Facts** which is filed before the hearing and will narrow the issues at trial. (See **Section 5.3: Family Law Division** for information regarding Court of King's Bench)

3. To prepare evidence for court, consideration will be given to:
  - Persons having knowledge of the matter;
  - Persons who have provided a service to the family and child; and
  - Any other person who could contribute to the hearing.
4. Witnesses may need to be subpoenaed at the lawyer's request, or if the witness states that appearing will not be possible otherwise.

### Caseworker tasks

1. Work with the Ministry's counsel to prepare a witness list and summarize what the witness might say.
2. Ensure consultation occurs with legal counsel and that there is preparation and support of Ministry witnesses by lawyer and/or caseworker.
3. Consult with legal counsel to specify time frames, as much as possible, when a witness will be expected to testify.

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### Caseworker's Role as a Witness

1. Caseworkers should be prepared to testify by anticipating what information they will be expected to provide.
2. Ministry staff are expected to dress appropriately and professionally for court. How you present yourself impacts on your credibility.
3. When testifying the caseworker should:
  - Speak clearly and with confidence;
  - Use appropriate language with no jargon;
  - Address only questions asked; and
  - Be as specific as possible with answers (e.g. when asked how often you have seen the client, say *"Three times in May of this year"*, not *"Two or three times in the last few months or so"*).
4. If you, as the caseworker do not understand a question, did not hear it, or do not know the answer, say so. Ask that the question be repeated or rephrased if necessary.
5. The caseworker should remember that the responsibility for developing the testimony belongs to the Ministry's counsel.
6. The caseworker is responsible for:
  - Telling the truth;
  - Providing the information of which they are personally aware, and are able to recall;
  - Ensuring consistency in statements; and
  - Referring to contact notes when necessary and with the court's permission.

### The Court's Decision

If the court issues an order other than the one recommended by the Ministry of Social Services:

1. Consider an appeal if the Ministry feels the decision is not in the child's best interest. The decision should be reviewed by the Ministry's counsel, the supervisor and the Director, Service Delivery. Any consideration for an appeal will be reviewed by the Executive Director, Service Delivery.

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2. Document the Ministry's concerns even if not appealed.

### **Legal Costs**

1. In situations where a child is in need of protection but not in the care of the Minister and the Ministry is proceeding with a child protection hearing, the Ministry may pay for legal fees for legal counsel to represent the Ministry.
2. Families are required to pay for their own legal counsel if they are not eligible for legal aid services.
3. Legal fees for children who are registered with a Band and are taken into care on reserve by a First Nations Child and Family Services Agency are the responsibility of the Agency. The Agency will submit the legal costs to Indigenous Services Canada (ISC) for reimbursement.
4. Legal Fees are the responsibility of the Ministry in circumstances where children are not registered with a Band or are not eligible for registration and are taken into care by a First Nation Child and Family Services Agency.

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## 5.0 Court Related Information

### 5.2 Provisions of The Child and Family Services Act

This section outlines the policies and procedures that are related to specific provisions of *The Child and Family Services Act (CFSA)*. It is important that Ministry staff have a strong working knowledge of the provisions under *The CFSA* and understand the standards and procedures required for each provision.

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<b>Section 5.2.1: Child's Best Interests</b>	

## 5.0 Court Related Information

### 5.2.1 Child's Best Interests

#### Legislation

##### [The Child and Family Services Act, Section 4](#)

Section 4 of *The Child and Family Services Act* sets out the guiding principles in determining a child's best interest and is intended to serve as a framework for decision making and case planning.

Caseworkers must have knowledge of the principles outlined in Section 4 of *The Child and Family Services Act*. The rationale for an order being must be framed in terms of the "child's best interest".

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## 5.0 Court Related Information

### 5.2.2 Duty to Investigate/Warrant for Access to Child

#### Legislation

*The Child and Family Services Act:*

[Section 13 - Duty to Investigate](#)

[Section 13.1\(1\) - Warrant for Access to Child](#)

#### Policy

The Ministry of Social Services shall investigate all reports where reasonable grounds exist to believe that a child is in need of protection.

If necessary, a caseworker may apply for a **Warrant for Access to Child** pursuant to Section 13.1(1) to allow the caseworker to determine whether or not the child is in need of protection.

#### Intent

A justice of the peace or a judge may issue a warrant for the following reasons:

- To allow a caseworker access to a child who is believed to be in need of protection and assess their safety;
- To require a person to disclose any information regarding the location of a child who is believed to be in need of protection; and
- To allow a caseworker to take a child away from the premises for a medical examination or interview without apprehension.

#### Procedures

1. Child protection caseworkers will carry out a child protection investigation as per Ministry policy and procedures to determine whether a child is in need of protection and ongoing child protection services are required.
2. If a person refuses access to a child who on reasonable grounds is believed to be in need of protection, an application may be made to a Justice of the Peace or a Judge for a Warrant for Access to Child pursuant to Section 13.1(1) of *The Child and Family Services Act*.

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3. An application for a warrant will be reviewed with the supervisor. Any application for a warrant should be done in consultation with the Ministry of Justice. The use of a warrant is considered as a last resort.
4. Where the caseworker cannot enter voluntarily and has direct knowledge that the child is in need of protection, **Information for Warrant for Entry (Form 2017)** is completed.
5. Complete **Information for Warrant for Entry (Form 2018)** if the caseworker does not have personal knowledge but has reasonable and probable grounds to believe a child is in need of protection.
6. An application for a warrant may be made in person, by phone or by other electronic communication.
7. The Judge or Justice of the Peace will issue a time limited **Warrant for Entry (2019)** if satisfied that there are reasonable grounds to believe a child is in need of protection.
8. Where a judge or justice of the peace has issued a warrant, the caseworker should consider involving law enforcement to assist in keeping the peace.

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<b>Section 5.2.3: Duty to Offer Family Services/Notice of Child in Need of Protection</b>	

## 5.0 Court Related Information

### 5.2.3 Duty to Offer Family Services/Notice of Child in Need of Protection

#### Legislation

[The Child and Family Services Act, Section 14](#)

#### Policy

When it has been determined through investigation that a child is in need of protection and ongoing services are required, the Ministry will:

- Notify the parent of the Ministry's conclusion; and
- Offer family services that are considered essential to enable the parent to care for their child.

See Ch 2.4: Notice of Child in Need of Protection/Offer of Family Services for detailed information on the standards and procedures related to this section of *The Act*.

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## 5.0 Court Related Information

### 5.2.4 Protective Intervention Order

## Legislation

[The Child and Family Services Act, Section 16](#)

## Policy

The Ministry may apply for a **Protective Intervention Order (PIO)** where a caseworker has reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protection.

## Procedures

1. This provision may be used where a person in the home causes the child to be in need of protection. This person may be the parent of the child or it may be another person, such as a common law spouse of the parent or a sibling of the child.
2. This provision includes a PIO where contact between a 16 or 17 year old already receiving services under *The Act* (Section 10) and another person would cause the 16 or 17 year old to be in need of protection. It is intended to assist the youth in avoiding contact with persons who would expose them to sexual exploitation.
3. Before applying for the PIO, the caseworker must make an assessment of the ability of the parent to ensure compliance with the terms and conditions of the order. The success of the order will depend on that parent's ability and willingness to carry out the order.
4. Examples of cases where a PIO may be used are:
  - A child has been admitted to the hospital because of maltreatment. While the child is in the hospital, a PIO may be obtained requiring the alleged offender to leave the home. The child can be returned home;
  - An incident of family violence occurs. The mother and children move to a Transition House. A PIO may be obtained enabling them to return home with the protective parent;

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- There is an allegation of physical or sexual abuse and the child is apprehended. Obtaining a PIO permits the child to return home with the protective parent; and
  - A 16 or 17 year old has signed a Section 10 agreement and is attempting to leave the street. However, the person that had been exposing the youth to sexual exploitation continues to harass the youth and attempts to have them go back to the street life by offering money, drugs, or threats. The caseworker could apply for a PIO against that person.
5. The court may make the order subject to any terms and conditions the court considers to be in the best interests of the child, including a provision that the person named in the order refrain from contact with the child. It is intended this condition will cause the person named in the order to leave the home, without causing the child to be removed from the home. Examples of the type of conditions that may be ordered are:
- Counselling for abuse or addiction;
  - Supervised access; and
  - No contact with the child at home, at school or at any place where the child regularly attends.

## Applications

There are five applications which can be made pursuant to Section 16 of *The CFSA*. They are:

- Application for a protective intervention order;
- Extension of an order;
- Making changes or additions to the terms and conditions of the order;
- Decreasing the duration of the order; and
- Terminating the order.

Any application pursuant to this section can be made by the caseworker by completing an Application for **Protective Intervention Order** (Form 2031) and delivering the application (personally or where time permits by mail) to the Clerk for the Provincial Court or to the King's Bench, Family Law Division. The application may also be made by fax.  
(See Section 5.2.5: Procedures for Apprehension and Applying to Court)

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## Service

Once a date for the application has been set by the Clerk of the Provincial Court or King's Bench, the caseworker or the process server will complete and sign the **Notice for Protective Intervention Order** (Form 2083). The caseworker must serve the **PIO** (Form 2083) on the person named in the order and each parent.

Where the PIO is personally served, the caseworker or process server must give each person three clear days' notice of the application for the order. Alternatively, the Notice may be served by registered or certified mail or to a lawyer acting for any of the parties.

## Hearing for PIO

It is expected that a hearing will be held in court to determine if a PIO will be issued and on what conditions. Therefore, the caseworker may be required to provide evidence as to why he or she believes the child to be in need of protection. The caseworker should be prepared to recommend the time frame for the order and the terms and conditions.

## Term

A PIO may extend for a maximum period of six months, with total extensions of not more than 24 months (cumulative total). The court may extend an order beyond the 24 months where continued contact causes the child to be in need of protection.

## Extensions

An **Application for Protection Intervention Order** (Form 2031) is completed to extend the PIO and must be submitted before the expiry or within 15 days of the expiry of the order.

## Applications by a Person Named in the Order

*The CFSA* permits a person named in an existing PIO to make the following applications:

- Make changes or additions to the terms and conditions of the order;
- Decrease the period of the order; or
- Terminate the order.

The person named in the order applies to court by filing the **Application for a Protective Intervention Order** (Form 2031) with the court.

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The caseworker may assist the person in making the application.

### **Service on the Director, Service Delivery**

Where a person named in the order has made an application to change the PIO, he or she must serve a copy of the **Notice for Protective Intervention Order (Form 2084)** on the Director, Service Delivery or designate. The Notice may be served personally, by registered or certified mail or by service on the Ministry's lawyer. Where the Director, Service Delivery is not available to accept personal service, each service area should ensure a designate is appointed.

### **Issuing a PIO**

The lawyer representing the Ministry will issue the order. The completed order will be returned to the clerk of the court for review before signature by the Judge. The clerk provides two certified copies of the order to the Director, Service Delivery. One is placed on the child protection paper file and one is provided to the parent by the caseworker.

### **Enforcement**

It is an offence under *The Act* to contravene a Protective Intervention Order. (See Section 81 of *The CFSA*)

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## 5.0 Court Related Information

### 5.2.5 Apprehension and Applying to Court

#### Legislation

*The Child and Family Services Act:*

[Section 17 - Apprehension](#)

[Section 19 - Notification](#)

#### Policy

The Ministry shall apprehend a child where, on reasonable and probable grounds, it is concluded that a child is in need of protection and at risk of incurring serious harm and no other arrangements can be made to ensure the safety of the child.

If a child is apprehended and not returned to a person with the right of custody within 48 hours, the caseworker will make application to the court for a protection hearing.

Where at any time the caseworker no longer believes the child would be at risk of serious harm if returned, the caseworker will return the child to a person who has the right of custody. The application to the court for a protection hearing may be withdrawn if the child is returned and an agreement with the parents is reached.

The Ministry will notify the parent or custodial caregiver in writing of the apprehension of a child.

#### Procedures

##### Notice of Apprehension

Where the caseworker apprehends the child, the caseworker shall, as soon as practicable, provide the parent with a **Notice of Apprehension** (Form 2016) setting out:

- The grounds for apprehension of the child;
- The office address and telephone number of the caseworker; and
- The advisability of the parent obtaining legal counsel.

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**Notice of Apprehension (Form 2016)** may be left with the parent or at the parent's home or the contents of Form 2016 may be provided to the parent verbally. Where the caseworker provides the information verbally, he or she should make careful note in contact logs that the contents of the **Notice of Apprehension (Form 2016)** have been discussed with the parent and the parent understands. Where the caseworker advises the parent verbally of the contents of the notice, the caseworker should also mail a copy of Form 2016 to the parent.

### **Application for Hearing**

Where the caseworker apprehends the child, the caseworker shall apply to court for a protection hearing within 7 days, not including the day of apprehension. This application can be made in one of the following ways:

1. Application is made by filing an **Application for a Protection Hearing** (Form 2020) with the Clerk of the Provincial Court or Court of King's Bench, Family Law Division. The application may be filed personally or where time permits by mail; or
2. Application may be made by fax machine or telephone according to [The Child and Family Services Regulations](#), in circumstances where the application cannot be filed in the required time period due to the court not sitting in the location where the application originated.

### **Setting Dates for Hearings**

The Supreme Court of Canada has recognized that there must be a fair and prompt hearing following the apprehension of a child.

Effective January 1, 2001, all applications for protection hearings where a child has been apprehended must be made returnable within 14 days of apprehension.

This means that a child protection hearing must begin within 14 days of a child being apprehended. For example, if the child apprehension occurs on the first day of the month and the application for a hearing is filed on the fourth of the month, the hearing date will be set within the next 10 days.

This applies to Court of King's Bench only, but Provincial Courts will follow this direction, or risk an appeal to King's Bench. Where Provincial Court is held less frequently, the hearing date will be set on the first available court date.

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On the first hearing date legal counsel will speak to the matter, focusing primarily on the grounds for finding the child in need of protection and that apprehension was necessary to provide for the safety of the child.

The information will identify the parents, First Nation involvement if applicable, current placement, factors which determined the need for apprehension and, if necessary, time required to complete the investigation process. This should uphold the apprehension and provide support for the requested adjournment.

At the first hearing, if the Court upholds the apprehension of the child, a Chambers or Pre-trial date could be set.

### **Notice of Protection Hearing – Service**

The caseworker will serve a **Notice of Protection Hearing** (Form 2007A or 2007B) to:

- The child's biological parents, including where applicable, the non-custodial parent;
- A First Nation Agency (where a child is a First Nation or eligible for registration);
- Any other person to whom custody has been granted by a court or agreement; and
- Any person with whom the child resides and who stands in *loco parentis* to the child such as step-parent.

Notice is served by the caseworker or in some service areas the office may use a process server associated with the legal firm that represents the Ministry. The process server will serve the **Notice of Protection Hearing** by:

- Serving the parent personally; or
- Sending a copy of the notice by registered or certified mail to the last known address of the person or to the address of the person as shown in the records of the Ministry; or
- Leaving a copy of the Notice of Hearing with the lawyer, where the caseworker is aware a lawyer is acting for the parent. Before choosing this method of service the caseworker should call the lawyer to determine if he or she has instructions to accept service on behalf of the parents. If they do not have instructions or cannot obtain instructions from the parent to accept service on his or her behalf, the caseworker must choose one of the other methods for service.

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### Notice of Protection Hearing - Period of Notice

Where the notice of hearing is personally served, the caseworker must provide the parent with three clear days' notice of the protection hearing. Three clear days means the day of service and the day of the protection hearing are not included in the count. This rule also applies where the notice has been served on the lawyer who is acting for the parent.

As the lawyer is acting for the parent, the parent is deemed to have accepted receipt of the notice on the day the lawyer accepts service of the notice.

In circumstances where the last possible day to provide notice is on a Sunday or a statutory holiday, the notice period is extended to include another day pursuant to subsection 24(1) of *The Interpretation Act, 1995*. However, so long as the last day to provide notice does not fall on a Sunday or a holiday, that day may be counted.

**Example:** If court is on Tuesday, the case worker must serve by Friday (leaving Saturday, Sunday, and Monday as clear days). However, if Friday is a holiday, the worker must serve by Thursday (leaving Saturday, Sunday, and Monday as three clear days).

### Proof of Service

#### 1. Personal Service

Where the caseworker has served the parent personally by leaving a copy of the notice with the parent, the caseworker will complete an **Affidavit of Personal Service** (Form 2035). The Affidavit of Personal Service will be attached to the third copy of the Notice of Hearing. An Affidavit of Personal Service for each parent should be completed if the parents are served on separate occasions. In that case both Affidavits are attached to the Notice.

#### 2. Service by Registered or Certified Mail

Where the notice of hearing is served by **Registered or Certified Mail**, the notice is deemed to have been received by the parent seven days after the day it was mailed, not including the day it was mailed. To ensure correct service under this section it is necessary to add three clear days onto the period of notice required under *The Act*. Therefore, the notice of hearing must be mailed a minimum of eleven days prior to the protection hearing commencing, not including the day the notice was mailed.

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**EXAMPLE:**

September 1 - Notice of hearing is mailed by registered mail

September 8 - Notice of hearing is deemed to have been received by the parent

September 12 - Earliest date the hearing can commence

**Note** - See Section 37 - Notification to Indian Band re: Application for Permanent and Long Term Order.

The caseworker or process server must complete an **Affidavit of Service by Registered or Certified Mail** (Form 2036). The Affidavit of Service by Registered or Certified Mail will be attached to the third copy of the **Notice of Protection Hearing**. An Affidavit for each parent should be completed if the parents are served on separate occasions. In that case both Affidavits are attached to the Notice.

### 3. Service Accepted by Lawyer

Where the caseworker plans to serve the lawyer on behalf of the parent, the caseworker or process server shall indicate on the **Notice of Protection Hearing** that the lawyer is accepting service. The following should be typed on the back of the **Notice of Protection Hearing**:

Service of this notice accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Solicitor for the Parent

The **Notice of Protection Hearing** is served by leaving a true copy with the lawyer. The original Notice with the lawyer's signature should be kept by the caseworker to be filed in court at the time of the protection hearing.

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#### 4. Waiver of Notice of Protection Hearing

The parent or the lawyer acting on behalf of the parent may waive the notice requirement and agree to a shorter period of notice. The parent may indicate his or her acceptance of a shorter period of notice by completing the waiver on **Notice of Protection Hearing (Form 2007)**. Where a lawyer is accepting a shorter period of notice on behalf of the parent, the following should be typed on the back of the **Notice of Protection Hearing**:

Short service of this notice accepted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Solicitor for the Parent

#### 5. Withdrawal of Application for Hearing

A caseworker may withdraw an application for a protection hearing at any time where:

- An agreement for family services has been reached and the caseworker no longer believes the child would be at risk of serious harm if returned; and
- The caseworker no longer believes the child is in need of protection.

The application can be withdrawn by filing with the court a **Withdrawal of Application for a Protection Hearing** (Form 2087). The caseworker should provide a copy of the form to the parent.

#### 6. Substitutional Service or Dispensing with Service

If the caseworker or process server is unable to effect service, an application to court is required to either dispense with the necessity of serving that person, or requesting an order to serve substitutionally. Situations where it is appropriate to dispense with service are as follows:

##### a) Unable to Locate the Parent

To locate a parent, the caseworker should consult relatives of the parent, the Income Assistance Program, Indigenous Services Canada (ISC), Band Councils, First Nations Child and Family Service Agencies, police, correctional facilities and

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hospitals. If the search indicates the parent is residing in another province, the caseworker should contact child protection services in that province and determine whether there is a current address available. **It is important the caseworker document all efforts to locate the parent(s) by noting who they spoke with, and information provided.**

If there is no information as to the individual's whereabouts, an affidavit is completed or oral testimony is provided setting forth attempts to locate the parent. The affidavit is filed in support of an application (*ex parte*) to dispense with service upon the parent.

**b) If Identity is Unknown**

If the name of the birth father is not shown on the Registration of Live Birth, the mother indicates she does not know his identity, or refuses to disclose it, and there is no court declaration of paternity, the caseworker needs to complete an affidavit indicating this information. This affidavit is filed in support of an application to dispense with service pursuant to Section 77(7) of *The CFSA*.

**c) The Parent is Evading Service**

An affidavit is filed setting out attempts to serve the parent with the notice. Frequently, however, the court will refuse to dispense with service in these situations and require substitutional service or the notice be served by ordinary or registered mail with the presumption that service be effected seven days after posting.

**d) Risk of Harm**

If the custodial parent advises that providing notice to another party (e.g. non-custodial father) would place her at risk of physical harm, an affidavit is completed requesting that there be an order dispensing with the necessity of serving the father with notice of the protection hearing. Alternatively, the mother can take the stand at the protection hearing and advise the court of her reasons for wanting the order to dispense.

If the caseworker is unable to effect service personally or by registered mail, an alternative is an application to the court for substitutional service.

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Methods to substitutionally serve include serving the notice upon the individual's relative or friend. When requesting an order from the court to serve in this way, the caseworker must complete an affidavit indicating why there is a reasonable belief the individual will receive notice through that form of substitutional service.

## **7. Application to Court for Service Instructions**

Where a caseworker and their legal counsel are unsure as to who may require service pursuant to *The CFSA*, an application can be made to the court for instructions. This application should be made with the advice of the lawyer acting for the Ministry.

## **8. Issuing Orders**

The order will be completed by the lawyer representing the Ministry. The completed order will be returned to the Clerk of the court for review before signature by the Judge. Two certified copies of the order will be sent to the Director, Service Delivery. Both certified copies are placed on the child protection paper file and a copy on the child care paper file if the child is in care. The caseworker must provide a copy of the order to each parent.

## **9. Service Area Differences**

Courts across the province may have individual practices which the caseworker will have to accommodate.

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## 5.0 Court Related Information

### 5.2.6 Apprehension – Persons Aged 16 and 17

## Legislation

[The Child and Family Services Act, Section 18](#)

## Policy

The Ministry may apprehend a 16 or 17 year old with Director, Service Delivery approval in exceptional circumstances that meet the criteria outlined in Section 11 of *The Child and Family Services Act (CFSA)*.

## Procedures

1. This section is not intended to be used to apprehend youth who are able to protect themselves or are able to remove themselves from a dangerous situation. In those cases, the youth should be requesting services through an **Agreement for Services to 16/17 Year Olds (Section 10)**, or referral to another agency.
2. *The CFSA* limits the situation where a 16 or 17 year old may be apprehended due to exceptional circumstances. This section is not intended to be used in cases of parent-teen conflict.
3. The caseworker should consider all of the following questions when assessing whether to apprehend a 16 or 17 year old:
  - Does the youth appear competent?
  - Is the youth able to protect him/herself?
  - Is someone in the home able to protect the youth?
  - Is the youth willing and able to remove him or herself from the dangerous situation?
  - Is the problem acute? and
  - Is the youth resisting the caseworker's involvement?
4. The Director, Service Delivery must approve any plan to apprehend a 16 or 17 year old. In after-hour or emergency situations where the Director, Service Delivery is not available, the caseworker should consult with his or her supervisor to obtain approval for any action.

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5. Where a youth is apprehended, the process described in Section 17 applies, except for the 48 hour rule. Therefore, wherever a youth is apprehended, an Application for a **Protection Hearing** (Form 2020) must be filed although it can be withdrawn at a later point. A **Notice of Apprehension** (Form 2016) shall be delivered to the parent.

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<b>Section 5.2.7: Persons Having Sufficient Interest (PSI)</b>	

## 5.0 Court Related Information

### 5.2.7 Persons Having Sufficient Interest (PSI)

#### Legislation

[The Child and Family Services Act, Section 23](#)

#### Intent

- The intent of this section is to ensure that persons who have an interest in and a close connection to a child who is the subject of a protection hearing have the option to be party to the protection hearing.
- This may include persons who are interested in caring for the child. It may also include persons who may not be able to care for the child but still have a role to play in planning.
- Being designated as a Person Having a Sufficient Interest (PSI) allows the person to be considered a party to a protection hearing. As such, they are entitled to appear at the hearing and be represented by counsel. The Ministry will not pay for counsel. Because they are a party to the protection hearing, they are also entitled to notice of hearings pursuant to Sections 38 and 39 of *The Child and Family Services Act (CFSA)*.
- In most cases the reason for the person to be designated will be to permit the court to make an order placing the child in the custody of the PSI.

#### Procedures

Applications for designation as a Person Having a Sufficient Interest may be made by:

1. A member of the child's extended family.
2. The Chief of the Band or designate, where the child is First Nation.
3. Any other person, other than the parent, who may satisfy the court that he or she has a close connection to the child.
4. When a child is in the care of the Minister and has been placed for at least six months with an extended family member or other person who has a relationship with the child,

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and the placement is assessed as safe and stable, the caseworker may recommend that the child be placed in the court ordered custody of the PSI.

5. Where the parent is identifying someone who may be a PSI, the caseworker should approach the person and discuss the possibility of placing the child with him or her. In this discussion the caseworker should explain the intent of Section 23 and that where a person is designated, the court may make an order placing the child in their custody.
6. The caseworker should also explain the procedure for being designated as a PSI. Wherever possible, the parent should be aware this discussion is being held.

The caseworker should assess:

- The interest of the person in the child;
- Their willingness to act as a resource for the anticipated period of care; and
- Their capacity to provide the care required by the child.

**(See Children's Services Manual: Chapter 4.3.5, Person Having Sufficient Interest in a Child)**

7. Where a person applies to the court to be designated, the caseworker should be prepared, wherever possible, to present the Ministry's views of the application, including, where it has been completed, a written assessment. The caseworker should also be prepared to make a recommendation as to the length of time of the order.

If the caseworker is unaware of the person making the application, the caseworker, through the Ministry counsel, should advise the court and request whatever time is reasonable to undertake an assessment of the person and their circumstances.

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## 5.0 Court Related Information

### 5.2.8 Admission of Agreed Facts

## Legislation

*The Child and Family Services Act:*

[Section 31 – Evidence from other proceedings](#)  
[Section 36 – Admission, agreed facts](#)

## Intent

Section 31 permits any party to the protection hearing to admit any or all facts in issue and allows all parties to agree, orally or in writing, to any facts in issue.

Section 36 provides that on a protection hearing the court will determine whether a child is in need of protection and the court will hear the caseworker's recommendation respecting an order.

## Policy

The Ministry or the lawyer acting for the Ministry will at the earliest opportunity fully inform the parent or the parent's counsel of the basis for the application for the hearing and the evidence that will be presented.

Wherever possible the Ministry will obtain the agreement of the other parties to the protection hearing to introduce the evidence by an **Agreed Statement of Fact**.

## Procedures

### 1. Purpose of Hearing

The purpose of the protection hearing is to present evidence to the court to determine the appropriate order under *The Act*. The issues that must be determined by the court vary according to the section under which the application to the court is made.

**Applications pursuant to Section 14 are made when:**

- A caseworker has concluded a child is in need of protection;

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- The child remains in the home; and
- No agreement for family services has been reached.

In this circumstance the court must determine:

- Whether the child was in need of protection at the time the application was filed with the court; and
- Whether, at the time of the protection hearing, the child continues to be in need of protection.

**Applications pursuant to Section 17 are made where a child has been apprehended.**

- The court must determine:
  - The Ministry had reasonable and probable grounds to believe the child is in need of protection and at serious risk of incurring harm at the time of the apprehension; and
  - Whether, at the time of the protection hearing, the child continues to be in need of protection.

**Applications pursuant to Section 18 are made when a 16 or 17 year old is apprehended.**

- The court must determine:
  - Whether the Ministry had reasonable and probable grounds to conclude the youth was in need of protection;
  - Whether the Director or designate considers the circumstances to be exceptional; and
  - Whether the 16 or 17 year old continues to be in need of protection.

## 2. Witnesses

In addition to the caseworker who filed the application, any person who has had direct involvement with the child or the child's parents should be considered as a possible witness for the protection hearing. For example, child care workers, foster parents and persons who have completed assessments regarding the child or the parent may be required as witnesses. The lawyer acting for the Ministry will arrange for witnesses to be served with a subpoena as required.

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### 3. Evidence

Documentary evidence is required. These documents may include:

- Certified copy of the **Registration of Live Birth** for the child;
- Certified copy of the **Registration of Death** if one of the parents is deceased;
- Certified copies of previous orders regarding the child or his or her siblings;
- The **Notice of Protection Hearing** that has been served the parent(s);
- The **Affadvit of Service**; and
- Transcripts of previous civil or criminal proceedings that are relevant to the protection hearing. This could include transcripts of criminal convictions of the parents or transcripts from civil proceedings such as previous protection proceedings, custody or divorce proceedings.

In order to assist the court in determining whether the child is in need of protection at the time of the hearing, evidence should be provided as to what has occurred since the time of the application.

Evidence presented must acknowledge the identified strengths of the family, balanced with the safety/risk factors which have necessitated the court application. Current Structured Decision Making® assessments, a copy of the Linkin Investigation Summary Report and/or Assessment and Case Plan (including contact logs) should be provided to the Ministry's legal counsel. This documentation will set out in detail the reason for apprehension or application and the specific order sought. The documentation should also include information/reports from other professionals or agencies who have been involved with the family. The information should be relevant to the child protection concerns. This documentation is necessary for legal counsel to complete affidavits.

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## 5.0 Court Related Information

### 5.2.9 Assessment of Child, Parent or Person Having a Sufficient Interest

#### Legislation

[The Child and Family Services Act, Section 32](#)

#### Intent

The court may request that a child subject to a protection hearing, the parent of the child or any person having a sufficient interest in the child undergo medical, psychological, development or educational assessment, performed by a person qualified in the relevant discipline to assist the court in determining the best interest of the child.

#### Procedures

1. Where a child is in care, payment for an assessment may be made according to the procedures outlined in the Children's Services Manual, Chapter 6.1: Children's Services Expenditures.
2. Where a court requests an assessment of a child not in care, a parent of the child or person having a sufficient interest, the decision and consent for payment of the assessment is made:
  - With the consent of the Director, Service Delivery; or
  - With the consent of a First Nation Child and Family Services Agency Executive Director where the child or the parent is receiving services from the Agency.

Although the court does not have the power to make an order for an assessment under section 32, it should be noted that a court's request may be very persuasive. Any decision not to comply with the request should be made for very good reason as they will have to be communicated to the court.

3. Where the court requests an assessment the caseworker should, as soon as possible, discuss with the parent his or her ability to pay for the assessment, or a portion of the assessment.

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4. Where the Director, Service Delivery decides to approve the costs of the assessment, the procedures for entering into Service Provider contracts apply. (See Ch 3.8: Service Provider Contracts)

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## 5.0 Court Related Information

### 5.2.10 Court Orders

#### Legislation

*The Child and Family Services Act:*

[Section 34 - Adjournments](#)

[Section 35 – Interim Orders](#)

[Section 37 – Orders re Child in Need of Protection](#)

#### Intent

Sections 34, 35 and 37 set out the circumstances in which the court may make an order respecting the child.

#### Policy

The caseworker shall determine the most appropriate recommendation to the court through consultation with the supervisor (Director, Service Delivery or designate when recommending long term or permanent wardship). The child's best interests pursuant to Section 4 of *The Act* must be considered when determining the most appropriate recommendation.

The Ministry has the responsibility to determine which order to request and provides this information to the lawyer.

#### Procedures

1. Section 34 – Adjournments

Section 34 allows the court to adjourn a hearing taking into account the best interests of the child, in particular the effect of a delay on the child and the importance of continuity for the child. The caseworker should be prepared in every case to speak to the issue of an adjournment.

2. Section 35 - Interim Orders

Section 35 allows the court to make an interim order for the period of the adjournment. The caseworker must be prepared in every case to recommend to the court the interim order that is in the child's best interests and provide reasons for the caseworker's recommendation.

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The caseworker should also be prepared to speak to the issue of access by the parent and/or person having a sufficient interest and should have a plan designed to accommodate the request for access.

Wherever possible the caseworker or the Ministry's lawyer should try to reach an agreement on access prior to the adjournment. The plan can then be presented to the court as agreed between the parties.

Where the court makes an interim order returning the child to the parent, the effect of the order is to return guardianship rights to the parent. However, the parent is still subject to the jurisdiction of the court.

The interim order can be made subject to any terms and conditions the court considers appropriate and in the best interests of the child. Therefore, the caseworker should also be prepared to recommend any conditions that may be appropriate and in the child's best interests. Examples of conditions are:

- Treatment or counselling for the parent;
- Supervision by the Ministry; and
- Access by others involved with the child.

Where the court adjourns a hearing and makes an interim order, a copy of the order will be provided by the court. The completed order will be returned to the clerk of the court for review before signature by the Judge. Two certified copies of the order will be sent to the Director, Service Delivery. Both certified copies are placed on the child protection paper file and a copy on the childcare paper file if the child is in care. The caseworker must provide a copy of the order to each parent who was present in court.

### 3. Section 37 – Orders re Child in Need of Protection

Section 37 sets out the orders the court may make at the conclusion of the protection hearing. At the protection hearing the caseworker should be prepared to make a recommendation as to which order is in the child's best interests. The court may consider the recommendations of a chief, a chief's designate or a First Nation Child and Family Services (FNCFS) Agency that appears in court.

(a) The child may remain with, be returned to or be placed in the custody of the parent.

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Where the caseworker believes the child is in need of protection and there are no identified safety threats or there are safety threats that can be mitigated by safety interventions the caseworker may recommend:

- The child be returned or remain with the parent;
- The child be returned or remain at home subject to conditions, such as supervision by the Ministry pursuant to subsection 37(6).
  - The condition regarding supervision may not be imposed for a period longer than 12 months unless the court determines, after considering the best interests of the child, that an extension is required; and
  - When making this order the court may impose terms and conditions as recommended by the caseworker, including a provision for access.
- The child be placed in the custody of the non-removal parent where there continues to be safety threats in the removal parent's household;
- Where the court makes this order, it must be recognized it is subject to review of the Court of Queen's Bench during an application for custody;
- Where the caseworker and/or the legal counsel for the Ministry is recommending the child be placed with the non-removal parent, the caseworker will provide the court with the **Place of Safety Designation assessment** outlining the suitability of the placement. (See The Children's Services Manual, Chapter 4.3.8: Placement with Non-Removal Parent); and
- An order placing the child with the non-removal parent, which is inconsistent with an existing custody order (an order made through *The Children's Law Act, 1997*), is considered an interim order that is subject to review by the Court of Queen's Bench during a custody application.

(b) The child may be placed in the custody of a Person Having a Sufficient Interest (PSI) in the child.

Where a person has been designated as a PSI pursuant to Section 23 of *The Child and Family Services Act*, the caseworker should consider recommending placement of the child with the person designated.

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An order placing the child with the PSI may be open-ended with no time for expiry or can be time-limited to expire at any time within one year. The caseworker and /or the legal counsel for the Ministry should be prepared to make a recommendation as to the expiry of the order.

The order is subject to review by the Court of Queen's Bench during a custody application if it is inconsistent with an existing custody order.

When making this order the court may impose terms and conditions as recommended by the caseworker, including a provision for access.

- (c) The child may remain in or be placed in the custody of the Minister for a period not exceeding 6 months.

The caseworker may recommend this order where the child is deemed to be in need of protection and at risk of incurring serious harm in the home and where orders pursuant to Sections 37(1) (a) or 37(1)(b) are not appropriate. The caseworker must believe that the parent has the ability to make progress towards reunification of the child by addressing safety and risk.

The total period of temporary orders may not extend beyond 24 months unless the court determines that an extension is in the best interests of the child.

When making this order the court may impose terms and conditions as recommended by the caseworker.

- (d) The child may be permanently committed to the Minister.

Generally, a recommendation for permanent committal is made when:

- The child is under the age of 12 and the plan is for the child to be registered for adoption;
- Permanent committal is in the best interests of the child as defined by Section 4 of *The Child and Family Services Act*;
- Family reunification with the immediate family is or is not likely within a time frame that is in the best interests of the child;
- All reasonable efforts have been made to identify extended family members or significant others who may be willing to assume custody of the child and all custody options have been explained to these individuals; and

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- The views of the child, family, extended family, FNCFS Agency, caregiver and others significant to the child have been fully taken into account.

Recommendations for permanent or long term wardship are to be reviewed through a Planning Committee forum. The purpose of the Permanency Planning Committee is to ensure the child (if developmentally able), family and extended family, FNCFS Agencies, other Ministry staff who are involved with planning for the family and child agree to support the child's permanency plan and the recommendation for permanent or long-term wardship.

The Director, Service Delivery or designate must review case planning and approve all applications to court where it is recommended that a child be permanently committed to the care of the Minister.

(See The Children's Services Manual, Chapter 3.3: Recommendation for Permanent and Long Term Wardship).

The birth parent(s) shall be advised of the following:

- When the adopted child is over the age of 18, the Minister may provide, upon request, a certified copy of the original birth registration to either an adopted adult or a birth parent without the consent of any other party;
- Where a certified copy of the original birth registration, which includes the birth name and the adoptive name, has not been previously released, it will not be released to a birth parent until six months after the adopted adult's 18th birthday in order to allow the adopted adult to submit a veto, if he/she so wishes;
- Where a certified copy of the original birth registration, which includes the birth name and the adoptive name, has not been previously released, the birth parent may submit to the Minister, at any time, in writing, a veto forbidding the release of a certified copy of the original birth registration; and
- Where a certified copy of the original birth registration, which includes the birth name and the adoptive name, has not been previously released, the adopted adult may submit to the Minister, in writing, a veto forbidding the release of a certified copy of the original birth registration. The party who

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submits the veto may remove the veto at any time, or the veto terminates upon the death of the person who submitted it.

(e) The child may be placed in the care of the Minister until the child attains the age of 18 years. (Long Term Wardship)

Long term orders are generally recommended when:

- Reunification is unlikely but it is in the child's best interests to continue contact with the parent. When making this order the court may impose terms and conditions as recommended by the caseworker, including a provision for access;
- The caseworker believes by reason of the age of the child or other circumstances it is unlikely that the child would be placed for adoption if permanently committed to the Minister. Under this Order a child is eligible for extension of support services under Section 56(1) of *The Child and Family Services Act*; and
- The involvement of their family or extended family makes an adoption plan unlikely.

Recommendations for permanent or long term wardship are to be reviewed through a Planning Committee forum. The purpose of the Permanency Planning Committee is to ensure the child (if developmentally able), family and extended family, FNCFS Agencies, other Ministry staff who are involved with planning for the family and child agree to support the child's permanency plan and the recommendation for permanent or long-term wardship.

The Director, Service Delivery or designate must review case planning and approve all applications to Family Court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis.

(See Children's Services Manual, Ch. 3.3: Recommendation for Permanent and Long Term Wardship)

#### 4. Section 46 – Voluntary Committal

A child may become a permanent ward either through a court process where a judge makes a decision that a permanent order is in a child's best interest or through a

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voluntary committal where birth parents commit their child to the Minister for the purposes of adoption planning. For further information on voluntary committals see The Children's Services Manual, Chapter 5.2: Voluntary Committal.

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## 5.0 Court Related Information

### 5.2.11 Notification to Band (Permanent Committal/Long Term Wardship)

#### Legislation

[The Child and Family Services Act, Section 37\(10\)](#)

#### Procedures

1. Where a caseworker intends to apply to the court for a Permanent or Long Term Order and the child is a member of a First Nation whose name is included on a Band list or who is entitled to have his/her name included on the Band list:
  - The caseworker must give 60 days' notice of the application for the protection hearing to the child's Band or First Nation Child and Family Services (FNCFS) Agency that is providing family services to members of the child's band.
2. Where a Band or FNCFS Agency has received notice of the application and notice for the hearing:
  - The Chief of the Band, the Chief's designate or the FNCFS Agency may appear in court to make recommendations with respect to the application; and
  - Where the Chief, the Chief's designate or the FNCFS Agency appears in court, the Band or the Agency is a party to the proceedings.

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<b>Section 5.2.12: Expiry of Orders</b>	

## 5.0 Court Related Information

### 5.2.12 Expiry of Orders

#### Legislation

[The Child and Family Services Act, Section 38](#)

#### Intent

The intent of Section 38 of *The Child and Family Services Act* is to provide the legal parameters for the expiration of court orders and the time frame for reapplying for continuance of an order if the child is still in need of protection.

#### Procedures

1. The caseworker may apply to the court to extend an order made pursuant to Section 37 by completing and filing with the court an **Application for a Protection Hearing** (Form 2020).
2. The Application for Protection Hearing must be filed with the court before the expiry of the order or within 15 days after the expiry of the order.
3. Parents must be served with the **Notice of Protection Hearing** (Form 2007) according to the procedures outlined in Section 5.2.5: Apprehension and Applying to Court, Procedures. Where a Person Having a Sufficient Interest was designated during the original hearing, that person is a party to the proceedings and therefore is entitled to be served with the Notice.
4. The hearing to extend the order must begin before the child turns 16 and the court must find that the child is in need of protection prior to the child's 16th birthday. Where there is a finding that the child is in need of protection, the matter can be adjourned without loss of jurisdiction until after the 16th birthday.

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## 5.0 Court Related Information

### 5.2.13 Variation or Termination of Orders

## Legislation

[The Child and Family Services Act, Section 39](#)

## Intent

Section 39 provides the option for the court to vary an order upon the application of any of the parties to the original protection hearing.

## Procedures

1. Any party to the original protection hearing may apply to the court to vary or terminate the order by filing an **Application for a Protection Hearing** (Form 2020) with the court. This includes the parent, a person having a sufficient interest, or a caseworker in consultation with the supervisor.
2. Where the caseworker makes the application to vary or terminate the order, the caseworker serves the original parties to the protection hearing by serving them with a **Notice of Application to Vary an Order** (Form 2088). The notice is served on the parent or the person having a sufficient interest according to the procedures outlined in Section 5.2.5: Apprehension and Applying to Court, Procedures.
3. Where the parent or person having a sufficient interest applies to vary or terminate the order the parent must serve the Director, Service Delivery with a **Notice of Application to Vary an Order** (Form 2088). Where the Notice is personally served, the Director, Service Delivery accepts service by signing the Form. Where the Director, Service Delivery is not available to accept personal service, a designate may accept service on the Director's behalf. The notice may also be served on the Director, Service Delivery by registered or certified mail or on a lawyer acting for the Ministry.
4. Each party is entitled to 15 days' notice of the hearing. When calculating the time of notice, include the day of hearing but do not include the day of service.
5. Before making an application to vary or terminate an order, the caseworker should be sure there is sufficient evidence to show there is a change in circumstances and it is in the child's best interests to vary or terminate the order.

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6. *The Child and Family Services Act* permits the court to award costs against a parent or person having a sufficient interest. This provision is intended to discourage frivolous or malicious applications.
7. Where an order is granted pursuant to Section 39, two certified copies of the order will be sent to the Director, Service Delivery. Both certified copies are placed on the child protection paper file and a copy on the child care paper file if the child is in care. The caseworker must provide a copy of the order to each parent who was present in court.

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## 5.0 Court Related Information

### 5.2.14 Conclusion of Hearing and Appeal of an Order

## Legislation

*The Child and Family Services Act:*

[Section 63 - Appeals](#)

[Section 64 – Appeal to Court of Appeal](#)

## Intent

It is important that families understand the outcomes of any court action. If the parent or child is not represented by counsel, it is the role of the caseworker to ensure that they understand the decision of the court. The process of informing the parents will include a conversation about the decision.

Sections 63 and 64 of the *Child and Family Services Act (CFSA)* speak to the process for appealing orders made by the court.

## Procedures

### Conclusion of Hearing:

1. Where a parent is represented by legal counsel, it is the responsibility of counsel to advise their client of the outcome of a hearing and all legal remedies that may be available.
2. Where the parents have not been represented by legal counsel, it is the responsibility of the caseworker to ensure the parents understand the order that was made, its implications and what remedies are available if they wish to take further legal action.

### Appeals:

1. Pursuant to the *CFSA*, any party to an order may appeal the order.
2. Where the originating order is made by the Provincial Court for Saskatchewan, the appeal is made to the Court of King's Bench. Where the originating order is made by the

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Court of King's Bench or the King's Bench, Family Law Division, the order is appealed to the Saskatchewan Court of Appeal.

3. Further appeals from orders originating from the Provincial Court for Saskatchewan that are then appealed to the Court of King's Bench, are made to the Saskatchewan Court of Appeal. The appeal must be launched within 30 days.
4. Where the order appealed involves the custody of a child, the effect of the order is stayed, unless the appeal judge decides otherwise. For example, if the originating court decides to return an apprehended child to his or her parent and the Ministry appeals the decision, the child shall remain in the care and custody of the minister unless the appeal judge decides otherwise. The same rule applies wherever custody of the child is changed from one party to another as a result of the court order.
5. The appeal court may:
  - Hear further evidence;
  - Confirm the order made by the originating court;
  - Rescind the order of the originating court and substitute a new order; or
  - Refer the case to the originating court with instructions for rehearing the case.
6. There is a 30 day period after an order is made within which an appeal can be launched. In some cases, the appeal judge may extend the time within which an appeal can be launched. One exception is where the order permanently commits the child to the care of the minister and either the child has been placed for adoption or an order of adoption has been made.
7. Where the Ministry wishes to appeal an order the following procedures will be followed:
  - If legal counsel has been provided by the Ministry of Justice, the possibility and advisability of the appeal will be discussed with the Crown Solicitor who handled the case; and
  - If legal counsel has been provided by the private bar, the Director, Service Delivery will discuss the advisability of the appeal with the Director, Service Delivery Support. If the decision is made to appeal, the lawyer who handled the original case may handle the appeal. In Regina and Saskatoon, the Ministry of Justice, Civil Law Division must be notified of any appeals and may decide to act for the Ministry.

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The lawyer acting for the Ministry is responsible to advise the caseworker of the procedure and any tasks the lawyer may require the caseworker to perform in regard to the appeal.

8. If the Ministry becomes aware a person has launched an appeal, legal counsel should be retained immediately and the Director, Service Delivery should discuss the situation with the Director, Service Delivery Support.

The Ministry will not cover the person's legal costs, except in exceptional circumstances and with the approval of the Executive Director, Service Delivery.

9. When the appeal is completed and the decision has been made, a copy of the order and the written reasons for the decision are to be sent to the Director, Service Delivery Support.

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<b>Section 5.2.15: Subpoena</b>	

## 5.0 Court Related Information

### 5.2.15 Subpoena

#### Legislation

[The Child and Family Services Act, Section 72](#)

#### Intent

Section 72 of *The Child and Family Services Act* outlines use of a subpoena for a Child Protection Hearing.

The court may insist that a person attend court so that they can take into consideration the evidence provided by that individual. If a subpoena is issued the person is legally required to attend court.

#### Procedures

Any person who is served with a subpoena must attend court at the time, date and place specified and must be prepared to give evidence. A subpoena may be used even though the witness is not opposed to giving evidence.

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## 5.0 Court Related Information

### 5.2.16 Offences

#### Legislation

##### [The Child and Family Services Act, Section 81](#)

#### Intent

Section 81 of *The Child and Family Services Act (CFSA)* provides a functional definition of "abuse" which constitutes an offence punishable under the *CFSA*.

Any person who has care, custody or control of a child, or who procures a child, and then subjects that child to abuse, within the meaning of the *CFSA*, is liable to be charged with a punishable offence.

It also provides that a person who detains or harbours a child already in care of the Minister or induces such a child to leave his/her designated place of residence, contravenes the provisions of the *CFSA* and, as such, is liable to be charged with a punishable offence under this *Act*.

Any person found guilty of an offence under the *CFSA* on a summary conviction could face a fine up to \$25,000 or a jail term not exceeding 24 months, or both fine as well as a jail term.

#### Procedures

1. As stated in the Saskatchewan Child Abuse Protocol 2014, the police and the crown prosecutor will respectively take primary responsibility to decide whether or not the alleged offender is to be charged and prosecuted in court. The Ministry's responsibility will not extend beyond providing protective services to the family and child.
2. Where a child who is in the care of the Minister, regardless of the child's legal status, is absent without leave from his designated place of residence, and a caseworker has information about the person or persons holding that child, the caseworker will immediately attempt to contact the person(s) detaining or harbouring the child and advise them that the child must be returned to the Minister's care immediately. If the caseworker is unable to recover the child, he/she will then file a report with the local police and seek assistance to bring the child back into the Minister's care. The decision to charge the alleged offender with the offence of contravening the provision of the *CFSA* is to be left to the police and the crown prosecutor.

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3. Where a person approaches a child already in care of the Minister, regardless of his/her legal status, and attempts to induce that child to leave his/her designated place of residence without permission, and a caseworker has information of this happening, a report is to be filed with local police. The decision to charge the alleged offender with an offence of contravening the provisions of the *CFSA* is the responsibility of local police and the crown prosecutor.

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## 5.0 Court Related Information

### 5.3 Family Law Division

#### Information Regarding the Family Law Division

A Family Law Division of the Court of King's Bench was created December 1, 1994.

In 1994, *The Queen's Bench (Family Law Division) Amendment Act*, established a Family Law Division, which handles all family law matters. There are judges of the Court of King's Bench appointed specifically to sit as judges of the Family Law Division. At present these judges are located in Regina, Saskatoon and Prince Albert.

The Court of King's Bench deals with all family law matters under [The Divorce Act](#), including:

- Separation and divorce;
- Custody and access;
- Child support;
- Spousal support; and
- Variations of custody, access, child support and spousal support orders.

The Court of King's Bench also deals with matters of provincial jurisdiction as follows:

- Child protection hearings under [The Child & Family Services Act](#) ;
- Adoption applications under [The Adoption Act](#) ;
- Custody, access and paternity applications under [The Children's Law Act](#);
- Child and spousal support applications under [The Family Maintenance Act](#);
- Division of family property under [The Family Property Act](#);
- Domestic violence matters under [The Victims of Domestic Violence Act](#);
- Estate matters involving dependent children under [The Family Maintenance Act](#); and
- Enforcement of maintenance under [The Enforcement of Maintenance Orders Act](#)

These provincial jurisdiction matters can also be dealt with at [Provincial Court](#) in communities where the Court of King's Bench does not sit.

#### Jurisdiction of the Family Law Division

The Family Law Division has jurisdiction to hear and determine family law proceedings.

Matters pursuant to *The Child and Family Services Act (CFSA)* and other Acts such as *The Adoption Act* and *The Children's Law Act*, have been included in the definition of "family law proceeding."

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**For purposes of *The Child and Family Services Act* and other Acts, distinction is made between:**

Exclusive Jurisdiction

The judicial centres of Regina and Saskatoon have exclusive jurisdiction to hear family law proceedings.

Concurrent Jurisdiction

All other judicial centres have concurrent jurisdiction with the Provincial Court.

- In the judicial centres of Regina and Saskatoon, where the Family Law Division has "exclusive" jurisdiction, applications under the *CFSA*, and other designated Acts, must be brought in by the Family Law Division; and
- In centres in which the Family Law Division has "concurrent" jurisdiction with the Provincial Court, applications under the *CFSA* and other designated Acts, may be brought in the Family Law Division in the Provincial Court.

**Use of King's Bench, Family Law Division**

The following is a summary of issues to consider when commencing proceedings or transferring a child protection proceeding from Provincial Court to Court of King's Bench, Family Law Division.

- If there is a custody proceeding (Court of King's Bench) that involves the same parties as a child protection proceeding (Provincial Court), the proceedings may be consolidated in Court of King's Bench;
- The proximity of Court of King's Bench to all parties will be a significant factor in determining which court to use; and
- The pre-trial process is available in the Court of King's Bench proceedings but not in Provincial Court. Pre-trials can often be scheduled earlier than a court date, so in some cases, the matter could be resolved earlier if transferred to the Court of King's Bench.

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## 6.0 Case Documentation

### 6.1 Introduction

Where there are references in this chapter to Structured Decision Making® (SDM®) or Linkin policies and procedures, offices not using SDM®/Linkin should refer to [Appendix Ch.6– Offices not using SDM®/ Linkin](#). A link to the appendix is provided at the end of each policy section. The appendix is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 6.

This Chapter focuses on the importance of quality record keeping and case documentation in Child Protection Services. Quality case documentation is an integral part of Child Protection practice. It provides a record of service delivery and a history of involvement and assists the caseworker in organizing their thinking with respect to evaluation, decision making and case planning. It also serves as a mechanism for measuring the quality of service provided to children and families and whether Ministry practice standards have been met.

### Intent

The key reasons for quality case documentation are to:

- Guide the Child Protection Services (CPS) process by providing an ongoing “picture” of CPS involvement with families;
- Record the family’s progress toward achieving goals and outcomes;
- Provide the basis and rationale for decisions and actions;
- Provide accountability for the caseworker and the Ministry;
- Serve as a tool for the caseworker and the family to develop case plans and assess progress towards case planning goals;
- Help structure the caseworker’s thinking which leads to more accurate assessment and planning;
- Encourage critical thinking by highlighting patterns and themes;
- Serve as a resource for supervisory review, quality assurance review and statistical reporting and research; and
- Assist the caseworker who is providing testimony in a court proceeding to recall facts about the case and to provide the basis for court recommendations.

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## Standards

- All contacts, case activities, internal and external correspondence, assessments, decisions, case plans and actions related to a child protection case must be documented in the Linkin Case Management System.
- Key decisions must always be documented and must address why the decision was made, who was involved in making the decision and the factors considered.
- Contact documentation will be completed as close in time as possible to the actual occurrence of the contact.
- Supervisory/management reviews, consultation approvals and case supervision must be documente.
- The policies and procedures contained in the Child Protection Services Manual, the Structured Decision Making® Manual and the Children’s Services Manual will be followed with respect to preparation of case documentation.

## Practice Guidelines

The following guidelines are intended to provide a general framework for all case documentation, including contact logs and assessment and case planning documentation. Emphasis is placed upon case documentation being purposeful, succinct and relevant to the investigation, assessment and planning process.

Key considerations should include:

- Case documentation should record, as concisely and accurately as possible, what the worker sees, hears and experiences;
- Avoid documenting opinion. Document facts, accompanied by dates and clear behavioural descriptions;
- The caseworker must sift out and select items of information which he or she thinks are of the greatest relevance and significance;

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- Evaluate and organize the material before documenting it. Identify the items that pertain to the assessment and case planning process;
- Omit unnecessary and repetitious words;
- Avoid lengthy explanations or detailed accounts of activities that are not relevant to the investigation, assessment and case planning process;
- It is important to record observations of behaviour and environments, especially those related to safety and risk;
- It is especially important to make note of the appearance and behaviour of children during contacts. Otherwise, it may appear the child(ren) has not been seen;
- Pay particular attention to items that may be critical in court testimony; and
- Case documentation should always be written in a professional and factual manner, with the assumption that at some point, the documentation may be viewed by the court, the family or individuals and agencies outside the Ministry.

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<b>Section 6.2: Linkin Documentation</b>	

## 6.0 Case Documentation

### 6.2 Linkin Documentation

The Linkin Case Management System (Linkin) was implemented in Saskatchewan in 2011. Linkin is an electronic case management system designed for person registration and the management of child protection, children's services, family services and out-of-home resource cases. It is the main source of client and case information.

For offices not using Linkin, please see [Appendix: Ch. 5 - Offices not using SDM®/Linkin](#).

Linkin provides the following capabilities:

- Person registration;
- Provider registration such as foster homes, group homes, and Persons of Sufficient Interest;
- Creating intake and investigation cases;
- Creating ongoing cases;
- Completion of SDM® assessments;
- Tracking the removal and placement of children in care;
- "Person" information including special cautions and serious incident documentation;
- The ability to transfer case management responsibility from one caseworker to another;
- Access to client information;
- Ability to view case involvements;
- Ability to enter information once and it carries throughout the system, such as names and birthdates;
- Efficient sharing of case information;
- Ability to enter, search and view contact logs;
- Tasks and approvals in one common view; and
- Ability for supervisors to view and track caseloads

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<b>Section 6.2.1: Linkin Documentation - Intake Case</b>	

## 6.0 Case Documentation

### 6.2.1 Linkin Documentation - Intake Case

When a report of alleged child abuse or neglect is received an Intake Case must be created in Linkin. The case worker must select the appropriate Intake Category of “Child Protection Services” and the Type of “Child Abuse or Neglect”.

The caseworker will enter information about the reported allegation, information about persons involved and the person reporting, as well as the specific allegations in the Intake Case.

The SDM® Intake Assessment must be completed within the Intake Case in Linkin. The Screener Narrative Template is also completed and entered into the Linkin Intake Case. The Screener Narrative includes relevant facts that support items marked in the SDM Intake Assessment. (See Ch. 8.44: Screener Narrative Guide.)

The caseworker will make a recommendation of whether or not to screen the intake in for investigation. The Linkin Intake Case is then submitted to the supervisor for review and approval.

The supervisor will either approve the recommendation, return the recommendation to the caseworker for changes or override the recommendation. Comments from the supervisor will be made in the Comments section of the Intake Case.

[Linkin/Linking General Information/Training/Training Manual/ Intakes Manual](#)

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<b>Section 6.2.2: Linkin Documentation - Investigation Case</b>	

## 6.0 Case Documentation

### 6.2.2 Linkin Documentation - Investigation Case

In Linkin, an Investigation Case will be created when the recommendation of the Intake Case is “screen in” and is approved by the supervisor. An investigation case cannot be created in Linkin without completing the Intake Case.

Information collected during the investigation is entered into the Linkin Investigation Case. Information that is captured in Linkin includes:

- All contacts (e.g. interviews, home visits, supervisor consultations);
- SDM® Safety Assessment and SDM® Risk Assessment;
- Allegations from the intake and any additional allegations;
- A summary of historical involvements;
- Recommendations as to whether the investigation case should be closed or transferred to ongoing; and
- Supervisor review and approval.

**Note** - The Investigation Summary in Linkin can be useful for staff in providing a snapshot of the investigation details in Linkin. The Investigation Summary can be viewed and printed once the investigation case has been submitted for approval.

The Investigation Summary is pre-populated with information entered into the Investigation Case in Linkin. The more information that is entered, the more information will be available on the report.

[Linkin/Linking General Information/Training/Training Manual/ Investigation Manual](#)

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<b>Section 6.2.3: Linkin Documentation - Ongoing Case</b>	

## 6.0 Case Documentation

### 6.2.3 Linkin Documentation - Ongoing Case

In Linkin, an Ongoing Case is created as a result of an investigation that has concluded that a child is in need of protection pursuant to Section 11 of the *Child and Family Services Act* and ongoing child protection services are required. Occasionally, an Ongoing Case is created during the investigation process for the purpose of making a payment or if a child has come into care prior to the investigation being concluded.

The following information is documented and managed within the Ongoing Case in Linkin:

- Removal and placements of children;
- Visitation plans;
- Contact Logs;
- Outcome Plans;
- Assessment and Case Plans/Child Assessment and Developmental Plans
- SDM® assessments (Caregiver Strengths and Needs Assessment, Child Strengths and Needs Assessment, Risk Re-assessment, Reunification Assessment, Safety Assessment); and
- Legal Status of each case member.

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**Section 6.2.4: Linkin Documentation - Outcomes Management**

**6.0 Case Documentation**

**6.2.4 Linkin Documentation - Outcomes Management**

Outcomes Management is completed in the Ongoing Case. Outcomes Management includes Outcome Plans which contain the tools that assist in assessing and tracking the family's progress and change. Outcomes Management contains the final four Structured Decision Making assessments including:

- SDM® Family Strengths and Needs Assessment (Caregiver Strengths and Needs Assessment and Child Strengths and Needs Assessment);
- SDM® Risk Re-assessment;
- SDM® Reunification Assessment; and
- SDM® Safety Assessment.

**Outcome Plans**

The Outcome Plan is to be opened when the Ongoing Case is opened and allows the caseworker to create a Visitation Plan, enter Visitation Logs, Review Plans or complete the SDM® Safety, Caregiver and Child Strengths and Needs Assessments from the Ongoing Case.

If there are multiple users on the same Ongoing Case, it remains the responsibility of the case owner to open the Outcome Plan. Other Users will be able to work on the same Outcome Plan and will not open their own. They do not require permission to access the Outcome Plan in Linkin and will be able to go in when required to complete the assessments for the person(s) for which they are the caseworker.

**Visitation Plans**

A Visitation Plan is created based on the scheduled visitation of family members. The type, frequency, duration and location of visits are recorded in the Visitation Plan. A Visitation Log is completed within the Visitation Plan after the visit has occurred. It records the number of visits as well as the quality of visits.

The Visitation Plan and Visitation Logs are directly connected to the SDM® Reunification Assessment in Linkin. Where there are scheduled visits between the child and parent, the caseworker should complete a Visitation Plan and Visitation Logs in Linkin in order to complete the SDM® Reunification Assessment. When the caseworker completes the SDM® Reunification Assessment in Linkin, the individual Visitation Logs for the period under review are pulled into and displayed in the assessment. The caseworker will review the Visitation Logs and is then

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**Section 6.2.4: Linkin Documentation - Outcomes Management**

required to enter an “Overall Visitation Quality” for the period under review and the rationale. Together with an evaluation of risk and safety, the “Overall Visitation Quality” is then used to determine the overall SDM® Reunification Assessment recommendation.

Where there is no scheduled Visitation Plan with the family for the period under review, completion of a Visitation Plan in Linkin is not required. In this circumstance, the caseworker, when completing the SDM® Reunification Assessment, will be required to indicate that there has been no visitation and the reason.

For detailed information on how to complete a Visitation Plan/Visitation Logs and the SDM® Reunification Assessment in Linkin, please reference [Linkin General Information/Linkin Manuals/ Outcomes Management Module](#)

For guidelines regarding the evaluation of individual visits and the overall visitation for a review period, please see [SDM® Reunification Policy and Procedures](#).

The Visitation Plan can be printed and distributed to individuals that do not have access to the Linkin system (e.g., families, lawyers, foster parents). An Ongoing Case can have multiple Visitation Plans active at any one time.

Please see Chapter 4.9 of this manual for detailed information on the case practice standards and practice around visitation.

**Review Plans**

Review Plans are created to ensure that the goals of an Outcome Plan are meeting the needs of the family. The progress is tracked through the use of the SDM® Risk Reassessment and the Reunification Assessment. The Review Plan tracks progress based on a period of time in the life of the case. The Review Plan is typically recorded at the 120 day time frame as a scheduled Review Plan. Review Plans can be unscheduled and completed earlier if circumstances change and the SDM® Risk Reassessment or the SDM® Reunification Assessment are required.

Review Plans are only opened at the time the assessment is required. If you are not going to complete the SDM® Risk Reassessment or Reunification Assessment, then opening the Review Plan is not required. Like the Outcome Plan, multiple users can complete assessments in the Review Plan if needed.

For more detailed information on how to create and use the Review Plan see [Linkin Training Manual: Outcomes Management Module](#).

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<p><b>Section 6.2.5: Linkin Documentation - Contact Logs</b></p>	

## 6.0 Case Documentation

### 6.2.5 Linkin Documentation - Contact Logs

Contact logs are used in conjunction with other case records to achieve the overall purpose of case documentation.

A contact is direct or indirect communication, observation or action related to the case. Contact includes in-person, telephone and written communication with all case participants, collateral sources, and multidisciplinary team members related to the case. Examples of a contact include face to face interactions, arranging visits, consultations with supervisors, case conferences, attempts to locate persons involved in the case, receiving written correspondence from collateral sources, etc. See Ch. 3.3, Ch. 3.4 and Ch. 3.5 for policies and procedures related to minimum required contact standards.

A contact log is a record of the date, time, location, method, purpose and outcome of a contact. It is important that contact logs are written according to the case documentation practice guidelines outlined earlier in this chapter.

Caseworkers will receive correspondence in the form of emails or letters that are relevant to the case. **Caseworkers should not copy and paste this information into a contact log.** The contact log should reference the receipt of the correspondence and summarize the relevant content. Paper copies of letters and emails may be kept on the paper file if the information is of particular importance to assessment and planning (e.g. letters from medical professionals outlining a diagnosis or medical treatment plan).

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<b>Section 6.2.6: Linkin Documentation - Legal Status</b>	

## 6.0 Case Documentation

### 6.2.6 Linkin Documentation - Legal Status

It is very important to accurately record and update a case member's Legal Status in Linkin. Legal Status is directly related to payments. If the Legal Status is inaccurately entered, payments may not be processed correctly.

The caseworker must record a Legal Status for at least one adult in the household when there are any allegations associated with the ongoing case.

When a child is taken into care, the child's correct Legal Status needs to be maintained.

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<b>Section 6.2.7: Linkin Documentation - Special Cautions</b>	

## 6.0 Case Documentation

### 6.2.7 Linkin Documentation – Special Cautions

Occasionally a person may have an issue or concern that can affect their health or safety, or the health or safety of others. A Special Caution is an alert that appears on the person's record so that the caseworker is aware of the issue.

If a person has a Special Caution on their Linkin record, you will see an exclamation point (!) next to their name and by their person icon in the context panel.

A person can have multiple special cautions. These are divided into categories and types (health alerts, safety alerts, restricted alerts and other alerts).

- Information on the process for creating a Special Caution can be found in [Linkin/General/Linkin Manuals/ Basics Manual](#)
- Information on the process to create or update an Interprovincial Alert can be found in [Linkin/General/How To's/Interprovincial Alerts](#)

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<b>Section 6.2.8: Linkin Documentation - Incidents</b>	

## 6.0 Case Documentation

### 6.2.8 Linkin Documentation - Incidents

Linkin provides the ability to capture incidents and serious occurrences that have impacted a person receiving services from the Ministry. Incidents and serious occurrences are recorded and tracked by creating an “Incident” in Linkin and, in some circumstances, on a Preliminary Serious Occurrence Report outside of Linkin. These reports can then be assessed by Quality Assurance for the purpose of completing Serious Occurrence reviews.

See Linkin eLearning [Linkin/General/eLearning/CFS Worker/Ongoing/Creating an Incident](#)

[See Chapter 7.3: Serious Occurrence Reporting and Review Policy](#)

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<b>Section 6.2.9: Linkin Documentation - SDM® Assessments in Linkin</b>	

## 6.0 Case Documentation

### 6.2.9 Linkin Documentation - SDM® Assessments in Linkin

The caseworker will be required to complete SDM® assessments in Linkin in either the Intake, Investigation or Ongoing Case, depending on which assessment is required.

Information from SDM® assessments in Linkin are auto populated into SDM® PDF Assessment documents that can be printed for the purpose of sharing the information with persons who do not have access to Linkin such as lawyers, courts, families, other child welfare jurisdictions and/or First Nation Child and Family Service Agencies.

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<p><b>Section 6.2.10: Linkin Communications (Templates)</b></p>	

## **6.0 Case Documentation**

### **6.2.10 Linkin Communications (Templates)**

Linkin Communications are forms that are available in the Linkin system. The following forms are available for use in Linkin:

- Agreement for Residential Services (Form 2000); and
- Long Term/Permanent Ward Form and Annual Review (Form 2109)

**Note** - These forms can be found in Chapter 8.

For information on how to complete Linkin Communications please reference the Linkin Training Manual, Ongoing Module – [Linkin/Linkin General Information/Linkin Manuals/Ongoing Module](#).

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<b>Section 6.2.11: Privacy of Linkin Information</b>	

## 6.0 Case Documentation

### 6.2.11 Privacy of Linkin Information

An important component to any software application is privacy and confidentiality. Linkin is in compliance with the Ministry's privacy processes, including the Security Framework<sup>1</sup>, the *Freedom of Information and Protection of Privacy Act (FOIP)* and *The Child and Family Services Act (CFSA)*.

The following guidelines should be considered by staff working with Linkin data:

- Linkin data will only be accessed for authorized purposes.
  - You may not view persons or cases for which you are not involved in providing or supporting case management services. A valid business reason is required prior to accessing Linkin data; and
  - Please refer to Section 74 of the *CFSA*.
- Linkin data is highly sensitive and should only be used for the purpose of carrying out duties pursuant to the *CFSA*.
- Linkin data is secured based on assigned user roles and associated security groups with each role.
- It is the employee's responsibility to disclose existing relationships between Ministry employees and persons who are or may be receiving services from the Ministry. It may be necessary to apply restrictions to the case upon review by the caseworker and supervisor. ([See Chapter 7.8: Conflict of Interest](#)).
- All staff should save their work in Linkin and log off before leaving their desk.

See [Linkin Training Manual, Administrative Support Module: 2.4: Restrictions](#)

<sup>1</sup> The Security Framework is a document that sets out the Ministry's expectations for providing and using information technology, information handling and the security of IT and non-IT assets. This Security Framework was approved by the Executive Committee in May 2008 and is available at <https://ss.sp.gos.ca/progsupport/IM/Security/Forms/AllItems.aspx/>.

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<b>Section 6.3: Paper Files</b>	

## 6.0 Case Documentation

### 6.3 Paper Files

#### Paper Files

When a case is created in Linkin, the caseworker will submit a **Paper File and Documentation Request Form** to either reactivate a paper file or create a new paper file. (See Chapter 8)

This form is also used to make a file inactive when involvement with the family or individual ends. If an Intake Case is created, screened out and contains no paper documents, there is no need to submit the **Paper File and Documentation Request Form**.

Paper files are created for every person who is receiving Child and Family Program services. A person's paper file is created and identified by the person's Linkin reference number. Paper files can be a Child Protection file, Children's Services file or a Provider file. The following codes are to identify a paper file:

Protection File – PR

Child Care File – CC

Provider File – PF

16/17-Year-Old File – FY

Pregnancy Counselling File – PC

Resource Investigation - RI

Documentation that is placed on the paper file may include legal documents, Registrations of Live Birth, Family Support Contracts, written letters from external agencies that are relevant to the case, contact records that are completed contemporaneously outside of Linkin and may be required for court purposes etc.

Documentation that has been completed in Linkin should not be printed and placed on the paper file (e.g. SDM® assessments, contact logs).

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<b>Section: 6.3.1 Record and Paper File Retention</b>	

## 6.0 Case Documentation

### 6.3.1: Record and Paper File Retention

#### Policy

Paper and electronic records/files must be maintained for an adequate time period to ensure that Child and Family Programs' file information is available upon request of families, former wards, children in care, foster families and other caregivers.

#### Procedures

- Pursuant to *The Archives and Public Records Management Act* and the ministry's Operational Records Schedule (ORS), Child and Family Programs records/files are to be retained as follows:

- Children's Services records/files: 99 years from closure
  - Permanent and long-term ward
  - Temporary ward
  - Section 9 and Section 10
- All other Children's Services records/files: 99 years from closure
  - Person of Sufficient Interest
- Child Protection records/files: 99 years from closure
- Foster Home/Extended Family Caregiver (Provider) records/files: 25 years from closure
- Adoption records/files: Permanently

**NOTE:** These timeframes are subject to any legal hold, in which case, the timeframe could be extended.

- It is the responsibility of the ministry's Designated Records Officer (DRO – Records and Privacy Division) to determine which records/files are eligible for destruction and to ensure that provincial government standards for file destruction are followed.

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**Section 7.1: Disclosure of child and Family Programs Information**

**7.0 General Application Policies and Protocols**

**7.1 Disclosure of Child and Family Programs Information**

**Legislative Authority**

*The Child and Family Services Act, Section 74*

*The Adoption Act, 1998, Sections 29 & 30*

**Introduction**

Child and Family Programs (CFP) gathers personal information regarding children and families under the authority of *The Child and Family Services Act* and *The Adoption Act, 1998*. This information is highly sensitive and personal, and each individual's right to privacy must be protected.

Disclosure of any of the very personal and sensitive information gathered and maintained by the Ministry requires application of the utmost rigor to ensure the protection of privacy. At the same time, the Ministry understands the need to share information where required to provide timely, responsive supports and services to children and their families.

Section 74 of *The Child and Family Services Act* and section 29.4(3) of *The Adoption Act, 1998* set out a general duty of confidentiality with exceptions where disclosure is permitted.

***The Child and Family Services Act, Section 74:***

The duty of confidentiality set out in Section 74 of *The Child and Family Services Act* applies to:

- all CFP officers or employees or other employees who provide services to CFP (e.g. administrative support);
- foster parents;
- community-based organizations that assist with the administration of *The Child and Family Services Act*, e.g. Mobile Crisis Services; and
- members of boards of directors of First Nations Child and Family Services Agencies and officers and employees of First Nations Child and Family Services Agencies.

Child and Family Programs information cannot be disclosed *unless*:

- Required to carry out the intent of *The Child and Family Services Act*;

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**Section 7.1: Disclosure of child and Family Programs Information**

- The information relates to a child and is being disclosed to the guardian, parent or foster parent of that child or to the child to whom the information relates;
- The purpose is to fulfill a request for information from someone entitled to receive it (e.g. wards or foster parents requesting their own file information);
- The Minister authorizes the release of information. In such instances, the benefit of the disclosure must clearly outweigh any invasion of privacy that could result from the release (e.g. a safety issue, such as may be identified at a Hub committee). In these instances, established procedures must be followed (see 7.1.12); and
- As per provisions included in the *Child and Family Services Amendment Act 2016*, allow the Ministry to disclose information without consent to contribute to integrated case planning forums and service coordination when client health and/or safety is considered to be at risk.

***The Adoption Act, 1998, Section 29.4(3):***

The duty of confidentiality set out in section 29.4(3) of *The Adoption Act, 1998* applies to:

- The director; and
- Every person who provides services under the Act.

Adoption information cannot be disclosed *unless*:

- Required or permitted in connection with the administration of the Act or Regulations or the provision of services pursuant to the Act or the Regulations;
- As required for adoption proceedings; and
- With the written consent of the Minister.

**Privacy Breach**

A privacy breach occurs when information is wrongfully disclosed such as in the following examples:

- Information is shared verbally or in writing with individuals who do not need to know the information (e.g. discussions about clients with someone who is not involved in the case);
- Information is left for others to see (e.g. files left on desk, computer left open); or

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- Information is sent to the wrong recipient (e.g. sending a fax to the wrong number, or inadvertently sending the wrong file information to a recipient).

All incidents of identified or alleged privacy breaches within the Ministry or by the Ministry's service delivery partners (i.e. CBOs, IT service provider or other Ministries) will be reported to Legislation and Information Management immediately.

Legislation and Information Management will:

- Determine the steps to be taken to mitigate risk as well as reduce the likelihood of a similar incident;
- Assist with the notification process to notify affected individuals of the breach and steps taken to mitigate risk and protect their information; and
- Assist in the completion of investigations on all incidents following the approved Privacy Breach Guidelines.

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<p><b>Section 7.1.1: Disclosure of Information in Child Protection Hearings</b></p>	

## **7.0 General Application Policies and Protocols**

### **7.1.1 Disclosure of Information in Child Protection Hearings**

#### **Procedures**

##### **1. Disclosure to Parties to a Protection Hearing – Parties Represented by Counsel**

- The Ministry is required to make full and adequate disclosure of all relevant information to the lawyers acting on behalf of all parties to a hearing or trial, including, but not limited to contact logs, case summaries or electronic communication.
- Counsel should be given copies of all relevant material. Trust conditions (i.e. that the party use the materials solely for the purpose of preparing for the hearing and not copy or distribute the materials) should be imposed by lawyers acting for the Ministry of Social Services.

##### **2. Release of Information Where the Party is Not Represented by Counsel:**

- The party should be able to review all relevant file information, with supervision, in the Ministry office.
- The party should not be provided with copies of file information unless the court has ordered that disclosure be provided with conditions that the party use the materials solely for the purpose of preparing for the hearing and should not copy or distribute the materials.

##### **3. Release of Information to Counsel for the Child**

- The Ministry is required to make full and adequate disclosure of all relevant information to the lawyers acting on behalf of the child, including, but not limited to contact logs, case summaries or electronic communication.
- Trust conditions, as noted above, should be imposed by lawyers acting for the Ministry of Social Services.

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<b>Section 7.1.2: Disclosure of Information in Civil Proceedings</b>	

## 7.0 General Application Policies and Protocols

### 7.1.2 Disclosure of Information in Civil Proceedings

## Procedures

### 1. Custody Proceedings

- If a party requests information in a custody proceeding and the Ministry has relevant child protection information regarding one of the parties, the Ministry may disclose the information voluntarily pursuant to Section 74(1)(b) of *The Child and Family Services Act* because the release of information will further the protection of the child.
- The voluntary release provisions do not apply if the Ministry is a party to a custody proceeding. In these cases, the rules of disclosure would apply to the Ministry as a party to the proceeding.

### 2. Subpoena

- If a child protection worker is served with a subpoena to attend a custody hearing, the worker may comply with the subpoena and attend court on the date specified in the subpoena if there is relevant information to provide to the court.
- In certain circumstances (see below) a worker may refuse to testify or provide information in a custody hearing.

### 3. Refusing to Comply with a Subpoena in a Custody Hearing

- Section 73 of *The Child and Family Services Act* allows a child protection worker to refuse to testify or to provide file information at the trial.
- The Ministry should not automatically refuse to comply with a subpoena, but should consider a number of factors, balancing the privacy rights of the parents and the protection of the child.
- Some of the factors to consider include:
  - Relevance of the child protection information to custody issues, including the nature of the risk of harm to a child, whether treatment or counselling occurred, whether criminal charges were laid against one of the parties;

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- o Timeliness of the file information, including the date of the information and how long the protection file has been closed;
  - o The nature and extent of the privacy interest of the parents in the file and the nature of the disclosure;
  - o Whether the production of the information would endanger any individual;
  - o Whether the identity of an informant/reporter will be revealed. Subsection 74(4) protects the identity of a person who reports to the Ministry if that person requests that his or her name not be disclosed; and
  - o The relationship between the client and the worker and whether the client has been cooperative in working with the Ministry.
- If the worker is going to rely on section 73 and is refusing to testify and produce the file, the caseworker must still attend court on the required date with the file and Ministry legal counsel to argue section 73 and the reasons for not complying with the subpoena. The judge then makes a decision whether or not the caseworker will be required to testify.

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<b>Section 7.1.3: Disclosure of Information in Criminal Matters</b>	

## 7.0 General Application Policies and Protocols

### 7.1.3 Disclosure of Information in Criminal Matters

#### Procedures

1. File information may be released to the police or to the prosecutor upon request if the information relates to a criminal offense against a child, pursuant to section 74(1)(b) of *The Child and Family Services Act*.
2. If the information being requested by the police relates to an offense that does not involve a child, the information may be released if the benefit of releasing the information clearly outweighs any invasion of privacy, pursuant to subsection 74(5.1) of *The Child and Family Services Act*. This balancing test must be done on a case by case basis.
3. If a caseworker is served with a subpoena to appear in court regarding a criminal matter, the worker is compelled to attend court at the time and place stated on the subpoena. Section 73 of *The Child and Family Services Act* (non-compellability) has no application to criminal matters as federal legislation takes precedence over provincial legislation.
4. The caseworker shall contact the lawyer representing the Ministry to advise of the subpoena, and upon request, forward the file information to the Ministry lawyer.

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## 7.0 General Application Policies and Protocols

### 7.1.4 Disclosure of Information to Saskatchewan Justice Family Justice Services Branch (Parenting/Parenting-time and Children's Voices Reports)

#### Policy

Staff will ensure Child and Family Programs file/case information is coordinated, gathered, and made available for review when required by Family Justice Services - Social Work Unit (FJS -SWU) for the purpose of completing family assessments for the Court of King's Bench.

#### Legislation

*The Queen's Bench Act, 1998* Section 97(1)

*The Child and Family Services Act* Section 74

#### Introduction

*The Queen's Bench Act, 1998* provides authority for a Justice to order a Parenting/Parenting-time or Children's Voices Report as part of family law proceedings. These reports are completed by Family Justice Services staff or by independent practitioners who are contracted and trained by FJS - SWU. When a family has had involvement with Child and Family Programs (CFP), FJS - SWU requires access to the file/case information to determine whether the CFP involvement is relevant to their assessment.

Section 74 of the *Child and Family Services Act (CFSA)* outlines confidentiality obligations pertaining to information collected pursuant to the *CFSA* and allows for the release of information when the consent of the individual has been obtained. As CFP records may include information pertaining to many individuals, a Minister's Order has been signed which authorizes FJS - SWU to access and review CFP records when a court order requires an assessment to be completed.

#### Procedures

##### When a Parenting/Parenting-time or Children's Voices Report has been ordered:

1. The Supervisor or Family Law Worker, FJS – SWU, provides the appropriate Service Delivery office with a copy of the **court order, a Social Services Inquiry form, Authorizations for the Release of Information** (signed by both parents) and a **Confidentiality Agreement**. A release of

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information may also be provided for other relevant adults (partner, adult children, grandparents, roommate etc.) at the assessor's discretion.

2. Service Delivery will conduct a search of Child and Family Programs (CFP) records to determine whether the family has had involvement.
3. If there is no record of involvement, Service Delivery responds by email to the Supervisor or Family Law Worker, to advise that no record of involvement exists. Documentation received as part of the request from FJS - SWU is not retained.
4. If a record of involvement exists, Service Delivery completes the FJS - SWU Social Services Inquiry form and emails the results back to the Supervisor or Family Law Worker. The Social Services Inquiry form is to include the type of involvement (intakes, including screened out reports, investigations, ongoing services, and if it exists, childcare involvement pertaining to the child), the dates and a summary of the involvement. One form is completed per client. A copy of the court order, the signed Authorizations for the Release of Information forms, the completed Social Services Inquiry form, and the Confidentiality Agreement are to be placed on each of the applicable client's paper file(s).
5. If a record of involvement exists, the Family Law Worker or contract assessor will contact Service Delivery where the paper file is located to make arrangements to review the file(s)/case(s). It is the responsibility of Service Delivery, where the paper file is located, to ensure that information captured in the Linkin case management system is printed and made available to be reviewed by the assessor as part of their assessment.
6. The assessor will review file information in the ministry office. The assessor may make handwritten notes of file information but may not make copies or take photos of any part of the paper file or Linkin case information. The Confidentiality Agreement stipulates that the assessor:
  - Will use the information solely for the purpose of preparing a Parenting/Parenting-time or Children's Voices report and will not use the information for any other purpose;
  - Will not disclose file information to any person other than the parties to the action, legal counsel and the court, and the assessor will only disclose to those parties that information which is contained in the report; and
  - Will not disclose the identities of third parties who have reported to the ministry and will not disclose third-party information contained on the CFP file.
7. Upon completion of the review by the assessor, Service Delivery will dispose of the printed records from the Linkin case management system.

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<p><b>7.1.5 Disclosure of Information to Other Ministries, Community Based Organizations, Service Providers and First Nation Agencies</b></p>	

## 7.0 General Application Policies and Protocols

### 7.1.5 Disclosure of Information to Other Ministries, CBOs, Service Providers and First Nation Agencies

#### Procedures

1. Where the Ministry is working with a First Nation Child and Family Services Agency and is jointly planning for a First Nation child, the employees of the agencies will be allowed to review the file. The Ministry may also share information with other service providers or organizations, including First Nations Bands, Community Based Organizations, other ministries and the police, as part of regular case management practice.
2. When a request for information is made by an employee of a contracted community based organization, the Ministry may share information required to carry out the intent of *The Child and Family Services Act*. The Ministry's contracts with CBO's set out their obligations with respect to confidentiality provisions.
3. When a request for information is made by an individual service provider or First Nation Band member, the Ministry caseworker shall ask the individual provider to make the request in writing, if possible stating:
  - What specific information is required; and
  - For what purposes the information is to be used.
4. Case conferences or case review meetings (e.g. Ward Review) may include individuals who are not employed by the Ministry or a First Nations Agency, including: elders, extended family members, community supports and band members. Where information is shared, both verbally and in written form, the following shall be observed:
  - Client consent should be obtained whenever possible (Chapter 8.38/Template 3625 - Consent to Disclose Information);
  - Participants who are not employed by the Ministry or a First Nations Agency will be asked to sign a **Confidentiality Agreement** (Chapter 8.35);
  - Verbal and written information should be limited to only the information necessary to discuss planning for the child (the Legislation and Information Management unit may be consulted for advice on what type of information may be provided and what is to be redacted); and
  - At the conclusion of a case review meeting, any copies of documents distributed to participants should be recovered by CFP.

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5. When a request for information is received from other Ministries, the Ministry may share information required to carry out the intent of *The Child and Family Services Act*. An example is providing a child's address following discharge from care to Public Health for immunization follow-up.
6. The Ministry's Legislation and Information Management unit (LIM) will be consulted regarding what information may be disclosed or to prepare written information for disclosure.

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<p><b>Section 7.1.6: Requests for Information from Active Files</b></p>	

## 7.0 General Application Policies and Protocols

### 7.1.6 Requests for Information from Active Files

#### Procedures

1. A client in an active involvement may request access to their file information or copies of documents. When a request of this nature is made, the caseworker/Supervisor shall:
  - Provide the client with the **CFP Access to Information Request** form (Templates 2005) to be completed and submitted to Legislation and Information Management (LIM); and
  - If the client is unable or unwilling to complete the form, refer the client directly to LIM.
2. All disclosure of Child and Family Programs case information is managed by LIM.
3. LIM will consult the local office to ensure information pertaining to an active case is not inappropriately disclosed.

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<b>Section 7.1.7: Requests for Information from Closed Child Protection Files</b>	

## 7.0 General Application Policies and Protocols

### 7.1.7 Requests for Information from Closed Child Protection Files

1. Requests for information from former child protection clients are made on the **CFP Access to Information Request** form (Chapter 8.48/Templates 2005). The request is managed by the Legislation and Information Management (LIM) unit. They will request the file be scanned by the Service Area that last had responsibility for the file.
2. Documents will be reviewed by LIM staff and redacted as required pursuant to *The Child and Family Services Act* (CFSA).
3. Former clients must provide written consent to release file information to a third party, including lawyers. Consent must meet the requirements as established in Ministry of Social Services Privacy Policy Manual (Policy 2.0) and the Consent Guidelines (Templates 3625).
4. If the request for information is being made by a lawyer acting on behalf of the former client, the request shall be forwarded to the Consultant, Litigation Support, Child and Family Programs, Central Office.

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<b>Section 7.1.8: Requests for Information from Former Wards (Child in Care Files)</b>	

## 7.0 General Application Policies and Protocols

### 7.1.8 Requests for Information from Former Wards (Child in Care Files)

#### Policy

The Ministry retains file information as required by *The Archives Act*. This provides an adequate time period to ensure that Child and Family Programs file information is available upon request of former wards pursuant to Section 74 of *The Child and Family Services Act*.

See Children's Services Manual, Chapter 11.8 "Retention of Files", which indicates a retention schedule of 100 years for records of all children and youth in care of the Minister.

#### Procedures

##### 1. Requests from Former Wards

- Requests from former wards are submitted on the **CFP Access to Information Request** form (Chapter 8.48/Templates 2005) to Legislation and Information Management (LIM). Clients will be contacted to verify their identity.
- Once received, LIM will register and manage the request.

##### 2. Requests for Former Ward File Information from Others

Information from the files of former wards is only available to the former ward, unless the former ward provides a written authorization to release it to someone else. Requests from others must be completed on the **CFP Access to Information** form and include the following:

- Written consent by the former ward, requesting the information to be shared with the specific individual requesting it. Consent must meet the requirements as established in the Ministry of Social Services Privacy Policy Manual (Policy 2.0) and the Consent Guidelines (Templates 3625); and
- The former ward will be contacted to verify their identity, consent, and the information they are consenting to have released. The request will be reviewed and processed by LIM staff as required pursuant to *The Child and Family Services Act* (CFSA) and the *Youth Criminal Justice Act* (YCJA).

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<b>Section 7.1.9: Requests for Information from Foster Parents</b>	

## 7.0 General Application Policies and Protocols

### 7.1.9 Requests for Information from Foster Parents

#### Procedures

##### 1. Requests for Information from Current and Former Foster Parents

- Requests for information from foster parents are made on the **CFP Access to Information form** (Chapter 8.48 /Templates 2005).
- The request is managed by the Legislation and Information Management Unit (LIM).
- Foster parents must provide written consent to release file information to a third party. Consent must meet the requirements as established in the Ministry of Social Services Privacy Policy Manual (Policy 2.0) and the Consent Guidelines (Templates 3625).
- If the request for information is being made by a lawyer acting on behalf of the foster parent, the request shall be forwarded to the Consultant, Litigation Support, Child and Family Programs, Central Office to manage.
- Documents will be reviewed by LIM staff and redacted as required pursuant to *The Child and Family Services Act* (CFSA).

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<b>Section 7.1.10: Requests for Information from Legal Adoption Files</b>	

## 7.0 General Application Policies and Protocols

### 7.1.10 Requests for Information from Legal Adoption Files

#### Procedures

Legal adoption files are considered 'closed', and access to the information they contain is restricted. This includes information that may exist in Linkin or ACI. The Post-Adoption Registry (PAR) has joint oversight with Legislation and Information Management (LIM) for the management of all provincial adoption records, including storage and access.

Requests for information from a legal adoption file may be made to PAR by:

- CFP caseworkers (and caseworkers from child welfare authorities in other jurisdictions) who require the information for a specific purpose, such as to complete a social history on a sibling being prepared for adoption;
- Adoptive parents of an adopted child;
- Adopted adults;
- Birth parents;
- Indigenous Services Canada; and
- Individuals in charge of an estate.

The type(s) of information provided, as well as how it is provided, is determined by PAR and LIM and guided by applicable provisions in *The Adoption Act, 1998* and *The Adoption Regulations, 2003*. There may be instances where individuals are not able to receive any information.

#### 1. Requests from Caseworkers of Child Welfare Authorities Outside Saskatchewan

- The request is to be submitted through the Interprovincial process using the form **Interprovincial Request for Services**.

#### 2. All other Requests for Information from an Adoption File

- Any requests for information received by a Service Area for adoption file information shall be forwarded to PAR, who will jointly manage the request with LIM.
- Requests for release of information are as per the Adoption Services Manual, Chapter 6.2.2 Special Search and Release of Information.

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<b>Section 7.1.11: Requesting Personal Health Information</b>	

## 7.0 General Application Policies and Protocols

### 7.1.11 Requesting Personal Health Information

#### Introduction

As part of a child protection investigation or for the provision of family services, Child and Family Programs (CFP) may require personal health information regarding a client, or may need to be present during a child's/youth's physical examination. The following provides information regarding *The Health Information Protection Act (HIPA)* as it relates to child protection.

Pursuant to *HIPA*:

- Personal health information may be obtained if the person requesting it believes on reasonable grounds the disclosure will avoid or minimize danger to the health or safety of an individual.
- The Saskatchewan Health Authority/private practitioner may disclose information without consent of the individual if disclosure is being made:
  - For the provision of health or social services to the individual; and
  - In the opinion of the Health Authority/private practitioner disclosure will clearly benefit the health and well-being of the individual.

#### Procedures

##### Requesting Personal Health Information

- The caseworker will complete the form **Request for Personal Health Information** (Templates 8.26) and forward it to the Saskatchewan Health Authority/private practitioner.
- If the request is denied and it is thought the record may contain important information, the following may occur:
  - The caseworker or the supervisor may consult with the ministry's lawyer to make application for a court order requiring the Health Authority/private practitioner to disclose the records.

**Note:** To request personal health records for children in care, please see the Children's Services Manual, Chapter 11.3.1.

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## 7.0 General Application Policies and Protocols

### 7.1.12 Participation in Hub Meetings

#### Intent

This policy section is intended to provide guidelines for participation and information sharing by Child and Family Programs (CFP) at Hub Committee meetings.

CFP will carry out any duties as per legislation and policy regardless of Hub involvement. Hub interventions do not, in any circumstance, replace CFP interventions required by legislation and policy.

#### Policy

Child and Family Programs (CFP) may participate in an interagency Hub committee for the purpose of providing integrated services to individuals and families where it is determined by the Hub there is an “acutely elevated level of risk” (see *Definitions*). This provision does not extend to requests made outside of the formal Hub committee process by Hub members.

#### Definitions

1. **Hub** – includes designated agencies that mobilize to provide immediate and coordinated services and resources to individuals and/or families with elevated risk factors as recognized across a range of service providers. The goal is to “bring services to people, rather than people to services”.

The Hub does not maintain a case management function or authority. Case management authority and longer-term involvement with an individual or family remain with each individual organization within the scope of their mandate.

The Hub is not a forum for discussion of “any or all” situations where individuals and/or families may require some form of support or assistance from human service providers, whether government, local authority or other.

2. **Acutely Elevated Level of Risk** – “is a quick and noticeable elevation of risk that involves high probability of intense harm that crosses multiple human service sectors.” (Dr. Chad Nilson, *A Preliminary Impact Assessment of CMPA Hub*, May, 2014). The level of harm is determined through consensus of Hub committee members and agreement that circumstances meeting this threshold are likely to benefit from an immediate, cooperative response by the most appropriate agencies.

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**Note:** There is no relationship between this definition of “acutely elevated level of risk” and the SDM® definition of “risk”.

3. **Four-Tier Filter Process** – is used to determine which individual and/or families meet the criteria for consideration by the Hub. This process is also utilized to determine when and how personal information may be shared at the Hub.

**Note:** There is no relationship between this filtering process and the SDM® screening process used to determine whether or not the information meets the criteria for a child protection response.

4. **Personal Information** – Information recorded in any form and for any purpose about an individual or family under the authority of the CFSA. It includes all information received or collected by CFP from all sources, including circumstances where a report has been made to CFP, and/or where services have been provided.
5. **De-Identified Information** – The removal of personally-identifying information from a file or document (See Practice Guidelines, ‘Second Filter’).
6. **Multi-agency client meeting** – describes a Hub intervention where relevant Hub partner agencies approach the individual(s) who is the subject of the Hub discussion with an offer of voluntary services. Multi-agency client meetings or “door knocks” occur once it has been determined that the situation meets the “acutely elevated level of risk” and multi-agency plans are made to provide a coordinated response.

## Procedures

1. The Minister may authorize information to be shared without client consent pursuant to Section 74 of *The Child and Family Services Act* if the benefit of the release of information clearly outweighs the invasion of any privacy that may result from the release.
2. In any circumstance where CFP is considering releasing information to a Hub, it is preferable to receive client consent either verbally or in writing utilizing *Client Consent for Release of Information* (Chapter 8.48 / Templates #3625), prior to the release.
3. If client consent cannot be obtained, the reason for not obtaining consent will be documented.
4. The following specific information related to disclosure of information at a Hub Committee is documented in Linkin:

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- The name of the person(s) and/or organization(s) to whom personal information was disclosed;
- The date and time of disclosure;
- The purpose of disclosure;
- Description of information disclosed;
- Where applicable, documentation of client's consent; and
- Where applicable, reason for not obtaining client consent.

See [Linkin Documentation Quick Reference](#)

### Referrals to a Hub Committee

- CFP will determine the appropriateness of making a Hub referral. The referral information must meet **all** of the following criteria:
    - The situation has a probability of resulting in significant harm to the individual, family, others or community wellness and/or safety;
    - The risks identified span across multiple human service disciplines and collaboration is required;
    - For active CFP cases, traditional referrals and approaches have been exhausted;
    - The four-tier filtering process for progressive disclosure is applied when making a referral of an individual or family to a Hub Committee (see Practice Guidelines);
    - In some circumstances, participation in Hub multi-agency client meetings is restricted. (See "Participation in Hub Multi-Agency Client Meetings"); and
    - The referral to Hub is documented in Linkin and is approved by the Supervisor.
- See [Linkin Documentation Quick Reference](#).

### Referrals received from a Hub Committee:

- CFP may receive a child protection referral at a Hub Committee meeting. In these circumstances the information is to be assessed as per SDM® policy and documented in Linkin.

### Participation in Hub Multi-Agency Client Meetings:

- CFP staff who attend a multi-agency client meeting (commonly referred to as a 'door knock') will identify themselves using their Ministry title.
- In circumstances where CFP receives a report for which an intake is created and it is screened out using the SDM® Intake Assessment, a referral to Hub may be made if the Hub referral criteria are met. If the Hub committee determines that a Hub intervention is

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required, the CFP Hub participant may participate in the multi-agency client meeting for the single purpose of advising the family of the following:

- CFP received a report;
  - CFP referred the report to Hub;
  - CFP will not be investigating or providing services; and
  - CFP may provide information regarding voluntary support services.
- In circumstances where CFP receives information that is not a report of child maltreatment for which there is no intake or screening (e.g. concerns for an 18 year old youth), CFP may make a referral to Hub. CFP will not participate in the multi-agency client meeting in these circumstances.

## Practice Guidelines

A four-tier filter process is used by Hub Committees to determine which individuals or families meet the criteria for consideration at the Hub. The process also provides guidelines for progressive disclosure, and determines how a case is considered by a Hub Committee for response.

### 1. First Filter – Determining Whether or Not to Present a Case to the Hub Committee

The first consideration is whether or not an agency can act on its own in providing services. If not, then the individual agency must make a determination whether or not the three conditions of “acutely elevated level of risk” are present (see Procedures). The following should be considered when making a referral to a Hub:

- The degree of harm must be significant and constitute detriment and not mere inconvenience;
- There must be a reasonable expectation of probable harm that will occur to an identifiable individual(s);
- There must be a clear link between disclosure of the information and the prevention or minimization of harm; and
- There are multiple risk factors that cannot be addressed by any one agency or mandate alone and that span across multiple service sectors requiring a collaborative approach.

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## 2. Second Filter – Providing De-Identified Information

The Hub Committee may collectively decide whether or not the individual/family meets the threshold for involvement. Information on the family/individual is first provided verbally and in a de-identified manner. Any information presented must not include:

- Full names;
- Complete addresses or locations;
- Phone number(s); and
- Other identifying information including, but not limited to, name of school, names of relatives, information about an individual that may lead members to ‘guess’ who the individual is, etc.

If the Committee collectively determines the ‘acutely elevated level of risk’ threshold has **not** been met and it is evident services/resources are being provided within existing organizations, **no** further information about the individual and/or family is shared or discussed.

If the Committee collectively determines the ‘acutely elevated level of risk’ threshold has been met, the third filter is applied.

## 3. Third Filter – Providing Limited Identifiable Information

- If Hub Committee members conclude the threshold of ‘acutely elevated level of risk’ has been met, *limited* personal information is provided if it is relevant and necessary to help determine which Hub agencies should continue to be part of the discussion.
- The only information shared is information reasonably necessary to provide services that will benefit the health or well-being of the individual/family.
- Once it is determined which agencies may become involved, the fourth filter is applied.

## 4. Fourth Filter – Having Full Discussion with Applicable Agencies

- Personal information is discussed **with only the applicable** agencies separately from the broader Hub Committee. This may include information such as full names and addresses, or case details that would be considered relevant to the types of services or responses required.
- At this stage, inter-agency plans may be made to provide a coordinated response to the individual/family.

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## 7.0 General Application Policies and Protocols

### 7.1.13 Litigation Support

#### Introduction

Litigation Support is a specialized function which oversees and manages lawsuits (individual or class action) made by individuals or groups of individuals regarding Child and Family Programs against the Government of Saskatchewan (Ministry of Social Services) or current or former employees. The Litigation Support role is the responsibility of Central Office with support from the Ministry of Justice.

This section provides an overview of the stages of litigation, as well as how information is disclosed as part of the proceedings.

#### Definitions

- **Class Action Lawsuit** – a type of lawsuit where one or several individuals sue on behalf of a larger group of individuals, known as ‘the class’. In a class action lawsuit, the Plaintiff asks to litigate on behalf of a group of similarly-situated individuals.
- **Defendant** – the person or entity against whom the lawsuit is made; may be an individual employee, or may be known by terms including ‘the Ministry’ or ‘the Government’.
- **Documentary Disclosure** – the process by which relevant file information is disclosed, along with trust conditions attached by Ministry of Justice, to counsel for the Plaintiff. The Plaintiff and his or her counsel are also required to disclose relevant documents to the Ministry (see ‘Affidavit of Documents’).
- **Questioning** (formerly referred to as Examination for Discovery) – is part of the pre-trial process whereby each party is allowed to question (or ‘examine’) the other side under oath. The process allows parties to:
  - Determine if a Plaintiff has a good cause of action, or if the Defendant has a good defense;
  - Obtain admissions that prove your case or undermine your opponent’s case, which can be used as evidence at trial;
  - Determine the other side’s version of the facts on which they will rely;
  - Determine or narrow the issues dealt with at trial; or
  - Facilitate a settlement.

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- **Mandatory Civil Mediation** – occurs after the close of pleadings (early on in the litigation process) to attempt to satisfactorily resolve any claims.
- **Plaintiff** – the person/individual initiating the lawsuit.
- **Pre-Trial Conference** – The last step before a trial. At the conference, the parties meet with a judge in an attempt to further narrow the issues, determine the number of witnesses to be called, determine the length of the trial and discuss the possibility of a settlement.
- **Proper Officer** – the individual providing litigation support for CFP (also known as the Consultant, Litigation Support), during certain stages of litigation, particularly the questioning stage. The ‘Proper Officer’ must be prepared to answer questions under oath on behalf of CFP, and is expected to be familiar with the case at hand as well as the policies and standards applicable now and/or at the time of the alleged incident.
- **Affidavit of Documents** – This is typically sworn by the Proper Officer and contains the list of documents either party possesses or controls. Documents may include letters, agreements, assessments, records, etc. Some documents, such as those subject to lawyer/client privilege, do not have to be disclosed. If a document is not disclosed and the matter proceeds to trial, the party that did not disclose it may be prevented from using it at trial.
- **Statement of Claim** – a legal document by which a Plaintiff commences his or her action/lawsuit. A Statement of Claim is typically produced by a law firm and filed with the Court of King’s Bench in Saskatchewan.
- **Statement of Defense** – a Defendant’s written statement regarding claims made by the Plaintiff through his or her Statement of Claim.
- **Trial** – is when both sides present their evidence and arguments in an adjudicated forum. A decision or ruling is provided on liability and damages (amount to be paid, if any).

## Procedures

### 1. Steps in the Litigation Process

- The Ministry is served with a **Statement of Claim**, usually through the Ministry of Justice. Once a Statement is received, the Consultant, Litigation Support begins the process of gathering available file information about the Plaintiff(s).
- After a Statement of Claim is received and reviewed, the Ministry submits a **Statement of Defense** within 20 days unless, by mutual consent, the time limit is waived. The Ministry of Justice prepares this document based on the information provided by the Consultant, Litigation Support, who reviews it prior to the Ministry of Justice filing it with the court.

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- **Mediation** is explained to each party as an alternative to litigation. It may also be used as a way to discuss the merits of the case if the other party is willing to do so. Mediation may occur either before or after exchanging of Affidavits of Documents.
- As part of **Documentary Disclosure**, the Ministry prepares two copies of all relevant file materials; one copy is provided to the Ministry of Justice and the other is retained by the Consultant, Litigation Support. The Ministry of Justice discloses this material to the lawyer for the Plaintiff(s). In turn, Plaintiffs are required to provide the Ministry with relevant documents.
- All sources of information relevant to the Plaintiff are to be reviewed by the Consultant, Litigation Support. This includes ACI/Linkin and all related paper case files. Historical information, such as former Acts, regulations and policy manuals should also be reviewed for relevant information (e.g. to support what a specific policy or practice might have been at the time). The Consultant, Litigation Support will need to swear under oath that they have reviewed and provided all sources of information relevant to the claim.
- At **Questioning**, both the Plaintiff and the Defendant can be examined, and the ‘Proper Officer’ (Consultant, Litigation Support) is involved. During this process:
  - Both sides have an opportunity to understand the circumstances that led to the Plaintiff making a claim;
  - Undertakings to provide specific information or documents may be agreed to; and
  - Replies to undertakings must be provided within a reasonable amount of time.
- **Prior to the Pre-trial Conference:**
  - Lawyers for the Plaintiff and the Defendant complete a pre-trial brief containing a summary of evidence anticipated to be presented or “adduced” (legal term), and potentially a proposed settlement amount and rationale for the settlement amount. The briefs are filed with the court.
  - The Ministry completes a briefing for the Deputy Minister prior to the conference. The briefing outlines the case facts and legal opinions from Ministry of Justice as to the risk of liability to the Government. A settlement amount and approval, based on the risk of liability, is proposed, or if it is felt Government is not liable, a recommendation is made to proceed to trial with no settlement offer.

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- **During the Pre-trial Conference:**
  - At the courthouse, each party informally argues and discusses the case in front of the judge to see if a settlement can be reached.
  - At the conclusion of the conference, the Judge will provide an opinion of what may happen if the case should proceed to trial.
- The last step, if no resolution is achieved beforehand, is **proceeding to trial**.  
At trial:
  - Plaintiffs present their case first, followed by the Defendant(s). Witness testimony and evidence is presented or proffered (legal term), after which each party summarizes their case.
  - The judge rules the Defendant (Ministry) is either liable or not liable. If the Ministry is found liable, the Judge rules on damages plus costs. The Ministry arranges for payment to the Ministry of Justice, who in turn will have it delivered to the lawyer for the Plaintiff.

## 2. The Discovery Process

The Discovery process involves two major components: exchanging relevant documents and questioning the opposing party/parties.

### ***Exchanging Relevant Documents***

Each party in a lawsuit is obligated to disclose in an ‘affidavit of documents’ all documents relevant to the matter. The affidavits are sworn by each respective party to represent that relevant documents in their possession or control have been identified. The obligation to disclose includes identifying documents that might undermine the party’s claims in the lawsuit. The opposing party has the right to request copies of any documents identified.

### ***Questioning the Opposing Party***

As part of the pre-trial process, the opportunity to question the opposing party is the only opportunity to examine the other party under oath before trial. Individuals are questioned, under oath, by lawyers representing each party. Questions and answers are recorded and produced as a written transcript. A party may file portions of their questioning of an opposing party at trial.

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## 7.0 General Application Policies and Protocols

### 7.1.13.1 Production Orders (Production and Sealing Orders)

#### Information

A Production Order is a court order requiring a government official to produce documents or other records in government's control as part of a criminal investigation or, in some cases, a civil matter. Production Orders are usually specific and time sensitive, and records are to be released in a non-redacted format unless the Order permits certain documents to be redacted. Not complying with a Production Order is a criminal offence.

Note: Information that would identify a person as a young offender dealt with under the *Youth Criminal Justice Act* can only be released in accordance with the provisions of that *Act*. If such information is covered by a Production Order, the Ministry's Civil Law lawyer should be contacted in order to determine how to proceed.

#### Procedures

1. If a peace officer (RCMP or city police) or officer of the court wishes to serve the Ministry with a Production Order, they are referred to the Legislation and Information (LIM) Unit. The LIM will refer the request to the Consultant, Litigation Support.
2. If the Order or part of it is to obtain records from another Division, such as personnel records of current or former employees, the Public Service Commission will provide relevant information to address the request.
3. Production Orders are confidential documents and are to be disclosed only to those who have 'possession or control' of the information required for the Order.
4. Production Orders must be completed within a 90-day time period from the date served. If more time is required to complete the Order, an extension may be requested.
5. Legal counsel or opinion on certain aspects of the Production Order may be sought from the Ministry of Justice.

When submitting a true copy of the original documents requested in the Production Order, the Consultant, Litigation Support will prepare a certified document verifying what information is being provided to the officer. The document must be sworn before a Commissioner for Oaths.

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## 7.0 General Application Policies and Protocols

### 7.1.13.2 Lawsuits Involving Current or Former Employees

#### Procedures

##### 1. Lawsuits Involving Current Employees

- The Consultant, Litigation Support is responsible for keeping in contact with the employee being sued to involve them in the litigation process. Current employees may be advised to seek support services through the Employee and Family Assistance Program (EFAP).
- If a current employee is being sued or named in the body of the Statement of Claim and it is apparent that the employee acted in “good faith”, then the policy described below for former employees will be followed.
- If a current employee is being sued or is named in the body of the Statement of Claim with allegations that could be described as not acting in “good faith” in the carrying out of their duties and responsibilities, the matter will be referred to Executive Management/Public Service Commission Human Resources (HR) to determine whether an internal investigation should be conducted.

##### 2. Lawsuits Involving Former Employees

- The employee is provided with an information package that includes a copy with the *Employee Indemnity* policy from the [PSC Human Resource Manual](#). According to the *Employee Indemnity* policy, employees may be entitled to legal representation through the Ministry of Justice if they were appointed under *The Public Services Act* at the time of the incident, and if they acted in good faith. If it is determined an employee did not act in good faith, they will not be entitled to representation. For further information, see the *Employee Indemnity* policy.
- The Consultant, Litigation Support is responsible for keeping in contact with the employee being sued to involve them in the litigation process.
- If an employee is named in a lawsuit but is not being sued personally, the Consultant, Litigation Support shall meet with the employee to discuss with them their involvement in the case. At times, they may be required to provide an affidavit as to their involvement in the matter if information is deemed important for litigation purposes.

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## 7.0 General Application Policies and Protocols

### 7.2 The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

#### Legislation

##### [The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act](#)

- *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* defines a “child” as a person who is actually or apparently under 18 years of age.
- Child sexual abuse as defined in this Act pertains to a child under 18 who has been exposed or is likely to be exposed to harmful interaction for a sexual purpose, including involvement in conduct that may amount to an offence pursuant to the *Criminal Code*.
- The Act provides for emergency application to be made to a Justice of the Peace for the purpose of obtaining an Emergency Protective Intervention Order (EPIO) to prevent contact between a person under age 18 who is being exposed to sexual abuse and the offender.
- A child protection officer, a peace officer or a prescribed person, on behalf of a director, may make an application to a justice for an EPIO.

#### Policy

The Ministry will provide immediate protection of children and youth who are victims of sexual abuse and exploitation by applying for orders under *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

#### Intent

The Ministry of Social Services is a community partner in an integrated approach for children and youth who are victims of sexual abuse and exploitation. The purpose of the Act:

- Allows orders that provide for the immediate protection of children and youth by enforcing conditions that prevent contact between the victim and the offender;
- Clarifies and strengthens the Government’s response to the victimization of children and youth under the age of 18 who are sexually exploited;

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- Enhances the police and other professional's capacity to intervene with offenders and ensure proactive intervention with sexually exploited children; and
- Provides an alternative to apprehension as a means of protecting the child or youth.

## Procedures

Commencement of application for an Order:

1. The applicant (in this case, the caseworker) makes an ex-parte application to a Justice of the Peace for an Emergency Protective Intervention Order (EPIO).
2. An application for an order may be made in person or by phone.
3. The applicant provides evidence to the Justice of the Peace that the child is under 18 years of age and sexual abuse of the child by another person has occurred, or the applicant has reasonable grounds to believe that further contact between the child and the other person will result in sexual abuse of the child.
4. Once the Justice of the Peace makes an order, the police serve the Order on the Respondent.
5. A "director" within the meaning of The *Child and Family Services Act* arranges for a copy of the Order to be provided to the child victim and to the parent of the child victim if the victim is less than 16 years of age.
6. The Order will include the name of the victim, date of birth of the victim, name of the respondent, conditions of the order, date and length of the order.
7. The Order will be directed to the Respondent and must be served on the Respondent in order to have any effect.
8. The Order may contain a number of conditions such as the following:
  - The Respondent refrain from communicating with or contacting the child victim or attempting to communicate with or contact the child victim.
9. The orders are 30 days, however, if the child is 16 or 17 years of age, a King's Bench Judge may extend the Order an additional 60 days, for a total of 90 days.

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10. The police should be notified immediately if a child protection officer observes a breach of the Order.

#### **Differentiation between children under age 16 and over age 16:**

- The Act provides that the length of the Order will depend on the age of the child. If the child is under 16, the length of the Order will be 30 days. If the child is 16 or 17, the length of the order can be extended to 90 days. The rationale behind the difference is because a child under 16 will likely be engaged in the child protection system and an application under *The Child and Family Services Act* is likely going to replace the emergency intervention order (e.g. application for a Protective Intervention Order). Therefore, longer term orders are not required. The 16 and 17 year old is not likely going to be apprehended and may not be receiving services from the Ministry. A longer term order will provide better protection to 16 and 17 year olds.

### **Practice Guidelines**

Generally, police will not charge youth with sexual exploitation offenses. Where, despite repeated interventions, the youth continues to participate in sexual exploitation related activities, police may decide to charge them with the appropriate criminal offense. Ideally, decisions to charge will be in consultation with the child protection worker and in the context of the case plan for the youth.

### **References:**

#### **[Chapter 5.2.4: Protective Intervention Order](#)**

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<b>Section 7.3: Serious Occurrence Reporting and Review Policy</b>	

## 7.0 General Application Policies and Protocols

### 7.3 Serious Occurrence Reporting and Review Policy

#### Policy

The Ministry of Social Services will establish and maintain a process for reporting, responding to and reviewing serious occurrences that impact the health and safety of children who are in the care of the Ministry or who are in receipt of services pursuant to *The Child and Family Services Act (CFSA)*.

#### Intent

The Ministry of Social Services and First Nations Child and Family Services Agencies (FNCFS) have responsibility for, and commitment to children, youth, families and the public to ensure that their supports and services are delivered with integrity and are of high quality.

Each year, a very small number of children and youth experience trauma, injury or death while in the care of the Minister of Social Services, or while receiving services under *The Child and Family Services Act*. A thorough and timely review of these cases is completed as a way to improve services to children, youth and their families.

Serious Occurrence (SO) reporting and review is one of the methods utilized to evaluate the appropriateness and quality of services provided to children, youth and their families who are receiving services from the Ministry and from First Nations Child and Family Services Agencies pursuant to *The Child and Family Services Act*.

This policy is intended to improve case work practice and outcomes for children, youth and families by:

- Increased learning with the potential to reduce the risk of future injuries or death;
- Ensuring comprehensive case analysis, and evaluation;
- Identifying internal and external systemic issues that impact client service and outcomes;
- Identifying individual and system training needs that support the continuous improvement towards best practice;
- Identifying trends or themes that emerge from the review;
- Redesigning existing policy and the development of new policy; and
- Providing evidence for resource needs and allocation.

**NOTE-** Where there are references in this policy to Service Directors and caseworkers, it is intended that this includes both Ministry of Social Services Service Directors and caseworkers and First Nations Child and Family Service (FNCFS) Agency Executive Directors and caseworkers.

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<b>Section 7.3.1: Serious Occurrence Definition</b>	

## 7.0 General Application Policies and Protocols

### 7.3.1 Serious Occurrence Definition

#### Definitions

A Serious Occurrence is:

- An **illness, injury, condition or event** that affects the health and safety of children and youth who are in the care of the Ministry and/or who are receiving services under *The Child and Family Services Act*; and
- Requires a specific, remedial, planned intervention by the Ministry or FNCFS Agency, the child/youth's caregiver and others involved with the child in an attempt to alleviate impact on the child or others and to prevent further occurrence (i.e. safety planning, risk assessment, mental health services, clinical counseling or medical intervention).

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## 7.0 General Application Policies and Protocols

### 7.3.2 Serious Occurrence Categories, Reporting and Review

In order to establish a clear and consistent process for reporting and review of Serious Occurrences, they are categorized as High, Medium or Low Impact, with specified reporting and review requirements for each category.

- Categorizing a Serious Occurrence is determined by the **level of impact** on the health and safety of the child, **not on the type of occurrence**.
- Staff are to contact the Quality Assurance Unit, Central Office, in circumstances where the Serious Occurrence Category is unclear. (See 7.3.3 – Quality Assurance Review)

Serious Occurrence reporting and review procedures apply to children who are in receipt of, or who have been in receipt of services, within the past twelve months under *The Child and Family Services Act*. Serious Occurrences require a review by the Ministry's Quality Assurance Unit depending on the impact of the occurrence on the health and safety of the child or youth.

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**Section 7.3.2: Serious Occurrence Categories, Reporting and Review**

The tables on the following pages describe Low, Medium and High impact Serious Occurrence categories, and the reporting and review requirements for each level of impact.

High Impact	
Description	Reporting and Review Type
<p>An illness, injury, condition or event that:</p> <ul style="list-style-type: none"> <li>• Results in a child death; or</li> <li>• May cause the child's death as determined by a qualified physician; or</li> <li>• Necessitates major medical treatment of a child and may cause serious or long-term impairment of a child's health as determined by a qualified medical practitioner.</li> </ul> <p>Includes victims of aggravated sexual assault as defined in Section 273 of the Criminal Code of Canada. <a href="http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont">http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont</a></p>	<p>Reporting for the purpose of a Quality Assurance review and potential review by the Advocate for Children and Youth (see Quality Assurance Review Procedures, CSM, 11.5.3) is required for children in the care of the Minister or children who were in care twelve (12) months prior to the occurrence and for children in receipt of services pursuant to <i>The Child and Family Services Act</i> at the time of the occurrence or in the twelve (12) months prior to the occurrence.</p> <p>Reporting and Review will apply in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Temporary, long-term and permanent wardship orders;</li> <li>• Section 9, 10 &amp; 56 Agreements;</li> <li>• Time-limited PSI orders;</li> <li>• All active cases of indefinite PSI orders;</li> <li>• Prior to the finalization of an adoption and services are being provided;</li> <li>• Children of families receiving child protection services.</li> </ul> <p>Reporting and review will not be required under the following circumstances:</p> <ul style="list-style-type: none"> <li>• Domestic (including assisted adoption), International or Independent Adoptions that are finalized;</li> </ul> <p>A review by Quality Assurance <b>will</b> be considered if the occurrence meets the High Impact criteria and appears to have been:</p> <ul style="list-style-type: none"> <li>• self inflicted; or</li> <li>• the result of an act or omission of the caregiver; or</li> <li>• preventable (reasonable precautions, supervision or actions by the community or by an individual could have changed the circumstances that led to the illness, injury, condition or event).</li> </ul>

**Section 7.3.2: Serious Occurrence Categories, Reporting and Review**

<b>Medium Impact</b>	
<b>Description</b>	<b>Reporting and Review Type</b>
<p>An illness, injury, condition or event that:</p> <ul style="list-style-type: none"> <li>• requires medical treatment including hospital admission (e.g. surgery, casting, admission for observation, stomach pumping);</li> <li>• Does not result in the child's death; and</li> <li>• Does not result in long-term impairment of the child's health as described in High Impact Serious Occurrence description.</li> <li>• Includes victims of sexual assault. (See High Impact description for aggravated sexual assault)</li> </ul> <p>Includes an act committed or alleged to be committed by a child (under or over age 12) that would constitute a serious violent offence under the Criminal Code of Canada. <a href="http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont">http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont</a></p> <p><b>Note:</b> Serious violent offences include the following criminal code provisions:</p> <ul style="list-style-type: none"> <li>• Homicide/Murder (Sections 222, 231 or 235)</li> <li>• Attempt to commit murder (Section 239)</li> <li>• Aggravated assault/aggravated sexual assault (Sections 222 and 273)</li> </ul>	<p>Notification by the caregiver for the purpose of documentation on the child's file and for the purpose of a timely intervention and response is required for children in care or children receiving services pursuant to <i>The Child and Family Services Act</i> at the time of the occurrence.</p> <p>Reporting by the caseworker for the purpose of a Quality Assurance Review is required for long term wards, permanent wards, temporary wards, children receiving services under a Section 9 Agreement, children receiving services under a Section 10 or Section 56 Agreement and children in time limited and indefinite PSI placements for which the Ministry has an active case.</p> <p>A review by Quality Assurance <b>may</b> be considered if the occurrence meets the Medium Impact criteria and it appears to have been:</p> <ul style="list-style-type: none"> <li>• Self-inflicted; or</li> <li>• the result of an act or omission of the caregiver; or</li> <li>• preventable (reasonable precautions, supervision or actions by the community or by an individual could have changed the circumstances that led to the illness, injury, condition or event).</li> </ul> <p>Reporting for the purpose of a Quality Assurance Review is not required for adoptions that have been finalized (including assisted adoption) and for children receiving child protection services.</p>

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**Section 7.3.2: Serious Occurrence Categories, Reporting and Review**

<b>Low Impact</b>	
<b>Description</b>	<b>Reporting and Review Type</b>
<p>An illness, injury, condition or event that:</p> <ul style="list-style-type: none"> <li>• Does not require medical attention, or only requires minimal medical attention;</li> <li>• Includes behaviour of a child in care that impacts the health and safety of others. (For serious violent offences see medium serious occurrence definition)</li> </ul> <p>Examples of Low Impact Serious Occurrences include:</p> <ul style="list-style-type: none"> <li>• Minor injuries or illnesses such as sprains, fever, bumps/bruises, abrasions, first degree burns that require minimal medical attention including stitches, bandaging, splinting etc.)</li> <li>• Possession of illegal or dangerous contraband in an approved resource;</li> <li>• Attempted run from an approved resource;</li> <li>• Child absent from care;</li> <li>• Serious threats or statements;</li> <li>• Use of restraint or escort that does not cause injury;</li> <li>• Common assault of another in an approved resource; and</li> <li>• Suicidal ideation.</li> </ul>	<p>Notification for the purpose of documentation on the child's file and for the purpose of a timely intervention and response is required for children in the care of the Minister or children receiving services at the time of the occurrence.</p> <p>Reporting for the purpose of a Quality Assurance Review is not required. The following have other types of notification and reporting requirements:</p> <ul style="list-style-type: none"> <li>• Children Absent from Care have specific notification requirements and require the submission of the Linkin Incident report by the caseworker to the Director, Service Delivery or Designate for review purposes (See <i>Absent from Care Policy</i>, Chapter 11.18, Children's Services Manual and <i>Notification and Reporting Procedures</i>).</li> </ul>

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<b>Section 7.3.2: Serious Occurrence Categories, Reporting and Review</b>	

## Procedures

### Notification and Reporting

Staff and care providers have responsibility to ensure that the appropriate person or authority is notified of a serious occurrence in a timely manner. The notification process serves to maximize timely, quality responses to serious occurrences at all levels. The Ministry and First Nation Child and Family Services (FNCFS) Agencies will ensure that all care providers (foster parents, alternate care providers, PSI care providers, group home care providers, private facility treatment care providers) are aware of and instructed to follow the notification procedures. In cases where a child is in the care of or receiving services from the Ministry but resides in another province under an interprovincial agreement, it is the responsibility of the caseworker to inform the receiving province of its responsibility to notify the caseworker of a serious occurrence as per Saskatchewan policy. This responsibility should be outlined in the Case Transfer Agreement (Form B1) when planning for a child who is moving to another province. (See Section 7.7: Interprovincial Protocol)

### Serious Occurrence - High impact

1. Upon becoming aware of the occurrence, care providers will provide immediate notification to the child's caseworker or designated covering worker via direct phone contact or in person upon becoming aware of a High Impact serious occurrence (leaving a voice mail is not sufficient). When a High Impact incident occurs outside Ministry business hours, the caregiver will contact Mobile Crisis Services/After Hours Emergency Duty worker who will provide immediate notification to the child's caseworker or designate.
2. If the child or youth resides in a residential facility or group home, the facility worker, as well as providing immediate notification as stated above, will complete a critical incident report that will be forwarded to the Residential Facility Manager and to the child's case worker within two (2) working days (See Chapter 9, Residential Services Manual).

Upon becoming aware of a High Impact Serious Occurrence, the child's caseworker or designated cover will:

1. Provide immediate notification to the child /youth's family.
2. Provide immediate notification to the supervisor who will provide notification to the Director, Service Delivery or designate who will provide immediate notification to the

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Executive Director, Service Delivery via SS CFS High Impact Serious Occurrence email group or by phone if after hours and the FNCFS Agency Director if it is a First Nations child.

3. Provide immediate notification to the Coroner's office in the case of a child death.
4. Complete an Incident Report in Linkin and a Preliminary Serious Occurrence Report and submit to the supervisor and Director, Service Delivery or designate within seven (7) working days of initial notification. FNCFS Agency staff who do not have access to Linkin will not complete the report in Linkin. (See reporting standards for Serious Occurrences involving medically fragile children at the end of this section)
5. Upon approval by the Director, Service Delivery, submit the Preliminary Serious Occurrence report to Quality Assurance via the SS CFS High Impact Serious Occurrence email group within seven (7) working days.

\*See the Linkin SharePoint for information on processes for documenting serious occurrences in Linkin and processes for approval and signatures. [Linkin – General](#)

Upon notification of a High Impact Serious Occurrence, Quality Assurance will:

1. Ensure notification of the Coroner's Office has occurred in the case of a child death.
2. Determine specific Social Services involvement with child/youth/family via Linkin and ACI.
3. Determine if the child or youth is a member of a First Nation via Linkin and ACI and contact the appropriate FNCFS Agency to verify their involvement.
4. Assign a Quality Assurance Analyst to review the serious occurrence and determine whether further review is required.
5. Notify the Advocate for Children and Youth and, if the child is a long term or permanent ward, the Public Guardian and Trustee of Saskatchewan via email within twenty-four (24) hours of receiving notification.
6. Provide a letter to the Advocate for Children and Youth, the Director, Service Delivery and, if the child is a long term or permanent ward, the Public Guardian and Trustee of Saskatchewan within thirty (30) days of receiving initial notification advising of the

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Ministry's intention to complete a review or advising that no further review is required.

#### **Serious Occurrence - Medium Impact**

1. Upon becoming aware of the occurrence, care providers will provide immediate notification to the child's caseworker or designated covering worker via direct phone contact or in person upon becoming aware of a Medium Impact serious occurrence (leaving a voice mail is not sufficient). When an incident occurs outside Ministry business hours, the caregiver will contact Mobile Crisis Services/After Hours Emergency Duty worker.
2. The Mobile Crisis Services/Emergency Duty Worker will determine whether there is a need to contact the child's caseworker (i.e. in cases where the child is admitted to hospital and consent for a procedure is needed or there is concern for how the incident occurred).
3. If the child or youth resides in a residential facility or group home, the facility worker, as well as providing immediate notification by direct phone contact, will complete a critical incident report that will be forwarded to the Residential Facility Manager and to the child's case worker within two (2) working days (See Chapter 9, Residential Services Manual).
4. The caseworker will notify the parent(s) or legal guardian(s) of the child as soon as is practicable.
5. The caseworker will provide immediate notification to their supervisor who will provide notification to the Director, Service Delivery or designate and the FNCFS Agency Director if it is a First Nations child within twenty-four (24) hours or the next business day.
6. The caseworker will notify any other caseworkers who have involvement with the child as soon as is practicable.
7. The caseworker will complete an Incident Report in Linkin and a Preliminary Serious Occurrence Report and submit to the Director, Service Delivery or designate within seven (7) working days of initial notification. FNCFS Agency staff who do not have access to Linkin will not complete the report in Linkin. (See reporting standards for Serious Occurrences involving medically fragile children at the end of this section).

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8. Upon approval by the Director, Service Delivery, the caseworker will submit the Preliminary Serious Occurrence report to Quality Assurance via the SS CFS Medium Impact Serious Occurrence email group within seven (7) working days of initial notification.
9. Quality Assurance will review the Preliminary Serious Occurrence Report and determine whether the occurrence falls within the Medium Impact Serious Occurrence criteria and whether further review is required.
10. If further review is required, Quality Assurance will notify the Advocate for Children and Youth and, if the child is a long term or permanent ward, notify the Public Guardian and Trustee of Saskatchewan via email within 48 hours of receiving the Preliminary Serious Occurrence Report.
11. Quality Assurance will provide a letter to the Advocate for Children and Youth, to the Director, Service Delivery and, if the child is a long term or permanent ward, to the Public Guardian and Trustee of Saskatchewan advising of the Ministry's intention to complete a review.
12. The Quality Assurance Unit will prepare a semi-annual report of the Medium Impact Serious Occurrences that do not require further review. This report will be provided to the Directors of Service Delivery/Executive Directors of First Nation CFS Agencies and the Advocate for Children and Youth.

\*See the Linkin SharePoint for information on processes for documenting serious occurrences in Linkin and processes for approval and signatures.

[Linkin – General](#)

**Serious Occurrence - Low Impact**

1. Care providers will notify the child's caseworker or designated covering worker within forty-eight (48) hours or the next working day of the occurrence (immediate for children absent from care).
2. The child's caseworker will notify their supervisor upon becoming aware of the occurrence.
3. The caseworker will notify the parent(s) of the child as soon as is practicable.
4. The caseworker will notify other caseworkers involved with the child as soon as is practicable.

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Exceptions:

In the case of Quality of Care concerns the caseworker will notify their supervisor of the concern immediately as per policy (see Children's Services Manual, Chapter 4.4.8: Foster Home Assessment and Review).

In the case of children who are absent from care, the care provider will provide direct, immediate notification to the child's caseworker and immediate notification to local authorities such as Police and Mobile Crisis Services (See Children's Services Manual, Chapter 11.18: Children Missing from Care).

### Medically Fragile Children

**Definition** – Medically fragile describes a child who has a condition diagnosed by a physician that can become unstable and change abruptly. Medically fragile children require frequent, ongoing medical intervention and live with ongoing threats to their lives, health and well-being. Ongoing medical intervention may include frequent hospitalization, daily monitoring and treatment by trained professionals and/or parents and caregivers. Examples include children who require medical devices such as a tracheostomy vent for breathing or a gastronomy tube for eating.

In circumstances where a Preliminary Serious Occurrence Report has already been submitted to Quality Assurance regarding a serious occurrence related to the condition of a medically fragile child, caseworkers are **not** required to complete additional Preliminary Serious Occurrence Reports regarding subsequent serious occurrences related to the child's diagnosed condition, unless:

- The serious occurrence is **not** related to the diagnosed medical condition; or
- The serious occurrence is a result of an act or omission of the parent/caregiver or was preventable (reasonable precautions, supervision or actions by the community or by an individual could have changed the circumstances that led to the occurrence).

The caseworker is required to notify Quality Assurance of subsequent serious occurrences via email and is still required to document the serious occurrence in Linkin.

\*If a serious occurrence (regardless of impact level) involves an allegation of abuse or neglect of a child in care or a quality of care concern, there are concurrent procedures that must be followed. Protocols and standards for responding and investigating these types of occurrences are found in Chapter 9.7 of the Residential Services Manual and Chapter 4.4.10 of the Children's Services Manual.

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\*See Appendix “A” - Notification and Reporting Quick Reference

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## 7.0 General Application Policies and Protocols

### 7.3.3 Serious Occurrence Quality Assurance Review

#### Procedures

##### Internal Review Process - Debriefing and Distribution

All High and Medium Impact Serious Occurrences reports will be considered for review by the Child and Family Programs Division, Quality Assurance Unit.

A Quality Assurance review will be considered if the occurrence meets the level of High or Medium impact criteria and;

1. Appears to have been self-inflicted; or
2. Appears to be the result of an act or omission of the caregiver; or
3. Appears to have been preventable (reasonable precautions, supervision or action by the community or by an individual could have changed the circumstances that led to the illness, injury, condition or event).

##### Other criteria for considering a Quality Assurance review are:

1. The degree of involvement by the Ministry/Agency with the child and family;
2. The Ministry's/Agency's responsibility to provide services that protect the child and the frequency and intensity of the services provided; and
3. The quality of the Ministry's/Agency's services is questioned or where the occurrence has become the subject of public attention.

##### Once it is determined that a Quality Assurance Review is required, the following will be considered:

1. Quality assurance analysts who did not directly provide services to the child, youth or family, or have responsibility for supervising the case will be assigned to lead and complete the Serious Occurrence Review.
2. Quality Assurance reviews of Serious Occurrences will be completed within 6 months of the date of notification to Quality Assurance.

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3. In all cases where a child/youth is a member of a First Nation or entitled to be registered as a member of a First Nation, a representative from the First Nation CFS Agency or Band will be invited to participate as a member of the review team.

**Serious Occurrence reviews may generate four types of recommendations:**

1. Case specific recommendations – those which focus on immediate actions that should be taken on behalf of a specific child/youth and assessment of risk to other children in the home. These recommendations may be made at any time in the review process and be made by caseworkers, supervisors, Service Managers/Directors, Executive Directors.
2. Ministry systemic recommendations – those focusing on programs, policies and procedures and training.
3. Recommendations to share findings that are relevant to other external agencies, programs, ministries or systems.
4. Recommendations to share human resource findings related to identified staff performance and action. These findings are confidential, not included in the preliminary or final report and intended for human resource management only.

**Once the draft review is completed, the following should occur:**

1. The draft will be forwarded to the Service Area/Agency Director, and the Director and Executive Director of Service Delivery.
2. A debrief meeting will be initiated and facilitated by the Service Area or Agency.
3. Quality Assurance staff as well as Service Area/Agency staff involved should attend the debrief meeting. This debriefing will occur as soon as is practicable, but not more than thirty days after the review has been received.

**The purpose of Debrief Meeting is to:**

1. Review the content of the report and discuss findings and recommendations;
2. Ensure that learning from the review is shared as an informal, professional development opportunity with those directly involved in the case;
3. Provide a sense of “closure” for those involved;

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4. Within thirty (30) days of the debrief meeting, the Service Area or Agency will provide to the Quality Assurance Unit a plan of action that will be incorporated into the review;
5. The review and action plan will be forwarded to the Directors and Executive Directors then to the Deputy Minister who will finalize and forward to the Saskatchewan Advocate for Children and Youth and, if the child is a permanent or long term ward, to the Public Guardian and Trustee of Saskatchewan.

#### **External Review Process – Advocate for Children and Youth (ACY)**

The intent of the external review is to ensure an independent and objective examination of the circumstances surrounding the death or critical injury (as defined by the ACY) of a child or youth and of the services provided by the Ministry.

The Advocate for Children and Youth requires notification of all cases where a child or youth suffers a critical illness/ injury or death and was in the care of the Minister at the time of the occurrence or had received services pursuant to *The Child and Family Services Act* in the 12 months preceding the occurrence.

The Ministry will provide the findings and recommendations from the ACY review, assessment, or investigation to:

- Casework staff who were directly involved in providing services to the child/family;
- Director of Service Delivery;
- First Nation CFS Agency Director; and
- Quality Assurance staff for analysis and response.

The Deputy Minister will send Social Services' response to the ACY Office within thirty (30) working days of receiving their findings and recommendations.

#### **External Review Process – Public Guardian and Trustee of Saskatchewan**

In order to fulfill its statutory obligation as property guardian of the child, the Public Guardian and Trustee relies upon information provided by the Ministry of Social Services. The circumstances in which the Public Guardian has mandated responsibilities related to a ward of the Ministry of Social Services is set out in Section 52(3) of *The Child and Family Services Act* and include situations where:

1. The child is a permanent ward of the Minister of Social Services pursuant to Section 37(2) of *The Child and Family Services Act*; or

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2. The child is a ward of the Minister of Social Services as a result of a voluntary committal by the parents pursuant to Section 46 of *The Child and Family Services Act*.
3. Any disclosure of information to the Public Guardian and Trustee, is disclosure of information that is required to carry out the intent of *The Child and Family Services Act* and is pursuant to Section 74(1) of the Act.
4. All medium and high impact serious occurrences suffered by a child who is a permanent ward or a child who has been voluntarily committed pursuant to Section 46 will be reported to the Public Guardian and Trustee of Saskatchewan.
5. Although not mandated to act as property guardian to children who are long term wards of the Ministry, circumstances may arise where a long term ward requires the services of the Public Guardian and Trustee. In order to act on behalf of and in the best interests of children who are long term wards, the Ministry will provide notification to the Public Guardian and Trustee of Saskatchewan when a child who is a long term ward suffers from a medium and high impact serious occurrence.
6. The Ministry of Social Services and the Public Guardian and Trustee will use best business and information technology practices and maintain all controls necessary, to ensure the information provided will not be disclosed further unless disclosed pursuant to Section 74 of *The Child and Family Services Act*.

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<b>Section 7.3.4: Serious Occurrence Documentation</b>	

## 7.0 General Application Policies and Protocols

### 7.3.4 Serious Occurrence Documentation

#### Procedures

**All Serious Occurrences will be documented in the Incident Report in Linkin by the child's caseworker.**

#### Linkin – General

In addition to documenting Serious Occurrences in Linkin, and as a preliminary step to assessing the need for a Quality Assurance review of High and Medium Impact Serious Occurrences, a Preliminary Serious Occurrence Report will be completed by the Service Area or First Nation CFS Agency to provide preliminary information about the Serious Occurrence and service involvement by the Service Area or Agency.

The Preliminary Serious Occurrence Report, along with the Linkin Incident Report must be forwarded to the Executive Director, Child and Family Services within seven (7) working days of becoming aware of the occurrence.

A Preliminary Serious Occurrence Report is not required for Low Impact Serious Occurrences.

**The Preliminary Serious Occurrence Report will include the following information:**

1. Serious Occurrence Category (High or Medium);
2. Client Reference #, Name of Child/Youth, Date of Birth, Age at time of occurrence, Name of Care Provider (if child is in care), Name of Legal Guardian;
3. Incident Details;
4. Police Involvement:
  - Type of law enforcement involved (RCMP/Police); and
  - Any charges resulting from the incident, type of charge and against whom and their relationship to the child.
5. Assessment of Risk/Safety to other children in the Home and Follow up Plan:

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- Assessment of safety and risk to other children in the home if the Serious Occurrence involves an allegation of abuse or neglect or violence against others.

6. Assessment of the Child/Youth's Needs:

- Assessment of the child/youth medical/emotional/physical/cognitive needs and how these relate to the occurrence.

7. Assessment of Caregiver/Resource:

- Assessment of caregiver/resource and support needs (emotional, physical, etc); and
- Status of the resource as a result of serious occurrence (referred for investigation, open/closed/suspended, formal review).

8. Follow-up Actions and Implementation Plan:

- Plan to follow up with all those impacted by the occurrence; and
- The case plan to address the child's needs as they relate to the occurrence including change of placement, treatment interventions, safety planning, caregiver resource needs.

9. Signature of caseworker, supervisor, service area manager and director and dates of signature.

A copy of the **Preliminary Serious Occurrence report** will be retained in Linkin and the confidential Central Office electronic file and paper file. FNCFS Agencies not using Linkin will retain the report on the child's paper file.

**The Serious Occurrence review completed by Quality Assurance will include:**

1. Circumstances Surrounding Serious Occurrence:

- Child's name and age;
- Legal status of child;
- Description of circumstances surrounding the serious occurrence;
- Autopsy/cause of death determination (in the case of a child death); and
- Current status of criminal charges/police investigation related to the occurrence.

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2. Case Summary and Analysis:

- This summary provides the background for a clear understanding of the findings and recommendations.

3. Assessment of Current Risk:

- Circumstances surrounding the assessment of safety and risk and the response.

4. Findings:

- A summary of the review's findings (key analytical conclusions that lead to recommendations include whether service delivery was a factor in the serious occurrence, policy and practice implications, internal or external systemic issues including those focusing on external agencies, programs, ministries or systems and other learnings).

5. Recommendations:

- Case specific recommendations;
- Ministry/Agency systemic recommendations – those focusing on programs, policies and procedures; and
- Human resource recommendations – related to identified staff performance and action. These are confidential, not included in the final report and intended for human resource management.

A copy of the review will be retained on the child's file, the family file and on the e-file/paper file located in Central Office.

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## 7.0 General Application Policies and Protocols

### 7.3.5 Responding to a Serious Occurrence

#### Procedures

The following procedures will be considered in cases involving a High Impact Serious Occurrence where a **child is in care** of the Ministry:

1. Ensure the child/youth has immediate medical attention as needed and address any continuing risks to the health and safety of the child/youth.
2. Implement investigation procedures if the occurrence is allegedly as a result of abuse or neglect.
3. Provide immediate support to the family, caregivers and others by clearly and sensitively explaining the necessary protocols and procedures.
4. Explore with the family, caregivers and others any supports available to them and offer to contact them if they are not able (i.e. elders, church, extended family, friends, Band).
5. If the family and/or caregivers do not have supports, explore the need for formal support services such as the Saskatchewan Foster Families Association, grief counseling, respite, child care etc.
6. In the case of a child death, the child's caseworker will provide support and financial assistance for funeral arrangements. (See Children's Services Manual, Chapter 7.15: Funeral Costs).
7. Where the family or caregiver does not wish to make funeral arrangements, the caseworker will proceed with making the arrangements.
8. If the child is First Nation the caseworker will consult with the child's Band regarding funeral arrangements.
9. The caseworker will provide support to the child's family and caregivers following the serious occurrence and provide ongoing assessment of their needs.

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The following procedures will apply in cases involving a High Impact Serious Occurrence where the **family is receiving child protection services**:

1. Implement the applicable investigation procedures if the Serious Occurrence is allegedly the result of abuse or neglect including an assessment of the immediate safety of the child and other children in the home.
2. The caseworker will offer immediate support to the family by connecting with supports such as extended family, elders, Band, community agencies or by referring to formal community supports such as counseling services, family support services etc.
3. The ministry should provide financial support for services to maintain the family if these supports cannot be provided through other publicly funded resources.
4. In the case of a child death and there are no other children in the home, support will be provided to the family following the death for a limited period of time. Financial support for services in these circumstances will be limited due to the pending closure of the child protection case.
5. In the case of a High Impact Serious Occurrences, the Director, Service Delivery or Designate will determine the need for supports to casework staff who may be impacted by the occurrence.

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## 7.0 General Application Policies and Protocols

### 7.3.6 Serious Occurrence Notification and Reporting Quick Reference – Appendix “A”

#### High Impact

An illness, injury, condition or event that:

- Results in a child death;
- May cause the child’s death as determined by a qualified physician;
- Necessitates major medical treatment of a child and may cause serious or long-term impairment of a child’s health as determined by a qualified medical practitioner;
- Includes victims of aggravated sexual assault as defined in Section 273 of the Criminal Code of Canada.

Care Provider	Ministry/FNCFS Caseworker or Cover	Supervisor	Facility Manager	Director, Service Delivery/Designate	Quality Assurance
<b>Notification</b>					
<ul style="list-style-type: none"> <li>• Immediate notice to caseworker/cover worker via telephone contact (do not leave message)</li> <li>• Immediate notice to Mobile Crisis/after-hours Emergency Duty Worker (if outside business hours), who will notify caseworker</li> <li>• Immediate notice to Facility Manager if child is in residential facility or group home</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate notice to family, legal guardians, supervisor and Coroner (in case of child death)</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate notice to Director, Service Delivery</li> <li>• Ensure caseworker has notified Coroner (in case of child death)</li> </ul>		<ul style="list-style-type: none"> <li>• Immediate notice to Executive Director, Service Delivery via SS CFS High Impact Serious Occurrence email group, and the FNCFS Agency Director if it is a First Nations child</li> </ul>	<ul style="list-style-type: none"> <li>• Verify notification to Coroner and FNCFS Agency Director where applicable</li> <li>• Notify Advocate for Children and Youth (ACY) and Public Trustee of Saskatchewan (for perm &amp; long-term wards) via email within 24 hours of receiving notification</li> <li>• Inform ACY, Director, Service Delivery and Public Trustee (where applicable) in writing within 30 days of initial notification of the Ministry’s intent to complete a review or to advise that no further review is required</li> </ul>
<b>Reporting</b>					
<ul style="list-style-type: none"> <li>• If child/youth resides in residential facility, Critical Incident Report is completed within two (2) days and forwarded to Facility Manager and child’s caseworker</li> </ul>	<ul style="list-style-type: none"> <li>• Incident Report in Linkin <u>and</u> Preliminary Serious Occurrence Report are completed and submitted to supervisor</li> <li>• Upon approval of Director, submit Preliminary Serious Occurrence Report to the Executive Director, Service Delivery and Quality Assurance via <u>SS CFS High Impact Serious Occurrence</u> email group within seven(7) working days of initial notification; see Linkin Website/learning/new incident</li> </ul>	<ul style="list-style-type: none"> <li>• Review and approve the Incident Report in Linkin <u>and</u> Preliminary Serious Occurrence Report and forward to Director, Service Delivery</li> </ul>		<ul style="list-style-type: none"> <li>• Review and approve the Linkin Incident Report and Preliminary Serious Occurrence Report and ensure caseworker submits it to the Executive Director, Service Delivery and Quality Assurance within seven (7) working days of initial notification</li> <li>• Within 30 days of receiving the draft review from Quality Assurance, develop a plan of action that will be incorporated into the review</li> </ul>	<ul style="list-style-type: none"> <li>• Complete review, where required, within six (6) months from the date of notification to QA.</li> <li>• Forward draft of review to Director, Service Delivery and all Executive Directors, then to the Deputy Minister who will finalize and forward to ACY and the Provincial Trustee</li> </ul>

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**Section 7.3.6: Serious Occurrence Notification and Reporting Quick Reference – Appendix “A”**

**Medium Impact**

An illness, injury, condition or event that:

- requires medical treatment including hospital admission (e.g. surgery, casting, admission for observation, stomach pumping);
- Does not result in the child's death;
- Does not result in long-term impairment of the child's health as described in the high impact description;
- Includes victims of sexual assault. See High Impact description for victims of aggravated sexual assault; and
- Includes an act committed or alleged to be committed by a child in care (under or over 12) that would constitute a serious violent offence under the Criminal Code of Canada. (homicide/murder, attempt to commit murder, aggravated assault or aggravated sexual assault)

Care Provider	Ministry/FNCFS Caseworker or Cover	Supervisor	Facility Manager	Director, Service Delivery/Designate	Quality Assurance
<b>Notification</b>					
<ul style="list-style-type: none"> <li>• Immediate notice to caseworker (or cover worker) via direct telephone contact; do not leave a message</li> <li>• Immediate notice to Mobile Crisis/Emergency Duty Worker when serious occurrence happens outside regular business hours. Mobile Crisis/Emergency Duty worker will determine if there is a need to contact MSS/FNCFA caseworker</li> <li>• Immediate notice to the Facility Manager if the child resides in a residential facility or group home</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate notice to supervisors and any other caseworkers who have involvement</li> <li>• Provide notification to family/legal guardians as soon as practicable</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate notice to Director, Service Delivery</li> <li>• Notice to the FNCFS Agency Director within 24 hours or next business day if it is a FN child.</li> </ul>			<ul style="list-style-type: none"> <li>• If QA Review is required, notify Advocate for Children and Youth (ACY) and Public Trustee of Saskatchewan (for perm &amp; long-term wards) via email within 48 hours of receiving Prelim Report</li> <li>• Determine whether the occurrence falls within the Medium Impact Serious Occurrence criteria and advise caseworker via email</li> <li>• Inform ACY, Director, Service Delivery and Public Trustee (where applicable) in writing of the Ministry's intent to complete a review</li> </ul>
<b>Reporting</b>					
<ul style="list-style-type: none"> <li>• If child/youth resides in residential facility, Critical Incident Report is completed within two (2) days and forwarded to Facility Manager and child's caseworker</li> </ul>	<ul style="list-style-type: none"> <li>• Incident Report in Linkin <u>and</u> Preliminary Serious Occurrence Report are completed and submitted to supervisor</li> <li>• Upon approval of Director, submit Preliminary Serious Occurrence Report to the Executive Director, Service Delivery and Quality Assurance via <u>SS CFS Medium Impact Serious Occurrence</u> email group within seven (7) working days of initial notification; see Linkin Website/learning/new incident</li> </ul>	<ul style="list-style-type: none"> <li>• Review and approve the Incident Report in Linkin <u>and</u> Preliminary Serious Occurrence Report and forward to Director, Service Delivery</li> </ul>		<ul style="list-style-type: none"> <li>• Review and approve the Linkin Incident Report and Preliminary Serious Occurrence Report and ensure caseworker submits it to the Executive Director, Service Delivery and Quality Assurance within seven (7) working days of initial notification</li> <li>• Within 30 days of receiving the draft review from Quality Assurance, develop a plan of action that will be incorporated into the review</li> <li>• A "Children Absent from Care Report" will be generated semi-annually for review by the Executive Director, Service Delivery</li> </ul>	<ul style="list-style-type: none"> <li>• Complete QA review, where required, within six (6) months from the date of notification to QA.</li> <li>• Forward draft of review to Director, Service Delivery and all Executive Directors, then to the Deputy Minister who will finalize and forward to ACY and the Provincial Trustee</li> </ul>

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### Low Impact

An illness, injury, condition or event that:

- does not require medical attention, or only requires minimal medical attention;
- Includes behaviour of a child in care that impacts the health and safety of others. (For serious violent offences, see Medium Serious Occurrence description)

Care Provider	Ministry/FNCFS Caseworker or Cover	Supervisor	Facility Manager	Director, Service Delivery/Designate	Quality Assurance
<b>Notification</b>					
<ul style="list-style-type: none"> <li>• Notify caseworker/covering caseworker within 48 hours or next working day of the occurrence</li> <li>• In the case of a child absent from care, provide immediate notice to child's caseworker and to local authorities (e.g. Mobile Crisis and the police) See Chapter 11.18, Children's Services Manual</li> </ul>	<ul style="list-style-type: none"> <li>• Notify supervisor upon becoming aware.</li> <li>• Notify parents/legal guardians and other caseworkers as soon as is practicable</li> </ul>				
<b>Reporting</b>					
<ul style="list-style-type: none"> <li>• Where a child is absent from care from a residential facility, complete a Critical Incident Report and forward to the Residential Facility Manager or designate within 24 hours, to the child's caseworker and the Liaison Worker responsible for the CBO group home</li> </ul>	<ul style="list-style-type: none"> <li>• Document all low impact Serious Occurrences in a Linkin Incident Report</li> <li>• A Preliminary Serious Occurrence is not required</li> <li>• In the case of a child absent from care, submit the Linkin Incident Report to the supervisor and the Director, Service Delivery/designate</li> </ul>	<ul style="list-style-type: none"> <li>• In the case of child absent from care, ensure the Linkin Incident Report is forwarded to the Director, Service Delivery, or Designate</li> </ul>		1. A "Children Absent from Care Report" will be generated semi-annually for review by the Executive Director, Service Delivery	

**\*Where there are references to Service Directors and caseworkers, it is intended that this include FNCFS Agency Executive Directors and caseworkers.**

\*FNCFS Agencies not using Linkin will complete documentation on the child and/or family's paper file and on the Preliminary Serious Occurrence Report when applicable.

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## 7.0 General Application Policies and Protocols

### 7.4 MSS and FNCFS Shared Planning for Children and Families

#### Legislation

[The Child and Family Services Act](#), Section 61 - Aboriginal Child Welfare Agreements states:

“The minister may enter into an agreement with a band or any other legal entity in accordance with the regulations for the provision of services or the administration of all or any part of this Act by the band or legal entity as an agency”

#### Introduction

The Ministry of Social Services (MSS) and First Nations Child and Family Services (FNCFS) agencies work together in providing coordinated services to children and families with respect to ongoing case planning and decision making.

The ministry has entered into delegation agreements with FNCFS agencies regarding delivery of child welfare services pursuant to Section 61 of *The Child and Family Services Act*. Typically, the ministry provides services off reserve and FNCFS agencies provide services on reserve according to the delegation agreements between the parties. The ministry has also entered into agreements with three FNCFS agencies to provide services off reserve.

The ministry and FNCFS agencies acknowledge that children and families receiving services pursuant to *The Child and Family Services Act* may move between on reserve and off reserve locations and require joint case management and/or case transfer protocols.

#### Definitions

**Referring Office** - The FNCFS agency or MSS office making the referral/request for services.

**Receiving Office** - The FNCFS agency or MSS office receiving the referral/request for services.

**Relocation** - The family has moved from one location to an on or off reserve location.

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**Agency** - A Band or another legal entity that has entered into an agreement pursuant to section 61 of *The Child and Family Services Act*.

**Band** - A Band as defined in *The Indian Act* (Canada) and includes the council of a Band.

## Procedures

### 1. Agency Involvement in Off-Reserve Case Planning

Where a child is registered or eligible to be registered with a Band and found to be in need of protection upon conclusion of an initial investigation, the applicable FNCFS agency will be notified and invited to participate in case planning for the child and family. Notification will be completed by the Notification Letter to Agencies (8.47).

- The ministry shall involve the FNCFS agency in case planning for any child placed in off-reserve care.
- The ministry shall:
  - Consult with the FNCFS agency concerning children who have been taken into care involving Band members as soon as possible. If it is not possible to consult prior to apprehension, it must occur immediately following and throughout the planning process; and
  - Provide the FNCFS agency with a Notice of Hearing in all cases where First Nations children are subject of the application.
- In those circumstances where out of home care is required pursuant to a Section 9 Agreement and the family does not want the FNCFS agency and/or Band to be notified, the ministry shall:
  - Explore with the parents their reasons for not wanting the FNCFS agency involved and discuss the benefits of involvement for the child, for example: family search and connections, community support and maintaining or developing cultural connections, identity and belonging (see Children's Services Manual Chapter 2.5.3: Cultural Planning with Indigenous Children and Youth);

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**7.4: MSS and FNCFS Shared Planning for Children and Families**

- If the parents continue to oppose FNCFS agency involvement, this is to be noted on the child's file and reviewed with the ministry supervisor, as well, it is to be revisited at each case planning review.
- Children who are in the care of the Minister as long term or permanent wards must have a formal annual review of their case plan completed by a review committee to ensure that case planning supports safety, permanence, and well-being for the child, and ensure the child is connected with family, community and has meaningful cultural exposure and participation. The review committee shall consist of the Director or designate, the child's caseworker and supervisor, and wherever possible and applicable, a representative from the child's FNCFS agency.
- The Family Finders program is intended to support Indigenous children requiring extended family care and/or enhanced cultural connections by securing:
  - Extended families of specific children in care;
  - Families interested in caring for a child under a guardianship arrangement such as a Persons of Sufficient Interest order (PSI);
  - Families interested in fostering;
  - Families interested in adopting;
  - Families committed to connecting Indigenous children to lasting supportive familial relationships; and
  - Significant cultural connections for Indigenous children in care where placement with family may not be an option.
- The Out of Home Care (OOHC) Placement and Extended Family Referral form (12.4) is completed by the child's caseworker and forwarded to the FNCFS Agency.
- A child may be connected with more than one First Nation community and/or FNCFS Agency. In these circumstances, consult with the parents to identify both and provide a copy of the referral form to the Agency where child is registered (or eligible to be registered) and identify other affiliations for further consideration.
- Completed referral(s) should be directed to the attention of the FNCFS Agency Executive Director or designate, and/or the Supervisor responsible for the Family Finders Program.

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## 2. Case Transfer Planning for Child Protection Services

- Ministry and FNCFS agency offices will identify primary supervisors or managers who will coordinate all referrals and case transfers.
- When a referring office becomes aware that a family has relocated or are planning to relocate from their office/agency, they shall notify the receiving office immediately by sending/faxing a referral for services, using the Referral Letter to Agencies (8.48).
- The referral letter will include the following information:
  - Names, date of birth, address of parents and children;
  - Reason for involvement; SDM® assessments; and
  - Existing case plan and future service expectations.
- When the relocation is expected to be more than 90 days, the referring office will arrange a case conference with the receiving office and stakeholders within 30 days. The case conference may be completed by telephone, video conference or in person. The purpose of the case conference is to review all relevant case information and identify the safety and/or risk associated with the child and/or family.
- The referring office will ensure that the family is notified and invited to participate in the initial case conference.
- Following the 30 day case conference, the referring office will arrange monthly case consultations until the file transfer occurs. In the interim, it is the responsibility of both offices to share information and ensure joint case planning occurs. The referring office is responsible to maintain contact logs and updated (to the date of transfer) ACP/CADP and corresponding SDM® assessments.
- During the 90-day period, the referring office may request that courtesy services are provided by the receiving office pending case transfer. If the receiving office is unable to provide courtesy service, a request may be submitted to the nearest ministry service centre in situations where the referring office is unable to meet contact standards. (See Children's Services Manual Chapter 2.6: Contact Standards- Child in Care and Placement Caregiver - Goal of Reunification, Procedures - Alternate Caseworker Contact)

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#### **7.4: MSS and FNCFS Shared Planning for Children and Families**

- When the family has relocated and a period of 90 days has elapsed, the referring office ensures all case information is copied and a duplicate file is provided to the receiving office upon transfer of the case. Case information includes all assessments (ACP/CADP's as well as SDM assessments), contact logs and legal documents. Refer to the MSS/FNCFS Transfer of Responsibility Checklist (8.33).
- The referring office retains the original paper file.
- The referring and receiving offices will formalize the case transfer by signing the MSS/FNCFS Transfer of Responsibility Agreement (8.32).
- There may be situations where the FNCFS agency is unable to accept the file transfer after 90 days. If the receiving (FNCFS agency) office is located within another service area, the referring office may request to transfer the file to the closest ministry office. (See Chapter 7.5: Protocol for Child Protection Case Transfers)

\*Refer to the Linkin Guide – *Working with Indigenous Clients and First Nation Agencies* for information regarding how to apply scenarios within the Linkin Enterprise Case Management and Payment system - <https://ss.sp.gos.ca/linkin/default.aspx>

### **3. Case Transfer Planning for Services to Children in Care**

When a child is found to be in need of protection and an out of home placement is required, placement priorities will be followed in alignment with

[\*An Act respecting First Nations, Inuit and Métis children, youth and families\*](#):

- With one of the child's parents;
  - With another adult member of the child's family;
  - With an adult who belongs to the same Indigenous group, community or people as the child;
  - With an adult who belongs to an Indigenous group, community, or people other than the one to which the child belongs; or
  - With any other adult.
- Ministry and FNCFS offices will identify primary supervisors or managers who will coordinate all referrals and case transfers.

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#### **7.4: MSS and FNCFS Shared Planning for Children and Families**

- When a child is placed or relocated to an on-reserve resource, the referring office will arrange a case conference within 30 days to discuss the child's case plan. The referring and receiving offices will formalize the case transfer by signing the MSS/FNCFS Transfer of Responsibility Agreement (8.32). The referring office will ensure that required documentation is completed prior to case transfer (See 8.33 MSS/FNCFS Transfer of Responsibility Checklist).
- Upon case transfer, the referring office shall retain financial responsibility for legal and maintenance costs associated with the case and the receiving office will assume case management responsibility. (See Chapter 10.5: Case Transfer and Financial Reimbursement to First Nations CFS Agencies)
- The referring office retains the original paper file.
- The receiving office will assign a caseworker who will make contact with the child/family and referring caseworker.
- In circumstances where the protection file is maintained by the referring office; the receiving office will provide updates to the referring office where there is a change in the child's case plan. Relevant documentation including case plans, legal documents and assessments are to be shared with the referring office as they are updated.

#### **4. Case Transfer Planning for Resource/Provider Families**

When a caregiver family moves between ministry and FNCFS offices:

- Consultation will occur with the receiving office regarding the case transfer, including confirmation that referrals have been made to the family's new community.
- The referring and receiving offices will formalize the case transfer by signing the MSS/FNCFS Transfer of Responsibility Agreement (8.32).
- The referring office retains the original paper file.

#### **5. Joint Use of Placement/Provider Resources**

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#### **7.4: MSS and FNCFS Shared Planning for Children and Families**

- There may be situations where the ministry or a FNCFS agency may be required to provide care and services for a child in care of the other.
- Where such placements occur:
  - The office responsible for the child shall retain case management responsibilities for the child.
  - The office responsible for the child shall retain responsibility for information sharing, involvement of the resource in case planning, compensation and any additional supports required to specifically maintain the child in the resource. Additional supports may include, but are not limited to, household supports and respite.
  - The office responsible for the resource shall retain responsibility for approval/license, training, general support and monitoring of the resource.
  - Placements may only be made with written or verbal approval of the office responsible for the resource.
  - When a referring office becomes aware of information related to quality of care or child maltreatment, that office shall provide immediate notification to the office responsible for the resource.
  - When a receiving office responsible for the resource becomes aware of any information that may impact on the quality of care or safety of any child in the resource, they shall provide immediate notification of their concerns and planned actions to the referring office.
  - Formal review of quality of care or investigations of maltreatment (abuse/neglect) of any child in the resource will be conducted by the office responsible for the resource following applicable policies. In all cases the referring office must be kept informed of progress and outcomes of any review/investigation. Where appropriate the referring office may actively participate in the process.

#### **6. Person of Sufficient Interest Placement Breakdown**

- In the event that a Person of Sufficient Interest (PSI) case has been transferred between the two parties and a placement breakdown occurs, the following procedures will apply:
  - The receiving office will complete a child protection investigation into the circumstances that led to the placement breakdown and determine if the child can be safely reunited with the PSI caregiver; and

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- In the event that the child can be reunified with the PSI caregiver, the receiving office will develop a safety plan, including provision of family support services and special needs which address the concerns as per the Children's Services Manual, Chapter 4.3.5.
- In the event that the child cannot be reunified with the PSI caregiver, the receiving office will consult with the referring office and commence collaborative work, including the following:
  - Locating a new resource for the child;
  - Making application to court to vary or terminate the PSI order, if required;
  - The receiving office will maintain case management responsibility and invoice the referring office for legal costs incurred;
  - The receiving office must complete the legal/court process as the information required for court will be current and accessible;
  - The referring office will maintain financial and legal responsibility and reimburse the receiving office for the costs incurred; and
  - In the event the child's parents have relocated to another service area, the referring office will contact MSS child protection intake screening line at 1-844-787-3760 to determine the appropriate office to assume case responsibility.

## 7. Dispute Resolution

- In most cases dispute resolution will involve attempts at reaching agreement, progressing through more senior manager/director levels as required in order to reach resolution.

### **RELATED POLICIES**

#### **Children's Services Manual**

- 1.4: Working with First Nations Bands and Agencies
- 2.5.3: Cultural Planning with Indigenous Children and Youth
- 2.6: Contact Standards- Child in Care and Placement Caregiver (Goal of Reunification)
- 3.5: Annual Reviews of Case Plans for Permanent and Long Term Wards
- 4.3.5: Person Having a Sufficient Interest in a Child
- 10.5: Case Transfer and Financial Reimbursement to First Nations CFS Agencies

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## 7.0 General Application Policies and Protocols

### 7.5 Case Transfer Protocol – Child Protection

#### Policy

Ministry staff will work collaboratively in providing coordinated and timely services to families and children who move between or within Service Areas.

#### Intent

To ensure clarity of roles of the referring and receiving offices when a family receiving child protection services moves between or within Service Areas and to facilitate the transfer of responsibility for child protection services.

#### Definitions

**Case Transfer:** Transfer of responsibility for a child protection case when a family moves between or within Service Areas.

**Service Area:** There are three Service Areas in Saskatchewan; North, Centre and South. Within each Service Area, there are a number of service centres that deliver child protection services to families. Service centres may also be referred to as office locations.

**Referring Office:** The ministry office making the referral/request for services.

**Receiving Office:** The ministry office receiving the referral/request for services.

**Relocation:** When a family has moved between or within Service Areas.

**Courtesy Services:** Includes case related actions performed by one service centre at the request of another service centre. Examples include conducting interviews, completing safety assessments, completing face-to-face visits in order to meet contact standards and or facilitating/supervising visitation.

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## Standards

When a family receiving child protection services moves between or within Service Areas, the referring office will:

- Make contact with the receiving office to discuss planning for the family and negotiate an agreed upon date for the transfer of responsibility of child protection services to the receiving office location;
- Update the **Assessment and Case Plan**;
- Complete all applicable **SDM®** assessments; and
- Ensure that all required tasks are completed as outlined in Procedures.

## Procedures

1. **The supervisor of the referring office will make contact with the supervisor of the receiving office by email to advise of the transfer of responsibilities and to provide the following information:**

- The family's name and names and birthdates of children;
- An updated address and the date of relocation (if known);
- The existing child protection concerns, any known safety threats, the current level of risk, the strengths and needs of the family as well as the existing services being provided to the family;
- Community services and supports that can be accessed or made available to the family upon relocation; and
- An agreed upon date for the transfer of responsibilities for child protection services.

The referring office may request that courtesy services are provided by the receiving office until the responsibilities for child protection services have been transferred. All courtesy services are to be completed by a Child and Family Programs caseworker and all contacts with the family are to be documented in a contact log in Linkin.

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Upon receiving the email from the referring office, the supervisor of the receiving office will:

- Make contact with the referring office within **two** business days to acknowledge receipt of the transfer referral and if required, schedule and facilitate a phone conference to discuss planning for the family within **seven** business days.

**2. When a child protection case is located in one service area and the child care case is located in another service area or in another office location within the same Service Area:**

- It is the responsibility of the office location with the child protection case to conduct and initiate all court related matters, including ensuring that there is current authority for care for the child(ren) and copies of agreements and court orders are forwarded to the caseworkers responsible for the child care case and that they are placed on the paper file.
- It is the responsibility of both offices to share information and ensure joint case planning occurs.

**3. When a family relocates from one Service Area to another or within the same Service Area during the course of a child protection investigation:**

- The supervisor of the referring office will make contact with the supervisor of the receiving office who will assign a caseworker to complete the investigation.
- In many cases, there will be a need to complete a new **SDM® Safety Assessment** to ensure that the home environment and/or individuals in the home are taken into account during the investigation.

During an investigation, if a household member is temporarily away from the office location, a request for courtesy contact by another office location may be necessary. The courtesy contact must be completed by a Child and Family Programs caseworker and documented in a contact log within the Linkin investigation case.

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**7.5: Case Transfer Protocol – Child Protection**

**4. When a family relocates within or to another Service Area to reside with extended family, but has no fixed permanent address:**

- The caseworker will determine if the relocation is permanent or temporary. Considerations may include whether the family is receiving Income Assistance benefits in their new community, whether the family obtained employment in their new community, and whether the family is in receipt of any formal or informal supports within their new community which may indicate the family is unlikely to return.
- The referring office may request the receiving office conduct courtesy contact with the family and children. All courtesy contact must be completed by a Child and Family Programs caseworker and documented in a contact log in Linkin.

**5. When a family temporarily relocates within or to another Service Area for extenuating circumstances:** (Examples may include where a child or parent is receiving intensive care, medical or rehabilitation services in a jurisdiction other than where they reside, and the family or specific family members temporarily relocate to provide support to their child or spouse.)

- The caseworker should determine the anticipated length of the temporary relocation and a request for courtesy contact by the nearest office location should occur.
- All courtesy contact is to be completed by a Child and Family Programs caseworker and is to be documented in a contact log within Linkin.
- Should the temporary relocation become permanent, discussions should occur between the supervisors of both the referring and receiving offices to discuss the transfer of child protection responsibilities.

**Note** - The **Transfer of Responsibility Checklist** (Form 8.31) is completed to ensure that all required tasks and documentation have been completed prior to case transfer.

**In the event that a case is received with missing information, the supervisor in the receiving office will contact the supervisor in the referring office, by telephone, and request that the information be provided. The receiving office retains case management responsibilities and the case is not returned to the referring office.**

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<b>7.5: Case Transfer Protocol – Child Protection</b>	

Should there be disagreement pertaining to the transfer of responsibility for child protection services that cannot be resolved at the supervisor's level, the matter is to be referred to the Manager, Service Delivery. If no resolution is reached at the manager's level, the matter is referred to the Director, Service Delivery for final resolution. Until the matter is resolved, the receiving office retains case management responsibility.

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## 7.0 General Application Policies and Protocols

### 7.6 Child Protection Alerts

#### Policy

The Ministry of Social Services will implement procedures for issuing alerts in circumstances where a child may be in need of protection and will provide direction regarding the information to be included in the alerts. The procedures will be consistent with the requirements of the *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* (Ch 7.7 Interprovincial Protocol).

#### Standards

- An alert is documented in the Automated Client Index (ACI) and by applying a Special Caution to a person registered in Linkin.
- Interprovincial Child Protection alerts are to be completed according to the *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*.

#### Procedures

##### Interprovincial Child Protection Alerts

Circumstances that may lead to issuing an Interprovincial Child Protection Alert include:

- A family, family member or guardian leaves the province prior to the conclusion of a child protection investigation;
- A family, family member or guardian receiving child protection services leaves the province prior to closing the case;
- A family under court-ordered supervision leaves the province without approval from the province or court;
- A parent or guardian takes a child or youth in care to another province without prior approval from the originating province or court;
- A child or youth in care is missing from his or her placement and is believed to have left the province; and
- A child or youth is taken or has fled to another province for a variety of reasons, including child trafficking, sexual exploitation, so called 'honour based' violence or

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illegal adoption. (See Ch 7.7: Interprovincial Protocol, Section 7.2.1)

### 1. Content of Interprovincial Child Protection Alerts

When issuing an alert, the originating province shall distribute relevant and available information including:

- The name and birth date of each subject of the alert;
- The name, address, email address, telephone number and facsimile of the child welfare organization that issued the alert and the date sent;
- If applicable, the name of the interprovincial contact, worker and supervisor, who issued the alert and how to contact them or their alternates;
- The reason(s) for issuing the alert including sufficient details of the child protection concerns and risk factors related to the child or youth;
- Possible destinations and other information that may assist a receiving PT in locating the person or family;
- Specific actions requested of the PT and, if required collateral agencies in the receiving PTs;
- Known history or risk of violence; and
- Expiry date if less than nine months.

(See Ch 7.7: Interprovincial Protocol Section 7.2.3)

### 2. Interprovincial Child Protection Alerts Sent to Other Provinces/Territories

- The caseworker will email the **Interprovincial Child Protection Alert (Form 2504)** to the Interprovincial Coordinators Desk, Central Office at [Interprovincial.desk@gov.sk.ca](mailto:Interprovincial.desk@gov.sk.ca).
- The Interprovincial Co-ordinator will review the alert and send it to the Interprovincial desk in the receiving provinces/territories.
- The caseworker will enter the Special Caution (Interprovincial alert) in Linkin and ensure the alert is entered into ACI.
- When other provinces/territories contact the Interprovincial desk regarding the subject of an alert, information from Linkin and ACI and the caseworker's name and phone number are provided.

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**Note** - For offices not using Linkin, the Interprovincial Co-ordinator will enter the alert into Linkin.

### 3. Interprovincial Child Protection Alerts from Other Provinces

- Alert requests from other provinces/territories are received by the Interprovincial Coordinator, Central Office.
- If there is no active involvement, the Interprovincial Co-ordinator will register the person and enter the Special Caution (Interprovincial Alert) in Linkin and ACI.
- If Linkin or ACI indicates an active case, the alert is faxed or emailed to the Service Area office or First Nation Child and Family Services Agency, who will ensure the caseworker enters the alert in Linkin and ACI and responds accordingly. If the case is active to a First Nation Child and Family Services (FNCFS) Agency, the Interprovincial Co-ordinator will enter the alert in Linkin.
- Interprovincial Child Protection Alerts are cancelled from the system nine months after the date entered unless otherwise specified. If the case is active, it is the responsibility of the caseworker to review the need for the alert at nine months and at other points such as case closure. The Special Caution Icon in Linkin will expire automatically after nine months and will need to be reapplied if necessary.

### 4. Alerts within Saskatchewan

- For alerts within Saskatchewan where there is no case involvement, the office receiving the information will register the person and ensure the alert is entered into ACI and Linkin.
- For alerts within Saskatchewan where there is an active case, the caseworker is responsible to ensure the alert is entered in ACI and as a Special Caution in Linkin.
- Alerts in Linkin are reflected by a Special Caution Icon that will be automatically removed after nine months from the date of entry. Alerts in ACI will need to be removed manually.
- The information to be included in the alert is the same as for interprovincial alerts (see above).

**Note** - For offices not using Linkin, contact must be made with the nearest Ministry Service Area office to create the alert in Linkin and to cancel an alert in Linkin when it is no longer required.

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## References

- Child Protection Services Manual: General Application Policies and Protocols, Section [7.7 Interprovincial Protocol.](#)
- How to update an Interprovincial Alert – [Linkin/General/How To's/Interprovincial Alerts](#)
- How to create a Special Caution – [Linkin/General/Linkin Manuals/ Basics Manual.](#)

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# Provincial/Territorial Protocol

## On Children, Youth and Families Moving Between Provinces and Territories

April 1, 2016

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# Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories

## 1. Introduction

The purpose of the *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories* (Protocol) is to outline the roles and responsibilities of statutory child welfare organizations (including government ministries, agencies, boards and societies and may include First Nations, Inuit and Métis child welfare organizations) when working together to provide child welfare services to children and families moving between provinces and territories (PTs). In this document these entities will be referred to as “the child welfare organizations”.

The Protocol applies to a wide variety of legislation, policies, governance structures, and service delivery models throughout Canada. To accommodate these variations, it is necessary for this document to be written using generic terminology and should be interpreted in a way that is consistent with the principles described in Section 1.1, Protocol Principles. The Protocol is mandatory for all PTs that are signatories; however, if there is a conflict between the Protocol and the legislation or policies within a PT, the latter shall prevail.

The Protocol covers child protection, children and youth in care, children and youth in out of care placements, and, adoption services. Within these service areas the Protocol addresses:

- coordinating services, including information sharing and case management;
- financial responsibilities; and
- dispute resolution.

Sections 1-6 are general sections that apply to all services and will assist PTs in understanding the terms used and their respective roles and responsibilities when cases are shared. The nature and scope of the services to which the Protocol applies are specifically outlined in Sections 7-10. Section 11 addresses Protocol administration and forms are appended which will assist to operationalize the Protocol.

The Protocol reflects the commitment of the signatory provinces and territories to:

- Promote and support all PTs in meeting their statutory responsibilities under their child welfare legislation;
- Support the ongoing operation of the Protocol, including where required, developing PT specific procedures or other materials to assist in interpreting the Protocol;
- Provide PTs with an updated list of its interprovincial coordinators/contacts and Directors of Child Welfare;
- Monitor the placement of children and youth in care placed outside their PT;
- Ensure child welfare organizations providing statutory services to children, youth and families who move between PTs understand their roles and responsibilities under the Protocol;
- Facilitate dispute resolution;
- Address any systemic issues between the PTs related to the Protocol; and
- Consider changes to its legislation and policy that will enhance the provision of services under the Protocol.

## **1.1 Protocol Principles**

- The safety, best interests and well-being of children and youth is the paramount consideration in all decisions;
- This Protocol shall be administered so that the rights of children and youth as defined in the United Nations Convention on the Rights of the Child (1990) are respected;
- The originating PT always maintains the legal responsibility for children and youth in their care, custody or guardianship and this legal responsibility ends in accordance with the originating PT's legislation; however, both PTs have responsibilities for delivering required services to children, youth and families;
- In unique situations, exceptions to the Protocol can be made where necessary to promote the best interests of a child or youth;
- In unforeseen circumstances where the Protocol does not provide sufficient direction, the PTs will work collaboratively to promote the child or youth's best interests consistent with both PTs' legislation; and
- Services are not delayed due to budgetary, administrative or jurisdictional issues or disputes and, where these do arise, a timely and effective resolution is promoted.

## 2. Definitions

**aboriginal** – includes all First Nations, Inuit and Métis children, youth and families.

**adoptive applicant** – a person or persons who have applied to adopt a child or youth in care, but who have not received a child or youth for purposes of adoption.

**adoptive parent** – a person or persons who have received a child in care for purposes of adoption or who have been granted an order of adoption of a child or youth.

**case plan** – a planning process used by case workers in the receiving and originating PTs when providing services to a child and/or family. The format will depend on the case circumstances, should be mutually agreed and meet the policy requirements of the originating PT. The minimum case plan requirements must address the goals of the child protection services and/or placement, itemization of the services to be provided, and detail on the roles and responsibilities of the various parties.

**child in care** – a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This includes a child or youth under apprehension status.

**child in out of care placement** – a child or youth who is not in care but whose placement is financially supported and/or supervised by a PT.

**child protection alert** – a communication issued to another PT when a person or family cannot be located or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection.

**child protection alert form** – a standardized document used when a child protection alert is issued to another PT.

**child welfare** – statutory services relating to support services, child protection services, services to children or youth in care and in out of care placements, adoption and post-adoption services.

**child welfare organizations** – organizations with the statutory authority to deliver child welfare services, including government ministries, agencies, boards and societies.

**children and youth** – persons who are under 16, 18 or 19 years of age pursuant to child welfare legislation in an originating PT.

**custom adoption** – an adoption that has occurred by way of aboriginal customary law and has been recognized by the PT in which the adoption took place.

**days** – all references to “days” in the Protocol refers to calendar days.

**foster parent** – an individual, other than a parent or guardian of a child or youth, approved by a child welfare organization or foster care licensee to provide care for a child or youth in care. This individual may or may not be related to the child or youth (e.g. kinship).

**home study** – the assessment of caregivers being considered to provide care and supervision for a child or youth.

**interprovincial placement agreement (IPPA)** – a standardized agreement negotiated between two PTs that describes their respective roles and responsibilities in serving a child or youth.

**interprovincial coordinator/contact** – the person(s) designated by each PT with responsibility for facilitating the coordination of interprovincial/territorial services and for resolving issues and disputes between the PTs.

**maintenance and service expenditures** – financial assistance, subsidies and other services (refer to 4.2 and 4.3).

**originating PT** - the child welfare organization in the province or territory that requests services from a receiving PT or agrees to the repatriation of a child or youth from a receiving PT.

**PT** – means province and territory and refers to the government ministries, agencies, boards or societies and First Nations, Inuit and Métis agencies (child welfare organizations) within each province or territory with statutory authority for the delivery of child welfare services.



**receiving PT** - the child welfare organization in the province or territory that agrees to provide child welfare services at the request of an originating PT or repatriates a child or youth to an originating PT.

**residential facility** – a PT approved or licensed residential placement, other than a foster parent placement, that provides care and supervision of a child or youth in the care of a PT.

**serious occurrence/incident** – reportable incidents for children and youth in both in care and out of care placements, including but not limited to: the death or serious injury of a child or youth; alleged abuse or mistreatment of a child or youth by family members, foster parent, staff, volunteers or others associated with providing the service; serious complaints made by or about a child or youth, or any other serious occurrence involving a child or youth that is considered to be of a serious nature in a receiving PT.

**service delivery costs** – salaries and operating costs (refer to 4.1)

**temporary placement** – an approved temporary and transitional placement or place of safety that may be used prior to a planned placement.

**temporary residential treatment facility** – an approved facility used for the care and treatment of a child or youth. These are typically short term (up to six months) treatment facilities (e.g. medical, mental health or addictions treatment).

## 3. Co-ordination of Services

### 3.1 Information Sharing

Each PT agrees to share information with respect to persons needing or receiving services to the extent permitted by its legislation and policy. Personal information is shared with the consent of the persons who are the subject of the information where possible. However, legislation in all PTs authorizes the sharing of confidential information without the person's consent where necessary to ensure the safety and well-being of a child or youth. This may include, conducting child protection investigations, obtaining child welfare record prior contact checks, carrying out guardianship duties for a child in care and assessing the suitability of potential caregivers.

### 3.2 Case Management Roles and Responsibilities

Case management begins after an Interprovincial Placement Agreement has been completed in consultation with the receiving PT. Ensuring that the appropriate services are provided to meet the child's or youth's needs is a shared responsibility of each PT. Files must be opened in both PTs and each must comply with its respective file and records management policies.

The child welfare organization in the originating PT maintains the legal responsibility, guardianship or statutory authority and case management role through collaboration and regular or as needed conferencing with the child welfare organization in the receiving PT.

The child welfare organization in the receiving PT is responsible for the day to day monitoring and supervision of the case through collaboration and regular or as needed conferencing with the child welfare organization in the originating PT.

## 4. Financial Responsibilities

### 4.1 Service Delivery Costs – Receiving Province/Territory

In providing services under the Protocol, a receiving PT is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- Child protection investigations;
- Arranging for the signing or renewal of voluntary service or placement agreements;
- Serving child welfare court documents;
- Preparing safety assessments and home studies;
- Participating in case planning;
- Monitoring and supervising placements; and
- Adoption and post-adoption services.

### 4.2 Maintenance and Service Expenditures – Originating Province/Territory

In requesting services from a receiving PT, an originating PT agrees to directly pay for:

- In care maintenance and service costs at the receiving PT's rates;
- Out of care maintenance and service costs at the originating PT's rates;
- Youth receiving post-care services – maintenance and service costs at the originating PT's rates, and in accordance with the originating PT's legislation and policies;
- Residential facilities at the receiving PT's rates;
- Temporary residential treatment facilities (where not covered by health insurance or other publicly funded sources in a receiving PT);
- Dental, optical and prescription drugs not covered by the receiving PT publicly funded sources;
- Psychological and psychiatric services not paid for by health insurance or other publicly funded sources in a receiving PT;
- Adoption subsidy payments;

- Where required by the receiving PT's legislation and policy, adoption court completion costs; and
- Other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

### **4.3 Maintenance and Service Expenditures – Receiving Province/Territory**

In providing services requested by an originating PT, a receiving PT agrees to pay for:

- Expenses related to repatriating children or youth pursuant to Section 7.5; and
- Other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

### **4.4 Document Translation Services**

When receiving requests for services from Quebec, Quebec will ensure required documentation is translated to English. When requesting services from Quebec, the requesting PT will be responsible for the translation of required documents to French.

## 5. First Nations, Inuit or Métis Child Welfare Organizations

- 5.1.1 In some PTs, First Nations, Inuit or Métis child welfare organizations have varying levels of authority for the delivery of child welfare services depending on the legislation of the PT. In those circumstances where services from a First Nations, Inuit or Métis child welfare organization is required, the interprovincial coordinator in the receiving PT must be contacted by the originating PT to confirm that the level of statutory authority, capacity, resources and funding models available to the First Nations, Inuit or Métis child welfare organization is consistent with the case plan for a particular child and/or family.
- 5.1.2 When providing services to aboriginal children, youth and families under this Protocol, the receiving PT agrees to follow legislative requirements and existing protocols of the originating PT with respect to aboriginal children, youth and families to the extent possible under the receiving PT's legislation and policy.
- 5.1.3 As part of negotiations to develop the Interprovincial Placement Agreement to move a child or youth in care who is First Nation or Inuit to another PT, the originating PT shall advise the receiving PT whether any service or maintenance expenditures for the child or youth are currently being funded by the federal government.
- 5.1.4 When applicable, the originating PT shall determine whether the federal government will continue to pay for maintenance and service expenditures for the child or youth in care moving to the receiving PT and advise the receiving PT of financial arrangements for the child or youth.
- 5.1.5 If the federal government is unable to continue to pay maintenance and service expenditures for children and youth in care after the move, then the originating PT is responsible for these costs.

## 6. Dispute Resolution

### 6.1 Dispute Resolution at the Local Level

It is expected that most issues arising between PTs will be resolved between caseworkers and/ or supervisors/managers directly involved in the matter.

### 6.2 Involvement of Interprovincial Coordinators

In the event that a dispute or other issue cannot be resolved in a timely fashion at the local level, the matter shall be referred to the interprovincial coordinator for each PT with a view to negotiating a mutually satisfactory resolution of the matter **within 14 calendar days of receiving the matter**.

### 6.3 Involvement of Provincial and Territorial Directors of Child Welfare

In the event that the dispute or issue cannot be resolved between the interprovincial coordinators for each PT as described in 6.2, the matter shall be referred to the PT Director of Child Welfare in each PT. A mutually satisfactory resolution of the matter will be determined and communicated **within 14 calendar days** of the PT Directors receiving the matter or longer time period agreed to by both PT Directors.

## 7. Child Protection Services

### 7.1 Introduction

Section 7 applies to:

- a. Child protection alerts issued to one or more receiving PTs;
- b. Child protection requests for services from another PT;
- c. Child protection referrals to another PT; and
- d. Repatriation of children and youth from a receiving PT to an originating PT.

### 7.2 Interprovincial Child Protection Alerts

#### 7.2.1 Criteria for Issuing Child Protection Alerts

An originating PT may issue a child protection alert when a child, youth, adult or family is missing or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection. Circumstances that may lead to the issuing of a child protection alert include, but are not limited to the following:

- a. A family, family member or guardian leaves the PT prior to the conclusion of a child protection investigation;
- b. A family, family member or guardian receiving child protection services leaves the PT prior to closing the case;
- c. A family under court-ordered supervision leaves the PT without approval from the PT or court;
- d. A parent or guardian takes a child or youth in care to another PT without prior approval from the originating PT or court;
- e. A child or youth in care is missing from his or her placement and is believed to have left the PT;
- f. A high-risk pregnant person has or is suspected to have left the PT; and
- g. A child or youth is taken or has fled to another PT for a variety of reasons, including child trafficking, sexual exploitation, so called 'honour based' violence or illegal adoption.

## **7.2.2 Issuing and Receiving Child Protection Alerts**

Each PT agrees to implement a process for ensuring that child protection alerts are issued and received in a secure and timely manner. At a minimum, each PT shall designate one or more provincial contacts responsible for issuing and receiving child protection alerts.

## **7.2.3 Content of Child Protection Alerts**

When issuing an alert, the originating PT shall use the Interprovincial Child Protection Alert Form appended to the Protocol. The content of the Interprovincial Child Protection Alert may include, but is not limited to the following information:

- a. the name and birth date of each subject of the alert;
- b. the name, address, email address, telephone number and facsimile of the child welfare organization that issued the alert and the date sent;
- c. if applicable, the name of the interprovincial contact, worker and supervisor, who issued the alert and how to contact them or their alternates;
- d. the reason(s) for issuing the alert including sufficient details of the child protection concerns and risk factors related to the child or youth;
- e. possible destinations and other information that may assist a receiving PT in locating the person or family;
- f. specific actions requested of the PT and, if required collateral agencies/hospitals in the receiving PTs;
- g. known history or risk of violence; and
- h. expiry date if less than nine months.

## **7.2.4 Responding to Child Protection Alerts**

Upon receiving an alert, the receiving PTs shall:

- a. request additional information from the originating PT if needed, including sufficient information about the child protection concerns and risk factors;
- b. distribute the alert in accordance with the legislation/policy of the receiving PT;
- c. inform designated contacts in the originating PT when the missing person or family is located;
- d. develop a plan of action in consultation with contacts in the originating PT; and
- e. close the alert when it expires or extend it for a further period if requested by the originating PT.



## **73 Interprovincial Requests for Services**

### **73.1 An originating PT may request a receiving PT to provide services in a child protection case including:**

- a. child welfare record checks;
- b. interviews with alleged perpetrators or victims of abuse;
- c. service of court documents;
- d. supervision of visits or contacts between children or youth and family members; and
- e. other services agreed to by the receiving PT.

**7.3.1.1** When requesting services, the originating PT shall use the Interprovincial Request for Services Form appended to the Protocol. Upon receiving the request, the receiving PT agrees to provide services based on the originating PT's case plan if in accordance with the receiving PT's legislation and policy.

## **74 Interprovincial Child Protection Referrals**

### **74.1 Criteria for Child Protection Referrals**

An originating PT shall refer an individual or family moving to a receiving PT for services when:

- a. the individual or family has requested the referral;
- b. the originating PT is in the process of conducting a child protection investigation;
- c. there is an open child protection case;
- d. child protection court proceedings are pending or in process;
- e. there is an order of supervision; or
- f. there is a need for ongoing services to prepare the family for the return of children or youth.

### **74.2 Issuing and Receiving Child Protection Referrals**

**74.2.1** When making a child protection referral, the originating PT shall:

- a. if appropriate, inform the individual or family of the decision to refer and, if appropriate, obtain consents to share information with the receiving PT;

- b. prior to or as soon as it is known the family is moving, consult with the receiving PT with the goal of reaching an agreement on the services to be provided by the receiving PT; and
- c. send a summary of the case, including investigation reports and findings, risk assessments, case plans, and all relevant court documents to the receiving PT.

**7422** Upon receiving a child protection referral, the receiving PT shall:

- a. accept the referral as an intake using the same intake process as normally provided;
- b. if necessary, advise the originating PT which child welfare organization will be responsible for accepting the referral;
- c. if the referral involves an open child protection case, the receiving PT opens a child protection case, according to its own legislation and policy; and
- d. if required by the originating PT, send copies of documents and correspondence to the interprovincial coordinator in that PT.

## **75 Repatriation Services**

### **75.1 Eligibility**

**7511** Repatriation services may be considered for a child or youth who has fled or been abducted to a receiving PT and who:

- a. is in care of an originating PT;
- b. is placed in an out of care placement by an originating PT; or
- c. is or may be in need of protection in a receiving PT.

**7512** On learning of a child or youth who may need to be repatriated, a receiving PT agrees to accommodate the concerns of an originating PT and the parents or guardians who reside in the originating PT to the extent possible under its legislation.

**7513** When considering repatriation of a child or youth under Section 7.5.1.1 to an originating PT, a receiving PT shall:

- a. check with police or justice/probation officials in the receiving PT to determine if there is a missing person report filed or if the child or youth is under investigation, charged with or found guilty of an offence, on probation or otherwise involved with the *Youth Criminal Justice Act*; and

- b. collaborate with the originating PT and where required, police and justice officials to arrange appropriate escort services.

## **7.5.2 Exclusions**

This Section does not apply to the return of children or youth who have been abducted and who are the subjects of a custody or access dispute between parents when there are no child protection concerns. These matters should be referred to the appropriate Family Court with jurisdiction by the parent, guardian or police.

## **7.5.3 Children or Youth in Care or in Out of Care Placement**

**7.5.3.1** With respect to the repatriation of a child who is in the care of or in an out of care placement of an originating PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. notify the originating PT as soon as possible to advise of the child or youth's location;
- c. consult regarding a plan to repatriate the child or youth;
- d. provide necessary services pending repatriation of the child or youth;
- e. arrange for the most expedient form of travel appropriate to the needs of the child or youth and for any supervision required by the child or youth while travelling;
- f. contact the originating PT as required to advise of the repatriation arrangements in a timely manner and to provide any follow-up that is indicated or recommended; and
- g. provides the originating PT a written summary of the services provided and any relevant comments, reports or recommendations.

**7.5.3.2** To assist in repatriating a child or youth under paragraph 7.5.3.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. when necessary, advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

**7533** Subject to paragraph 7.5.3.4, the receiving PT assumes all expenses related to the child or youth's care and repatriation, including travel costs for the child or youth (and escort if required) unless otherwise negotiated with the originating PT.

**7534** Notwithstanding paragraph 7.5.3.3, the originating PT assumes responsibility for all costs directly related to repatriating a child or youth that the originating PT has placed in a temporary residential treatment facility or residential facility in a receiving PT. These costs do not include salaries and operating costs of the receiving PT normally incurred by a child welfare organization in delivering child welfare services.

**754 Other Eligible Children**

**7541** With respect to the repatriation of a child or youth who is not in care or in an out of care placement in an originating PT, but who is or may be in need of protection in a receiving PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. contact the originating PT to make arrangements for the child or youth's return;
- c. provide necessary services pending repatriation;
- d. arrange for the most expedient form of travel appropriate to the child or youth's needs and for any supervision required for the child or youth while travelling;
- e. contact the originating PT as required to advise of the repatriation arrangements and of any follow-up that is indicated or recommended; and
- f. provide a written summary of the services provided and any relevant comments, reports or recommendations if requested by the originating PT.

**7542** When contacted to assist in repatriating a child or youth under paragraph 7.5.4.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

**7543** The originating PT is responsible for contacting the parent and determining the parent or guardian's willingness and ability to pay for the costs of repatriation.

If the parent or guardian cannot or will not cover the cost of the repatriation, the receiving PT assumes the full or remaining cost.

## 8. Children and Youth in Care

### 8.1 Introduction

Section 8 applies to a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This also includes a child or youth under apprehension status.

### 8.2 Notification and Negotiation

#### 8.2.1 Child or Youth Moving with Foster Family to Another Province/Territory

**8.2.1.1** When planning for a child or youth to move with a foster family to a receiving PT, the originating PT shall:

- a. **60 days prior to the move** (or such shorter period of time as negotiated between the originating and receiving PT's, in accordance with the particular circumstances of the planned move) contact the receiving PT to:
  - confirm the move details;
  - discuss the case plan;
  - provide documentation related to the approval or licensing of the foster family;
  - provide all assessments or reviews of the foster home completed within the past 24 months; and
  - negotiate the Interprovincial Placement Agreement utilizing the form appended to the Protocol.
- b. prior to the move, give the foster family contact information in the receiving PT for the office that will be providing supervision and monitoring services.

**8.2.1.2** Approval by Receiving Province/Territory of Foster Family that has Moved with a Child or Youth

**Within 30 days** of the foster family's move, the receiving PT will complete an assessment of the foster family in accordance with its legislation and policy to ensure that the family meets the receiving PT's requirements to provide foster care services in the receiving PT. The receiving PT arranges any further training required by the foster family.

**8.2.1.3 Monitoring and Support of a Foster Family that has Moved with a Child or Youth to a Receiving Province/Territory**

A foster family approved as a resource in the receiving PT, shall be monitored and supported by the receiving PT in accordance with the legislation and policies of the receiving PT.

**8.2.2 Child or Youth Moving to Family (not currently approved to provide care) in Receiving Province/Territory**

**8.2.2.1** When planning for a child or youth to reside with a relative or significant person in a receiving PT, the originating PT shall consult with the receiving PT and shall provide the receiving PT with **60 days prior** written notice of the plan or such shorter period of time as negotiated between the originating and receiving PTs. The request for a home study will be in writing utilizing the Interprovincial Request for Services Form appended to the Protocol.

**8.2.2.2** The receiving PT shall complete a home study in accordance with the receiving PT's legislation, policy and format on the home of the relative or significant person **within 60 days** of receiving notice in writing or such period of time as negotiated between the receiving and originating PTs.

**8.2.2.3** The home study must also meet the standards of the originating PT; it is the responsibility of the originating PT to determine what is required to meet those standards. Where the originating PT is not satisfied that the home study conducted by the receiving PT meets the originating PT's standards, and the PTs are unable to negotiate a solution, the originating PT is responsible for making alternative arrangements. Alternative arrangements include, but are not limited to, contracting with a third party approved by the receiving PT to complete the study in accordance with the originating PT's legislation and policy; or, sending an approved delegate from the originating PT to complete the study.

**8.2.2.4** If the receiving PT, on completing a home study, recommends that a child or youth not reside with a relative or other significant person in the receiving PT, the originating PT shall not place the child or youth unless the matter is resolved either through the receiving PT's review/appeal process or the dispute resolution process.

- 8.2.2.5** Decisions must be based on the best interests of the child including any evidence of child protection concerns pertaining to the prospective caregivers as documented by the receiving PT.

### **8.2.3 Placement in a Residential Facility**

- 8.2.3.1** It is recognized that originating PTs may place children or youth in approved or licensed residential facilities in other PTs. The originating PT will notify the receiving PT in all cases and inform the receiving PT if monitoring and supervision services are requested of the receiving PT. In either circumstance the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

- 8.2.3.2** Prior to placing a child or youth in a residential facility when supervision and monitoring have been requested the originating PT shall consult with the receiving PT to:

- a. determine whether the facility is licensed in the receiving PT and the status of the license;
- b. identify any concerns the receiving PT has about the use of the facility by another PT;
- c. determine whether the facility is likely to meet the needs of the child in question;
- d. identify available and appropriate community services and resources in the receiving PT;
- e. negotiate the level of day to day case management services the receiving PT will provide; and
- f. complete an Interprovincial Placement Agreement in consultation with the receiving PT.

- 8.2.3.3** An originating PT shall not place a child or youth in a residential facility in a receiving PT if the receiving PT confirms that:

- a. a facility must be licensed and the facility under consideration is not licensed or the license has been suspended or revoked; or
- b. it is of the opinion that the residential facility is inappropriate for the child or youth.

- 8.2.3.4** When a child or youth is placed in a residential facility in a receiving PT and there are supervision and monitoring services being requested of the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement.



**8.2.3.5** On agreeing to assist the originating PT in supervision and monitoring the placement, the receiving PT shall complete and provide progress reports to the originating PT according to the legislation and policy of the originating PT.

**8.2.4 Placement in a Temporary Residential Treatment Facility (medical, mental health or addictions treatment)**

**8.2.4.1** It is recognized that children or youth may attend temporary residential treatment facilities in other PTs. The originating PT must notify the receiving PT only if monitoring and supervision services are requested of the receiving PT. Whether or not supervision and monitoring is requested, the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

**8.2.4.2** When a child or youth is placed in a temporary residential treatment facility in a receiving PT and there are supervision and monitoring services being requested by the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement. The originating PT shall consult with the receiving PT to complete an Interprovincial Placement Agreement. The originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

**8.3 Case Planning and Management**

**8.3.1 Developing a Case Plan**

**8.3.1.1** The originating PT shall:

- a. develop a thorough, detailed and long-term plan according to the legislation and policy standards of the originating PT for all children and youth moving to a receiving PT;
- b. consult with the receiving PT regarding the plan, revision of the plan if necessary and implementing the proposed case plan;
- c. in circumstances where the youth is close to aging out of care in the receiving PT, the case plan will include, where required, any transition to adult services including services to young adults or extended care services;<sup>1</sup>
- d. enter into an Interprovincial Placement Agreement prior to the child or youth moving to the receiving PT;

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<sup>1</sup> It is the responsibility of the originating PT to address any gaps in services, including gaps created when a youth ages out of care and the receiving PT's age of majority. This may include the originating PT offering post-care services to the youth in the receiving PT.

- e. where a child or youth has been or is involved with the youth justice system and subject to Part 6 of the *Youth Criminal Justice Act* and policies in the PTs, the originating PT shall:
  - i) share information necessary to ensure the receiving PT is able to meet the child or youth's specific needs; and
  - ii) where required in the originating or receiving PTs, obtain youth justice system involvement and/or approvals.

### **8.3.2 Implementing the Case Plan**

- 8.3.2.1** The case plan should identify the goals of the placement, identify the services to be provided, and the roles and responsibilities of the case workers and any other providers involved.
- 8.3.2.2** In agreeing to a case plan, the receiving PT shall provide supervision and monitoring. The originating PT maintains ongoing contact with the family of the child or youth unless otherwise negotiated with the receiving PT.
- 8.3.2.3** The originating and receiving PT shall review the case plan for a child or youth according to the legislation and policy of the originating PT unless the parties agree more frequent reviews are required.
- 8.3.2.4** The receiving PT will report any significant events such as, serious occurrences, hospitalizations, injuries or other events (e.g. child or youth is missing from their placement, caregiver investigation) to the originating PT immediately or as soon as reasonably possible.
- 8.3.2.5** If a parent or guardian is moving or has moved to the receiving PT, the originating and receiving PTs may agree to terminate a voluntary agreement or allow a voluntary agreement or temporary order to expire. Such decisions should normally be made with the appropriate involvement of the parent or guardian and the child or youth. The receiving PT may subsequently enter into a voluntary agreement with the parent or guardian or proceed to court for a new order if required.

## 8.4 Documentation

### 8.4.1 Information on Child or Youth in Care

**8.4.1.1** When a child or youth moves to a placement to be supervised and monitored by a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT prior to the move if possible or at the latest **within 30 days** of the move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;
- c. in the case of a voluntary agreement, the written consent of the parent or guardian of the child or youth to the placement;
- d. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- e. the child or youth's life book, if available, or a copy of it;
- f. in the case of an aboriginal child or youth, details with respect to their status under the *Indian Act* (Canada) and community of origin;
- g. confirmation that the originating PT has involved the appropriate Indian band or First Nations, Inuit or Métis organization as required under the originating PT's legislation and policy;
- h. a social history including documentation of all services and assessments;
- i. any relevant medical, psychological or educational assessments completed within the past two years or longer if they continue to be relevant;
- j. subject to Part 6 of the *Youth Criminal Justice Act* and policies of the PTs, any relevant youth justice system reports;
- k. up-to-date medical reports if the child is receiving treatment;
- l. a current case plan developed in consultation with the receiving PT if available;
- m. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- n. any additional documentation required by the receiving PT.

**8.4.1.2** When monitoring or supervising the placement of a child or youth in a temporary residential treatment or residential facility, the receiving PT may require some or all of the documentation required under paragraph 8.4.1.1.

#### **8.4.2 Progress Reports**

- 8.4.2.1** Unless otherwise agreed to between the receiving and originating PTs, the receiving PT shall complete and provide to the originating PT all progress reports relating to the child/youth (including a copy of all assessments and follow-up reports) according to the legislation and policy of the originating PT or as agreed to in the Interprovincial Placement Agreement.

### **8.5 Placement Disruptions**

#### **8.5.1 Temporary or Transitional Placement**

- 8.5.1.1** When the placement of a child or youth is disrupted, a temporary placement may be used. The PTs agree to renegotiate a case plan that is in the best interests of the child or youth.

#### **8.5.2 Placement Decisions**

- 8.5.2.1** The receiving and originating PTs agree to consider the following factors in determining whether a child should remain in the receiving PT or be returned to the originating PT:
- a. best interests of the child or youth;
  - b. needs of the child or youth and the ability of each PT to meet them;
  - c. appropriate placement options in both the receiving and originating PTs that would meet the needs of the child or youth;
  - d. where parents, guardians or other significant persons reside;
  - e. preferences of the child or youth;
  - f. length of time the child or youth has resided in the receiving PT;
  - g. for an aboriginal child or youth, access to his or her cultural heritage;
  - h. confirmation that the originating PT has involved the appropriate Indian band or aboriginal organization as required under the originating PT's legislation and policy; and
  - i. any applicable legislative requirements regarding placements that apply.
- 8.5.2.2** The receiving PT agrees to make all non-emergency placement changes in consultation with the originating PT where possible and to notify the originating PT of an emergency placement as soon as possible or **within seven (7) days**.

**8.5.2.3** At the request of the receiving PT, the originating PT shall facilitate the return of a child or youth to the originating PT. Such requests must be based on a review of the factors in paragraph 8.5.2.1.

**8.5.2.4** The final decision as to where a child or youth is placed is the responsibility of the originating PT.

## **8.6 Visitation**

### **8.6.1 Temporary Visits to a Receiving Province/Territory**

When a child or youth receiving services will be visiting a receiving PT and the receiving PT is being asked to provide supervision and monitoring services during the visit, the originating PT shall request the required services **at least 30 days prior** to the visit or such shorter period of time as negotiated between the originating and receiving PT. When requesting services, the originating PT shall use the Interprovincial Request for Services form appended to the Protocol. The originating PT shall provide, at a minimum, the following information:

- a. the name, address, birth date, health card information and legal status of the child or youth;
- b. the name, address and phone number of the caseworker in the originating PT;
- c. the name, address and phone number of the person the child or youth will be visiting;
- d. the timeframe for the visit;
- e. an outline of the expectations of the receiving PT for supervision and monitoring; and
- f. any other circumstances that the receiving PT should be made aware.

### **8.6.2 Temporary Return to Originating Province/Territory**

**8.6.2.1** Arrangements for the temporary return of a child or youth to an originating PT shall be planned in advance as part of the case plan. If circumstances do not permit advance planning as part of the case plan, as much prior notice as possible should be provided to the other PT.

## **8.7 Services to Young Persons who were formerly in care or in out of care placement**

**8.7.1** This section applies to persons formerly in care or in an out of care placement and due to their age are not eligible to be admitted to care but are eligible for and may have entered into an agreement for post care or extended services.

- 8.7.2** The originating PT remains responsible for establishing and maintaining the agreement with the young person, including all payments and supports covered in the agreement.
- 8.7.3** Notification to the receiving PT is not required in situations where supervision and monitoring are not requested of the receiving PT. If an originating PT is requesting supervision and monitoring, then an Interprovincial Placement Agreement must be negotiated.

## 9. Children or Youth in Out of Care Placements

### 9.1 Scope of Legislative Authority

- 9.1.1 Children or youth in out of care placements are not in the care of a PT, but whose placement is financially supported and/or supervised by the PT.
- 9.1.2 Some PTs do not have the legislative authority to provide services to children or youth in out of care placements from other PTs. Prior to a move to another PT, the originating PT must contact the receiving PT to determine whether they will be able to assist with case planning, monitoring and supervision.
- 9.1.3 If the originating PT is unable to negotiate an appropriate plan for the child or youth through negotiating an exception in the receiving PT or by the originating PT providing or contracting for the service, the child or youth should not be moved to the PT.
- 9.1.4 In circumstances where a child or youth does move to another PT, the originating PT maintains responsibility for meeting the originating PT's policies and standards for children or youth in out of care placements.
- 9.1.5 Although the legal status of the child or youth is different than a child in care, in those circumstances where supervision and monitoring is being provided by a receiving PT, an Interprovincial Placement Agreement is still required along with the case planning and documentation requirements in Section 8, Children and Youth in Care.

## **10. Adoption and Post-Adoption Services**

### **10.1 Introduction**

Section 10 applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

#### **10.1.1 Administration**

When providing services under this Section to persons planning to move to a receiving PT, the originating PT shall:

- a. obtain general information from the receiving PT regarding its policies and services;
- b. inform the person of the information received from the receiving PT regarding its policies and services, noting apparent differences to those in the originating PT; and
- c. provide the person information regarding who to contact in the receiving PT for more information on its policies and services and, the name, address and phone number of the office that will be providing services.

### **10.2 Adoption Inquiry and Application Services**

#### **10.2.1 Originating and Receiving PTs**

The originating PT is the PT where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving PT is the PT to where an adoption inquiry is directed or an adoptive applicant is moving.

#### **10.2.2 Adoption Inquiries**

Section 10.2.2 applies to persons who are inquiring about adoption services and requirements in PTs other than the originating PT and pertains to inquiries about all types of adoptions. The remainder of Section 10 applies to the adoption of children or youth in care of a PT.



**10.2.2.1 In response to an inquiry about interprovincial adoption services in another PT, the originating PT shall:**

- a. provide information to the person about its legislative and policy requirements; and
- b. refer the person to the appropriate child welfare organization in the receiving PT for information about that PT's legislative and policy requirements.

**10.2.3 Adoptive Applicant Referrals**

Section 10.2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating PT to a receiving PT.

**10.2.3.1** With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating PT and who is moving to a receiving PT, the originating PT shall provide the following to the receiving PT **within 30 days** from the date the authorization is received:

- a. an original or copy of the applicant's adoption application;
- b. original or certified copies of all documents on file relating to an adoptive applicant's marital status or relationship to a partner including, but not limited to, a marriage certificate, declaration of commitment to a partner, divorce certificate or death certificate;
- c. any preliminary information or assessments on file with respect to the suitability of the adoptive applicant;
- d. if completed, a copy of the most recent home study and any home study updates conducted with respect to the adoptive applicant;
- e. supporting documentation on file including police and other applicable checks, medical reports and personal references; and
- f. other relevant information and documentation on the adoptive applicant's file.

**10.2.3.2** Upon receiving a referral from the originating PT, the receiving PT shall:

- a. accept the adoption application as if it were made in the receiving PT and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating PT;
- b. open an adoption file as may be required under its legislation and policy; and
- c. accept the home study subject to any updates or further adoption preparation and assessments, if the originating PT has completed a home study on the adoptive applicant, required under the receiving PT's legislation, regulations and policy.

## 10.3 Adoption Placement Services

The originating PT is the PT that has the child or youth in care. The receiving PT is where a prospective adoptive applicant resides or to where a child or youth in care and adoptive applicant are moving.

### 10.3.1 Adopting a Specific Child or Youth in Care

**10.3.1.1** When a prospective adoptive applicant in a receiving PT inquires about adopting a specific child or youth in care in an originating PT, the originating PT shall contact the receiving PT **within 30 days** of receiving an inquiry to:

- a. advise if the child or youth is legally available for adoption and may be considered for adoption placement with the prospective adoptive applicant;
- b. advise if the prospective adoptive applicant may be eligible for an adoption subsidy with respect to the child or youth; and
- c. request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child or youth.

**10.3.1.2** When an originating PT inquires about the possibility of placing a specific child or youth in care with a prospective adoptive applicant who resides in a receiving PT, the receiving PT shall **within 30 days** of receiving an inquiry or such period of time as negotiated between the originating and receiving PTs:

- a. carry out a preliminary assessment to determine the interest and estimate the capacity of the prospective adoptive applicant to meet the needs of the child or youth in care;
- b. advise the originating PT in writing if placement seems viable and if the receiving PT will conduct a home study of the prospective adoptive applicant; and
- c. the originating PT will keep copies on file of all documents sent to the receiving PT.

**10.3.1.3** The receiving PT shall complete a home study on the adoptive applicant and provide a copy to the originating PT **within six (6) months** from the date the PTs agree to a tentative plan to place the child in care for adoption, or such period of time as negotiated between the originating and receiving PTs.

**10.3.1.4** The originating PT shall develop a written adoption placement plan in collaboration with the receiving PT upon:

- a. concluding that it is in the best interests of the child or youth to be placed for adoption with the adoptive applicant in the receiving PT; and
- b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving PT.

**10.3.1.5** A written adoption placement plan shall include:

- a. arrangements for pre-placement visits;
- b. provision for the receiving PT to supervise the placement;
- c. if applicable, provision for an openness agreement or agreements;
- d. if applicable, information about the availability of an adoption subsidy pursuant to paragraph 10.4.2; and
- e. a time frame for applying to court for an order of adoption and confirmation as to the PT where the application will be made.

**10.3.1.6** Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving PT:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child as outlined in the adoption placement plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.

**10.3.1.7** Subject to Part 6 of the *Youth Criminal Justice Act* and the policies of the PTs, the originating PT shall advise the receiving PT of any relevant youth justice system involvement.

## **10.3.2 Child or Youth in Care Moving with Adoptive Parent**

**10.3.2.1** When it becomes known that a child or youth in care and his or her adoptive parent are moving to a receiving PT prior to a court granting an order of adoption, with the written consent of the adoptive parent, an originating PT shall provide **30 days prior** written notice of the move to the receiving PT if the circumstances permit.

**10.3.2.2** At the request of the originating PT, the receiving PT shall as soon as reasonably possible after receiving the notice:

- a. advise the originating PT as to which office has responsibility for providing adoption services in the receiving PT; and
- b. provide the notice to the appropriate office in the receiving PT.

**10.3.2.3** The originating PT shall develop a written plan for completion of the adoption in collaboration with the receiving PT. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving PT. The plan shall include:

- a. provision for the receiving PT to supervise the placement;
- b. a time frame for applying to court for an order of adoption and confirmation of the province or territory where the application will be made;
- c. if applicable, information about any additional legal requirements relating to completion of the adoption identified by the receiving PT; and
- d. if applicable, information about the availability of an adoption subsidy.

**10.3.2.4** Prior to the adoptive family moving to the receiving PT, if possible:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child or youth as outlined in the adoption plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision.

**10.3.2.5** The originating PT shall provide information on the adoptive parent to the receiving PT **within 30 days** of the adoptive applicant's move to the receiving PT pursuant to paragraph 10.2.3.2.

### **10.3.3 Information on Child or Youth in Care**

When a child or youth in care is placed for adoption in a receiving PT or moves with an adoptive parent to a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT **within 30 days** of the placement or move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;

- c. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- d. the child or youth's life book, if available, or a copy of it;
- e. in the case of an aboriginal child or youth, details with respect to the child or youth's status under the *Indian Act* (Canada) and community of origin;
- f. confirmation that the originating PT has involved the appropriate Indian band or aboriginal organization as required under the originating PT's legislation and policy;
- g. a social history including documentation of all services provided and assessments conducted with respect to the child or youth;
- h. any medical, psychological or educational assessments completed within the past two years or those that remain relevant;
- i. up-to-date medical reports if the child or youth is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving PT;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- l. additional documentation required by the receiving PT if available.

#### **10.3.4 Progress Reports**

With respect to a child or youth in care who has been placed for adoption, or who has moved with an adoptive parent, the receiving PT shall complete and provide to the originating PT:

- a. all reports on the progress of the adoption placement, including a copy of all assessments and follow-up reports, completed according to standards and time frames required by the originating PT;
- b. a copy of the receiving PT's final progress report with a recommendation regarding completion of the adoption; and
- c. if the application to court for an order of adoption will be made in the receiving PT, a request that the originating PT provide to the receiving PT the required written consents to the adoption.

#### **10.3.5 Placement Disruptions**

When an adoption placement of a child or youth in care is disrupted prior to the granting of an order of adoption, the originating and receiving PTs will, subject to applicable child welfare legislation in the receiving PT, renegotiate a case plan that is in the best interests of the child or youth.

### **10.3.6 Application for Order of Adoption**

**10.3.6.1** Depending on where the application to court for an order of adoption is to be made, the receiving PT or the originating PT shall:

- a. provide the required written consents to the adoption to the PT where the application to court is to be made; and
- b. provide required court documentation with respect to the application for an order of adoption.

**10.3.6.2** As a general rule, the PT that assumes responsibility for completion of the adoption shall proceed to court for an order of adoption **within one (1) year** from the date the child or youth was placed for adoption or such period of time as negotiated between the originating and receiving PTs.

**10.3.6.3** The PT where the order of adoption is granted shall notify the other PT in writing as soon as possible, but in all cases **within 30 days** of the order being granted; and then **within 30 days** of receiving the physical order, a copy shall be sent to the other PT.

### **10.3.7 Adoption of Child or Youth in Care in Originating Province/Territory**

At the request of a PT that requires consent to adoption from a person who resides in another PT to complete the adoption of a child or youth in care, the PT that receives the request shall assist in obtaining the required consents to adoption from the person.

## **10.4 Subsidized Adoptions**

### **10.4.1 Child or Youth in Care Placed for Adoption in Receiving Province/Territory**

**10.4.1.1** In planning to place a child or youth in care with an adoptive applicant who resides in a receiving PT, the originating PT shall:

- a. advise the receiving PT if the child or youth has special needs or whether there are special circumstances that fall within the originating PT's eligibility criteria for subsidized adoption;
- b. request that the receiving PT explain the child or youth's needs or circumstances to the adoptive applicant and ascertain whether the adoptive applicant intends to apply for an adoption subsidy; and
- c. at the request of the adoptive applicant, determine eligibility for an adoption subsidy and the type and amount of subsidy that will be available.

**10.4.1.2** In responding to the originating PT's request for assistance, the receiving PT shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child or youth in care of the originating PT and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating PT as to the availability of needed services in the receiving PT and provide an estimate of the costs associated with the needed services; and
- c. assist as required in assessing the adoptive applicant's need and eligibility for an adoption subsidy and in negotiating a subsidy agreement on behalf of the originating PT.

#### **10.4.2 Child or Youth in Care or Adopted Child or Youth Moving with Adoptive Parent**

**10.4.2.1** When it is known that a child or youth and his or her adoptive parent are moving to a receiving PT, with the written consent of the adoptive parent, the originating PT shall provide **at least 30 days prior** notice in writing to the receiving PT if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating PT requires the assistance of the receiving PT to:
  - i. secure needed services,
  - ii. assist in assessing an ongoing need and eligibility for subsidy, and
  - iii. assist as required in negotiating or renewing a subsidy agreement on behalf of the originating PT.

**10.4.2.2** With the written authorization of the adoptive parent, the originating PT agrees to provide to the receiving PT **within 30 days** of the move the following information:

- a. information about available adoption subsidies from the originating PT and the adoptive parent's eligibility;
- b. copies of all documents associated with the approval of the adoption subsidy; and
- c. the most current review of the need for an ongoing subsidy.

#### **10.4.3 Services and Subsidies**

**10.4.3.1** At the request of the originating PT, the receiving PT agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to provide reports to the originating PT as may be required by the originating PT.

**10.4.3.2** The originating PT agrees to continue to pay the adoption subsidy to the adoptive parent, where eligible, following the adoptive parent's move to the receiving PT and to negotiate any changes to the subsidy in consultation with the receiving PT.

## **10.5 Post-Adoption Services**

### **10.5.1 Registration**

**10.5.1.1** When there is no alternative but to request the assistance of a receiving PT to facilitate registering a person for a post-adoption search or reunion, an originating PT (where the adoption order was granted) may request a receiving PT to:

- a. assist in obtaining a signed registration for a post-adoption search or reunion; or
- b. provide information that will assist in the registration process.

**10.5.1.2** In responding to the request, the receiving PT shall provide the requested service or information **within 60 days** of receiving the request or such period of time as negotiated between the receiving and originating PTs.

### **10.5.2 Searches**

**10.5.2.1** When all available alternatives to locate a person have been exhausted and there is information to indicate that the person may have moved to a receiving PT, an originating PT may request a receiving PT to check existing search mechanisms to assist in locating a person who is the subject of a search.

**10.5.2.2** Upon receiving a request under paragraph 10.5.2.1 together with a written consent to conduct a search if required, the receiving PT shall advise the originating PT of the results of the search **within 90 days** or such period of time as negotiated between the originating and receiving PTs.

## **10.6 Custom Adoptions**

Some PTs recognize aboriginal customary law for adoptions that take place in their PT. This Protocol does not apply to custom adoptions. Where an originating PT has legislation supporting custom adoptions (e.g. *Custom Adoption Recognition Act* in Nunavut), the unique policies and procedures shall be followed.



## **10.7 Adoptions involving Quebec**

The objective of this section is to present the guidelines of the interprovincial adoption process when Quebec is the child's originating province or receiving province. A detailed procedure is appended to this protocol and is an integral part thereof.

**10.7.1** The Minister of health and social services is Quebec's central authority with respect to intercountry adoption, including interprovincial adoptions. The Minister is represented by the Secrétariat à l'adoption internationale (SAI).

**10.7.2** Private adoption is not permitted in Quebec.

**10.7.3** Any person domiciled in Quebec who wishes to adopt a child domiciled outside Quebec must be represented by a certified body or obtain authorization from the Minister of health and social services. More specifically, the Minister may authorize a person to start the adoption process without going through a certified body if that person is planning to adopt a child who is domiciled in a Canadian province or territory and is under the care of a competent public authority responsible for child protection or adoption in that province or territory.

**10.7.4** Any person domiciled outside Quebec who wishes to adopt a child domiciled in Quebec must apply to the SAI and provide the information required concerning the child who is the subject of this adoption.

**10.7.5** An adoption that requires or did require that the child be transferred from his or her originating province or territory to another province or territory is considered an interprovincial adoption. The principles of The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (HAC) apply to such adoptions and serve as the basis for the procedure used by the Province of Quebec.

## **11. Protocol Administration**

### **11.1 Working with Province/Territories that are not Signatories to this Protocol**

This Protocol shall apply to those provinces and territories that have signed the Protocol. The Protocol shall not apply to a party that does not sign the Protocol or subsequently opts out. When dealing with a PT that is not a signatory to the Protocol, planning and services should be negotiated on a case by case basis and, to the extent possible, consistent with this Protocol.

### **11.2 Opting Into Protocol**

A province or territory that has not signed the Protocol on or before the date it comes into force may opt into the Protocol by giving 30 days' notice in writing to all parties to the Protocol together with a copy of the Protocol executed by its proper authority.

### **11.3 Opting Out of Protocol**

A province or territory may opt out of the Protocol by giving 90 days' notice in writing to all parties to the Protocol.

### **11.4 Amendments to Protocol**

Amendments to the Protocol may be made upon the written consent of all the parties executed by their proper authorities.

### **11.5 Review of the Protocol**

A formal review of the provisions in the Protocol must be conducted every five years or sooner at the recommendation of the Provincial/Territorial Directors of Child Welfare Committee.

### **11.6 Commencing of Protocol**

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories (2016) comes into force on April 1, 2016.

### **11.7 Existing Protocol**

This Protocol replaces all previous versions of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories.

### **11.8 Existing Agreements Under Former Protocols**

Any existing arrangements or agreements completed under former versions of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories Protocol will be grandfathered and remain unchanged unless re-negotiated under this Protocol.

### **11.9 Signing by Parties**

The Protocol may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of the Protocol and such counterparts together shall constitute but one and the same instrument.

## Protocol Signatories

The following provinces and territories endorse the 2016 Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories and adopt it for use within their province or territory:

Alberta

British Columbia Manitoba

New Brunswick Newfoundland

and Labrador Northwest

Territories

Nova Scotia

Nunavut

Ontario

Prince Edward Island

Quebec

Saskatchewan

Yukon

## Appendix A- Quebec Adoptions

### **Adoption inquiry, adoption placement, adoption application, and post-adoption services when Quebec is the originating province or the receiving province of the child being adopted**

#### **1. Definitions**

**Domestic adoption:** Adoption of a child domiciled in a given province or territory by an adoptive applicant or an adoptive parent domiciled in the same province or territory.

**Interprovincial adoption:** Adoption of a child domiciled in a given province or territory by an adoptive applicant or an adoptive parent domiciled in another province or territory. For the purposes of an adoption, a child's place of domicile is linked to the place of domicile of his or her biological parent even if the child resides elsewhere.

**Originating competent authority:** The competent authority with respect to interprovincial adoption in the originating province or territory of the child being adopted. If Quebec is the child's originating province, the originating competent authority is the Secrétariat à l'adoption internationale (SAI).

**Receiving competent authority:** The competent authority with respect to interprovincial adoption in the province or territory where the adoptive applicant is domiciled and to which the child being adopted has been or will be transferred. If Quebec is the child's receiving province, the receiving competent authority is the SAI.

**Hague Adoption Convention (HAC):** Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.

**Specifically designated child or designated child:** Child specifically identified as the subject of a proposed adoption before the adoption process is initiated.

**Non-specifically designated child:** Child not specifically identified at the time the adoption process is initiated.

**Adoptive applicant or applicant:** A person or persons who have applied to adopt a child in care, whether or not that child has already been placed with them. These terms therefore include the term adoptive parent.

**Originating province or territory:** Geographically identified province or territory representing the initial domicile of the child being adopted, including a competent public authority responsible for child protection or adoption in that province or territory.

**Receiving province or territory:** Geographically identified province or territory representing the domicile of the adoptive applicant to which the child being adopted has been or will be transferred, including a competent public authority responsible for child protection or adoption in that province or territory.

**SAI:** Secrétariat à l'adoption internationale.

## **2. Information requests and file transfers**

Section 2 applies to requests for information about domestic adoption in anticipation of a change of domicile of the person requesting the information or in anticipation of the transfer of the adoption application file of an adoptive applicant who is changing his or her domicile before a child in care is proposed for adoption by that person by his or her originating province or territory.

For the purposes of section 2, the competent authority in Quebec is the director of youth protection (DYP) of an integrated health and social services centre (CISSS) or an integrated health and social services university centre (CIUSSS). The terms “originating province or territory” refer to the domicile of origin of the person or applicant who is planning to move or is moving. The terms “receiving province or territory” refer to the domicile to which the person or applicant is planning to move or is moving.

- 2.1 Where a person is planning to move to another province or territory in order to establish domicile there and that person needs some information with a view to a possible domestic adoption, the originating province or territory shall
- a. Obtain general information from the receiving province or territory about its policies and services and the legislative provisions applicable in that province or territory;
  - b. Provide the person with the information it has received from the receiving province or territory and identify differences from its own policies, services, and applicable provisions;
  - c. Provide the person with contact information for a resource person in the receiving province or territory for the purpose of obtaining more information about the policies and services and the applicable provisions, as well as the name, address, and telephone number of any office responsible for providing the services.

- 2.2 Where an applicant for a domestic adoption moves to another province or territory in order to establish domicile there before being matched with a child in care, the applicant's originating province or territory shall, within 30 days of receiving the adoptive applicant's consent, provide the applicant's receiving province or territory with the following documents:
- a. An original or a certified true copy of the adoption application;
  - b. An original or a certified true copy of all documents on file concerning the identity and marital status of the adoptive applicant, including birth certificates, marriage certificate or declaration of a common-law union, divorce certificate, and death certificate;
  - c. All information or preliminary assessments on file concerning the applicant's suitability to adopt;
  - d. An original or a certified true copy of the most recent psychosocial assessment of the adoptive applicant, along with any updates;
  - e. Original copies of the documents on file, including police checks, medical reports, and personal references;
  - f. Any other relevant information and documentation in the adoptive applicant's file.
- 2.3 Where a receiving province or territory receives a domestic adoption application from the originating province or territory, the receiving province or the territory shall
- a. Approve the adoption application like if it was submitted in the receiving province or territory and put the adoptive applicant's name on its waiting list, if there is one, as of the date the application was submitted in the originating province or territory;
  - b. Open an adoption file in accordance with the requirements of its own legislative provisions and policies;
  - c. If the originating province or territory has done an assessment of the adoptive applicant, approve the said assessment, subject to any update, and any subsequent assessment or other measure required under the laws, regulations, and policies of the receiving province or territory.

### **3. Information requests and adoption procedures for interprovincial adoption**

The SAI is the authority responsible for receiving and transmitting any requests for information about adopting a child domiciled outside Quebec by a person domiciled in Quebec and any requests concerning the adoption of a child domiciled in Quebec by a person domiciled outside Quebec. This also applies to an adoption application submitted under the same circumstances.

**4. Adoption by a person domiciled in Quebec of a specifically designated child in care and domiciled outside Quebec**

- 4.1 Where the SAI receives an application to adopt a specifically designated child (hereinafter the “designated child”) in care and domiciled outside Quebec and the applicant is a person domiciled in Quebec, it shall verify the admissibility of that application. To do this, it shall contact the adoptive applicant and ask the originating competent authority to provide it with a copy of the designated child’s birth certificate and a copy of any documentation showing that the designated child is under the care of a competent public authority responsible for child protection or adoption in that province or territory.
- 4.2 If the application is admissible, the SAI shall forward an adoption application form to the applicant. The applicant must return the duly completed form and the documents mentioned therein to the SAI.
- 4.3 After the adoption application form and the required documentation have been received, the SAI either authorizes or does not authorize the adoptive applicant to proceed with a psychosocial assessment.
- 4.4 If the adoptive applicant is not authorized to proceed with an assessment, the SAI shall so inform the applicant and the originating competent authority in writing and terminate any adoption procedures that have been initiated.
- 4.5 If the adoptive applicant is authorized to proceed with an assessment, the SAI shall so inform the applicant and the competent authority in writing.
- 4.6 After the psychosocial assessment of the adoptive applicant prepared by the DYP is received, where the SAI notes that the applicant is not eligible and suited to adopt the designated child, it shall so inform the applicant and the originating competent authority in writing and terminate any adoption procedures that have been initiated.
- 4.7 If the SAI notes that the applicant is eligible and suited to adopt the designated child, it shall transmit an original or a certified true copy of the assessment to the originating competent authority, along with the report it has prepared concerning the applicant’s suitability to adopt (Article 15, HAC). The SAI shall also send a copy of this report to the central authority of the originating province or territory.
- 4.8 After the report has been received, the originating competent authority shall inform the SAI that the applicant may be eligible for an adoption subsidy, if applicable. The originating competent authority shall also send the SAI an original or a certified true copy of the following documents:
  - a. The child’s birth certificate;
  - b. Documents concerning the medical and social history of the designated child, including a summary of services that have been provided for the child and any assessments concerning the child;
  - c. A statement concerning the child’s adoptability;



- d. Any order, judgment, or agreement concerning the child's current legal status;
  - e. Authorization to take steps to obtain a placement order for the child for the purposes of adoption by the applicant;
  - f. Original copies of the consents referred to in Article 4 of the HAC, along with confirmation indicating that those consents were given in accordance with the rules set out in that article, if applicable;
  - g. In the case of an Aboriginal child, details concerning the child's status under the *Indian Act* (Canada) and the originating community.
  - h. Confirmation that the originating province or territory has involved the originating band or the competent Aboriginal body if the legislative provisions or the policies of the province or territory so provide;
  - i. Any other document relevant to the placement request, as required by the SAI.
- 4.9 After those documents have been received, the SAI shall send a letter agreeing that the adoption may proceed (Article 17, HAC) to the originating competent authority, a copy of which is sent to the central authority of that province or territory. The SAI shall also forward to the DYP any necessary information and documentation such that an order placing the designated child with the adoptive applicant is issued by the competent tribunal.
- 4.10 Once the placement order has been issued, the SAI shall forward a copy of it to the originating competent authority.
- 4.11 During, and at the end of, the placement period, the SAI shall transmit the reports required by the originating competent authority concerning the child's integration into his or her adoptive family.
- 4.12 If the originating competent authority is satisfied with the child's integration into his or her adoptive family, it shall forward to the SAI an original or a certified true copy of a document authorizing the adoptive applicant to proceed with the legal steps required to obtain an adoption decision.
- 4.13 The SAI shall then send a certified true copy of the adoption judgment to the originating competent authority as soon as possible.

**5. Adoption by a person domiciled in Quebec of a non-specifically designated child in care and domiciled outside Quebec**

Where it is possible for an adoptive applicant domiciled in Quebec to take steps to adopt a non-specifically designated child in care and domiciled outside Quebec, the applicable procedure is based on the procedure for adopting a specifically designated child.

**6. Adoption by a person domiciled outside Quebec of a specifically designated child in care and domiciled in Quebec**

- 6.1 Where the SAI receives an adoption application for a specifically designated child who is in care and domiciled in Quebec from an adoptive applicant domiciled outside Quebec, it shall ask the receiving competent authority to send it a copy of the applicant's written

application, if it has not already received it, along with information and documentation establishing the applicant's identity, marital status, and family or other relationship with the designated child, along with the reasons for the application.

- 6.2 The SAI shall ensure that the designated child is taken into care by the DYP and that the child is adoptable.
- 6.3 If such is the case, the SAI shall send to the receiving competent authority the following documents:
  - a. A copy of the child's birth certificate;
  - b. A certified true copy of any documents concerning the medical and social history of the designated child, including a summary of services that have been provided for the child and any assessments concerning the child;
  - c. Information about the possibility of an adoption subsidy, if applicable.
- 6.4 After the psychosocial assessment of the adoptive applicant has been completed, where the receiving competent authority concludes that the adoptive applicant is not eligible and suited to adopt the designated child, it shall confirm this in writing to the adoptive applicant and to the SAI, which shall terminate any adoption procedures that have been initiated.
- 6.5 Where the receiving competent authority concludes that the adoptive applicant is eligible and suited to adopt the designated child, it shall confirm this in writing to the applicant and to the SAI and provide it with an original or a certified true copy of the psychosocial assessment.
- 6.6 After the report has been received, if the SAI, in conjunction with the DYP, notes that the adoption being considered is in the child's interest, the SAI shall transmit to the competent authority a report in accordance with Article 16 of the HAC, a copy of which shall be sent to the central authority of the receiving province or territory.
- 6.7 The SAI shall also send to the receiving competent authority an original or a certified true copy of the following documents:
  - a. The child's birth certificate;
  - b. A statement to the effect that the adoption being considered is in the best interests of the child;
  - c. Any order, judgment, or agreement concerning the child's legal status;
  - d. A statement concerning the child's adoptability;
  - e. Original copies of the consents referred to in Article 4 of the HAC, along with confirmation indicating that those consents were given in accordance with the rules set out in that article, if applicable;
  - f. In the case of an Aboriginal child, details concerning the child's status under the *Indian Act* (Canada) and the originating community.
- 6.8 Also, the SAI shall ask the receiving competent authority to send it an original copy of a document, signed by the adoptive applicant, indicating that the applicant agrees to take the

necessary steps to finalize the adoption of the designated child within three months of the child's moving to the receiving province or territory, along with an original or a certified true copy of any other document that might be required for the purpose of obtaining a transfer order for the adoption of the designated child.

- 6.9 After those documents have been received, the SAI shall send a letter agreeing that the adoption may proceed (Article 17, HAC) to the originating competent authority, a copy of which is sent to the central authority of that province or territory.
- 6.10 The SAI shall then take the necessary steps with the DYP such that an order giving the adoptive applicant parental authority and authorizing the transfer of the designated child outside Quebec with a view to the child's adoption is issued by the competent tribunal.
- 6.11 Once the order has been issued, the SAI shall forward a certified true copy to the receiving competent authority, along with any other document required to finalize the adoption.
- 6.12 After the child has moved, the receiving competent authority shall ensure that the procedures required to finalize the adoption are taken by the adoptive applicant within the three-month period referred to in section 6.8.
- 6.13 The receiving competent authority shall transmit to the SAI a certified true copy of the decision establishing the adoption as soon as possible.

**7. This section applies when the child in care and the adoptive applicant establish domicile in another province or territory following a placement order for a domestic adoption but before the adoption decision is made.**

For the purposes of this section, the responsible authority is the DYP of a CISSS or a CIUSSS.

- 7.1 When the originating province or territory learns that a child in care and the adoptive applicant will be moving to another province or territory before the adoption decision is made by the tribunal in the originating province or territory, the originating province or territory shall provide to the receiving province or territory, with the written consent of the adoptive applicant, a *written 30-day notice* informing it of the move, if circumstances permit.
- 7.2 At the request of the originating province or territory, the receiving province or territory shall, as soon as reasonably possible after receiving notice of the move,
  - a. Inform the originating province or territory of the name of those responsible for providing adoption services in the receiving province or territory;
  - b. Forward the information provided to the competent authorities in the receiving province or territory.
- 7.3 If possible, before the adoptive applicant and the child who is the subject of the placement

order move to the receiving province or territory, the originating province or territory of origin shall

- a. Request in writing that the receiving province or territory ensure that the child is supervised during the placement period;
- b. Ask the receiving province or territory to confirm in writing that it will provide the requested supervision.

7.4 The originating province or territory shall, in cooperation with the receiving province or territory, prepare a plan finalizing the adoption. If possible, the plan shall be written before the adoptive applicant and the child who is the subject of the placement order move to the receiving province or territory. The plan shall include the following elements:

- a. Provisions setting out how the receiving province or territory will supervise the placement;
- b. A timeline for the submission of the adoption application to the tribunal in the originating province or territory;
- c. If applicable, information about additional requirements set forth in the legislation of the originating province or territory concerning finalization of the adoption.

7.5 The originating and receiving provinces and territories shall send each other the information and documents required to implement the agreed-upon plan for finalizing the adoption.

## **8. Placement disruptions**

Where the placement of a child taken into care with a view to adoption is disrupted before an adoption decision is made, the originating and receiving provinces and territories shall agree, subject to the relevant legislative provisions in the receiving province or territory concerning child protection, to renegotiate an intervention plan that is in the best interests of the child. The competent authority in Quebec in this regard is the SAI.

## **9. Post-adoption services**

- 9.1 Where a province or territory has unsuccessfully taken steps to locate a person in connection with a search or a reunion application and there is information suggesting that this person is in a specific province or territory, the province or territory conducting the search may ask that specific province or territory for help in finding the person being sought.
- 9.2 A province or territory may ask another province or territory for help in determining whether a person domiciled in that province or territory consents or does not consent to the disclosure of information concerning a search or a reunion application.

## **10. Aboriginal customary adoption**

Certain provinces and territories recognize Aboriginal customary law with respect to adoptions that take place on their territory. This protocol does not apply to Aboriginal customary adoption. Where an originating province or territory has laws recognizing Aboriginal customary adoption (e.g., the *Aboriginal Custom Adoption Recognition Act* of Nunavut), that province's or territory's particular policies and procedures shall be respected.

June 27, 2017 version

<b>Ministry of Social Services</b> <b>Child Protection Services Manual</b>	<b>Chapter 7: General Application Policies and Protocols</b> <a href="#">(Back to table of contents)</a>
<b>Section: 7.8 Conflict of Interest</b>	

## 7.0 General Application Policies and Protocols

### 7.8: Conflict of Interest

#### Policy

Where a caseworker has a previous or existing relationship with an individual who is receiving or potentially receiving Child and Family Program services, the caseworker will disclose the relationship to his or her supervisor. The individual might be:

- An employee of the Ministry of Social Services;
- An employee of a collateral or related agency; and
- A person otherwise known to the caseworker.

#### Intent

The intent of this policy is to ensure individuals receiving services from the Ministry are provided an objective, quality service, as well as to protect the caseworker from suggestions of unprofessional service.

#### Procedures

- The supervisor and caseworker will review the relationship and the caseworker's ability to provide an objective assessment and service to the individual.
- A change of worker may be required. The supervisor will document the decision in the case.
- If conflict is between supervisor and the individual receiving services, the supervisor will review the potential conflict of interest with the Director, Service Delivery. A decision will be reached as to how the individual may best be served, and this will be documented in the case by the Director, Service Delivery.

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## 7.0 General Application Policies and Protocols

### 7.9 Right to Appeal

#### Policy

The Ministry will provide families and individuals with the information brochure “[Your Right to Appeal](#)” which outlines the process to be followed when they disagree with a Ministry decision.

#### Intent

All families, children and youth must be familiar with their rights when working with the Ministry, including the right to appeal Ministry decisions.

#### Procedures

Caseworkers must ensure that families receive the brochure “[Your Right to Appeal](#)” upon initiating a new investigation and any time there is disagreement regarding a decision that impacts the family. Furthermore, the caseworker will explain the steps in the appeal process to the family, youth or child (appropriate to the child or youth’s level of understanding) as follows:

- 1. Discuss the situation with the caseworker.** There may be disagreement because of a misunderstanding. Discussing the problem so that both parties understand what is being said can often resolve it.
- 2. Contact the caseworker's supervisor.** If the concern was not resolved by talking with the caseworker, the individual may contact the caseworker's supervisor who will hear the individual or family’s concerns and attempt to reach an agreement.
- 3. Appeal to the Manager, Service Delivery or the Director, Service Delivery.**  
If the Supervisor was not able to assist in resolving the concerns, the individual may contact the Manager or Director, Service Delivery.
- 4. Contact the Minister of Social Services.** If no acceptable solution or agreement is reached, the family may contact the Minister of Social Services at:

Minister of Social Services  
Room 348, Legislative Building  
REGINA SK S4S 0B3

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- 5. Contact the Saskatchewan Advocate for Children and Youth.** Though the Advocate does not have the authority to overturn decisions made by the Ministry, they may make recommendations. The role of the Advocate for Children and Youth is to review concerns regarding children and youth receiving services from the provincial government. Anyone, including children, may contact the Advocate for Children and Youth at:

500 - 350 3rd Avenue North  
Saskatoon, SK Canada S7K 6G7  
Telephone: 306-933-6700  
Toll free: 1-800-322-7221  
<http://www.saskadvocate.ca>

## Practice Guidelines

The following “Procedural Fairness” guidelines are provided by Ombudsman Saskatchewan:

### Best Practices for Procedural Fairness

#### 1. Reasonable Notification

Individuals about whom a decision is being made should be notified in a reasonable manner that:

- a) a decision is going to be made before it is made; and
- b) the basis being used to make that decision.

#### 2. The Ability to Respond

Following proper notification and before the decision is made, the affected individual should be provided with:

- a) an opportunity to review the information being considered; and
- b) an opportunity to provide the decision-maker with alternative or contrary information.

#### 3. Consideration of Relevant Information

All relevant information should be fully and fairly considered by the decision-maker, and information that is irrelevant to the decision at hand should not be considered.

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#### **4. Decisions Should be Reviewable and Correctable**

All decisions should be open to review and be correctable.

#### **5. Provision of Adequate Reasons**

Adequate reasons for the decision must be provided to the individual. At a minimum, reasons for a decision at all levels should include:

- A statement of the decision;
- A summary of the information relied upon by the decision-maker;
- An explanation of how any contradictions in the information were reconciled by the decision-maker; and
- Any other relevant reasons for making the decision.

#### **6. Free from Bias**

The decision-maker should be free of and be seen to be free of bias.

#### **7. Additional Procedural Requirements**

In addition to the minimal fair practices, additional procedures may be required for some decisions, taking into consideration the following:

- The nature of the decision (whether the decision affects an individual personally or is a broader decision with an indirect impact only);
- The impact of the decision on the individual or group affected (the greater the impact, the more procedures attached);
- The rights created by law (anything set out in the legislation or regulations); and
- Legitimate expectations of the parties (based on prior practice, custom or promises).

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<b>Section: 7.10 The Advocate for Children and Youth</b>	

## 7.0 General Application Policies and Protocols

### 7.10 The Advocate for Children and Youth

#### Legislative Authority

The Advocate for Children and Youth shall receive, review and investigate any matter that comes to his or her attention from any source concerning services to a child or group of children by any provincial government ministry or agency.

The Advocate for Children and Youth shall, where appropriate, try to resolve matters arising between a child or group of children and a ministry or agency of the government in relation to services being provided. Attempts shall be made using negotiation, conciliation, mediation or other non-adversarial approaches.

*The Advocate for Children and Youth Act* provides the authority to request information and documents regarding any matter being investigated.

The Advocate for Children and Youth may summon and examine under oath any person who is able to provide information relating to the matter being investigated.

When a child in a facility, foster home, group home or other home or place pursuant to an Act that authorizes services to children, asks to communicate with the Advocate for Children and Youth, that request shall be forwarded immediately by the person in charge of that place.

When a child in a facility, foster home, group home or other home or place pursuant to an Act that authorizes services to children, writes a letter addressed to the Advocate for Children and Youth, it shall be forwarded immediately, unopened, to the Advocate.

Anyone can contact the office of the Advocate for Children and Youth Office about a child or group of children receiving services from a government ministry or agency if they believe:

- A child's interests are not being considered;
- A child's rights are being ignored;
- A child's viewpoint is not being heard; and
- All relevant information about a child may not have been considered when a decision was made.

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<b>Section: 7.10 The Advocate for Children and Youth</b>	

The contact information for the Advocate for Children and Youth is:

**Advocate for Children and Youth**  
 500 - 350 3rd Avenue North  
 Saskatoon, SK Canada S7K 6G7  
 Telephone: 306-933-6700  
 Toll free: 1-800-322-7221  
[www.saskadvocate.ca](http://www.saskadvocate.ca)

**If you are contacted:**

If you are contacted by the office of the Advocate, you can anticipate that the Advocate will want to resolve the concern by:

- Seeking clarification of the services being provided;
- Ensuring that the services being provided are consistent with existing legislation and policies; and
- Assisting a young person to have his or her point of view heard and considered when you make decisions about that young person.

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<p><b>Section 7.11: Ministry of Social Services and First Nations Child and Family Case Review</b></p>	

## **7.0 General Application Policies and Protocols**

### **7.11 Ministry of Social Services and First Nations Child and Family Case Review**

#### **Policy**

Program case reviews will be completed annually, and will include representation from the Service Areas, the First Nations Child and Family Services (FNCFS) Agencies and the Quality Assurance Unit (QAU).

Case reviews will be coordinated by the Manager, QAU with the Service Areas and all FNCFS Agencies.

#### **Intent**

The intent of the case review is to examine file documentation in order to:

- Assess services provided in relation to desired client and program outcomes;
- Provide staff with feedback about the service they are providing;
- Determine levels of compliance with standards, policy and program expectations;
- To promote consistent, quality service delivery to children and families receiving child welfare services in Saskatchewan;
- To identify systemic or case practice trends or themes that emerge from the review; and
- The Child Protection Services and Children's Services Manuals serve as the basis of child welfare practice in Saskatchewan. The Ministry of Social Services and all FNCFS Agencies are to follow the standards, policies and procedures identified in these manuals.

#### **Procedures**

- A random sample of child protection, children's services and provider cases will be selected from each office by the QAU.
- Cases will be reviewed using a standard template provided by the QAU.
- The program case reviews are conducted on site by the QAU staff. Each Service Area or Agency may have staff participate in the case review process.
- Upon completion of the case review a closure meeting is held between the QAU Analyst, Service Area or Agency management. The Analyst will provide a verbal overview of the findings, including strengths and areas requiring improvement. Service Area or Agency Directors will be provided a written copy of the findings within one week of the case review closure meeting.

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- Immediate risks for the safety and well-being of a child or youth that are identified by the review team will be followed up verbally with the Director, Service Delivery or Agency Director the same day the risk is identified.
- Within two working days from when the risk is identified the Director, Program Effectiveness will provide a written copy of the identified concern(s) to the Director, Service Delivery or Agency Director with a copy to the Executive Director, Service Delivery and the Executive Director, Program and Service Design.
- The Director, Service Delivery or Agency Director will provide a written response to the Executive Director, Service Delivery and the Executive Director, Program and Service Design within two working days of receiving the identified concern(s).
- Concerns that do not pose immediate risk to the safety and wellbeing of a child/youth will be outlined at the conclusion of the written review.
- A full draft report is developed by QAU including all recommendations, within two months from the day the on-site review is completed.
- The draft report is sent electronically to the Director, Service Delivery, or the Agency Director and the respective program consultants. At the request of the Service Area/Agency, a presentation of the findings and recommendations of the Program Case Review is scheduled.
- The draft report contains a section for the Service Areas or Agencies to include a response and action plan to address the findings and recommendations. The Consultant, Program Effectiveness from the Service Area or the Consultant, Indigenous Services Consultants will assist the Service Area/Agency to complete the response or action plan within thirty days following receipt of the draft report.

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## 7.0 General Application Policies and Protocols

### 7.12 Case Supervision

#### Policy

Child Protection Supervisors are responsible to ensure that services delivered to families and children are consistent with the intent and provisions of the *The Child and Family Services Act*.

#### Standards

Throughout the continuum of child protection service delivery, responsibilities of the supervisor include ensuring that:

- Each case worker understands their role and responsibility as directed by policy and legislation;
- Individual supervision with each caseworker occurs at least once a month (weekly for first 6 weeks with an employee new to the child protection program area);
- Each case is reviewed in depth by the supervisor once every four months;
- Supervisory consultation occurs on a case by case basis in accordance with case plan time frames, when SDM® assessments require approval and when critical decisions are made with respect to removal of a child, reunification of children, long term planning for children, recommendations to court, closure and case transfer;
- Assessments and documentation are completed and approved as per policy and within the required time frames; and
- Caseworkers complete the minimum required contacts with children and families as outlined in Chapter 3.

**The following describes the approvals and tasks required by the supervisor at critical points of the child protection service delivery continuum**

#### 1. Intake

The following decisions must be approved by the supervisor at Intake:

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- Are there reasonable grounds to believe a child may be in need of protection for which an investigation is required?
- If so, what level of response is required (same working day as receipt of referral or within 5 calendar days)?

The Intake Supervisor will:

- Review the intake case and assign the intake if an investigation is required;
- Determine investigation priority and assign accordingly based on the Guidelines for Immediate and Non-Immediate Investigation (See Chapter 2: Intake and Investigation);
- Ensure any reports regarding physical or sexual abuse are referred to police for joint investigation; and
- If the child is First Nation, ensure the necessary consultation or referral occurs with the appropriate First Nation Child and Family Service Agency.

## 2. Investigation

The Investigation Supervisor will:

- Ensure investigation is completed within required timeframes. If this is not possible, approve an extension and document the reason;
- Ensure that the required assessments and documentation are completed for each investigation case; and
- Approve all investigation findings and recommendations for closure or case transfer.

## 3. Ongoing Child Protection Services

The supervisor will:

- Ensure the Assessment and Case Plan and all required assessments/documents are completed and approved within the required time frame. (See Chapter 3: Ongoing Child Protection Services);

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- Ensure that Formal Review of ongoing cases occurs when the family has received child protection services for a cumulative period of 18 months or a child has been in care of the minister for a cumulative period of 18 months (See Chapter 3: Ongoing Child Protection Services);
- Ensure Director, Service Delivery approval of any application to Family Court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis;
- Ensure that caseworkers are meeting minimum contact standards as per contact standards policy and procedures;
- Ensure Family Support Contracts are completed and approved in a timely manner;
- Ensure extended family has been considered when placing a child in out-of-home care;
- Ensure siblings are placed together whenever possible when a child is moving to another placement or returning home;
- Ensure the MSS/FNCFS Shared Planning for Children and Families is followed for First Nations children;
- Ensure when a child is returned home, the caseworker makes an in-home visit within one week of the child's return home;
- Determine whether the child(ren) are still in need of protection pursuant to Section 11 of *The Child and Family Services Act* and criteria for closure exists; (See Chapter 3.2: Ongoing Case Management, Ending Child Protection Services);
- If the case is to be closed, ensure that the case closure contact is made with the family within 15 days of the decision to close, and service providers are notified of closure;
- Review all Service Authorizations for all cases to ensure payments and services are within policy standards.

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## 7.0 General Application Policies and Protocols

### 7.13 Practicum Placements

#### Intent

Practicum placements are designed to provide students with an opportunity to integrate theoretical and procedural foundations of professional social work practice with practical hands-on social work experience.

#### Policy

Child and Family Programs will accept and supervise Practicum students completing their Bachelor of Social Work or Bachelor of Indigenous Social Work degrees. Practicum students will be accommodated in Child Protection, Children's Services, Indigenous Services and Out of Home Care Resources programs whenever feasible to do so.

#### Standards

- Practicum students must be supervised at all times.
- Practicum students may be supervised by a unit supervisor, assistant supervisor, or an experienced caseworker (must have a Bachelor of Social Work /Indigenous Social Work and a minimum of two years' experience). Overall supervisory responsibility remains with the unit supervisor.
- Initially, a practicum student will be shadowed by a primary worker/supervisor. As the student demonstrates competence to achieve a higher level of independence, more and different work will be assigned, and
- Practicum students will not independently perform any of the following functions:
  - Signing legal agreements;
  - Apprehending children or making recommendations to the court;
  - Independently conducting investigations; and
  - Independently completing safety and risk assessments.

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## Procedures

### 1. Practicum Application Process

For students attending school in Saskatchewan, the University of Regina's Faculty of Social Work or the First Nations University of Canada, Faculty of Indigenous Studies are responsible for initiating contact with the ministry. After initial contact, Faculty Field Education Coordinators (U of R) or Field Practicum Supervisors (FNUC) are responsible for informing students of the application process and forwarding resumes and cover letters to the ministry.

Students attending school outside Saskatchewan are responsible for directly contacting the ministry to discuss placement options.

### 2. Practicum Selection Process

Students must obtain a Criminal Record Check (CRC) and a Vulnerable Sector Check (VSC).

In accordance with the Government of Saskatchewan Public Service Commission's *Criminal Record Check Policy*, the following shall occur:

- The supervisor or staffing coordinator completes a Notification of Pending Criminal Record and Vulnerable Sector Check (CRC/VSC) form and submits it to the Public Service Commission (PSC).
- The PSC instructs the student applicant to obtain a CRC/VSC from local Police Service or RCMP, and mail the original to the PSC's Criminal Record Check Coordinator in an envelope marked "Personal & Confidential"; and
- The PSC's Criminal Record Check Coordinator reviews the CRC/VSC and then contacts the ministry supervisor or staffing coordinator to confirm receipt and approval of the CRC/VSC. The PSC then records the information and returns the CRC/VSC to the student by mail.

Students are interviewed by the ministry's staffing coordinator or a supervisor and selection is based on students' background and demonstrated skills and abilities.

Note: Reference checks are not required for student practicum placements.

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### 3. Practicum Placement:

The ministry is responsible for completing the following:

- **Conflict of Interest** - Prior to offering a placement, the staffing coordinator or supervisors shall inquire if the student has any personal connection or involvement with the ministry. If connections or involvement are identified, the supervisor shall restrict access to relevant electronic or paper files, and store paper files in a secure place. Supervisors are responsible for removing the restrictions when a placement ends.
- **Agreement** - An Agreement is signed between the student, university and the ministry. The Agreement<sup>2</sup> clarifies the relationships, roles and responsibilities of the parties involved. Issues relating to insurance, liability, professional conduct and student expectations are addressed in the agreement and are the responsibility of the university. The agreement will also include information about office space, hours of work, access to resources, and start/end dates.

All practicum supervisors will receive an applicable Program Manual from the University of Regina (U of R) or First Nation University of Canada (FNUC) describing the practicum placement program and requirements.

- **Learning Agreement/Objectives** - will be completed within the first month of the placement. The student and the supervisor will identify learning goals and activities, objectives, expectations and desired outcomes of the placement. A copy of the signed agreement will be forwarded to the university's practicum coordinator for review and signature. All agreements will be evaluated mid-term and updated (if necessary) during the evaluation.
- **Oath of Office** - An Oath of Office will be completed prior to all placements commencing. Student signatures must be witnessed by the staffing coordinator or supervisor. All originals will be maintained in the service area, and a copy sent to the ministry's Human Resources Division.

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<sup>2</sup> Memorandum of Agreement (U of R)

Agreement Between Student, SISW and Practicum Agency (FNUC)

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- **Code of Professional Conduct** - The staffing coordinator or supervisor will review the Code of Professional Conduct with the student and while students are not required to sign it, they must be advised the Code applies regardless if they choose not to sign it.

Service areas are responsible for keeping a copy of the following in each student's personnel file:

- Resume;
- Reference results (original);
- Confirmation of CRC/VSC check;
- Code of Professional Conduct;
- Memorandum of agreement (original) Oath of office (original);
- Supervisor or Service Manager approval (original);
- On-line access and privacy training results (original);
- Valid driver's license (photocopy); and
- Goals of the practicum and the evaluations.

#### 4. Practicum Orientation

Within one week of commencing a placement, supervisors will arrange for the student to have access to government facilities, vehicles, networks and email.

Where access to information technology systems is required, supervisors are responsible for completing all service requests outlining the network and program access. They are also responsible for ensuring that students enroll in any online program-specific training (e.g. Linkin) or government-specific training that is mandatory (e.g. Access and Privacy Course). If training requires completion of an exam or questionnaire, the results are to be placed on the student's personnel file.

**Note** - Students must attain a passing grade of 65% on the Access and Privacy Course.

Where access to facilities is required, supervisors are responsible for providing keys and access cards. Keys and access cards are to be returned when placements end.

Where access to equipment and tools is required (e.g. vehicles, cell phones, car-seats, laptops, etc.), supervisors are responsible for booking all equipment and tools required.

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Within two weeks of commencing a placement, students must be informed of the following policies and guidelines:

- *The Child and Family Services Act*;
- CORE Child Welfare Training – ministry Expectations;
- Code of Professional Conduct;
- Conflict of Interest Policy/Employee Personal Relationships with Clients;
- Restricted Access to Client Files Policy;
- Access and Privacy On-line Course for Government Employees;
- Privacy Breach Management Guidelines;
- Discrimination and Anti-Harassment Policy;
- Violence Protocol and Work Safety Issues;
- Critical Incident Team;
- Smoke-Free Workplace Policy;
- CVA Policy and Service Area Guidelines/Practices;
- Photocopying Usage Policy/Guidelines;
- Cell Phone Usage Policy/Guidelines;
- Public Service Commission travel allowance, meal rates and other payment related policies;
- Security Framework 2008; and
- ITO Acceptable Usage Policy.

Where available, students must participate in service area orientation sessions. If not available, a local orientation will be provided by the staffing coordinator or supervisor.

## 5. Evaluation

The student's performance will be evaluated throughout the semester by the student, the ministry supervisor and the university practicum coordinator. Identified concerns or issues related to a student's progress while in practicum should be directed to the university practicum coordinator immediately. If concerns or issues arise that cannot be resolved, the student and/or supervisor may request a face to face meeting with the university. Supervisors are responsible for maintaining documentation supporting their evaluation of student performance. Students will arrange a mid-term evaluation meeting with their Supervisor and university practicum coordinator to discuss the student's progress and goals for the remainder of practicum.

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During the last two weeks of Practicum, the final evaluation will be completed by the student and supervisor. The completed evaluation is then signed and returned by the student to the university to be placed in the student's file.

## Practice Guidelines

### 1. Student Activities During Placement

Supervisors are responsible for closely monitoring work performed by students at all times. Generally during a practicum placement, students shall initially only engage in ministry activities by shadowing a primary worker and/or supervisors. When a student demonstrates that they are ready and capable of achieving a higher level of independence, supervisors shall have discretion to assign more and different work.

**Note** - Students are not officers under *The Child and Family Services Act*, nor are they part of the ministry's workforce.

Supervision of students is ongoing, but should also be a structured process, occurring at least weekly (1 hour is a suggested *minimum*) where student and supervisor review progress, student's performance, and plan learning activities. Periodic meetings may be set up between the student, the ministry supervisor and the university practicum coordinator to discuss the practicum and any issues, concerns or questions that may arise.

### 2. Training Hours During Practicum

The total number of hours a practicum student is in training will not exceed 40 hours per practicum placement.

- The following training sessions are mandatory for all practicum students:
  - Ministry of Social Services Code of Conduct Training;
  - Incident Reporting;
  - CFP Orientation (CFP Orientation Outline and CFP Orientation Checklist);
  - Linkin Basics-View Only Access; and
  - Linkin Facility Case Support Worker Access.
- The total number of hours of mandatory training is **15 hours**.

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- In consultation with their faculty practicum advisor and their CFP practicum supervisor, the practicum student will select an additional **25 hours** of training sessions which combined will not exceed **40 hours** of training during their practicum placement.
- The additional 25 hours of training can be selected from the following options when available:
  - Structured Decision Making;
  - Integrated Practice Strategies (to be chosen in alignment with practicum placement);
  - Touchstones of Hope; or
  - Truth and Reconciliation Commission Workshops.

**3. Progression of Duties During Placement**

Progressive casework is designed to be an incremental and interrelated process for experiential learning while working with children and families. It is also designed to ensure client safety and ministry accountability.

To advance to the next progression level (i.e. new level of independence), students must demonstrate successful achievement of the prior learning goals. Supervisors are responsible for evaluating and assigning work based on a student's competency level, work history, maturity and education.

**Note** - Students may be assigned duties prior to the progression level and timelines. Supervisors are encouraged to use their discretion if students appear to be ready sooner than the expected timelines.

Below is a progression of duties based on the duration of a practicum (four days a week for 15 weeks). This model of progression primarily captures the duties of child protection and short term child care. In work units such as Resources, Adoption, and Long Term/Permanent Child Care/Supports to 16 & 17 Year Olds, supervisors are responsible to assess an appropriate progression of duties for their units using this progression as a guideline. The standards within the progression of duties must be adhered to.

**Weeks 1 - 4 of Practicum Placement**

- Supervisors are responsible for sending an email to the service area to introduce the student.

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- Supervisors are responsible for providing a workplace tour and introductions to staff.
- Supervisors are responsible for jointly developing a placement plan with the student (and other staff members who will be involved). The placement plan will include training dates, as well as regularly scheduled dates/times for formal coaching support, reviewing cases and evaluation.
- Supervisors are responsible for providing coaching on:
  - *The Child and Family Services Act*, with a focus on: Section 3: Intent of the Act; Section 4: Best Interest; and Section 11: Definition of a Child in Need of Protection; and
  - Child Protection Services Manual, the Children's Services Manual and the Structured Decision Making® Policy and Procedures Manual with a focus on: indicators of abuse and neglect; family- centered assessment tools; case planning; and contact standards.
- Supervisors will inform students of the various ministry forms and their application/purpose (e.g. Assessment and Case Plan, Child Assessment and Developmental Plan, etc.).
- Supervisors will provide students with one or more cases to review. Students are expected to identify the application of the legislation, research policies relevant to the case, and review findings with their supervisor.
- Supervisors may enroll students in Linkin Basics-View Only Access, and Linkin Facility Case Support Worker Access which will provide:
  - Access to Search and View participant, case and provider records;
  - The ability to enter contact logs on all case types; and
  - The ability to create new participant records, as well as enter additional participant information.

**Note** - The ministry will pay all costs for student placements, as per Public Service Commission payment policies, to attend required training. After completing a placement, students may complete additional modules; however, personal costs (e.g. transportation, accommodations) will be at the expense of the student. After completing a placement and the ministry offers employment, students may be required to repeat training

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modules that cover intake, investigation and **SDM®** assessments. Supervisors are responsible to assess which modules were covered during the placement and to ensure all modules that cover intake, investigation and **SDM®** assessments have been completed as an employee. Upon completing all modules, students are to receive a certificate.

- Students may shadow a caseworker/supervisor when working with children and families. During the first week, students will not:
  - Conduct any independent direct work with a client;
  - Independently transport or interview a child, family or follow-up on collateral contacts; or
  - Make any case recordings about contacts with a child, family or collateral contacts for ministry cases.
- Students may observe practice as it relates to legislation and policy. Supervisors may ask students to demonstrate their understanding of the written requirements of a caseworker. Any information that is documented on a ministry case by a student must be approved by the supervisor, assistant supervisor, or senior caseworker who led the client contact.

#### **Weeks 5 - 8 of Practicum Placement**

- Students may be assigned two to five cases that they have shadowed with a supervisor (or an experienced and competent designated caseworker). Students should be able to determine why the ministry was involved with the family, the case plan, progress on the case, corresponding application to the legislation and policies and procedures regarding case practice.
- Students will not have independent contact with children or families. Students may attend appointments with their supervisor (or a designated caseworker). Caseworkers are responsible for leading the appointment, and drafting case recordings.  
**Note-** Students may create contact logs, but the caseworker must edit and approve any contact logs completed by the student. Other written documents created by the student must be reviewed, corrected, evaluated and signed by the caseworker and student. Student signatures must always be identified as 'student'. Caseworkers are directly responsible for handling interviews for child abuse investigations.
- Students may complete case documentation assessments (e.g. CADP, ACP, SDM®), and assessment tools (e.g. genogram, ecomap, scaling, time-lines, etc.) only after the applicable training has been completed under the direction of a supervisor.

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**Note** - At all times, the accuracy of the content and approval of the case plan and associated documents are the responsibility of the supervisor.

### **Weeks 9 - 12 of Practicum Placement**

- Students can assist with interviewing children, parents and collaterals. Supervisors are responsible for communicating the roles and responsibilities of each party involved. At all times, the supervisor or designated caseworker is responsible to be present during interviews and guide the student as appropriate or necessary.
- Students may transport a child or families that have been assessed as low risk by a supervisor. Factors to determine risk may include: the nature of the ministry's involvement, age of the child, experience level of the student, weather conditions, duration of trip, etc.
- Supervisors will brief students before they conduct independent transportation. This will include: the purpose of the transport, known or possible risks of physical or sexual disclosure being made, and how to respond. Students are responsible for documenting what occurred during the transport and reporting back to the supervisor.

**Note** - Students are not allowed to keep vehicles overnight. Students' tuition fees include insurance coverage against claims incurred while traveling in the performance of practicum related duties, but clients transported by a student are not covered for liability or personal injury.

- Students may complete SDM® assessments by shadowing an experienced caseworker who is conducting an investigation or case planning with a family. SDM® assessments will be completed on paper by the student, outside of the Linkin system. Caseworkers will enter the SDM® assessment information into the Linkin system after the assessment has been reviewed and approved by both the caseworker and supervisor.

### **Weeks 13 - 15 of Practicum Placement**

- Students that have successfully completed the previous learning assignments may attend a family home independently to assess the progress of a case plan and follow-up with resources that have been provided to the family. Prior to this occurring, the supervisor will meet with the student to outline expectations of the visit, what they should be assessing, and how to document the results. Students are only permitted to visit homes where the ministry has had regular visits and follow-up with the family, and should only be an additional visit to the ministry's regular follow up with a family.

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Students are responsible for debriefing the home visit with the supervisor to ensure that the information is considered in the case plan. Supervisors must ensure that students are aware that they are responsible for relaying information to the assigned caseworker(s).

- Students may meet with children independently. Prior to this occurring, the supervisor will meet with the student to outline expectations of the visit, what they are to assess and how to document the results. Students are responsible for recording the contact according to ministry standards. Supervisors are responsible for reviewing the contacts in the context of the overall case plan and approving the contact. The primary caseworker must be involved to ensure that comprehensive case planning occurs.

**Note** - Contact made by students may not be used for compliance to ministry standards.

- Students may interview collaterals, and assist with child abuse investigations and documentation.

**Note** - Students are not responsible for child abuse investigations. Practicum supervisors are responsible to assess child safety and well-being.

- In the final week of the placement, students will present a case to the work unit (e.g. explain past history, reason for involvement, risk to the children, case plan, and case plan progress) to demonstrate their understanding of tools and knowledge.

## References

First Nations University of Canada, School of Indigenous Social Work  
INSW 448 Practicum Manual 2017

University of Regina, Faculty of Social Work, BSW Field Education Program Manual 2015

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## 7.0 General Application Policies and Protocols

### 7.14 Early Learning / Child Care - Investigation of Complaints

Program: Early Learning and Child Care  
Branch: Early Years

Legislation: <b><i>The Child Care Act</i></b>
Subject: <b>Investigation of Complaints</b>

#### Legislative

**Authority:** 18(1) For the purpose of:

- (a) ensuring the safety and well-being of children receiving child care services; or
- (b) the administration of this Act or the regulations;

the minister or a person appointed by the minister for the purpose may make any inspection, investigation or inquiry that the minister or that person considers necessary.

**Subject:** Process for investigating a complaint

**Policy:** The ministry acknowledges that the consequences from an investigation can be significant as it may affect the availability of child care services or the livelihood of care providers. At the same time, complaints may indicate that there is a risk to safety and well-being of children receiving child care services. These two features must be balanced in investigating a complaint and determining an appropriate course of action.

Established procedures will be used to guide the investigation process to ensure that licensees/care providers are afforded fairness and due process in the investigation of a complaint. All complaints concerning the care being provided in licensed child care facilities shall be reviewed carefully and assessed objectively. Conclusions and courses of action shall be based on clearly documented facts.

Where children are considered to be at risk, the ministry must take the necessary precautions to ensure the safety of children pending the outcome of the investigation.

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A two-stage process will be used to deal with complaints. The first stage will be an information-gathering stage, which involves obtaining and documenting on file all available information that is relevant to the complaint, including information obtained from the licensee. The second stage is an assessment of the information, to determine whether reasonable grounds exist to support the complaint and justify further action. Based on this process, decisions will be made as to whether further action is required and if so, the nature of the appropriate action.

## Standards

### Respect

Any investigation will be conducted in a manner that respects the working relationship between the child care facility and the ministry while ensuring that issues identified are thoroughly investigated.

### Timelines

A complaint that includes information that a child may be in need of protection or may have been abused or neglected will be responded to immediately. All investigations will be completed within 30 days of receipt of the complaint unless delayed by police or Child Protection Services involvement.

### Child Focused

The first step after receiving a complaint must be the consideration of whether there is a risk to the health and safety of children and what steps may need to be taken to address that risk.

### Right to Participate

As a matter of procedural fairness, the licensee/care provider affected by the investigation must have a meaningful opportunity to present information that is relevant to the investigation and to have that information fully and fairly considered. This involves ensuring that information gathered during the investigation is shared with the licensee/care provider, the licensee/care provider is given an opportunity to respond to this information before any conclusions are reached and the responses of the licensee/care provider are given objective consideration.

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## **Transparency**

The issues and reasoning involved in the investigation and ultimate decision will be documented. Records will be kept of any information collected during the investigation, including any information or responses provided by the licensee. The information obtained during the investigation will be carefully assessed and provide a rational basis for the conclusions which are ultimately reached. It should be clear from the documentation why a particular conclusion was reached. Any actions taken will be reasonable and based on legislation and policy. Licensees will be informed of any appeal/conflict resolution processes that are available.

## **Two-stage Process**

Investigations will be carried out in a two-stage process. The initial stage is information gathering, which will involve obtaining and documenting on file all available information that is relevant to the complaint, including information obtained from the licensee. The second stage is an assessment of the information, to determine whether reasonable grounds exist to support the complaint and justify further action. Based on this process, decisions will be made as to whether further action is required and if so, the nature of the appropriate action.

## **Reasonableness of Complaint**

At the conclusion of the first stage of the process, the reasonableness of a complaint will be assessed. This assessment will involve a careful review of all documented information and an objective assessment of that information, to determine if reasonable grounds exist to support the complaint and justify further action.

## **Communication**

Many individuals may be affected by an investigation, including parents, board members, and staff. Consideration must be given to what information is appropriate to supply to affected individuals during and after an investigation. A balance needs to be maintained between the information needs of other affected individuals and any limits on the release of information imposed by privacy legislation.

## **License Status Review**

The licensing status of the child care facility may need to be reviewed depending on the conclusions drawn from the investigation.

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## Procedures

### First Stage: Information-Gathering

When a complaint is received, the Early Learning and Child Care Consultant (hereafter referred to as the Consultant) must obtain as much detail as possible from the complainant. This information must be recorded.

- Information to obtain from the complainant will include:
  - date and time of the incident;
  - location of the incident;
  - who was present at the time of the incident;
  - what the complainant saw or heard;
  - details of the incident;
  - whether anything like this has occurred before or since this incident;
  - any other relevant information.
- After the initial complaint is received, consideration must be given to gathering all available information about the incident.
  - Are there any other witnesses to what occurred who need to be interviewed (children, parents, licensees'/care providers)?
  - Given the nature of the complaint, who should interview the witnesses (the Consultant, Child Protection Services or the police – see Courses of Action)?
  - Are there any documents or physical evidence which are relevant to the complaint that need to be gathered?
  - Has the licensee been given all the information by the Consultant and what responses has the licensee provided (note: in the case of a complaint regarding abuse or neglect, Child Protection Services involvement may be required prior to sharing information with the licensee)?

### Second Stage: Assessing the Complaint

The Consultant, in collaboration with the Early Learning and Child Care Program Manager (hereafter referred to as the Program Manager) assess the complaint to determine if reasonable grounds exist to support the complaint and justify further action.

What are reasonable grounds?

Reasonable grounds are something more than mere suspicion, whim or gut instinct.

Reasonable grounds are not the same thing as having conclusive evidence. To have

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reasonable grounds, there must exist facts that would lead any ordinarily prudent person to conclude, in the circumstances that existed, that the complaint is likely true or more probably true than not. There must be more evidence supporting the complaint than evidence undermining the complaint. Extraordinary complaints will require extraordinary proof.

- To assess if reasonable grounds exist, consider the following:
  - Analyze the details of the complaint – is the information provided credible and trustworthy, does the complaint make sense – could the incident have occurred at the reported location in the reported manner?
  - Is the physical layout of the location consistent with the description of events?
  - Are there any improper influences on the witnesses that may affect the reliability of their evidence – do they have any reason to provide a less than accurate account of events?
  - Did the witnesses have the opportunity to witness the entire event or only part of it?
  - Is there anything which impairs the ability of the witness to recollect or recount the events?
  - Has the Consultant considered the nature of and seriousness of the complaint (remember that extraordinary claims will require extraordinary proof)?
  - Is there any corroboration of the complaint, either from other witnesses or from physical evidence and is this additional information reliable?
  - What responses has the licensee given in relation to the various pieces of evidence gathered? Are the explanations credible and do they reasonably explain what occurred?
  - Are there any inferences that can be drawn from the facts that support an innocent explanation for events?
- Also check the following:
  - Has the Consultant documented all information received?

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- Has the Consultant analyzed the information thoroughly, giving full and fair consideration to the explanations provided by the licensee?
- Has the Consultant summarized the conclusions, the reasoning and the evidence that supports the conclusions?
- Is there a logical connection between the findings of the investigation and the conclusion reached?

### **Courses of Action**

As assessment has now been made as to whether reasonable grounds exist to support the complaint and justify further action. The possible courses of action available at this point are outlined below.

**A. Where it is assessed that the complaint does not disclose reasonable grounds to support the complaint and justify further action.**

- The complainant will be informed by the Consultant that there will not be further action and the reasons for this decision.
- The Consultant will discuss the nature of the complaint with the child care facility. The Consultant will inform the child care facility (the provider in the case of a home, the board or the owner and/or the director in the case of a centre) that there will be no further action taken by the Early Learning and Child Care Program with respect to the complaint.
- The matter shall be documented on the child care facility file.

**B. Where reasonable grounds exist to support the complaint and justify further action, there are 3 possible courses of action, depending on the nature of the complaint.**

**1. Where it is determined that the complaint is about the quality of care but does not involve noncompliance with *The Child Care Act* or *The Child Care Regulations*:**

- The Consultant will address the concerns with the child care facility (the provider in the case of a home, the board or the owner and/or the director in the case of a centre) and will keep notes on the facility's file documenting:
  - the complaint received;
  - the steps taken to address the complaint with the child care facility;
  - the response of the facility;
  - any actions agreed upon; and,

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- any follow up with the complainant or the facility.

**2. Where it is assessed that the complaint involves noncompliance with Child Care legislation:**

- The Consultant will guide the facility in the development of an appropriate plan to address the concerns identified in the investigation.
- As a result of the investigation, the consultant may recommend a change of status to the facility's license. The Director, Regional Child Care Services, will decide if a licence status change is required based on conclusions drawn from the investigation.
- The Consultant will follow up with a letter to the facility outlining:
  - the nature of the complaint;
  - the regulation(s) with which the facility has not complied;
  - a summary of any discussions with the facility; and,
  - the action plan agreed upon.
- The Consultant ensures a full and accurate account of the investigation is maintained on the child care facility's file.
- The Consultant will monitor the child care facility to ensure implementation of the plan. If noncompliance persists, if appropriate, progressive sanctions will be implemented. These may include specific requirements with timelines and potential consequences on noncompliance identified. The requirements may be communicated in letters from the Consultant. Correspondence may be elevated beyond the Consultant to the Program Manager, or Director, Regional Child Care Services based on the circumstances.
- If the child care facility does not act to implement the necessary changes in the time frame set, the Director, Regional Child Care Services, may amend, suspend or cancel the license pursuant to Section 15 of *The Child Care Act*. Licensees will be informed of any appeal/conflict resolution processes that are available.

**3. Where it is assessed that a child may be in need of protection or that the behaviour of the licensee/care provider or person being investigated may have been abusive or neglectful:**

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- The complainant is asked to contact Child Protection Services.
- The Consultant discusses the complaint with the Program Manager.
- The Program Manager must ensure Child Protection Services is notified immediately. Child Protection Services will assess the complaint and determine whether to involve the police. Child Protection Services will follow Child Protection investigation procedures.
- The Program Manager is responsible for informing the Director, Regional Child Care Services at the outset of any investigations involving Child Protection Services or the police. The Director, Regional Child Care Services is responsible for ensuring the Minister's and Deputy Minister's offices are informed.
- A case conference with the Consultant, the Program Manager, the child protection caseworker and their supervisor, will be held to plan the response that is required to fully address the complaint.
- The Consultant immediately contacts the board of directors/operator of the child care facility. In some instances, there may be a delay in informing them of the complaint as it may be necessary to first allow time for children to be interviewed (determined by Child Protection Services). The Consultant advises the chairperson/operator that the complaint has been received and a joint investigation with Child Protection Services is underway. The Consultant allows opportunity for response. Details of the discussion are documented on the facility's file. The Consultant follows up with a letter to the licensee indicating an investigation is underway, the nature of the complaint, and any requirements of the licensee pending the outcome of the investigation such as development of a plan to ensure/protect the health and safety of the children.
- Based on the assessment of risk, steps are taken to ensure the immediate safety of the children in the child care facility pending the outcome of the investigation.
  - In the case of a child care centre, it is the role of the board of directors to develop a plan to ensure/protect the health and safety of children.

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- It is also the role of the board of directors to inform some or all of the parents and staff of the complaint and investigation as appropriate, and as per direction from Child Protection, when provided.
- Care must be taken to ensure clarity between the role of the board of directors and the role of the Consultant. The Consultant does not make decisions regarding what action will be taken in relation to employees of the child care centre. These decisions must be made by the board of directors. However, the Consultant, in collaboration with the Program Manager, will need to assess the action that is taken by the board and determine in their discretion, whether these actions will adequately protect the health and safety of the children. In exercising their discretion, Consultants and Program Managers may wish to consider factors such as the nature and seriousness of the complaint, the seriousness and immediacy of any risk to children and the stage of the investigation and completeness or incompleteness of information available.
- If a complaint is about a child care centre and the board is alleged to be a source of the concern, is unable or reluctant to act, or is not taking appropriate action, it may be necessary for the Director, Regional Child Care Services in collaboration with the Director, Early Learning and Child Care to take measures to ensure/protect the health and safety of the children and/or to inform parents and staff.
- In the case of a home, this may require actions by the Director, Regional Child Care Services in collaboration with the Director, Early Learning and Child Care or the licensee to ensure/protect the health and safety of children such as:
  - suspending the licence until the investigation is complete;
  - requiring that arrangements are made to ensure that the person has either direct supervision while in contact with the children in the home or no contact with the children at the home during the investigation, if the person in question is someone in the home other than the provider; or,
  - other appropriate action.
- It is also the role of the Consultant to inform some or all of the parents of the complaint and investigation as appropriate.

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- When a license is being suspended, the Consultant collects the license. In the case of a family child care home or group family child care home, the Consultant also collects the family child care home sign. The Consultant will also obtain the names and phone numbers of parent users and advise them that the complaint has been received and an investigation is underway. The Consultant shall assist parents to find alternate child care while the investigation is underway and initiate arrangements with the Subsidy unit to pay subsidy for care at an alternate location.
- Where it is concluded that there are reasonable grounds to support the complaint and require further action, the Consultant advises the child care facility of the decision, the action required and the time frame for the required action. The Consultant will follow up with a letter to the facility outlining:
  - the summary of the results of the investigation;
  - any regulation(s) with which the facility has not complied; and,
  - the actions required of the licensee.
- The Consultant will monitor the child care facility to ensure implementation of actions required within the given time frame. If the child care facility does not act to implement the necessary changes in the time frame set, the Director, Regional Child Care Services, may amend, suspend or cancel the licence pursuant to Section 15 of *The Child Care Act*. Licensees will be informed of any appeal/conflict resolution processes that are available.

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## **7.0 General Application Policies and Protocols**

### **7.15 Children/Youth at Risk of Suicide – Child Protection Services**

#### **Policy**

When child protection services receive a report where there are reasons to believe that a child/youth is at risk of suicide, ministry staff shall take immediate steps to screen the report as per child protection intake and screening policy.

#### **Preamble**

In most cases, child/youth suicide is preventable when actions by family, caregivers and professionals include a range of interventions that focus both on immediate safety and on addressing the risk factors that are at the root of suicidal thoughts and behavior.

Children/youth displaying acute warning signs of suicide is a critical situation that requires immediate, intensive, and ongoing intervention and follow up. Parents/caregivers play a significant role in recognizing when their child is at immediate risk, implementing immediate safety actions and ensuring the child is connected to the appropriate resources and supports to mitigate future risk of suicide. When the child is in need of protection because the parent or caregiver is unable or unwilling to carry out this role, it is the role of child protection services to ensure a first aid response is conducted.

Parents/caregivers of children who are displaying acute warning signs of suicide may not recognize the severity of the situation or they may be at odds as to what protective actions to take, or the parent/caregiver may not be willing/able to take such actions due to complicating factors such as substance abuse, mental health or diminished emotional/cognitive delays. In either case, the ministry needs to ensure the appropriate protective actions are taken.

An assessment of the child/youth's capacity and willingness to enter into immediate safety planning may be possible when the child/youth is able to participate in the intervention. However, in situations where it is suspected that a youth is at immediate risk of suicide, safety planning with a child/youth at risk of suicide, in itself, is not an alternative to the caregiver's and other's responsibility to keep the child/youth safe. All reasonable measures to get immediate emergency help such as calling 911, taking the child/youth to hospital and not leaving the youth alone are critical.

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## Definitions

### **Non-suicidal self-injury (NSSI) –**

Sometimes referred to as self-harm. According to the Diagnostic and Statistical manual of Mental Disorders, Fifth Edition (DSM – 5), NSSI is self-injury directed to the surface of the body undertaken to induce relief from a negative feeling/cognitive state or to achieve a positive mood state. The intent of the act is not to cause death. Common forms of NSSI are cutting, self-hitting and burning.

### **Suicidal Ideation –**

Thoughts of wanting to end one’s life with or without an indicated method and/or specific plan or intent. (Adapted from the Columbia suicide rating scale (C-SSRS). Research shows that suicidal ideation is predictive of later suicide attempt.

### **Suicide Attempt -**

A non-fatal, self-directed injurious behavior with an intent to die as a result of the behavior. The behavior might not necessarily result in injury. One of the strongest predictors for suicide death is a suicide attempt.

### **Chronic, long standing suicide risk –**

The ongoing likelihood of a person making future attempts.

### **Acute or imminent suicide risk –**

Persons who have a chronic, long standing suicide risk can experience acute suicidal crises where the risk becomes extreme or imminent and the incident is occurring or about to occur. (Also referred to as near term risk of suicide).

### **Suicide First Aid -**

Suicide first aid refers to actions and interventions that focus on the immediate safety of a person who is at acute risk of suicide.

The role of the first aider is to assist the person who is at immediate risk of suicide until professional mental health help is received or the risk has ended. Parents/caregivers play the most significant role as first aiders for children at risk of suicide.

## Standards

- Upon receiving a referral that a child/youth is at risk of suicide, caseworkers will follow protocols outlined in *Chapter 2.2: Child Protection Intake: Receiving and screening reports of Child Maltreatment*. This includes screening the referral using

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the SDM® Intake Assessment to determine whether or not there is reasonable grounds to believe a child/youth is in need of protection pursuant to Section 11 of The Child and Family Services Act, determining the need for investigation and how quickly to respond.

#### **Screened out Referral**

- When the report does not provide reasonable grounds to believe a child/youth is in need of child protection and is screened out, caseworkers will document the reasons.

#### **Screened in Referral:**

- When the report provides reasonable grounds to believe a child/youth is in need of protection, caseworkers will screen the report in for investigation and determine the appropriate response priority as per SDM policy. (Immediate or five days).  
\*See practice guidelines regarding children/youth who are at acute risk of suicide vs. long term chronic risk of suicide.
- The investigation caseworker will follow all investigation protocols described in *Chapter 2.3: Child Protection Investigations* including completion of an SDM® Safety Assessment, Safety Plan as required and SDM® Risk assessment.
- Provide the family with the *Children and Youth at Risk of Suicide – Information for Parents and Caregivers* document.

### **Procedures**

- For a screened out report that is a self-referral from the parent or child/youth, the caseworker will provide emergency service contact information to the caller. (e.g. local law enforcement, local crisis services, KIDS Help phone and other support services). This can include providing the *Children and Youth at Risk of Suicide – Information for Parents and Caregivers* document.
- For screened in reports and as per SDM® Safety Assessment policy, it is critical that an assessment of the child/youth's cognitive, physical, and emotional capacity and the parent/caregiver's capacity to participate in safety interventions is completed.

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When a child or youth is at **acute** risk of suicide (Incident is occurring or about to occur) and in need of an immediate safety intervention, the caseworker should ensure the parent/caregiver does the following:

- Immediately call for help from local police, hospital emergency room, primary care physician, or emergency mental health professionals.
- Ensure the child/youth is getting direct supervision until help can be obtained and any lethal means of suicide that may be accessible to the child/youth is removed.
- Notify local law enforcement immediately should the child or youth run from the home.

\*See Practice Guidelines for indicators that a child is at acute risk of suicide.

- When imminent danger has been resolved, the caseworker should meet with the family and other supports and ensure a referral has been made to the appropriate mental health professional who can provide a thorough suicide risk assessment. A safety plan will be completed, if not already done, for a safety decision of “safe with services” until further professional help can be obtained. See practice guidelines for suicide safety planning.

## Practice Guidelines

**Chronic, long standing suicide risk** refers to the ongoing likelihood of a person making future suicide attempts. Risk factors include:

- Previous suicide attempt;
- History of suicidal ideation;
- History of NSSI;
- Family history of suicide;
- History of mental health issues;
- History of grief, loss, abuse, neglect, trauma;
- Cultural risk group;
- Chronic illness and pain;
- Other.

**\*\*Previous suicide attempts are a strong predictor of subsequent suicidal behavior**

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**The following are behaviors or conditions that may signal a child/youth is at imminent risk of a suicidal crisis.**

- Feelings of hopelessness, worthlessness or being a burden;
- Anxiety, agitation, trouble sleeping, or sleeping a lot;
- Expressions of having no purpose or reason for living;
- Feelings of being trapped – no way out;
- Increased risk taking behaviors or alcohol/drug use;
- Withdrawal from friends, family and community;
- Loss of interest in activities previously enjoyed;
- Dramatic mood swings and behavior changes;
- Recent loss, failures, negative life events, bullying, conflict with peers etc.

**Acute risk factors requiring an immediate emergency response:**

A child/youth is at acute/imminent risk of suicide if they:

- Threaten or talk of wanting to hurt or kill themselves; and/or
- Look for ways to kill themselves by seeking access to firearms, pills, or other lethal means; and/or
- Has a plan of how and when they will take their life (firearms, pills or other lethal means); and/or;
- Seems preoccupied with themes of death or suicide. (Talks or writes about death, dying, or suicide when these actions are out of the ordinary.)

**Suicide First Aid –**

First Aider's Responsibilities:

- Ask the child/youth directly if they have intentions to take their life. The question must be direct and to the point. It is important to ask the question calmly, confidently and without judgment.
- Always take talk of self-harm and suicide attempts seriously.
- Really listen and show your interest and support without judgment. Don't interrupt and don't give advice. Express concern, validate their feelings and tell the child/youth that you are there to help.
- Suicide Safety Planning

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## Suicide Safety Planning

Suicide safety interventions may be implemented at any time during a suicide crisis, depending on the circumstances. When an emergency response is required because an incident is occurring or about to occur, more formal safety planning can be done once the situation has stabilized. Safety planning may include any or all of the following:

- *Actions agreed to by the youth that support safety.* (Sometimes called contracting). If the child/youth is able and willing to agree to actions that will keep him/herself safe, the caseworker must use their knowledge and past experience with the child/youth to determine if they can fulfill their obligations to the safety plan. **Safety planning with a child or youth must not be used in isolation of other safety interventions strategies as described below.**
- *Safety proofing the environment or disabling a suicide plan* involves removing all lethal means of suicide that the child/youth may have access to. If the child/youth is not able or willing to participate in the safety plan, particular attention must be paid to removing all lethal means, regardless of a specific plan to use one particular method. (For example, if the child/youth has disclosed a plan to overdose on drugs, other means in addition to the removal of drugs must be considered such as the removal of guns, sharp objects, toxic substances, objects used to asphyxiate themselves etc.)
- *The level of supervision required for safety.* The level of supervision required is often assessed by the parent and caseworker (where applicable) and in consultation with a mental health professional. Twenty-four hour one on one supervision may be required until the crisis has ended or until a formal risk assessment can be completed by a mental health professional. Once the situation has stabilized and the child/youth is able to participate in the safety plan, the level of supervision required may change. The supervision plan should include detailed information about what the child/youth can be involved in, where they can go and who will be supervising. Determining the level of supervision required should take into account:
  - the nature of the child/youth's plan for suicide;
  - the child/youth's ability to carry out a plan for suicide;
  - the parent and caseworker's knowledge of the child, taking into account the child/youth's history and/or previous incidents of self-harm/suicidal behaviour;
  - the child's willingness/ability to participate in a safety plan; and
  - the location where the supervision is being provided (e.g. specific areas of the home, the community, school).

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- When safety planning with parents and/or the child/youth, caseworkers should consider the following:
  - Where appropriate or required, complete the safety plan in writing using the SDM® Safety Plan or, when deemed appropriate, caseworkers can use the Personal Safety Plan that is typically used for children in care at risk of suicide. (Children’s Services Manual: 12.65 Personal Safety Plan);  
Note: The SDM® Safety Plan should be used if there are other safety threats in the home in addition to the threat of suicide. It may be appropriate to use both forms in some circumstances.
  - The plan should be doable and relatively easy;
  - Always agree on emergency contacts/phone numbers that are available to the child/youth 24 hours a day;
  - Always agree on an appointment with a medical doctor or mental health professional, now or later;
  - Clearly identify who is participating in the safety plan and each person’s role and responsibility in mitigating risk and who will monitor the plan;
  - Clearly identify who will follow up, and the date and time for check in with the youth; and
  - Review and update the safety plan until professional help is obtained and the risk has ended. This should include regular conversations with the parent and child/youth regarding their safety and well-being.

**Follow up Actions:**

- The level of risk can change very suddenly depending on a number of factors affecting the child. Caseworkers should review and adjust interventions such as safety planning accordingly.
- Caseworkers and parents/caregivers should support and advocate for services that reduce long standing risk such as family connectedness, cultural connectedness, community connectedness, academic achievement and psychological or emotional well-being.
- Once a referral has been made to Mental Health Services for a child who is at risk of suicide, the Mental Health professional should be kept informed about the status of the child and should be notified of any suicidal behaviors as soon as is practicable.
- Where there is active child protection involvement and 1:1 supervision is in place, the decision to discontinue 1:1 supervision should occur only after consultation with

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a supervisor and mental health professional and follow up suicide interventions have determined the child is no longer at acute risk of suicide.

- It is important that caseworkers follow up with the family to review the safety plan and to assess any changes to child safety.
- Parents of children at risk will most likely need their own personal support and it is important that the caseworker provide information regarding community supports that the parent may want to access, such as parent/caregiver educational workshops or personal counselling that is often offered through public mental health services.

### References:

For policies and procedures regarding children/youth at risk of suicide residing in Residential Care see The Residential Services Manual, Chapter 9.1: Self-harm and Suicidal Behaviour.  
(link)

Child and Family Programs Sharepoint site/Manuals and Forms/Children's Services forms/Personal Safety Plan Form

Child and Family Programs Sharepoint site/Manuals and Forms/Best Practice Reference Material/Personal Safety Form guide

Child and Family Programs Sharepoint site/Manuals and Forms/Child Protection Services forms/Children and Youth at Risk of Suicide – Information for Parents/Caregivers

<https://www.saskatchewan.ca/residents/health/accessing-health-care-services/mental-health-and-addictions-support-services/mental-health-support/mental-health-and-illness>

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## 7.0 General Application Policies and Protocols

### 7.16 Child Welfare Record Search

#### Introduction

The Ministry of Social Services and First Nation Child and Family Services (FNCFS) agencies work together in providing coordinated services during child protection investigations.


When completing child protection investigations, child welfare record searches provide current or historical information required to assess risk to children. This information is obtained pursuant to *The Child and Family Services Act* and client consent is not required.

#### Procedures

When requesting historical child welfare information required for child protection services, FNCFS agencies will follow the below procedures:

- The FNCFS agency contacts Child Protection Intake or Courtesy Desk where the client last resided or had Child and Family Programs involvement (if known) to determine if any historical information exists. (If unknown, contact a service area Intake line for further direction to obtain the requested information.)
- The Intake Screener reviews Linkin and SWIN to determine if any historical information exists.
- If historical information exists in Linkin, the information may be shared verbally by phone. (Note: Information will only be provided when the agency can be identified (i.e., caller ID). If the agency is not identified, the agency will send an email verification before the request for information will be provided.)
- If historical information exists in SWIN, the agency completes the Child Welfare Record Search (Form 8.51) and submits to the appropriate Courtesy Desk. Requests for information should be specific to the purpose and type of information required.
- The service area Courtesy Desk assigns the request for completion.
- If a record exists, the assigned worker reviews the record (they may need to request the file from storage) and completes the bottom portion of the Child Welfare Record Search form. Information provided may include a summary of involvement or it may include only dates and identification of the event.
- When the request has been completed, the worker responsible will return the completed Child Welfare Record Search form to the Agency by email.
- The service area will document the client's name, the office and worker who completed the request, the reason and date the request was completed.

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## **Appendix Ch.2: Offices not using SDM®/Linkin - Intake and Investigation**

### **2.1A Introduction**

The appendix for Chapter 2: Intake and Investigation is intended as a reference for Child and Family First Nation Agencies who do not use SDM® and/or Linkin. It is not intended to be a replacement for the entire chapter and should be used in conjunction with [Chapter 2](#).

Each section below contains policies and procedures that apply to offices not using SDM® or Linkin but may no longer be relevant to offices using SDM®/Linkin.

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**Appendix Ch.2: Offices not using SDM®/Linkin - Intake and Investigation**  
**2.2A Receiving and Screening a Report of Child Maltreatment**

**Standards**


Follow standards and procedures outlined in Chapter 2.2

The following documentation standards apply to offices not using the Linkin Case Management System.

- All reports of child abuse and neglect will be documented on the **Intake Report** (Form 2092).

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## **Appendix Ch. 2: Offices not using SDM/Linkin - Intake and Investigation**

### **2.3A Child Protection Investigation**

Follow Child Protection Investigation Standards, Procedures and Practice Guidelines in Chapter 2.3.

- The following standards apply to offices using a risk assessment tool other than the SDM® Family Risk Assessment:


Completion of the Risk Assessment Tool with approved sign-off of the supervisor, is required at a minimum at the following two points in the case management process:

- During the investigation process the Risk Assessment Tool must accompany the completion of the Investigation Record.
- The Risk Assessment Tool is required when a child or children are being returned home.
- In addition to the required use identified above, the Risk Assessment Tool is recommended at the following points:
  - Four Month Intervals: The Risk Assessment Tool may be used every 120 days in conjunction with the Assessment and Case Plan review.
  - Case Closure: The Risk Assessment Tool may be completed at the time of case closure to demonstrate reduced risk.

Additionally, at Supervisor Discretion: The Risk Assessment Tool may be done at any time the supervisor requests.

- Offices not using Linkin will document the investigation on the Investigation Record (Form 2093)

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## **Appendix Ch. 3: Offices not using SDM®/Linkin - Ongoing Child Protection Services**

### **3.1A Introduction**

The appendix for Chapter 3: Ongoing Child Protection Services is intended as a reference for First Nations Child and Family Services Agencies who do not use SDM® and/or Linkin. It is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 3 of the Child Protection Services Manual.

Each section below contains policies and procedures that apply to offices not using SDM® or Linkin and may no longer be relevant to offices using SDM®/Linkin.

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### **3.0A Offices not using SDM®/Linkin - Ongoing Child Protection Services**

#### **3.2A Ongoing Case Management**

#### **Standards**

- A Family Services Agreement (Form 2014) outlining the case plan is required for all child protection cases where, upon investigation, a child is found to be in need of protection and any children remain in the home. It is completed with the parent within 30 days of providing written notification to the parent that a child is found to be in need of protection and must be reviewed and renewed every 120 days along with the Assessment and Case Plan.
- Minimum contacts with families will be completed as per policy. See Ch 3.3: Contact Standards – In-home Families; Ch. 3.4: Contact Standards – Parent of Child in Placement (Goal of Reunification); Ch. 3.5: Contact Standards – Child in Care and Placement Caregiver (Goal of Reunification).
- A case conference with the family and key service providers must be facilitated during the initial Assessment and Case Plan (ACP) review period (90 days).
- An ACP will be completed 90 days after the initial investigation and every 120 days thereafter and at closure.
- A comprehensive case review with the supervisor must occur at minimum once every four months in conjunction with reviews of the ACP.
- A formal review by the First Nations Child and Family Services Agency Executive Director or designate is required when a family has been receiving services for accumulative total of 18 months and documented on the ACP.
- When a child is returned home, a caseworker must have a personal in-home visit with the child and parent within one week.
- The Risk Assessment Tool (Pennsylvania Model) with approved sign-off of the supervisor, must be completed during the investigation process and prior to a child's return home.

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## Procedures

The following procedures and standards apply to Ongoing Child Protection Cases.

**Note: Non-Linkin Offices may choose to use the [SDM® Assessment and Case Plan form \(Ch. 8.5A\)](#) and the [SDM® Child Assessment and Development Plan \(Ch. 8.6A\)](#) or the [Assessment and Case Plan for Child Protection Files form \(Ch. 8.3A\)](#) and the [Children's Services Assessment and Developmental Plan \(Ch. 8.4A\)](#) depending on their use of the SDM® Assessment tools.**

### 1. Assessment and Case Plan


The written Assessment and Case plan for Child Protection Files (ACP) is the formal documentation of the case planning process done by the caseworker and family together. A thoroughly documented ACP is a requirement to ensure accountability but equally important it is essential to good casework practice, and serves many beneficial purposes.

There are several reasons why the case planning process must be documented in a written Assessment and Case Plan:

- Demonstrates the mandate for involvement; case activity as well as the caseworker's assessment of the family and the family's agreed upon case plan;
- It is referred to during the time frame to assure all steps are being implemented as planned;
- Structures the caseworker's thinking about the assessment and planning process, while providing a standardized format across the province;
- Facilitates case reviews by supervisors; and
- Provides documentation for communication with other service agencies and professionals, including the court as required.

Caseworkers should not attempt to complete the ACP without first completing the proper planning process. A written ACP which is not preceded by a thorough assessing and planning process is often sparse in content, and the designated outcomes and activities often fail to properly address the family's strengths, risks and agreement in the planning. Unless the case assessment and planning process has been completed with

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the family, the written Assessment and Case Plan document will serve none of the purposes listed above.

This format serves as the documentation which records case activities and conclusions reached regarding:

- Mandate;
- Statement of risk; and
- Case plan

**The caseworker should record information on the file with the assumption that at a later date, there may be complete disclosure of the file.**

**Note:** Only new information, observations or analysis should be provided on the current Assessment and Case Plan - information should not be repeated from previous documentation (i.e. previous Investigation Record/Assessment and Case Plan formats).

#### **Procedures for Completion of the Assessment and Case Plan:**

##### **Parents' Names Children's Data Extended Family and/or Significant Others/Agencies**


##### **Reason for Involvement**

- State which subsection(s) of Section 11 mandates involvement;
- Provide a brief statement outlining reason for involvement;
- Indicate if any of the following and corresponding dates have been in place during the time frame;
- Family Services Agreement;
- Family Support Contracts;
- Section 9 Agreement;
- Court Orders; and
- Other.

##### **Summarize Case Contacts**

- Date of Contacts;
- Persons Contacted;
- Contact Type and Origin: List if the contact was made by phone, personally, by letter, etc. Use "made", "sent" or "received" to indicate the origin of phone calls and letters;

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- Location of Contact: List where the contact occurred if it was a person contact;
- Purpose of Contacts: List a brief explanation of the purpose and outcome of each case contact. Particularly note if this contact is meeting a required standard, i.e. in-home visit within one week of a child's return home. **Supervisory consultation must be clearly indicated and bolded**; and
- Observation of Children: List a brief observation of children if they are present during contact.


### Case Review

- Provide a brief statement of information such as previous child protection involvement in other service areas, provinces, other program area involvements. If this information is found in other parts of the file documentation, do not repeat here. However, it is useful to provide a summary statement of involvement if there are previous volumes of files. If this has been completed on the Investigation Record for the current time frame, it is sufficient to note this.
- Any information which is relevant to the assessment and planning process. These events may be described as "critical events" including but not limited to the birth of a baby, a change in household composition, the eviction of the family, a loss of income, new referral information or allegations, parental hospitalization, parental incarceration, and/or other events.
- **Note:** These critical events may be reflected in other areas of case documentation, i.e. use of the stressors or risk assessment tool. If they are, it is sufficient to make note of where the information is located in other documentation on the file.

### Family Involvement/Assessment

- This section requires the caseworker to list the tools utilized, date completed and family members who participated.
- It is not necessary to utilize all the Family Centered tools on every case, rather choose those which provide the most relevant information to issues of safety.
- The Risk Assessment tool is required on every case but should not be used in isolation but as one aspect of the assessment.

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- The tools are “living” documents that should be utilized in the ongoing assessment and planning with the family so they may be reviewed at a later date, and with acknowledgement of this date on the tools.

### **Child Assessment and Developmental Plan (CADP)**

- When a family has a child in out-of-home care, a thorough child assessment and developmental plan is required to ensure that the child’s unique cultural, social, physical, emotional and identity/belonging needs are met while in out-of-home care.
- The Child Assessment and Developmental Plan Form contains the details of the Family Contact Plan (in the Family and Social Relationships section), the Shared Parenting and Family Reunification Plan (in the Permanent Placement Plan section). The Assessment and Developmental Plan Form is to be incorporated into the Assessment and Case Plan Form as an attachment.

**Assessment of Risk** is based on the above information in:

- Family Involvement/Assessment;
- Assessment Tools; and
- Child in Care - Child Development Assessment.

**Identify and make a statement about current overall severity/risk based on:**


- Overall severity represents the severity, frequency and recentness of abuse/neglect.

### **Definition of Risk Levels:**

**No Risk:** The absence of risk and/or the presence of strengths. Factors rated no risk (Z) may represent strengths which are powerful enough to reduce risk within the family. The family could benefit from intervention, but the intervention is not necessary through Child and Family Services, for the protection of the child. A significant possibility that a **minor** form of abuse or neglect will occur in the near future. Low risk factors are rated with an (L).

**Low risk** implies that the home is safe for the child. Cases assigned low risk reflect

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situations where the risk of future abuse or neglect is minor. It is likely most of the factors are rated (L). If there are factors rated higher they are likely to be modified by family or individual's strengths. This implies the presence of constructive parenting behaviours and family dynamics that support healthy child rearing despite an incident of abuse or neglect. Services provided will be of limited duration.

**Moderate Risk:** A significant possibility that a **serious** form of abuse or neglect will occur in the near future. Moderate risk factors are rated with an (M).

*Moderate risk* implies that the child is likely to suffer some degree of harm remaining in the home. Intervention is warranted. However, there is no evidence that the child is at risk of imminent serious injury or death. This implies that, while risk factors are present, there are also sufficient constructive parenting behavior and other safety factors to prevent the risk from being extreme.

**High Risk:** A significant possibility that a **severe** form of abuse or neglect will occur in the near future. High risk factors are rated with an (H).

*High risk* implies that a child is likely to be seriously harmed, injured, suffer permanent disability or die if left in present circumstances without protective intervention. Constructive parenting behaviors may never have developed, or other family circumstances may prevent their use.

**The caseworker must then justify the statement of current overall severity/risk with conclusions about:**

- **Current Strengths: Modifiers of Risk - working for safety; and**
- **Current Risk Factors: Working against safety.**


**a) Progress** (done during reassessment if case remains open; if the case is to be closed **only** do 7.c.)

Provide a summary of the following:

- Change in level of risk, and
- What has worked/not worked from previous plan.

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#### b) Current Case Plan

OUTCOMES	TASKS	PRIMARY PERSON(S) RESPONSIBLE	TIME LINE

#### c) Closure

- Change that has occurred demonstrating reduced risk;
- Date and summary of closing session with family; and
- Plan and resources for future.

#### Signatures and Dates

The worker and supervisor's names should be typed on name line with signature and date beside it, so that it is possible to clearly identify who worker and supervisor are. The Assessment and Case Plan is not considered complete without these required Signatures and Dates.

B.F. (Bring Forward) Date for first Assessment and Case Plan: (90 days after first Investigation Record is completed). If an Investigation and Subsequent Investigation Record is required in an ongoing case, the next Assessment and Case Plan is due at the previously set date for the next Assessment and Case Plan.


Note: Non-Linkin Offices may choose to use the [SDM® Assessment and Case Plan form \(Ch. 8.5A\)](#) and the [SDM® Child Assessment and Development Plan \(Ch. 8.6A\)](#) or the [Assessment and Case Plan for Child Protection Files form \(Ch. 8.3A\)](#) and the [Children's Services Assessment and Developmental Plan \(Ch. 8.4A\)](#) depending on their use of the SDM® Assessment tools.

## 2. Assessment Tools (for offices not using SDM®)

#### a) Risk Assessment

Offices not using SDM® assessments will use the Risk Assessment Tool (Pennsylvania Model) to assess the risk of further child maltreatment within a family.

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- The completion of the Risk Assessment Tool (Pennsylvania Model) with approved sign-off of the supervisor, is required at a minimum at the following two points in the case management process:

1. During the investigation process the Risk Assessment Tool must accompany the completion of the Investigation Record.
2. The Risk Assessment Tool is required when a child or children are being returned home.

(See Appendix – Offices not using SDM®/Linkin, Chapter 2: Intake and Investigation for detailed information on completing the Pennsylvania Model Risk Assessment)

**Note:** In addition to the required use identified above, the Risk Assessment Tool is recommended at the following points:

1. 4 Month Intervals: The Risk Assessment Tool may be used every 120 days in conjunction with the Assessment and Case Plan review.
2. Case Closure: The Risk Assessment Tool may be completed at the time of case closure to demonstrate reduced risk.

Additionally, at Supervisor Discretion: The Risk Assessment Tool may be done at any time the supervisor requests.


See Appendix Ch 2 – Office not using SDM®/Linkin: Child Protection Investigation, Risk Assessment Tool.

#### **b) Family-centered Assessment Tools**

Understanding the underlying dynamics in families where abuse and neglect is present is key to the assessment process.

There are several tools and techniques that help engage and create awareness with families, as well as discover the underlying dynamics to utilize in the assessment and case planning process.

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**The following tools may be used throughout the case continuum:**

**1. Genogram**

- Family diagram that gives you a "snapshot" of family membership, boundary and process issues;
- Genograms illustrate Family Roles & Rules: These give us our identity, ways of communicating, and guidelines for functioning in relationships and the community. (For example, too rigid or none at all can be significant safety concerns. Flexible/adaptable roles/rules can be real strengths.); and
- Boundaries: As with roles/rules, our understanding of boundaries helps us function in the larger society. Again, too rigid or no boundaries at all may present safety concerns.

**2. Ecomap**

- Diagram of the family's relationship and supports within the larger community.


**3. Hierarchy**

- Tool that illustrates the power distribution in a family system. Power is defined as having the ability to influence decisions and relationships to reach the desired outcome. Helps visualize what needs to be different in the hierarchy for safety to occur and who in the system must change positions in the hierarchy.

**4. Sequencing**

- Technique that makes visual the patterns of behaviour surrounding the current situation and allows for describing the solution. Shows the multiple points of possible intervention. It helps the caseworker and family understand what is happening after an event as well as before and helps us and the family recognize what might be reinforcing certain behaviours.

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## 5. Scaling

- Technique that focuses the client on incremental behavioural change and defines movement. Scaling is useful for assessing progress, confidence, hopefulness, self-esteem, change, willingness to work toward solutions, and so on. An example of scaling questions to assess the client's willingness to address child safety might be:

“On a scale of 0 to 10, where 10 means you are willing to do anything to make your child safer (stop the abuse) and 0 means you are not willing to do anything, where would you place yourself on that scale?”


## 6. Stress Evaluation

- Everyone has stressors - the key is whether the individual has adequate and appropriate coping strategies to deal with the stress. If not, the individual and family system may become immobilized (a true barrier).
- Stressors must always be considered in relation to the modifiers or coping mechanisms that a client/family has to counteract the stressors.
- Stressors on the family system might be poverty, unemployment/underemployment, substance abuse, isolation, family violence, lack of skills/education, poor health etc.
- Modifiers of stress which counteract risk may include a strong support system, integration in the community, skills, coping strategies, flexible and open family structure, employment, financial stability etc.

When completing a stress evaluation consider the following:

- Are there more stressors than coping strategies?
- Do family members use the same coping strategy for everything?
- Have they tried to use community resources?
- Are there indicators for major stressors (domestic violence, learning disabilities, substances, mental/physical health issues, child abuse) that the family is not talking about?
- If the family has inadequate coping strategies, how might you address this in a case plan?

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### 3. Family Centered Case Conference

- A case conference with the family and key service providers must be facilitated during the initial Assessment and Case Plan review period (90 days). If a case conference is not possible, the rationale must be documented on a contact record.

### 2. Minimum Contacts with Children and Families

There are minimum contact standards required for families receiving ongoing child protection services. The individual circumstances of the family including the level of risk, the presence of immediate safety concerns and the severity of child maltreatment dictate the frequency and nature of contacts beyond the minimum standards. See [Ch 3.3: Contact Standards – In-home Families](#); [Ch. 3.4: Contact Standards – Parent of Child in Placement \(Goal of Reunification\)](#); [Ch. 3.5: Contact Standards – Child in Care and Placement Caregiver \(Goal of Reunification\)](#).


#### Supervisory Review

- A comprehensive case review with the supervisor must occur at minimum once every four months in conjunction with reviews of the Assessment and Case Plan (ACP).
- Case Reviews are required at case transfer and closure.
- Other case consultations with the supervisor are completed on a case by case basis when critical casework decisions are made with respect to removal of a child, investigations, reunification of a child home, court or permanency planning.  
(See Chapter 7.12: Case Supervision for detailed information on the role and responsibilities of the supervisor)

### 3. Formal Review

- A formal review by the First Nations Child and Family Services Agency Executive Director or designate is required when a family has been receiving child protection services for a cumulative total of 18 month and when a child has been

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in temporary care for a cumulative total of 18 months. (See Chapter 4: Placement in Out of Home Care: Permanency Planning and Time Limited Services).

- The First Nations Child and Family Services Agency Executive Director or designate must approve any application to Family Court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis.

#### **4. New Intake Reports on an Active Child Protection Case**

- When a new report on an active child protection case contains allegations which are not essentially the same incident of child abuse and/or neglect already investigated or assigned for investigation, the new report will be a new intake.
- For Standards and Procedures for completing an intake using Intake Form 2092 see [Appendix Chapter 2: Offices not using SDM®/Linkin, 2.2 Receiving and Screening a Report of Child Maltreatment](#).
- If screened in for investigation, the report will be assigned according to the standards and procedures outlined in [Chapter 2.3](#): Child Protection Investigation.

**Note:** The decision of whether or not to create a new intake and investigation is based, not on the allegation type, but on whether or not the information describes a new incident of child abuse and/or neglect.


New intakes on active cases differ from a “change in family circumstance” which does not necessarily constitute a new intake. Changes in family circumstances or new information about a family, as opposed to a new incident of child abuse/neglect, may not require a new investigation but may require a re-assessment of safety and risk on an active case.

#### **5. Case Closure**

An ongoing child protection case will be closed when:


- The risk of future child abuse and neglect has decreased;
- The child is safe in the home;

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- The child(ren) in the home are no longer in need of protection pursuant to Section 11 of *The Child and Family Services Act*; and
- Case closure documentation is completed as part of the Assessment and Case Plan. (See Assessment and Case Plan above)

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## **Appendix Ch. 4: Offices not Using SDM®/Linkin - Placement in Out of Home Care**


### **4.1A Introduction**

The appendix for Chapter 4: Placement in Out of Home Care is intended as a reference for First Nations Child and Family Services Agencies who do not use the Linkin case management system and/or Structured Decision Making (SDM®). It is not intended to be a replacement for the entire chapter and must be used in conjunction with Chapter 4.

Each section below contains policies and procedures that apply to offices not using SDM® or Linkin.

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#### **4.0A Offices Not using SDM®/Linkin - Placement in Out of Home Care**

#### **4.2A Apprehending and Returning a Child**

### **Procedures**


#### **Assessment of Safety and Risk**

- Except in an emergency situation the decision to apprehend and remove a child(ren) from their parent requires supervisor consultation which is to be documented in a contact record.
- An assessment of child safety must be completed when a decision to remove and place a child in out of home care is made. The Risk Assessment Tool may be used to assist in the determination of whether or not a child is in need of immediate protection and what must be done immediately to provide for the child's safety. A risk assessment that results in a rating of "high" risk implies that a child is likely to be seriously harmed, injured, suffer permanent disability or die if left in present circumstances without protective intervention (see [Appendix Ch. 2: Offices not using SDM®/Linkin](#)).
- The completion of the Risk Assessment Tool with approved supervisor sign-off is required when a child or children are being returned home.
- In addition to the use of the Risk Assessment Tool, a thorough assessment should also utilize the family-centered tools to determine what changes have occurred to allow children to return home. (See [Appendix Ch. 3.2: Ongoing Case Management](#) – Assessment Tools (for offices not using SDM®).
- The decision and rationale to return a child must be documented in a contact record.

#### **Administrative Procedures:**


- Each child in care will have a paper file opened or reactivated upon placement.
- Each child will be registered on the Automated Client Index and changes will be updated in a timely fashion.

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- Changes must be made to the Automated Client Index Registration in the following circumstances:
  - A child is admitted to care;
  - Change in authority for care (example: change subprogram AP apprehended to RA Agreement for residential services);
  - Change of placement;
  - Child moves out on his own; and
  - Child is absent from an emergency foster home;
- All documents or procedures related to authority for care will be current.
- Documentation related to application or change in benefits for the child and/or family will be completed.
- Upon discharge all documentation and/or procedures will be completed related to file closure, benefit cancellations or changes.
- When a child returns home, he/she must be shown as discharged unless the authority for care has not expired.
- The paper file and ACI constitute the record of programs and services that are provided to a child.

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#### **4.0A Offices Not Using SDM®/Linkin - Placement in Out of Home Care**


#### **4.5A Emergency Care**

### **Procedures**

A child care file must be opened where payments are going to be made on behalf of the child.

See [Children's Services Manual Ch. 2 Sec. 9.](#)

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#### **4.0A Offices not Using SDM®/Linkin - Placement in Out of Home Care**


#### **4.10A Permanency and Time Limited Services**

### **Procedures**

When a child has been in care for a cumulative total of 18 months, the family case plan is reviewed and approved by the Executive Director or designate.

The Executive Director, or designate must approve any application to Family Court where it is recommended that a child be committed to the care of the Minister on a permanent or long term basis.

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## Appendix Ch.5: Offices not using SDM®/Linkin - Case Documentation

The appendix for Chapter 6: Case Documentation is intended as a reference for Child and Family First Nation Agencies who do not use SDM® and/or Linkin. It is not intended to be a replacement for the entire chapter and should be used in conjunction with Chapter 6. Each section below contains policies and procedures that apply to offices not using SDM® or Linkin and may no longer be relevant to offices using SDM®/Linkin.+

### Introduction

The Linkin Documentation section in Chapter 6 of the Child Protection Services Manual does not apply to offices not using Linkin. Each of the following policies and procedures apply specifically to offices who continue to document case information in a paper file.

### Case Documentation


This section refers to the use of [Contact Record \(4302\)](#), [Intake Report \(2092\)](#), [Investigation Record \(2096\)](#), Assessment and Case Plan and the Child Assessment and Developmental Plan. Depending on the extent of SDM® Assessment tool utilization, non-linkin offices may choose to use the SDM® [Assessment and Case Plan \(Ch. 8.5A\)](#) and the SDM® [Child Assessment and Development Plan \(Ch. 8.6A\)](#) or the [Assessment and Case Plan for Child Protection Files \(8.3A\)](#) and the [Children's Services Assessment and Developmental Plan \(8.4A\)](#).

For more detailed information on completing an Intake Report, Investigation Record, Assessment and Case Plan and Child Assessment and Developmental Plan, also see the Appendices for Chapter [2.3](#) and [4](#).

Primarily, case documentation provides a record of service and history of involvement if services are required in the future. Additionally case documentation is becoming increasingly important to caseworkers in child protection matters, criminal prosecution matters and in civil law suits for negligence. In addition to focusing and guiding practice, case documentation is important for refreshing memories and for justifying any actions of the Ministry. The following direct case documentation:

- a. Disclosure issues in court matters have recently changed so that all file documents now have to be disclosed upon request by the defence lawyer. Therefore, care should be taken to ensure that the information is recorded in a


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factual and professional manner. The documentation should be as factual and comprehensive as possible. The documentation should not contain a lot of opinion information. If the worker is expressing an opinion in the case documentation, the worker should say so. The worker should avoid personal comments about the client.

- b. The documentation should be dictated as close in time as possible to the actual contact records. The documentation should be dated and the supervisor should be signing off the Intake Report, Investigation Record and the Assessment and Case Plan.
- c. Key decisions must always be carefully documented; for example, when children come into care and when they are returned home. The documentation must address why the decision was made, who was involved in making the decision and the factors considered when making the decision.
- d. The important contact records should not be discarded when case documentation is compiled; for example, if the contact record relates to the interview of a child and the child discloses abuse or the record relates to the worker's observations of a visit or they relate to a disclosure by a third party. In these instances, the contact record should be kept for court purposes. It is imperative these significant contact records are dated with a clear, legible signature provided by the individual writing the documentation.
- e. Most contact records can be discarded when the information is recorded into formal case documentation; for example, requests for payment, arranging for visits and any calls of an administrative nature.
- f. The policies contained in the Child Protection Services and Children's Services Manuals should be followed with respect to the preparation of case documentation. This ensures consistent case practise and is evidence that a caseworker is meeting the requirements of the Ministry. These policy manuals can be evidence in a court case because they outline the documentation standards expected of a caseworker.
- g. If a report is made to the Ministry, the information must be recorded in a very detailed fashion. Who made the complaint? What is the basis for the complaint? How did the Ministry follow up on the complaint?

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- h. Electronic information such as e-mail can also be required to be disclosed in the court process. It is becoming more common for lawyers to request all access to e-mails, word processing files, spreadsheets, etc. When an e-mail is deleted, it is saved on a permanent tape which can be accessed by a computer systems person at a later date. The data is routinely backed-up repeatedly and exists in many places and formats. It should be treated in the same manner as any other written record or communication about clients.

Retention schedules, governing the length of time files must be kept, should always be followed. Files should never be destroyed prematurely. If the file material becomes relevant in a criminal proceeding, the premature destruction of the file could be seen by a court as the obstruction of justice. If there is a likelihood of litigation or ongoing litigation regarding a particular file, that file should be retained beyond the retention period.

Source: *Liability Issues Relating to Child and Family Services Matters*  
Presented by Leanne Lang, Department of Justice, March 1998


### **Contact Record - 4302**

The contact record is an administrative form which provides a consistent format for documenting contact regarding individual cases. Documentation must be done accurately and concisely. (See Chapter 8: Forms)

Procedures for completion:

1. Use black pen as this is more legible and provides a clear photocopy if required.
2. It is critical that complete information is provided on the following:
  - Date, Time;
  - Contact with, address, phone (if address, phone have been previously entered subsequent contact records could refer to previous contact record where recorded);
  - Type of contact;
  - Regarding;
  - Summarizes;

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- Contact in point form, outlining the purpose and outcome of contact (see guidelines following; and
  - Worker's signature - worker's name must be legible writing or printed and then initialed.

**Ask yourself:** If someone outside my unit/office **OR** in 5 years, read this contact, would they know:

- Date;
- Who contact was with?
- Purpose and outcome? and
- Who wrote the contact?


### Guidelines for Case Documentation

The guidelines listed below are intended to provide a framework for capturing relevant information. They are designed to serve as a general framework for all case documentation. Emphasis is placed upon case documentation being purposeful, succinct and focused on the investigation assessment and planning process:

- Massive amounts of information are sometimes assembled by the caseworker and have often been included in the file. Case details should not be equated with assessment and case planning;
- Case documentation should record, as concisely as possible, what the worker sees, hears and experiences;
- Document facts, accompanied by dates and clear behavioural descriptions. A factual recording is more readily accepted by the legal and court systems;
- As no case documentation can accurately reproduce everything that is said or done, the caseworker must sift out and select items of information which (s)he thinks are of the greatest significance;
- Evaluate and organize the material before documenting it. Identify the items that pertain to the assessment and case plan process;
- Omit unnecessary and repetitious words;
- Avoid lengthy explanations or detailed accounts of activities that do not focus on the investigation assessment and case planning process.;
- Describe people in a few words with clarity. Recognizing the significance of their appearance and behaviour is important. This is especially important when there is contact with or observation of children. It is important to make a note about

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appearance and behavioral observations of children during contacts. Otherwise in reviewing a case record it may appear the child(ren) has not been seen;


- Pay particular attention to items that may be critical in court testimony;
- Relevant information should be recorded in a brief, accurate and concise format; and
- Any case documentation should always be written in a professional and factual manner, with the assumption that at some point, this documentation may be viewed by the client or individuals and agencies outside the Ministry.

## File Structure

The following outline for file structure and organization is required for child protection cases. Adherence to this outline is mandatory in order that all file information is securely filed and the files remain professional in appearance.

The information contained in each file will be organized chronologically into the following sections:

FILE STRUCTURE		
<b>PART 1 – Contact Records</b>		
<ul style="list-style-type: none"> <li>• The first part of the file is the single file back where Contact Records are filed according to descending date sequence;</li> <li>• A single file back is used (do not cut a double file back);</li> <li>• The Contact Records are secured with a clasp on the side position of the record;</li> <li>• Each single back should have the file name and case number clearly labeled, so that if this section was out of the file it would be readily identified; and</li> <li>• If the number of contact records makes the file too large, a second volume should be opened.</li> </ul>		
<b>PART II – Assessment, Case Planning and Delivery of Services</b>		
<p>This section includes the following components which are representative of each Assessment and Case Planning period.</p> <p>File according to date sequence:</p>		
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- 2092 Intake;
- 2093 Investigation Record;
- 2096 Assessment and Case Plan (place on file in descending order (e.g. page 6, page 5, etc. with page 6 on top, page 1 on bottom);
- 2014 Family Services Agreement; and
- 2025 Parent Aide/Family Support Contract.

### **Part III – Family Centred Tools**

Any of the Family Centred Tools that are utilized are filed in this section according to the date completed. They include:

- Genogram (2094);
- Ecomap (2095);
- Hierarchy, Sequence of Behaviour;
- Stressors, Scaling;
- Risk Assessment Tool.

### **PART IV – Reports and Correspondence Section**

This section includes all correspondence sent/received and all reports such as:

- Parent aide/family support monthly reports;
- Educational;
- Medical; and
- Psychiatric.

All EXCEPT Parent Aide/Family Support Contracts

### **PART V – ACI Printouts**

This section includes only the most recent client index profile.


### **PART VI – Accounts and Bills**

This section includes all accounts and bills.

### **BACK COVER OF THE FILE: ENVELOPE**

All court related documents, agreements for care are to be stored in the envelopes. These documents SHOULD NOT be hole-punched.

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## Reconstruction of Child and Family Program Files

In the event that a Child and Family Program file cannot be located, every effort must be made to reconstruct the file. There are several sources of duplicate information that can be accessed in order to reconstruct the file:

- Copies of child protection materials from the Children Services file if children were ever in care;
- Copies of Children's Services information from the Child Protection file and Foster Home files;
- Electronic copies of documents and case recordings;
- Copies of documents that have been shared with other Ministries or services;
- Copies of documents received from other ministries, agencies and CBOs can be requested;
- Copies of court documents;
- Payment information from automated payment system

All potential sources of duplicate information should be contacted and copies of documents requested.

The reconstructed file should be labeled to reflect that it is not an original file, e.g. "Reconstructed File".

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