

# **Enhancement Act Policy Manual**

**Revised November 2006**



# Table of Contents

## 1. General Information

- 1.1 Overview
- 1.2 Matters to be Considered
- 1.3 Delegation of Authority
  - 1.3.1 Overview
  - 1.3.2 Sub-delegation Duties and Powers
  - 1.3.3 Delegation Schedule
- 1.4 Transitional Provisions of the Enhancement Act
  - 1.4.1 Transitional Legislative Sections
  - 1.4.2 Additional Clarification of Court Procedures
  - 1.4.3 Renewing Custody Agreements
- 1.5 Intervention Records
  - 1.5.1 Overview
  - 1.5.2 Recording Information on the Child and Youth Information Module – CYIM
  - 1.5.3 Intervention Record Check
  - 1.5.4 Retaining Records
  - 1.5.5 Restricting Records
- 1.6 Releasing Information
  - 1.6.1 Overview
  - 1.6.2 For Providing Intervention Services
  - 1.6.3 Law Enforcement Request
  - 1.6.4 For a Civil Proceeding
  - 1.6.5 For a Court Proceeding
  - 1.6.6 For a Criminal Proceeding
  - 1.6.7 Other Requests
  - 1.6.8 Children’s Involvement in Research Projects
- 1.7 Child and Youth Advocate
  - 1.7.1 Overview
  - 1.7.2 Mandatory Notification
  - 1.7.3 Natural Advocate

- 1.8 Administrative Reviews and Appeals
  - 1.8.1 Administrative Review
  - 1.8.2 Appeals
- 1.9 Police Involvement and Offences
- 1.10 Protocols
  - 1.10.1 Overview
  - 1.10.2 Indian Child
  - 1.10.3 Métis Child
  - 1.10.4 Working with Schools
  - 1.10.5 Working with Women’s Shelters
  - 1.10.6 Day Care Services and Co-ordination
- 1.11 Referral and Evaluation of Services

## **2. First Nations Designate**

## **3. Differential Response**

- 3.1 Requirement to Report
- 3.2 Receiving Reports from the Community
- 3.3 Screening – Assessing Reports from the Community
- 3.4 Initial Assessment
- 3.5 Investigations
- 3.6 Emergency Care
- 3.7 Extended Assessment

## **4. Family Enhancement**

- 4.1 Family Enhancement Agreement with a Guardian or Custodian
- 4.2 Family Enhancement Plan
- 4.3 File Transfers
- 4.4 Vary, Extend or Terminate a Family Enhancement Agreement with a Guardian or Custodian, Enhancement Agreement with a Youth or a Custody Agreement with a Youth

## **5. Child Protection, Agreements and Court Orders**

- 5.1 Cumulative Time in Care
- 5.2 Custody Agreement with Guardian
  - 5.2.1 Overview
  - 5.2.2 Services
  - 5.2.3 Changing a Custody Agreement with Guardian
- 5.3 Court Procedures
  - 5.3.1 Overview
  - 5.3.2 Preparing for Court
  - 5.3.3 Advertising
  - 5.3.4 Evidence
  - 5.3.5 Legal Representation
  - 5.3.6 Exclusion from Hearing
  - 5.3.7 At the Hearing
  - 5.3.8 After the Hearing
  - 5.3.9 Adjournment
- 5.4 Terms for Court Orders
- 5.5 Supervision Order
  - 5.5.1 Application
  - 5.5.2 Services
  - 5.5.3 Review of a Supervision Order
  - 5.5.4 Breach of Supervision Order
  - 5.5.5 Termination or Expiration of the Order
- 5.6 Apprehension
  - 5.6.1 Overview
  - 5.6.2 Authority to Apprehend
  - 5.6.3 Apprehending
  - 5.6.4 Drug-Endangered Children Act (DECA)
- 5.7 Temporary Guardianship Order
  - 5.7.1 Application
  - 5.7.2 Terms
  - 5.7.3 Services

5.7.4 Review of a Temporary Guardianship Order

5.8 Permanent Guardianship Order

5.8.1 Application

5.8.2 Terms

5.8.3 Services

5.8.4 Terminating an Order

5.9 Other Court Orders

5.9.1 Enter and Search to Return a Child to the Director's Custody

5.9.2 Restraining Order

**6. Secure Services Intervention**

6.1 Overview

6.2 Procedures for Accessing Secure Services

6.3 Procedures for a Secure Services Order and Certificate

6.4 Procedures to Place a Child in Secure Services

6.5 Review of a Secure Services Order

6.6 Development of the Assessment and Secure Services Plan

6.7 Additional Procedures for the Final (Up To) 20-Day Period

**7. Casework Practice Guidelines**

7.1 Assessment and Planning Tools

7.1.1 Genogram

7.1.2 Information Consolidation

7.1.3 Child's Social and Family History

7.2 Registered Indian

7.3 On/Off Reserve Validation

7.4 Child Support Agreements and Orders

Appendix 1 – Federal Child Support Amounts

7.5 Caseworker Responsibilities When Placing a Child

7.6 Permanency Planning

7.6.1 The Concurrent Plan

7.7 Children's Procedural Rights

- 7.8 Maintaining a Child's Culture in Placements
- 7.9 Memory Books
- 7.10 Accident/Illness of a Child or Youth
- 7.11 Restrictive Procedures Regarding a Child/Youth
- 7.12 Child/Youth Requests Requiring Director's Consent
- 7.13 Inter-provincial Protocol/Reciprocal Agreements
- 7.14 Inter-provincial Placement
- 7.15 Repatriating
- 7.16 Administrative Requests from Other Regions or Jurisdictions
- 7.17 Attention Flag
- 7.18 Alerts
- 7.19 Case Transfer
- 7.20 Case Closure
- 7.21 Delivery of Child Intervention Services to Employees, Individuals in Governance Positions in Child Intervention Services, and Their Families
- 7.22 Protecting the Legal Interests of Children Under Permanent Guardianship
- 7.23 Commencement of Litigation
- 7.24 Protection of Children Abusing Drugs Act (PChAD)

## **8. Services to Children**

- 8.1 Purchased Services Overview
- 8.2 Purchased Services Payment
- 8.3 AIDS
- 8.4 Approving Travel
- 8.5 Birth Registration
  - 8.5.1 Registration of Live Birth
  - 8.5.2 Wallet Sized Birth Certificates
- 8.6 Camp/Vacation
- 8.7 Chiropractic Care
- 8.8 Christmas Gifts
- 8.9 Daily Living Costs

- 8.10 Death of a Child
- 8.11 Dental
- 8.12 Driver's Licence
- 8.13 Education
- 8.14 Eye Care
- 8.15 Fee for Service Rates
- 8.16 Firearms Licence
- 8.17 Immunizations
- 8.18 Infant Formula
- 8.19 Medic Alert
- 8.20 Medical Care
- 8.21 Medical/Dental Consent
- 8.22 Medical Services Payment
- 8.23 Mental Health Consent
- 8.24 Obtaining a Passport
- 8.25 Obtaining Financing
- 8.26 Out of Region Medical Care
- 8.27 Rights and Privileges of Status Indian Children
- 8.28 Social, Cultural, Recreational Activities
- 8.29 Suicidal Child
- 8.30 Transporting Children
- 8.31 Retaining a Lawyer for a Child Under a Permanent Guardianship Order (Civil or Criminal Matters) – Child and Family Services Authorities
- 8.32 Retaining a Lawyer for a Child Under a Permanent Guardianship Order (Civil or Criminal Matters) – Delegated First Nations Agencies

## **9. Kinship Care**

- 9.1 Definition
- 9.2 Referrals to Kinship Care Program
- 9.3 Approval of a Kinship Care Home
- 9.4 Approval of a Kinship Care Home after Placement of a Child

9.5 File Documentation

9.6 Post-Approval of a Kinship Care Home

## **10. Foster Care Policy**

10.1 Overview

10.2 Foster Care Program Requirements

10.3 Application for a Licence or Renewal of a Foster Home Licence

10.4 Classification of Homes

10.5 Maximum Number of Children in a Home

10.6 Placement Matching

10.7 Placement of a Child

10.8 Out of Area Placements

10.9 Caseworker Responsibilities for a Child in Foster Care

10.10 Expectations of Foster Parents

10.11 Child Management

10.12 Child Safety

10.13 Medical Care

10.14 AIDS

10.15 Record Keeping

10.16 Training Requirements

10.17 Compensation for Training Costs

10.18 Financial Compensation

10.19 Foster Care Support Plan

10.20 Issue Resolution

10.21 Alberta Foster Parent Association (AFPA)

10.22 Existing Long Term Foster Care Agreements

10.23 Post 18 Support and Financial Assistance

10.24 Children and Exposure to Second Hand Smoke



## **11. Child and Youth Facilities Program**

- 11.1 Regional Placement Procedures
- 11.2 Placing a Child in a Child and Youth Facility
- 11.3 Child and Youth Facility Responsibilities
- 11.4 Residential Facility Responsibilities for a Child with AIDS

## **12. Licensing of Residential Facilities**

- 12.1 Overview
- 12.2 Licensing of Foster Homes
- 12.3 Licensing of Child and Youth Facilities
- 12.4 Residential Licensing Procedures
- 12.5 Forms
- 12.6 CYIM Facility Information Screen – A Summary

## **13. Adoption**

- 13.1 Overview
- 13.2 Adoption Order
- 13.3 Birth Parent Services
  - 13.3.1 Overview
  - 13.3.2 Before Relinquishment
  - 13.3.3 Entering a Permanent Guardianship Agreement (PGA)
  - 13.3.4 Following-up a PGA
  - 13.3.5 Terminating a PGA
  - 13.3.6 Direct Placement Consent
  - 13.3.7 Licensed Agency Consent
- 13.4 Private Adoptions
  - 13.4.1 Direct Adoption
  - 13.4.2 Licensed Agency Adoption
  - 13.4.3 Step-Parent Adoption
- 13.5 Adoption Home Approval
  - 13.5.1 Application
  - 13.5.2 Home Assessment

- 13.5.3 Concluding
- 13.5.4 Post-Approval Services
- 13.6 Matching
  - 13.6.1 Overview
  - 13.6.2 Referring a Child
  - 13.6.3 Selecting a Home
  - 13.6.4 Registered Indian or Métis Child
  - 13.6.5 Foster Parent
  - 13.6.6 Inter-regional
  - 13.6.7 Inter-provincial
  - 13.6.8 Preparing for Placement
- 13.7 Post-Placement
  - 13.7.1 Overview
  - 13.7.2 Permanency Placement Period
  - 13.7.3 Special Situations
  - 13.7.4 Adoption Order
- 13.8 International Adoptions
- 13.9 Post Adoption Registry
  - 13.9.1 Overview
  - 13.9.2 Registering
  - 13.9.3 Non-Identifying Information
  - 13.9.4 Identifying Information
  - 13.9.5 Identifying Information – Right to Disclosure – Pre 2005 Application
  - 13.9.6 Identifying Information – Right to Disclosure – Adoption on or After January 1, 2005
  - 13.9.7 General Release of Information
  - 13.9.8 Sibling Registry

## **14. Private Guardianship**

## **15. Supports for Permanency Program**

- 15.1 Supports for Permanency Program
- 15.2 Negotiating a Supports for Permanency Agreement

## **16. Youth Transition Planning**

- 16.1 Custody Agreement with a Youth
- 16.2 Development of the Transition to Independence Plan
- 16.3 Enhancement Agreement with a Youth
- 16.4 Policy and Legislation
- 16.5 Support and Financial Assistance Agreement
- 16.6 Terminating Services to Youth and Young Adults
- 16.7 Youth with Disabilities and Transition Planning
- 16.8 Sixteen and Seventeen Year Old Youth
- 16.9 “Advancing Futures” Bursary for Youth

## **17. Domestic Violence**

# Subject Index

## - A -

Abducted Child, Repatriating .....	7.15
Abortion .....	8.21
Absence from Foster Home .....	10.18
Abuse	
Investigating .....	3.5
Mandatory Notification .....	1.7.2
Report to Police .....	3.1
Residential Facility .....	12.4
Accident of a Child or Youth.....	7.10
Adjournment .....	5.3.9
Administrative Requests from Other Regions or Jurisdictions .....	7.16
Administrative Review .....	1.8.1
Admission	
To Child and Youth Facility .....	11.2
To Secure Services .....	6.4
Adoption	
Adoption Home Approval .....	13.5
Adoption Order .....	13.2
Birth Parent Services .....	13.3
International Adoptions .....	13.8
Matching .....	13.6
Overview .....	13.1
Post Adoption Registry .....	13.9
Post-Placement .....	13.7
Private Adoptions .....	13.4
Adoption, Child Under Permanent Guardianship	
Access Issues .....	13.6.1
Advertising for a Home .....	13.6.3
Appeal of Rejected Application .....	13.5.3
Applying for .....	13.5.1
Approval of Applicant .....	13.5.3
Band Involvement .....	13.6.4
Breakdown .....	13.7.3
Cancelling Approval .....	13.5.4
Consultation with Band .....	13.6.4

---

Criminal History Check .....	13.5.10
CYIM Check, see Intervention Record Check .....	1.5.3
Death of Adopting Parent .....	13.7.3
Death of Child .....	13.7.3
Disruption of Placement .....	13.7.3
Eligibility of Applicant .....	13.5.1
Financial Assistance, Permanency Placement Period .....	13.7.2
First Nations Designate .....	13.6.4
Foster Parent Application .....	13.6.5
Home Approval .....	13.5.3
Home Assessment .....	13.5.2
Immediate Home Assessment .....	13.5.1
Indian Child .....	13.6.4
Information Session .....	13.5.1
Inquiry About .....	13.5.1
Inter-Provincial .....	13.6.7
Inter-Regional .....	13.6.6
Intervention Record Check .....	13.5.1
Legal Risk Placement .....	13.6.1
Match Not Accepted .....	13.6.3
Matching .....	13.6.1
Métis Child .....	13.6.4
Move of Family from Alberta .....	13.7.3
Native Child .....	13.6.4
Order .....	13.7.4
Parent Preparation Training .....	13.5.2
Participating Parent .....	13.6.3
Petition .....	13.7.4
Permanency Placement Period .....	13.7.2
Post-Approval Services .....	13.5.4
Post-Placement Procedures .....	13.7.1
Post-Placement Process .....	13.6.8
Post-Registration .....	13.5.1
Recruiting a Home .....	13.6.3
References .....	13.5.2
Registering for .....	13.5.1
Rejecting an Applicant .....	13.5.3
Selecting a Home .....	13.6.3
Separation of Adopting Parents .....	13.7.3
Sibling Registry .....	13.9.8
Special Affidavit .....	13.7.4
Special Needs Child .....	13.6.3
Updating an Approval .....	13.5.4
View to Adoption Period, see Permanency Placement Period .....	13.7.2
Waiting Period .....	13.5.1

---

Adoption, General	
Appeal of Order .....	13.2
Consent to .....	13.2
Desk-top Process, see Direct Adoption .....	13.4.1
Effect of Order .....	13.2
Foreign Order .....	13.2
Hearing .....	13.2
Interprovincial Request .....	13.1
Non-Ward .....	13.4.1
Notice of Hearing .....	13.2
Of an Adult .....	13.1
Order .....	13.2
Petition .....	13.2
Post Adoption Registry .....	13.9
Regional Specialist .....	13.1
Registry .....	13.9
Relinquishing a Child for .....	13.3.3
Sealed Records .....	13.1
Setting Aside Order .....	13.2
Specialist .....	13.1
Spousal .....	13.4.3
Adoption, Non-Ward Child	
Affidavit of Caseworker .....	13.3.6
Birth Registration After .....	13.1
Direct Placement Application .....	13.4.1
Dismissed Petition .....	13.2
Employee Completing a Home Assessment .....	13.1
Foreign Adoption Order .....	13.2
Indian Child .....	13.6.4
Intermediary Placement .....	13.1
Introduction .....	13.1
Licensed Agency Placement .....	13.4.2
Métis Child .....	13.6.4
Procuring of an Adoption .....	13.3.1
Relative Adoptions .....	13.4.3
Relinquishing for .....	13.3.3
Spousal Adoption .....	13.4.3
Third Party Intermediary .....	13.3.7
Adult Adoption .....	13.1
Advertising	
For Adoptive Home .....	10.7
For Court .....	5.3.3
For Foster Home .....	10.7
'Advancing Futures' Bursary .....	16.9

Advocate, Child and Youth .....	1.7
Age of Majority .....	16.8
Agreements	
Child Support Agreements and Orders .....	7.4
Custody Agreement with Guardian .....	5.2
Custody Agreement with Youth .....	16.1
Enhancement Agreement with a Youth .....	16.3
Family Enhancement Agreement .....	4.1
Permanent Guardianship Agreement .....	13.3.3
Protocol/Reciprocal .....	7.13
Support and Financial Assistance Agreement .....	16.5
Supports for Permanency Agreement .....	15.2
AIDS	
Foster Care .....	10.14
Residential Facility Responsibilities .....	11.4
Services to Children .....	8.3
Airline Travel .....	8.30
AISH .....	16.7
Alberta Foster Parent Association .....	10.21
Alberta Health Care Benefits .....	8.2
Alerts .....	7.18
Allegations of Abuse in Care .....	12.4
Allowances	
Special .....	8.25
Spending, Child in Care .....	8.9
Spending, Foster Care Maintenance .....	10.18
Ambulance .....	8.2
Appeal	
Adoption Order .....	13.2
After the Hearing, Court Procedures .....	5.3.8
Preparing .....	1.8.2
Procedures .....	1.8.2
Receiving Notice .....	1.8.2
Residential Licensing Procedures .....	12.4
Appliance, Medical .....	10.13
Apprehension	
Apprehending Procedures .....	5.6.3
Authority to Apprehend Policy and Procedures .....	5.6.2
Criteria .....	5.6.1

---

Emergency Apprehension .....	5.6.2
Enter and Search .....	5.9.1
Forced Entry .....	5.6.1
Overview .....	5.6.1
Preparing to Apprehend .....	5.6.1
Treatment .....	5.6.1
Approving Homes	
Adoption .....	13.5.3
Foster Care .....	10.2
Kinship Care .....	9.4
Arts .....	8.28
Assessment	
Adoption .....	13.5.2
Casework Practice Guidelines .....	7.1
Extended .....	3.7
Fee for Service Rates .....	8.15
Foster Care .....	10.2
Initial .....	3.4
Information Consolidation .....	7.1.2
Investigations .....	3.5
Licensing of Foster Homes .....	12.2
Open Under Assessment .....	5.5.1
Professional Assessments .....	8.15
Secure Services Intervention .....	6.6
Assessment and Planning Tools .....	7.1
Assured Income for the Severely Handicapped .....	16.7
Attention Flag .....	7.17
Authority	
Duties and Powers .....	1.3.3
Full Delegation .....	1.3.2
Partial Delegation .....	1.3.2
Autopsy .....	8.10
Aversion Therapy .....	8.23
AWOL	
Foster Parent Compensation .....	10.18



## – B –

Babysitter for Foster Parent .....	10.18
Band Membership .....	7.2
Basic Maintenance Rates .....	10.18
Birth Certificate	
Registration of Live Birth .....	8.5
Wallet Sized Birth Certificate .....	8.5
Birth Father	
Direct Adoption Placement .....	13.3.6
Licensed Agency Adoption Placement .....	13.3.7
Permanent Guardianship Agreement .....	13.3.3
Relinquishing a Child .....	13.3.2
Birth Parent Services	
Birth Father .....	13.3.2
Case Management .....	13.3.1
Child in Care .....	13.3.2
Conception Under 14 .....	13.3.1
Counselling .....	13.3.2
Custody Agreement .....	13.3.2
Direct Placement .....	13.3.6
Eligibility for .....	13.3.1
Keepsakes .....	13.3.4
Licensed Agency Placement .....	13.3.7
Marital Status .....	13.3.2
Overview .....	13.3.1
Permanent Guardianship Agreement, Follow-up .....	13.3.4
Permanent Guardianship Agreement, Negotiating .....	13.3.3
Permanent Guardianship Agreement, Preparing for .....	13.3.3
Permanent Guardianship Agreement, Terminating .....	13.3.5
Referring to the Community .....	13.3.2
Relinquishing a Child .....	13.3.2
Under 18 .....	13.3.2
Birth Registration	
Registration of Live Birth .....	8.5
Body Fluids, Handling .....	11.4
Braces, Orthodontic Services .....	8.2
Breach of Supervision Order .....	5.5.4
Burial .....	8.10
Bursary, see 'Advancing Futures' Bursary .....	16.9

---

Bus Travel .....	8.30
------------------	------

## - C -

Camps .....	8.6
Canada Pension Plan Benefits .....	8.25
Car Seats	
In Foster Care .....	10.12
Transporting Children .....	8.30
Care and Custody	
Caseworker Responsibilities .....	7.5
Child Entering Care .....	10.7
Child Leaving Care .....	10.9
Inter-provincial Placement .....	7.14
Care and Maintenance Agreement, see Support and Financial Assistance Agreement .....	16.5
Case Analysis .....	7.1.2
Case Closure .....	7.20
Case Transfer .....	7.19
Casework Practice Guidelines	
Accident/Illness of a Child or Youth .....	7.10
Administrative Requests from Other Regions or Jurisdictions .....	7.16
Alerts .....	7.18
Assessment and Planning Tools .....	7.1
Attention Flag .....	7.17
Case Closure .....	7.20
Case Transfer .....	7.19
Caseworker Responsibilities When Placing a Child .....	7.5
Child Support Agreements and Orders .....	7.4
Child/Youth Requests Requiring Director's Consent .....	7.12
Children's Procedural Rights .....	7.7
Commencement of Litigation .....	7.23
Inter-Provincial Placement .....	7.14
Inter-Provincial Protocol/Reciprocal Agreements .....	7.13
Maintaining a Child's Culture in Placement .....	7.8
Memory Books .....	7.9
On/Off Reserve Validation .....	7.3
Permanency Planning .....	7.6
Protecting the Legal Interests of Children Under Permanent Guardianship .....	7.22
Registered Indian .....	7.2
Repatriating .....	7.15

---

Restrictive Procedures Regarding a Child/Youth .....	7.11
Caseworker Responsibilities	
Foster Care .....	10.9
When Placing a Child .....	7.5
Certificate, Secure Services .....	6.3
Change of Name, Procedures .....	7.12
Characteristics of Children at Risk of Suicide .....	8.28
Charges, Criminal Code .....	1.9
Child and Youth Advocate	
Appeals .....	1.8.2
Conflict Resolution .....	1.7.3
Mandatory Notification .....	1.7.2
Natural Advocate .....	1.7.3
Overview .....	1.7.1
Policy & Procedures .....	1.7.3
Preparing for Court .....	5.3.2
Referring .....	1.7.1
Child and Youth Facility	
AIDS .....	11.4
Application .....	12.3
Discharge .....	11.2
Emergency Procedures .....	12.3
Firearms/Weapons .....	12.3
Food .....	12.3
Incident .....	12.3
Information Provided .....	12.3
Isolation of a Child .....	12.3
Licence .....	12.3
Medications .....	12.3
Notice of Changes .....	12.3
Placement .....	11.2
Placement Procedures .....	11.1
Records .....	12.3
Request for Placement .....	11.2
Responsibilities .....	11.3
Safety .....	12.3
Staff, Conditions .....	12.3
Transfer .....	11.2
Universal Precautions .....	11.4
Child and Youth Facilities Program	
Child and Youth Facility Responsibilities .....	11.3
Placing a Child in a Child and Youth Facility .....	11.2

---

Regional Placement Procedures .....	11.1
Residential Facility Responsibilities for a Child with AIDS .....	11.4
Child of a Youth in Care .....	7.5
Child Protection, Agreements and Court Orders	
Apprehension .....	5.6
Court Procedures .....	5.3
Cumulative Time in Care .....	5.1
Custody Agreement with Guardian .....	5.2
Custody Agreement with a Youth .....	16.1
Enter and Search to Return a Child to the Director's Custody .....	5.9.2
Other Court Orders .....	5.9
Permanent Guardianship Order .....	5.8
Restraining Order .....	5.9.2
Supervision Order .....	5.5
Temporary Guardianship Order .....	5.7
Terms for Court Orders .....	5.4
Terminating an Order .....	5.8.4
Child Support (Maintenance)	
Child Support Agreements and Orders .....	7.4
Federal Child Support Amounts .....	7.4
Child Tax Benefit .....	8.25
Child's Culture in Placement .....	7.8
Child's Social and Family History .....	7.1.3
Children's Procedural Rights .....	7.7
Chiropractic Care .....	8.7
Christmas Gifts .....	8.8
Civil Action .....	1.6.4
Client Index Alert .....	7.18
Closure of Case .....	7.20
Also see PGO – Terminating an Order .....	5.8.4
Clothing	
General .....	8.9
In Foster Care .....	10.18
College .....	8.13
Commencement of Litigation .....	7.23
Concurrent Plan Development .....	7.6.1
Confidential Evidence .....	5.3.4
Confidentiality .....	1.6

Confinement	
In Child and Youth Facilities .....	12.3
Secure Services Order and Certificate .....	6.3
Conflict Resolution	
Administrative Reviews .....	1.8.1
Foster Care .....	10.20
Consent, see Director's Consent	
Correcting Information .....	1.5.1
Correspondence Courses .....	8.13
Court Procedures	
Adjournment .....	5.3.9
Advertising .....	5.3.3
After the Hearing .....	5.3.8
At the Hearing .....	5.3.7
Evidence .....	5.3.4
Exclusion from Hearing .....	5.3.6
Legal Representation .....	5.3.5
Overview .....	5.3.1
Preparing for Court .....	5.3.2
Court of Queen's Bench	
Appeal .....	1.8.2
Restraining Order .....	5.9.2
Counselling	
Fee for Service .....	8.15
Unmarried Parents .....	13.3.2
Counsellor	
Definition .....	8.1
Rates .....	8.15
Court Orders	
Apprehension .....	5.6
Enter and Search .....	5.9.1
Permanent Guardianship .....	5.8
Private Guardianship .....	14
Restraining .....	5.9.2
Secure Services .....	6.3
Supervision .....	5.5
Temporary Guardianship .....	5.7
Terms for .....	5.4

Criminal Record Check	
Home Assessment .....	13.5.2
Licensing of Foster Homes .....	12.2
Cumulative Time in Care .....	5.1
Custody Agreement with Guardian	
Agreement vs Guardianship .....	5.2.1
Changing a Custody Agreement with Guardian .....	5.2.3
Criteria .....	5.2.1
Overview .....	5.2.1
Renewing Custody Agreements .....	1.4
Services .....	5.2.2
Custody Agreement with a Youth	
Eligibility .....	16.1
Negotiating .....	16.1
Vary, Extend or Terminate .....	4.4
Custody Disputes .....	3.1
<b>- D -</b>	
Daily Living Costs .....	8.9
Damage Deposit .....	8.9
Day Care	
For a Child with AIDS .....	8.3
Investigations in a .....	1.10.6
Kinship Care .....	9.13
Protocols .....	1.10.6
Services .....	10.18
Death of a Child .....	8.10
Decision-making .....	1.3
Delegation of Authority	
Caseworker Responsibility When Placing a Child .....	7.6
Delegation of Powers and Duties to a Child Caregiver .....	1.3.3
Delegation Schedule .....	1.3.3
Duties and Powers of a Director .....	1.3.3
Explicit Authority .....	1.3.2
Full Delegation .....	1.3.2
Guardianship .....	1.3.1
Implicit Authority .....	1.3.2
Overview .....	1.3.1
Partial Delegation .....	1.3.2

---

Partial Delegation Schedule .....	1.3.2
Placement of a Child .....	10.7
Placement of a Child in Residential Facility .....	11.2
Sub-Delegation Duties and Powers .....	1.3.2
Dental	
Care .....	8.11
Consent .....	8.21
Payment .....	8.22
Designate, First Nation .....	2
Designates, Delegation of Authority .....	1.3
Diapers .....	10.18
Differential Response	
Emergency Care .....	3.6
Extended Assessment .....	3.7
Initial Assessment .....	3.4
Investigations .....	3.5
Receiving Reports from the Community .....	3.2
Requirement to Report .....	3.1
Screening – Assessing Reports from the Community .....	3.3
Direct Application for Court Orders .....	5.3.1
Director’s Consent	
Child/Youth Requests, Name Change, Marriage, Change of Religion and Police Informant .....	7.12
Driver’s Licence .....	8.12
Research Projects .....	1.6.8
Travel, Approving .....	8.4
Disagreements, Foster Care .....	10.20
Discharge From a Child and Youth Facility .....	11.3
Discipline, Foster Care .....	10.11
Dispute Resolution (Administrative Reviews and Appeals) .....	1.8.2
Distance Learning .....	8.13
Domestic Violence .....	17
Driver’s Licence .....	8.12
Drivers for Children	
Rates .....	8.15
Use .....	8.30
Drug Costs .....	8.2
Drug-endangered Children .....	5.6.4

Duties and Powers (Delegation) .....	1.3.3
--------------------------------------	-------

**- E -**

Early Return Under Apprehension .....	5.6.3
Education .....	8.13
Emergency Apprehension .....	5.6.3
Emergency Care .....	3.6
Enhancement Agreement with Youth .....	16.3
Enter and Search Order .....	5.9.1
Entering Care .....	10.7
Enuresis .....	7.10
Escorts for Children .....	8.30
Estates .....	8.25
Evidence .....	5.3.4
Examination	
Medical .....	8.20
Of Physical Injury .....	3.5
Of Sexual Abuse .....	3.5
Exceptional Situations (not covered in policy) .....	1.1
Exclusion from Hearing .....	5.3.6
Expert Witness .....	5.3.4
Expulsion from School .....	8.13
Expunging Records .....	1.5.4
Extended Assessment .....	3.7
External Services .....	8.1
Eyeglasses .....	8.14

**- F -**

Face-to-Face Contact	
Caregiver .....	7.5
Child in Care .....	10.9
Custody Agreement with Guardian .....	5.2.2



---

Custody Agreement with Youth .....	16.1
Foster Parent .....	10.2
Kinship Care Provider .....	9.6
PGO Child .....	5.8.3
TGO Child .....	5.7.3
Transferring a File .....	7.19
Family Enhancement	
Agreement with a Guardian or Custodian .....	4.1
Enhancement Agreement with a Youth .....	16.3
Family Enhancement Plan .....	4.2
File Transfers .....	4.3
Vary, Extend or Terminate a Family Enhancement Agreement with a Guardian or Custodian, Enhancement Agreement with a Youth or a Custody Agreement with a Youth .....	4.4
Family Violence, see Domestic Violence .....	17
Fee for Service Rates .....	8.15
Financial Benefits .....	8.25
Financial Services .....	8.2
Financing, Obtaining .....	8.25
Firearms .....	8.16
First Nations Designate .....	2
Flagging System .....	7.17
FOIP .....	1.5.1
Forced Entry, Apprehension .....	5.6.1
Foreign Adoption Order .....	13.2
Formula, Infant .....	8.18
Foster Care	
Absent Child (AWOL) .....	10.18
Abuse in .....	12.2
Advertise, Consent .....	10.7
Basic Maintenance Rates .....	10.18
Caseworker Responsibilities .....	10.9
Children and Exposure to Second Hand Smoke .....	10.24
Corporal Punishment .....	10.11
Costs .....	10.18
Day-to-Day Care .....	10.18
Dental Care .....	10.13
Discipline .....	10.11
Firearms and Weapons .....	10.12
Foster Parent Association .....	10.21

Investigation .....	12.4
Long Term, Existing .....	10.22
Maintenance Rates .....	10.18
Matching .....	10.6
Maximum Numbers .....	10.5
Medical Care .....	10.13
Optical Care .....	10.13
Overview .....	10.1
Physical Discipline .....	10.11
Placing .....	10.7
Rates .....	10.18
Recruitment .....	10.2
Removing .....	10.9
Safety .....	10.12
Scoring Chart .....	10.6
Specialized .....	10.18
Weapons .....	10.12
Worker .....	10.9
 Foster Care Policy	
AIDS .....	10.14
Alberta Foster Parent Association (AFPA) .....	10.21
Application for a Licence or Renewal of a Foster Home Licence .....	10.3
Caseworker Responsibilities for a Child in Foster Care .....	10.9
Child Management .....	10.11
Child Safety .....	10.12
Children and Exposure to Second Hand Smoke .....	10.24
Classification of Homes .....	10.4
Compensating for Training Costs .....	10.17
Existing Long Term Foster Care Agreements .....	10.22
Expectations of Foster Parents .....	10.10
Financial Compensation .....	10.18
Foster Care Program Requirements .....	10.2
Foster Care Support Plan .....	10.19
Issue Resolution .....	10.20
Maximum Number of Children in a Home .....	10.5
Medical Care .....	10.13
Out of Area Placements .....	10.8
Overview .....	10.1
Placement Matching .....	10.6
Placement of a Child .....	10.7
Post 18 Support and Financial Assistance .....	10.23
Record Keeping .....	10.15
Training Requirements .....	10.16
 Foster Home Supports	
Absent Child .....	10.18

Accountable Advance .....	10.18
Alberta Foster Parent Association .....	10.21
Annual Conference .....	10.21
Babysitting .....	10.18
Basic Maintenance .....	10.18
Car Seats .....	10.12
Citations .....	10.21
Foster Parent Associations .....	10.21
Homemaking .....	10.18
Insurance .....	10.18
Layettes .....	10.18
Leaving Child .....	10.9
Legal Costs .....	10.18
Matching .....	10.6
Pre-Service Training .....	10.16
Respite Care .....	10.18
Skill Fees .....	10.18
Special Rates .....	10.18
Training .....	10.16
 Foster Homes	
Annual Evaluation .....	12.2
Application/Renewal .....	12.2
Approval Process .....	12.2
Approved Application .....	12.2
Classification .....	12.2
Classification Change .....	10.4
Code of Ethics .....	10.21
Criminal Record Check .....	12.2
Critical Incident Response .....	12.2
Home Assessment .....	12.2
Intervention Record Check .....	12.2
Investigation .....	12.4
Licensing .....	12.2
Maximum Number .....	10.5
Medical Record .....	10.13
Medications .....	10.12
References .....	12.2
Rejected Application .....	12.4
Scoring Chart .....	10.6
Transfer .....	12.2
Funding Education .....	8.13
Funeral .....	8.10
Furniture .....	8.9

**- G -**

## General Information

Administrative Reviews and Appeals .....	1.8
Child and Youth Advocate .....	1.7
Delegation of Authority .....	1.3
Intervention Records .....	1.5
Matters to be Considered .....	1.2
Overview .....	1.1
Police Involvement and Offences .....	1.9
Protocols .....	1.10
Referral and Evaluation of Services .....	1.11
Releasing Information .....	1.6
Transitional Provisions of the Enhancement Act .....	1.4
Genogram .....	7.1.1
Gifts, Christmas .....	8.8
Glasses .....	8.14
Grandparents as a Placement .....	10.7
Groceries .....	8.9
Group Home .....	12.1
Guardian, Public .....	16.7
Guardianship	
Joint .....	1.4.1
Permanent .....	5.9
Private .....	14
Responsibilities .....	1.3.1
Temporary .....	5.8
Under a Custody Agreement with Guardian .....	5.2
Under a Custody Agreement with Youth .....	16.1

**- H -**

Handicapped Adult .....	16.7
Health Care on Apprehension, see Apprehension, Overview .....	5.6.1
Hearings	
Advertising .....	5.3.3
Evidence .....	5.3.4
Exclusion from .....	5.3.6
Follow-up .....	5.3.8
Legal Representation .....	5.3.5

---

Notice .....	5.3.2
Procedural Rights (Children's Procedural Rights) .....	7.7
Procedures .....	5.3.7
HIV Infection .....	8.3
Holidays .....	8.6
Home Study, Home Assessment Report	
Administrative Requests .....	7.16
Adoption .....	13.5
Foster Care .....	12.2
Inter-Provincial Placement .....	7.14
Homemaker	
Emergency Care .....	3.6
For Foster Parent .....	10.18
Rates .....	8.15
Service Definition .....	8.1
Hospital Care .....	8.20
-   -	
Illness of a Child or Youth .....	7.10
Immunizations .....	8.17
Income Support Application by Youth .....	16.8
Income Support for Handicapped Adult .....	16.7
Independent Living Costs .....	8.9
Indian Child	
Apprehension .....	5.6
Birth Parent Services, Adoption .....	13.3
Court Procedures .....	5.3
First Nations Designate .....	2
Matching, Adoption .....	13.6.4
Non-Insured Health Benefits .....	8.27
On/Off Reserve Validation .....	7.3
Permanent Guardianship Order .....	5.8
Protocols .....	1.10.2
Rights and Privileges .....	8.27
Supervision Order .....	5.5
Infection, Universal Precautions	
Foster Homes .....	10.14
Residential Facility .....	11.4

---

Informant, Police .....	7.12
Information Consolidation .....	7.1.2
Initial Assessment .....	3.4
Informed Consent .....	1.3.1
Injury	
Investigations .....	3.5
To Child in Care .....	8.20
Institutional Care (Child and Youth Facility)	
Placement .....	11.2
Secure Services .....	6.1
Institutions, Secure Services .....	6.1
Insurance for Foster Family .....	10.18
Intake (Screening) .....	3.3
Inter-Provincial	
For Adoption .....	13.6.7
Placement .....	7.14
Protocol/Reciprocal Agreements .....	7.13
Inter-Provincial Protocol .....	7.13
Inter-Regional Placement	
For Adoption .....	13.6.6
For Foster Care .....	10.8
Interim Custody .....	5.3.9
Interim Services .....	6.6
Interpreter	
For Court .....	5.3.2
Rates .....	8.15
Intervention Records	
Intervention Record Check .....	1.5.3
Overview .....	1.5.1
Recording Information on CYIM .....	1.5.2
Restricting Records .....	1.5.5
Retaining Records .....	1.5.4
Investigation	
In Day Care .....	1.10.6
In Schools .....	1.10.4
In Women's Shelters .....	1.10.5
Of Physical Abuse .....	3.5
Of Sexual Abuse .....	3.5

---

Procedure .....	3.5
Residential Facility .....	12.4
Sixteen and Seventeen Year Olds .....	16.5
With Police .....	1.9
Invoices	
Fee for Service .....	8.2
Child Maintenance (CS0011) .....	8.2
Purchase Authorization (CS0018C) .....	8.2

## - J -

Joint Guardianship (Transitional Provisions) .....	1.4.1
--	-------

## - K -

### Kinship Care

Annual Evaluation .....	9.6
Approval of a Kinship Care Home .....	9.3
Approval of a Kinship Care Home After Placement of a Child .....	9.4
Caseworker Responsibilities for a Child in a Kinship Care Home .....	9.6
Closure of a Home .....	9.6
Complaints, Critical Incidents and Protection Concerns .....	9.6
Definition .....	9.1
Dispute Regarding the Approval of a Home .....	9.3
File Documentation .....	9.5
Financial Compensation .....	9.6
Licensing .....	9.6
Placing Other Child in a Kinship Care Home .....	9.6
Post-Approval of a Kinship Care Home .....	9.6
Referrals to Kinship Care Program .....	9.2
Supervision .....	9.6
Training .....	9.6

## - L -

### Lawyer

For a Child .....	5.3.5
For a Secure Services Hearing .....	6.3
For an Enhancement Act Matter .....	5.3.5
Retaining a Lawyer for a Child Under a Permanent Guardianship Order (CFSA) .....	8.31

---

Retaining a Lawyer for a Child Under a Permanent Guardianship Order (DFNA) .....	8.32
Layette for Foster Homes .....	10.18
Leave of Absence from Secure Services .....	6.4
Leaving Care .....	10.9
Legal Representation	
Child Under Permanent Guardianship Order (CFSA) .....	8.31
Child Under Permanent Guardianship Order (DFNA) .....	8.32
For a Child .....	5.3.5
For a Secure Services Hearing .....	6.3
For an Enhancement Act Matter .....	5.3.5
Protecting the Legal Interests of Children Under Permanent Guardianship .....	7.22
Licensed Foster Home .....	12.2
Licenses .....	12
Licensing of Residential Facilities	
CYIM Facility Information Screen – A Summary .....	12.6
Forms .....	12.5
Licensing of Child and Youth Facilities .....	12.3
Licensing of Foster Homes .....	12.2
Overview .....	12.1
Residential Licensing Procedures .....	12.4
Life Book .....	7.9
Life Supports .....	8.21
Litigation, Commencement of .....	7.23
Living Costs .....	8.9
Long Term Foster Care .....	10.22
Luggage .....	7.5

## – M –

### Maintenance

Child of a Youth .....	7.5
Child Support Agreements and Orders .....	7.4
Custody Agreement with a Guardian .....	5.2.2
Custody Agreement with a Youth .....	16.5
Foster Care Rates .....	10.18
Permanent Guardianship Order .....	5.8.1
Permanent Placement Period .....	15.1
Post Adoption Placement .....	13.7.2



---

Supports for Permanency .....	15.1
Temporary Guardianship Order .....	5.7.1
Majority, Age of .....	16.7
Marriage of Child .....	7.12
Matching	
Adoption .....	13.6
Foster Child .....	10.6
Matters to be Considered .....	1.2
Mediation .....	1.8.1
Medic Alert .....	8.19
Medical Alert Unit .....	10.7
Medical Care .....	8.20
Medical Care, Out of Region .....	8.26
Medical/Dental Consent .....	8.21
Medical Examination	
Of Child in Care .....	8.20
Of Child in Foster Care .....	10.13
Of Physical Abuse .....	3.5
Of Sexual Abuse .....	3.5
Medication Management, Foster Care .....	10.2
Memory Books .....	7.9
Mental Health Services .....	8.1
Métis Child	
Matching, Adoption .....	13.6.4
Protocols .....	1.10.3
Moving Between Provinces .....	7.13

## - N -

Name Change .....	7.12
Newspaper Advertisement for Hearing .....	5.3.3
"No Code" Order (Medical/Dental Consent) .....	8.21
Non-Insured Health Benefits .....	8.27
Non-Ward Adoption .....	13.4.1
Notes (Intervention Records) .....	1.5

Notice

Demand .....	5.6.1
Giving .....	5.3.2
Of an Appealable Decision .....	1.8.2
Of Apprehension .....	5.6.1
Receiving .....	5.3.2
Serving .....	5.3.2

Notification to Children’s Advocate

About a Hearing .....	5.3.2
Mandatory .....	1.7.2
Of Appeal .....	1.8.2
Referrals .....	1.7.1

**- O -**

Offences Against Children under the Criminal Code .....	1.9
Offences Under S.130 .....	3.1
On/Off Reserve Verification .....	7.3
Open Court Hearing .....	5.3.6
Ophthalmic Services .....	8.2
Optometric Costs .....	8.2
Orders	
Access, see Terms for Court Orders .....	5.5
Adoption, General .....	13.2
Adoption, Ward .....	13.4
Appeal of .....	5.3.8
Apprehension .....	5.6
Child Support Agreements and Orders .....	7.4
Different from Application .....	5.3.2
Enter and Search .....	5.9.1
Health Care on Apprehension, see Apprehension, Overview .....	5.6.1
Permanent Guardianship .....	5.8
Private Guardianship .....	14
Restraining .....	5.9.2
Secure Services .....	6.3
Supervision .....	5.5
Temporary Guardianship .....	5.7
Terms for Court Orders .....	5.5
Organ Donation .....	8.10
Orthodontic Costs .....	8.2

Out-of-Home Placement .....	11.2
Out-of-Province Travel .....	8.4
Out-of-Region Medical Care .....	8.26

## - P -

Parent Aides	
Definition .....	8.1
Rates .....	8.15
Parenting, Foster Care .....	10.11
Parent's File .....	7.1
Passports .....	8.24
Payment	
For Foster Care .....	10.18
For Services .....	8.2
Pensions .....	8.25
Permanency Plan .....	7.6.1
Permanent Guardianship Agreement	
Criteria for .....	13.3.3
Documents .....	13.3.3
Follow-up .....	13.3.4
Indian Child .....	13.3.3
Métis Child .....	13.3.3
Negotiating .....	13.3.3
Preparing for .....	13.3.2
Services .....	5.8.3
Terminating by Application .....	5.8.4
Terminating by Request .....	13.3.5
Permanent Guardianship Order	
Application .....	5.8.1
Protecting the Legal Interests of Children .....	7.22
Services .....	5.8.3
Terminating .....	5.8.4
Terms .....	5.8.2
Photo, Annual .....	10.9
Physical Discipline .....	10.11
Physical Injury, Investigating .....	3.5
Physical Restraint .....	12.3

Physiotherapy Costs .....	8.2
Placement Committee .....	11.1
Placement Priorities .....	10.7
Placement Resources	
Abuse in .....	12.4
Out of District, Foster Care .....	10.8
Out of Region, Foster Care .....	10.8
Placing	
General Procedures .....	11
In Foster Homes .....	10.7
In Residential Care .....	11.2
In Secure Services .....	6.4
Out of District .....	10.8
Out of Region .....	10.8
Play School .....	8.13
Police	
Apprehension .....	5.6
Enter and Search .....	5.9.1
Investigating Physical Injury .....	3.5
Investigating Sexual Abuse .....	3.5
Involvement .....	1.9
Law Enforcement Request .....	1.6.3
Police Involvement and Offences .....	1.9
Post Adoption Registry	
Deemed Veto .....	13.9.2
Definitions .....	13.9.1
Eligibility .....	13.9.1
Identifying Information .....	13.9.4
Identifying Information, Adoption on or After January 1, 2005 .....	13.9.6
Identifying Information, Pre-2005 Application .....	13.9.5
Introduction .....	13.9.1
Non-Identifying Information .....	13.9.3
Registering .....	13.9.2
Releasing Information .....	13.9.7
Sibling Registry .....	13.9.8
Veto .....	13.9.2
Withdrawing .....	13.9.2
Powers and Duties .....	1.3.2
Preliminary Intervention (Receiving Reports from the Community) .....	3.2
Preparing for Court .....	5.3.2

---

Preparing Youth for Independence .....	16.2
Prescription Costs .....	8.2
Presenting in Court .....	5.3.7
Private Adoption .....	13.4
Private Guardianship .....	14
Process Service Rates .....	8.15
Procuring for Adoption .....	13.3.1
Professional Services Invoice .....	8.2
Prosthetic Equipment .....	8.22
Protection of Children Abusing Drugs .....	7.24
Protocols	
Day Care Services and Co-ordination .....	1.10.6
First Nations Designate .....	2
Foster Care Conflicts .....	10.20
Indian Child .....	1.10.2
Inter-Provincial .....	7.13
Métis Child .....	1.10.3
Overview .....	1.10.1
Working with Schools .....	1.10.4
Working with Women's Shelters .....	1.10.5
Psychologists .....	1.11
Psychotropic Drugs (Medical Care) .....	8.19
Public Agencies, see Services to Children, Overview .....	8.1
Public Guardian .....	16.7
Public Trustee .....	8.25
Publication of Advertisement for Hearing .....	5.3.3
Punishment	
Physical Punishment, Foster Care .....	10.11
Prohibitions, Licensing of Child and Youth Facilities .....	12.3
Prohibitions, Licensing of Foster Homes .....	12.2
Purchased Services	
Overview .....	8.1
Payment .....	8.2
Putative Father, see Birth Parent Services .....	13.3

## - Q -

## Queen's Bench

Appeal .....	5.3.8
Restraining Order .....	5.9.2

## - R -

## Rates

Basic Maintenance .....	10.18
Daily Living Costs .....	8.9
Fee for Service .....	8.15
Foster Family Compensation .....	10.18

Receiving Home .....	10.2
----------------------	------

Receiving Information .....	3.3
-----------------------------	-----

Receiving Reports from the Community, Differential Response .....	3.2
---	-----

## Records

Checking .....	1.5.3
Intervention .....	1.5
Restricting .....	1.5.5
Retaining .....	1.5.4

Recreation .....	8.28
------------------	------

## Recreation, Challenging Activity

Foster Care .....	10.9
Child and Youth Facility .....	11.3

## Recruiting

Adoption Homes .....	13.6.3
Foster Homes, General .....	10.2

Referral and Evaluation of Services .....	1.11
---	------

Registered Indian Child .....	7.2
-------------------------------	-----

Registration of Live Birth .....	8.5
----------------------------------	-----

Relative Adoption .....	13.4.1
-------------------------	--------

## Releasing Information – Adoption

Identifying Information, Adoption .....	13.9.4
Identifying Information – Right to Disclosure – Adoption on or After January 1, 2005 .....	13.9.6
Identifying Information – Right to Disclosure – Pre-2005 Application .....	13.9.5
Information .....	1.6

Non-Identifying Information, Adoption .....	13.9.2
Releasing Information	
Children's Involvement in Research Projects .....	1.6.8
For a Civil Proceeding .....	1.6.4
For a Court Proceeding .....	1.6.5
For Providing Intervention Services .....	1.6.2
Law Enforcement Request .....	1.6.3
Other Requests .....	1.6.7
Overview .....	1.6.1
Secure Services .....	6.4
Relief Home .....	12.2
Religion Change .....	7.12
Relinquishing a Child .....	13.3.2
Removing a Child	
From a Foster Home .....	10.9
From a Residential Facility .....	7.5
From an Adoptive Home .....	13.7.3
Removing File from Worksite .....	1.5.1
Rent .....	8.9
Repatriating .....	7.15
Report Cards .....	8.13
Report of Child in Need .....	3.3
Requests for File Information .....	1.6.1
Requirement to Report, Differential Response .....	3.1
Research Participant .....	1.6.8
Resident Student .....	8.13
Residential Facilities Licensing	
Child and Youth Facilities .....	12.3
Foster Homes .....	12.2
Procedures .....	12.4
Residential Facilities Licensing Procedures	
Approval Process .....	12.4
Conditions of Licence .....	12.4
Foster Care Applications .....	12.4
Inspection .....	12.4
Investigation of a Complaint .....	12.4
Investigative Process .....	12.4
Licence Status .....	12.4

---

Renewal .....	12.4
Renewal Refused .....	12.4
Restraining Order .....	5.9.2
Restricting Records .....	1.5.5
Restrictive Procedures Regarding a Child/Youth .....	7.11
Retaining Records .....	1.5.4
Review	
Administrative .....	1.8.1
Concurrent Plan .....	7.1.2
Family Enhancement Plan .....	4.2
Transition to Independence Plan .....	16.2
Reviewing	
Foster Homes .....	12.4
Secure Services Order .....	6.5
Supports for Permanency Agreement .....	15.1
Temporary Guardianship Order .....	5.8.4
Risk Flagging .....	7.17
Risk for Suicide .....	7.17
Roles Under Delegated Authorities .....	1.3.1
Room and Board .....	8.9
Runaways .....	7.15
<b>- S -</b>	
Schedule of Delegations .....	1.3.3
School	
Investigation in a .....	1.10.4
Protocol .....	1.10.4
Supplies .....	8.13
Schooling .....	8.13
Screening, Assessing Reports from the Community .....	3.3
Sealed Files .....	1.5.5
Search and Apprehend Order .....	5.7.2
Seat Belts	
In Foster Care .....	10.12
Transporting a Child .....	8.30



---

Second Hand Smoke	
Children and Exposure to Second Hand Smoke .....	10.24
Secure Services Certificate	
Accessing .....	6.2
Additional Requirements .....	6.1
Eligibility .....	6.1
Procedures .....	6.3
Show Cause Hearing .....	6.3
Secure Services Intervention	
Additional Procedures for the Final (Up To) 20-Day Period .....	6.7
Development of the Assessment and Secure Services Plan .....	6.6
Overview .....	6.1
Procedures for a Secure Services Order and Certificate .....	6.3
Procedures for Accessing Secure Services .....	6.2
Procedures to Place a Child in Secure Services .....	6.4
Review of a Secure Services Order .....	6.5
Secure Services Order	
Accessing .....	6.2
Eligibility .....	6.1
Procedures .....	6.3
Review .....	6.5
Self-Help Kit, Adoption .....	13.4.1
Services to Children	
AIDS .....	8.3
Approving Travel .....	8.4
Birth Registration .....	8.5
Camp/Vacation .....	8.6
Chiropractic Care .....	8.7
Christmas Gifts .....	8.8
Daily Living Costs .....	8.9
Death of a Child .....	8.10
Dental .....	8.11
Driver's Licence .....	8.12
Education .....	8.13
Eye Care .....	8.14
Fee for Service Rates .....	8.15
Firearms Licence .....	8.16
Immunizations .....	8.17
Infant Formula .....	8.18
Medic Alert .....	8.19
Medical Care .....	8.20
Medical/Dental Consent .....	8.21
Obtaining a Passport .....	8.22

Obtaining Financing .....	8.23
Out of Region Medical Care .....	8.24
Purchased Services Overview .....	8.1
Purchased Services Payment .....	8.2
Registration of Live Birth .....	8.5
Rights and Privileges of Status Indian Children .....	8.25
Social, Cultural, Recreational Activities .....	8.28
Suicidal Child .....	8.27
Transporting Children .....	8.28
Wallet Sized Birth Certificate .....	8.5
Serving Notice	
After Apprehension .....	5.6.3
General .....	5.3.2
Show Cause Hearing	
For Confinement.....	6.3
For Secure Services Certificate .....	6.3
Sibling Registry .....	13.9.8
Sixteen and Seventeen Year Olds, Intervention .....	16.8
Skeleton File .....	10.8
Smoking	
Children and Exposure to Second Hand Smoke .....	10.24
Social Workers, Professional Counsellors .....	8.1
Spanking, Foster Care .....	10.11
Special Allowance .....	8.25
Special Needs, Adoption Matching .....	13.6.2
Specialized Home .....	10.4
Spending Money	
For Child in Care .....	8.9
For Child in Foster Home .....	10.18
Sports .....	8.28
Spousal Adoption .....	13.4.3
Standing Offer .....	8.1
Stay of Execution of Order .....	5.3.8
Step-Parent Adoption .....	13.4.3
Sterilization .....	8.21
Subpoena .....	5.3.4
Suicidal Child .....	8.27

Suitcases .....	7.5
Supervision Order	
Application .....	5.5.1
Breach .....	5.5.4
Review .....	5.5.3
Services .....	5.5.2
Termination or Expiration .....	5.5.5
Support and Financial Assistant Agreement (old term: Care and Maintenance Agreement) .....	16.5
Supports for Permanency	
Negotiating a Supports for Permanency Agreement .....	15.2
Supports for Permanency Program .....	15.1
Surrendering a Child .....	13.3.2
Survey Participant .....	1.6.8
Suspension from School .....	8.13
<b>- T -</b>	
Taxi .....	8.30
Telephone Application	
To Apprehend .....	5.6.2
To Enter and Search .....	5.9.1
To Provide Health Care .....	5.6.1
Temporary Absence from Secure Services .....	6.4
Temporary Guardianship Order	
Application .....	5.7.1
Review .....	5.7.4
Services .....	5.7.3
Terms .....	5.7.2
Terminating	
Custody Agreement with a Guardian .....	5.2.3
Custody Agreement with a Youth .....	16.6
Enhancement Agreement with Guardian .....	4.4
Enhancement Agreement with Youth .....	4.4
Permanent Guardianship .....	5.8.4
Supervision Order .....	5.5.5
Temporary Guardianship Order .....	5.7.4
Terms	
For Court Orders .....	5.4

---

Permanent Guardianship Order .....	5.7.3
Temporary Guardianship Order .....	5.7.2
Testimony .....	5.4.7
Therapy .....	8.15
Train Travel .....	8.30
Transfer	
Between Provinces .....	7.14
From Secure Services .....	6.4
Of Case .....	7.19
Receipt of File .....	7.19
Transitional Provisions	
Additional Clarification of Court Procedures .....	1.4.2
Directive .....	12.2
Enhancement Act .....	1.4
Renewing Custody Agreements .....	1.4.3
Transitional Legislative Sections .....	1.4.1
Translator	
Rates .....	8.15
Use .....	8.4
Transportation.....	8.28
Travel .....	8.4
Treatment Order .....	5.6.1
Treatment Services Card .....	8.2
Treaty Number .....	7.2
Truancy .....	8.13
Trusts .....	8.25
Tutors	
Rates .....	8.15
Use .....	8.13
<b>- U -</b>	
Undue Financial Burden .....	15.1
Universal Infection Precautions	
Foster Homes .....	10.14
Residential Facility .....	11.4
University .....	8.13

---

Unmarried Parent Services, see Birth Parent Services ..... 13.3

**- V -**

Vacations ..... 8.6

Vaccinations ..... 8.20

Vandalism of School ..... 8.13

Varying

    Custody Agreement with Youth ..... 4.4

    Enhancement Agreement with Youth ..... 4.4

    Family Enhancement Agreement with Guardian or Custodian ..... 4.4

Vehicle Operator's Licence ..... 8.12

Verification of On/Off Reserve..... 7.3

Veteran's Affairs Bureau ..... 8.25

Videotaping

    Physical Abuse ..... 3.9

    Sexual Abuse ..... 3.10

View to Adoption ..... 13.7.2

Volunteers ..... 8.1

Voucher, see Purchase Authorization and Invoice Payment ..... 1.11

**- W -**

Wardrobe ..... 8.9

Watch Me Grow ..... 7.9

Weapons, Foster Care ..... 10.12

Wheelchair ..... 8.22

Witness Fee ..... 5.3.4

Women's Shelters, Protocol ..... 1.10.5

Workers' Compensation Benefits ..... 8.25

- Y -

Youth Transition Planning

“Advancing Futures” Bursary for Youth .....	16.9
Custody Agreement with a Youth .....	16.1
Development of the Transition to Independence Plan .....	16.2
Enhancement Agreement with a Youth .....	16.3
Policy and Legislation .....	16.4
Sixteen and Seventeen Year Old Youth .....	16.8
Support and Financial Agreement with a Youth .....	16.5
Terminating Services to Youth and Young Adults .....	16.6
Youth with Disabilities and Transition Planning .....	16.7

# 1.1 Overview

## Summary

The Child, Youth and Family Enhancement Online Manual contains the policies and procedures that direct caseworkers working under the Alberta Child, Youth and Family Enhancement Act (Enhancement Act). Other manuals and directives may exist that contain policies and procedures for support staff and other information that could help intervention staff meet policy expectations.

## Interpretation

Where the Manual refers to a single person, read it to mean each person who falls in that category. For example:

child: read "child or children"

parent: unless otherwise noted, read "every legal guardian except a director"

caregiver: read "caregiver or caregivers who are not parents"

foster parent: read "foster parent or parents"

adoption applicant: read "adoption applicant or applicants"

private guardian applicant: read private guardian applicant or applicants

## Act References

If the Manual refers directly to the Enhancement Act, the manual gives the Act section reference. The reference may not state that it comes from the Act; you can assume that it comes from the Enhancement Act.

Example: S.19(8)(b) refers to Enhancement Act section 19, subsection 8, clause b.

## Quick Connect Buttons

See: indicates a quick connection to another section of the manual. In addition, if a form is named in the text followed by the number of the form, you can click on the number for quick connection to the form if the number is underlined. For example: Affidavit of Service [[CS0508](#)]. You must use your MyAGent id and password prior to having access to the form.

## Exceptional Situations

The Manual gives the procedures for most common situations. It is not intended to cover exceptional situations. If a situation arises that is not covered in the Manual, discuss the matter with your supervisor or manager. Choose an action that is consistent with the Act and the Manual.



## 1.2 Matters to be Considered

The Enhancement Act identifies “Matters to be considered” which reinforce values, principles and evidence based practice.

As per the legislation, when making a decision that will affect a child and their family, the caseworker, individuals involved in court processes, the appeal panel, and anyone else who has authority to make a decision or recommendation under the Enhancement Act must support the principles represented by the matters to be considered.

### The Family Unit

#### **Enhancement Act Section 2(a)**

Families are the basic building blocks of society. Children should be removed from their families only as a last resort after all other measures have been found to be unsuccessful. The focus includes identifying what needs to occur to support the child within the family and to provide stability for the child.

*“The family is the basic unit of society and its well being should be supported and preserved;”*

### Stable, Permanent, Nurturing Relationships

#### **Enhancement Act Section 2(b)**

Achieving “permanency” for a child is critical to their healthy development. Permanency is redefined to include a placement other than in the care of the director. The first priority is to establish permanency within the child’s family but, if that is not possible, caseworkers need to look for nurturing relationships elsewhere. This primarily includes adoption as the first choice, then private guardianship, or supported independent living for youth.

*“The importance of stable, permanent and nurturing relationships for the child;”*

## Provision of Services with Least Disruption

### Enhancement Act Section 2(c)

The *Enhancement Act* is child-centered with a family focus. Intervention services should establish or maintain stability, permanency, and nurturing relationships for the child. When intervening in families, caseworkers must ensure that the impact on the child is provided in the least disruptive manner.

*“The intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;”*

## Consideration of the Child’s Opinion

### Enhancement Act Section 2(d)

The importance of considering the child’s opinion where possible is emphasized in this section.

Children and youth rely on their caseworkers and foster parents to solicit and listen to their ideas and opinions.

*“A child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child’s opinion should be considered by those making decisions that affect the child;”*

## Family Responsibility

### Enhancement Act Section 2(e)

One of the underlying principles of the *Enhancement Act* is parental responsibility and accountability. Intervention services should preserve the family, as far as is consistent with the safety of the child, and be provided in a way that is the least disruptive to the child. A child should be removed from the family only when the least disruptive services do not protect the child.

*“The family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end*

- (i) If intervention services are necessary to assist the child’s family in providing for the care of a child, those services should be*

*provided to the family insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and*

- (ii) *A child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;"*

## Domestic Violence

### **Enhancement Act Section 2(f)**

Assessing the risk to the child in domestic violence situations includes an assessment of the ability of the parents to protect their child. If possible, intervention services should be provided in a way that helps the abused family member(s) care for their children. The caseworker will determine what supports are available to reduce the risk to the child, and keep the abused family members together.

*"Subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;"*

## Risk to the Child

### **Enhancement Act Section 2(g)**

A decision about removing a child from the child's home includes assessing the risk to the child of remaining in the home.

*"Any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;"*

## Referral to Community Services

### **Enhancement Act Section 2(h)**

Caseworkers are required to support the connection and referral of families to their communities. Differential response includes collaborating and working in

partnership with the community to access resources and support the family in caring for their children.

*"If it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;"*

## Guidelines for Placement Outside Family

### **Enhancement Act Section 2(i)**

One way to ensure the "least disruption" to a child is for caseworkers to first look for alternative placements within the child's extended family and community.

*"Any decision concerning the placement of a child outside the child's family should take into account*

- (i) The benefits to the child of a placement within the child's extended family;*
- (ii) The benefits to the child of a placement within or as close as possible to the child's home community,*
- (iii) The benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,*
- (iv) The benefits to the child of stability and continuity of care and relationships,*
- (v) The mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and*
- (vi) Whether the proposed placement is suitable for the child;"*

## Scope of Intervention Services

### **Enhancement Act Section 2(j)**

Intervention services focuses on the best interests of the child while ensuring their safety.

*"The provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;"*

## Collaborative & Multi-Disciplinary Approach

### **Enhancement Act Section 2(k)**

The *Enhancement Act* supports increased collaborative and multi-disciplinary team approaches to problem solve and work with children and families.

Caseworkers and foster parents/caregivers are required to work closely with families and other individuals and community resources in a collaborative and multi-disciplinary manner. This approach enhances the ability to provide appropriate services that support and respect the family unit, that offer the least disruption to the child, and result in earlier permanency for the child.

*“Intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;”*

## Consistency of Care with Community Standards

### **Enhancement Act Section 2(l)**

Care is provided that’s consistent with community standards and available resources.

*“If a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;”*

## Timeliness of Decision-Making

### **Enhancement Act Section 2(o)**

Decisions affecting a child should be made without unreasonable delay.

*“There should be no unreasonable delay in making or implementing a decision affecting a child;”*

## Permanency Planning

### **Enhancement Act Section 2(m)**

The *Enhancement Act* focuses on obtaining earlier permanency for children and supporting youth to successfully transition to adulthood.

*“If a child is being provided with care under this Act, a plan for the care of that child should be developed that*

- (i) Addresses the child’s need for stability, permanence and continuity of care and relationships, and*
- (ii) In the case of a youth, addresses the youth’s need for preparation for the transition to independence and adulthood;”*

## Respect for Cultural Heritage

### **Enhancement Act Section 2(n)**

The legislation recognizes Alberta’s diverse multiculturalism and the value of maintaining a child’s heritage.

Both caregivers and caseworkers need to ensure that the child’s culture is preserved. Caseworkers and foster parents are required to increase their awareness and understanding of the culture of the child and their family. Increased understanding will ensure that interventions reflect the culture of the family.

*“A person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child’s familial, cultural, social and religious heritage;”*

## Respect for Aboriginal Culture & Heritage

### **Enhancement Act Section 2(p)**

The Act emphasizes the importance of supporting culturally appropriate interventions that are reflective of the child’s community and traditions.

*“If the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child’s cultural identity.”*

## 1.3 Delegation of Authority

### 1.3.1 Overview

#### Summary

Those charged with administering the *Child, Youth and Family Enhancement Act* have many decisions to make and activities to perform. The Act explicitly states what some of these responsibilities are. By placing the director in the role of a guardian, it implies other responsibilities.

Both the explicit responsibilities stated in the Act and the implicit ones that arise from a director's guardianship role need to be clearly assigned. The Act assigns most duties and powers to the director. However, it also assigns some to the Minister. It gives the Minister and director the power to delegate most of their duties to other people.

This section discusses generally the duties and powers under the Enhancement Act. It includes a schedule listing the specific duties and powers and to whom each is delegated.

The balance of this overview discusses guardianship and the process of making guardianship decisions.

#### Guardianship

A person who is unable to manage his or her own affairs needs a guardian. Because a child is considered to be developmentally incapable of this responsibility, most jurisdictions require each child to have a guardian. In Alberta, this developmental incapacity is reinforced by a legal incapacity imposed on everyone under 18. As a result, there are some things that a child may not do. Such activities require a guardian who is lawfully invested with the duty and power to care for the child.

Note that when the parent of a child is under 18, that parent is a guardian and able to act on behalf of the child.

Parents regularly delegate some day-to-day care responsibilities to other care givers. These duties and powers are considered "custodial". When a child's guardian delegates some custodial responsibilities, the duties and powers of the custodian need to be clear.

The state is responsible for ensuring that the person and rights of a child are protected. Therefore, when a parent (the natural guardian of a child) is not providing adequate protection, the state provides means to substitute or

supplement the parent's care with that of another guardian. The Enhancement Act provides some of these means.

## Director as Guardian

The Enhancement Act provides for the transfer of some or all guardianship responsibilities to the director:

- Custody Agreement – the guardian temporarily transfers some guardianship responsibilities to the director.
- Temporary Guardianship – the Court temporarily gives the director the power to exercise all guardianship authority to the exclusion of any other guardian.
- Permanent Guardianship – the guardian or Court permanently gives the director sole guardianship.

When the director is given guardianship responsibilities, the duties and powers of each guardian must be clear. If the director is appointed as a guardian, the community expects the director to perform as a good and prudent parent. The director is expected to actively promote the child's physical and emotional well-being. When the Court replaces the parent with a guardian, the Court implies that the new guardian will make more prudent decisions than the parent made.

## Informed Consent

Informed consent is an important part of guardianship. When an adult makes a decision for a child, the adult needs to ensure that the decision is informed. To be informed, a person must:

- be intellectually and developmentally able to fully understand the proposed action and to appreciate the consequences of each possible decision; and
- gather all the information in understandable terms.

Caseworkers often have the delegated authority to give consent. If asked to give consent, the caseworker obtains and considers the answers to the following questions before making a decision:

- What is the proposed action?
- Why is this action being proposed?



- Is this action essential?
- What are the alternatives?
- What are the potential benefits and risks for each?
- Who will perform the proposed action?
- What are this person's qualifications?
- What other factors need to be considered (e.g. religion and culture)?

The caseworker asks for help to answer these questions from the service provider, the family, the First Nations designate and others significant to the child. Consideration is given to asking other experts to help by providing consultation, clarification or other alternatives.

If the child is able to give an opinion, the caseworker consults with the child before deciding. The caseworker gives the child the answers to the above questions so the child can fully participate in the decision-making.

If an older child is capable of making the decision, the caseworker allows the child to give the informed consent. Remember that the guardian still has the responsibility to decide and protect. However, if the child is able to decide and the potential risks are acceptable, let the child's consent stand.

## Minister and Director's Role

The Enhancement Act assigns most decisions and activities to either the Minister or the director. When a child is in need of intervention, the director takes responsibility for ensuring the child receives appropriate care. This care includes assessing, casework, case planning, providing services, ensuring safety and promoting development. Guardianship responsibilities are added if the director becomes a guardian of the child.

To carry out the responsibilities assigned by the Act, the Minister and director delegate duties and powers to caseworkers. However, the Act makes the director ultimately responsible to protect the child and to pursue the child's best interest. Delegating does not remove this responsibility. Therefore, the director takes a leadership role with those to whom responsibilities are delegated.

## Staff Member's Role

The director delegates to caseworkers the active role of providing intervention. To be active with a child:

- Maintain close contact through visits with the child and others significant to the child.
- Establish open communication with the child to allow as much self-determination as possible and to speak on behalf of a child who cannot otherwise be heard.
- Inform the child of their procedural rights.
- If the child is older, provide services that are as supportive and non-imposed as possible.
- If accepting delegated authority:
  - Understand and accept the nature and importance of the delegated responsibilities.
  - Be aware of the standards for performing the duties and of the resources available for children.
  - Know when to consult with, or to obtain consent from, senior staff.
  - Be aware of the partnership among all who share guardianship responsibilities.
  - Understand the director's need to be kept informed about the circumstances of the child receiving intervention.
  - Know the lines of accountability, responsibility and authority.
  - Recognize that the director is ultimately responsible for casework, case planning and other services provided to children.

## Child's Role

As the subject of the guardianship of adults, a child should feel a sense of support and respect from each guardian. A guardian is entitled to consent on behalf of the child but should do so only if the child lacks the capability to make the decision. Once a child has developed such a capability, that child's consent should be obtained unless the situation is exceptional. The Enhancement Act provides for such exceptions.

A child is gradually developing independence and decision-making abilities. The guardian is expected to provide a supportive environment that encourages this development. This support includes being present at important events or in times of need.

## Decision-Making

When making a decision about a child, base the decision on the best interests of the child and:

- a solid base of information:
  - the child’s wishes
  - the child’s background
  - the resources available
  - the current circumstances
  - the opinion of other professionals
  - the opinion of the parent or other significant person
  - the opinion of the First Nations designate if involved
  - the possible risks if an alternate decision or no decision is made
- values that focus on the child and family:
  - A child is a valued member of society.
  - The family is a basic unit of society.
  - A child and family have the right to privacy.
  - The child’s interests must be recognized and protected.
  - A child needs stability and continuity in relationships and care.
  - A youth needs to be prepared for the transition to independence and adulthood.
  - A child’s cultural, familial, social and religious heritage must be recognized as integral to self-image, development and environment.
  - If the child is Aboriginal, the uniqueness of Aboriginal culture, heritage, spirituality and traditions must be respected and considered.
- values that focus on the child-program interaction:
  - Make decisions with the least possible delay.
  - Seek remediation of the condition that led to the need for intervention.
  - Provide care that is adequate to meet the child’s needs and is consistent with community standards and available resources.

- Use the least disruptive measure. If using a restrictive alternative, keep the child's rights and interests paramount.

## 1.3.2 Sub-Delegation Duties and Powers

### Summary

The following discusses the duties and powers of caseworkers and describes the process for delegating authority.

### Explicit Authority

The Enhancement Act explicitly gives specific duties and powers to the Minister and director. The Deputy Head may also exercise the Minister's authority except to make regulations. The Minister's authority includes both decision-making and general administration. The general administration responsibilities involve the day-to-day operation of intervention programs and do not need to be delegated. These responsibilities are listed below. The remaining duties and powers that the Act gives the Minister and director are listed in the Schedule of Delegations, Part One.

### Administration

Responsibilities of the Minister that do not need to be delegated:

<b>Section</b>	<b>Duties and Powers</b>
3(2)	may pay the remuneration, expenses and for the office and staff of the Children's Advocate
3(5)(c)	may request involvement of the Children's Advocate in a matter
75(2)	receives an application of an interested person to disclose the identity of the adoptee
118(3)(c)	pays for the operation of the Appeal Panel
127(3)(b)	may decide where to keep records
127(6)	may inspect records
128	pays for care and maintenance of a child in care and for assessments ordered by the Court may recover care and maintenance costs

## Implicit Authority

Under the Enhancement Act, a director may be appointed as a child's guardian or delegated authorities by a child's guardian. To provide services to the child, the director and the director's delegates make decisions and provide consents. The Act does not specifically give authority for each of these activities. However, the Act implies that caseworkers will have the authority to complete their responsibilities. These implied duties and powers are listed in the Schedule of Delegations, Parts Two and Three.

## Delegation Process

S.121(1) allows the Minister to delegate authority to other people to deliver the services mandated by the Act. The Minister delegates all authority to a director with the exception of those activities noted in the Act and the Schedule of Delegations. This delegation includes the authority to subdelegate to other people.

S.121(3) allows a director to delegate authority to other people to deliver the services mandated by the Act. However, the ultimate responsibility remains with the director.

## Partial Delegation

Providing intervention services requires certain knowledge, skills, and personal qualities of staff members to effectively perform the tasks associated with each delegated authority. The mandatory training for caseworkers provides newly hired staff members with the opportunity to gain knowledge and skills to assist them in demonstrating competencies. However, completion of the mandatory training often takes several months and as a result, may delay delegation. Delegation is often not given until training is completed. Some staff members demonstrate competencies in certain areas prior to being hired or the completion of training. It would be helpful to the worksites for staff members to receive delegation on some level prior to full delegation.

### **Purpose**

The purpose of partial delegation is:

- to allow for staff members who demonstrate competencies in certain areas prior to the completion of training to receive partial delegation.
- to identify the authorities that may be delegated prior to receiving full delegation.

- to stage delegation into levels leading to full delegation.
- to identify the competencies related to the delegated authorities.

### **Guiding Principles**

- the delegating official must monitor the use of the delegated authority.
- delegation is linked to successful demonstration of competencies connected to each authority.
- the authorities listed in the Partial Delegation Schedule are in no particular order and the caseworker may be delegated for any number of authorities and in any order. The Delegation Letter will specify the authority(s) to which the caseworker is delegated.

Following is the Partial Delegation Schedule. This schedule is to be applied to newly hired staff members prior to their completion of the mandatory Delegation Training and prior to receiving full delegation. It is expected that staff will go on to complete the entire mandatory training.

### **Instructions for Completing the Competency Rating Scale**

1. The Schedule is to be completed with the caseworker or discussed with the caseworker to facilitate the opportunity for discussions regarding caseworker competency development related to delegation.
2. For each competency, please place a mark in the tick box that best describes the caseworker's skill level.
  - For the competency to be categorized as a "Demonstrated Skill," the caseworker must have demonstrated the skill at least once or enough times to ensure that they can perform the skill consistently. The caseworker must have demonstrated all the competencies linked to the authority before it is categorized as a "Demonstrated Skill."
  - For the competency to be categorized as an "Emerging Skill," a caseworker is still progressing towards development of the skill, and has not yet demonstrated the skill.
3. The authorities listed in the Partial Delegation Schedule are in no particular order and the caseworker may be delegated for any number of authorities and in any order. The Delegation Letter will specify the authority(s) to which the caseworker is delegated.

## Partial Delegation Schedule

Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Demonstrated Skill	Skill
P(a) May receive a report, collect information for the purposes of conducting an assessment, (including health information as defined in the Health Information Act), assess a child's need for intervention services, determine the validity of the report, and make a recommendation about the child/youth's need for intervention services	▪ Demonstrates knowledge of the organizational structure, policies, and service delivery (ARM)	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Demonstrates awareness/knowledge of First Nation Delegated Agencies	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Demonstrates an understanding of the <i>Child, Youth and Family Enhancement Act (Enhancement Act)</i> , <i>Protection Of Children Involved in Prostitution Act</i> , and the <i>Protection Against Family Violence Act</i> .	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Can apply Enhancement Act to determine if referral is a report. (Can legally define physical, sexual abuse, emotional injury and neglect).	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Is able to identify and document indicators of abuse, neglect and emotional injury	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Is able to determine immediacy of risk and prioritize response	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Is able to identify the risk to caseworker safety based on information obtained	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Demonstrates the ability to access and utilize CYIM (Child and Youth Information Module), familiar with the screening forms and, process of receiving a referral	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Documentation is relevant, clear, factual, behaviorally descriptive	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Demonstrates interview skills and information gathering skills	<input type="checkbox"/>	<input type="checkbox"/>
P(b) May make referrals, gather information, and conference, with collateral contacts	▪ Is able to identify community resources, and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	<input type="checkbox"/>	<input type="checkbox"/>
	▪ Is able to identify community resources, and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	<input type="checkbox"/>	<input type="checkbox"/>



Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Demonstrated Skill	Skill
P(c) May refer a family (or member of a family) to community resources for services	<ul style="list-style-type: none"> <li>▪ Demonstrates knowledge of community resources, ability to network, clearly communicate the service expectations to the service provider</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(d) Informs a child/youth of the child/youth's procedural rights	<ul style="list-style-type: none"> <li>▪ Demonstrates knowledge of the Procedural Rights pamphlet and policy related to children's procedural rights.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(e) May notify and serve the guardian/child/youth with notice of the court hearing	Understands the role of the court system in protection cases	<input type="checkbox"/>	<input type="checkbox"/>
P(f) May convey a child/youth to a person who has custody, is temporarily caring for a child/youth, or to anyplace in order to complete an investigation	<ul style="list-style-type: none"> <li>▪ Has working knowledge of car seat standards</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(g) May consult with First Nations	<ul style="list-style-type: none"> <li>▪ Is able to identify how cultural considerations influence casework practice</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Is able to identify when, how and why consultations occur on behalf of Aboriginal children, youth, families and communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(h) May supervise visits between a child/youth under the care and or custody of the Director, and his or her family	<ul style="list-style-type: none"> <li>▪ Demonstrates the ability to write contact notes that are behaviorally specific, concise and relevant to child protection concerns</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Demonstrates the ability to substantiate and record factors that contribute to or sustain child protection issues</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(i) May prepare reports for court, Concurrent/Transition Plans, Family and Social History, Case Closure, Case Transfer, Face Sheets, Contact Notes, consents for consultation	<ul style="list-style-type: none"> <li>▪ Is able to identify and incorporate cultural factors into Concurrent/Transitional plans and case assessments</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Is able to identify and support permanency plan for child/youth</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Is able to translate casework assessments into written documents that are succinct, informative and professional</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Is able to write contact notes that are behaviorally specific, concise and relevant to child protection concerns</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>▪ Is able to negotiate Concurrent/transitional Plan goals that are directed to alleviating unmet needs</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Demonstrated Skill	Skill
	<ul style="list-style-type: none"> <li>Is able to utilize the Enhancement Act Policies and Procedures to answer questions about requirements for completing the document</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(j) May arrange for burial or disposition of the body of a child/youth who is under temporary or permanent guardianship if unable to locate the other guardian or the other guardian is unable to pay	<ul style="list-style-type: none"> <li>Is able to identify how cultural considerations influence casework practice</li> <li>Demonstrates knowledge of provincial/regional policy regarding burial of a child/youth under temporary or permanent guardianship</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(k) May request, explore and arrange placement options for a child/youth (includes permission for out of province travel)	<ul style="list-style-type: none"> <li>Is able to describe foster care classification and matching</li> <li>Is able to describe how to access foster home, residential treatment, and temporary placements</li> <li>Is able to identify placement priorities according to policy</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(l) May facilitate involvement of a child/youth with family and other significant persons	<ul style="list-style-type: none"> <li>Is able to identify community resources, and demonstrates the ability to network and facilitate linkages for children, youth and families within their community</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(m) May consent to, engage, and evaluate counseling and/or other support services	<ul style="list-style-type: none"> <li>Is able to identify community resources, and demonstrates the ability to network and facilitate linkages for children, youth and families within their community</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(n) May consent to ordinary medical and dental care for a child/youth under apprehension	<ul style="list-style-type: none"> <li>Is able to identify "ordinary medical and dental care" according to policy</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(o) Ensures a child/youth has access to legal counsel and notifies a director when the child/youth is involved in legal action as a defendant	<ul style="list-style-type: none"> <li>Is able to identify legal counsel resources</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(p) May subdelegate duties and powers to a care giver	<ul style="list-style-type: none"> <li>Is able to identify the forms used to provide subdelegation to a care giver or child care supervisor</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
P(q) Disclosure of information with consent	<ul style="list-style-type: none"> <li>Demonstrates knowledge regarding disclosure of information policy</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

## Full Delegation

***Upon confirmation that a caseworker has completed the Delegation Training, a worksite manager can delegate caseworkers who are registered under the Health Professions Act or who have a BSW or MSW. Those caseworkers who are qualified because of their academic qualifications or the combination of a person's academic qualification and experience must be delegated by the Chief Executive Officer (CEO) or the Delegated Director of a Child and Family Services Authority or the Director of a Delegated First Nation Agency.***

The director delegates authority based on the following principles:

- decisions must be timely
- the decision-maker must be accountable to the director
- service delivery must be managed effectively and efficiently
- the decision-maker must consider the effect on the life of the child
- the lives of the child and family must not be intruded into any more than necessary

The Schedule of Delegations gives the staff level to which each authority is delegated. The level of authority is based on the following principles:

- The level is as close to the client as possible.
- The level rises as the:
  - effect on the child increases
  - possible effect on others increases
  - frequency of the situation occurring decreases
- The delegating person must monitor the use of the delegated authority.

Each caseworker receives a letter of delegation and an identification card. The letter indicates the level of authority that person has. The specific authorities for each level are listed in the Schedule of Delegations.

Each level of authority includes all the duties and powers delegated to lower levels of authority. Therefore, if a caseworker is unavailable, the supervisor, manager or regional director may make the decision.

Any region-wide variances in the Schedule of Delegation must be approved by the Director of the Child, Youth and Family Enhancement Act.

## Care Giver

When subdelegating authority to a foster parent, adoptive parent or other caregiver, complete a Delegation of Powers and Duties to a Child Care Giver [CS1631] that includes:

- the child's name
- the care giver's name
- the specific authority delegated
- when the delegation will end

## 1.3.3 Delegation Schedule

### Duties and Powers of a Director Under the *Child, Youth & Family Enhancement Act*, Child, Youth and Family Regulation, Licensing Regulation and Adoption Regulation

The *Child, Youth and Family Enhancement Act* explicitly gives specific duties and powers to the Minister and to the Director. The Deputy Head may also exercise the Minister's authority except to: make regulations; delegate authority to other people to deliver the services mandated by the Act under S.121(2); and, disclosing identifying information with respect to an adoptee except under S.75.

The duties and powers retained by the Minister are as follows:

Section	Duties and Powers
3(1)	may recommend a person be appointed Child and Youth Advocate
3(3)(e)	may assign additional duties and functions to the Child and Youth Advocate
3(4)	tables the Child and Youth Advocate's annual report in the Legislature
74.1(1)	may consent in writing to the inspection of sealed adoption documents
74.2(9)	may deem that a veto has been registered when an adult adoptee is not aware of the adoption and that release of information would be extremely detrimental to the adoptee
74.4(3)	may disclose the identity of a person referred to in a sealed adoption when there are compelling reasons to do so
86	may give authority to commence prosecution for procuring
104	may make regulations respecting adoptions from a designated State
105	may recognize States for the purposes of international adoptions
118	may establish an appeal panel
119(6)	may appeal a decision of an appeal panel
121(2)	may delegate the duties and powers of a director
122 (2)	may enter into an agreement for the purposes of providing services under this Act on a reserve
123(1)	may appoint experts to advise an appeal panel
131(2)	may make a regulation

**As noted in the Introduction, general administration responsibilities of the Minister under the Act do not need to be delegated. These are as follows:**

Section	Duties and Powers
109(4)	may examine subpoenaed documents
127(3)(b)	may decide where to keep records
127(6)	may inspect records
128	pays for care and maintenance of a child in care and for assessments ordered by the Court

**The Minister delegates to the Assistant Deputy Minister, Service Quality by way of a Ministerial Order:**

Section	Duties and Powers
<b><i>Child, Youth and Family Enhancement Act</i></b>	
126(1)(e)	consent, in writing, to the disclosure of information to any person
126.1(2)	direct the release of information to identify the name of a person that reports a child in need of intervention
129(1)	designates a director
<b><i>Child, Youth and Family Enhancement Regulation</i></b>	
1(2)(b)	forms an opinion about a person's qualifications to complete home assessment reports
4(b)	determines that an applicant has the combination of education and experience to be qualified to be a director

S.121(3) allows a director to delegate authority to other people to deliver the services mandated by the *Act*. A director delegates duties and powers to persons employed in, or engaged for the purpose of, administering the *Act*. These duties and powers may include those delegated to the director by the Minister under S.121(1).

The Schedule of Delegations gives the staff level to which each authority is delegated. Some authority can also be subdelegated to care givers.

The duties and powers are listed in the following schedule in three parts.

1. Those duties and powers of the Minister and director that are explicit in the *Act*.
2. Those duties and powers of a director that are implicit in the role of a guardian.
3. Those duties and powers of a director that may be subdelegated to a caregiver.

Both the explicit responsibilities and the implicit ones that arise from a director's guardianship role need to be clearly assigned. The level to which each duty or power is delegated is indicated by a category letter:

### **Authority Levels**

Category A	licensing specialist (e.g. foster care support worker, contract manager, etc.), licensing supervisor, worksite manager, regional manager
Category B	call back or standby workers, caseworker, casework supervisor, worksite manager, regional manager
Category C	caseworker, casework supervisor, worksite manager, regional manager
Category D	casework supervisor, licensing supervisor, worksite manager, regional manager
Category E	worksite manager, regional manager (The worksite manager may subdelegate to a designate to whom the casework supervisor reports or, in the absence of the worksite manager, to the acting worksite manager. The regional manager may subdelegate to a regional designate.)
Category F	Delegated Director of Child, Youth & Family Enhancement Act or CEO (The Delegated Director of Child, Youth & Family Enhancement Act or CEO may subdelegate to a regional designate who is not involved in line management or the case decision-making or who is the worksite manager of an urban specialized child and family services office)
Category G	Director of Child, Youth & Family Enhancement Act
Category H	Manager, Adoptions Services
Category I	Manager, Post Adoptions Registry

## Part 1

### **a. Duties and powers of the Minister and of a director under the *Child, Youth and Family Enhancement Act* and the director's delegation to persons employed in the administration of the Act**

Section	Duties and Powers Child, Youth and Family Enhancement Act	Delegated to Category
1(1)(b)(iv)	forms an opinion about whether a person is the biological father of a child	C
1(1)(k)	approves a person to be a foster parent	D
2.1	must inform a child of the child's procedural rights	B
3.1(1)	forms an opinion about whether a person has a significant connection to a child	C
4(5)	advises governing body of a profession (or occupation) registered under an Act that a member of that profession has failed to report a child believed to be in need of intervention services	F
6(1)	must assess a child's need for intervention services and determine the validity of the report or allegations	B
6(2)	forms an opinion about the child's need for intervention and  (a) may provide family enhancement services, or  (b) cause the matter to be investigated	B   B
6(3)	after an investigation, forms an opinion about whether a child is need of intervention services and, if the child needs intervention services, provides family enhancement services or take measures appropriate under the Act	B
6(4)	if family enhancement services are being provided, may require further assessment or investigation	C
6(5)	may convey a child to any place in order to complete an investigation	B
6(6)	may convey a child to the person who has custody of the child or a person who is temporarily caring for a child	B
7(1)	may appoint a person to provide emergency care until the guardian is located or other arrangements made and  may convey a child to an emergency care giver	B  B
8(1)	may enter a family enhancement agreement with the guardian of a child or other person having custody of the child	B
9	may enter a custody agreement with the guardian of a child and take custody of the child	B
10	establishes terms of a custody agreement	B



<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
11(1)	may enter a permanent guardianship agreement with the guardian(s) of a child	E
11(2)	assumes sole guardianship of a child who is the subject of a permanent guardianship agreement	G
12(1)	receives a request to terminate a permanent guardianship agreement	C
12(2)	notifies any other former guardian, who was a party to a permanent guardianship agreement, of a request to terminate a permanent guardianship agreement	C
	places the child in the custody of the guardian who requested termination of the permanent guardianship agreement	C
12(4)	forms an opinion regarding the need for intervention services if the permanent guardianship agreement is terminated and, if so, takes measures appropriate under the Act	C
13(2)	receives a notice of an application to terminate a permanent guardianship agreement	E
13(8)	receives a copy of an order terminating a permanent guardianship agreement	C
14	may enter an agreement with a person regarding a child who is the subject of a temporary guardianship order stipulating access, consultation and any other matter	C
16(1)	may apply to Court for a supervision order to provide services	C
16(2)	recommends terms to the Court for the proposed supervision	C
17	forms an opinion about the need for a temporary guardianship order and may apply to Court for an order	C
18(1)	forms an opinion about the need for a permanent guardianship order and may apply to Court for an order	C
19(1)	may apply ex-parte for an order to apprehend a child or to enter and search for a child	B
19(2)	may apply to the Court for an order to enter and search for a child who has left the custody of the director without consent	B
19(3)	may enter, search for, remove a child, and return the child to the custody of the director with an order	B
19(4)	may enter and search without an order if a child, who is in need of intervention services, is believed to be in imminent danger	B
19(5)	may apply for an order by telecommunication if necessary	B
19(10)	completes a facsimile of an order made by telecommunication	B

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
19(12)	may apprehend a child without an order if the child's life or health is seriously and imminently endangered	B
19(13)	may, without an order and by force if necessary, enter into a place or premise and search for a child whose life or health is seriously and imminently endangered	B
19(14)	may apprehend a child without an order if the child has been left or been removed from the custody of the child's guardian without the consent of the guardian	B
20(1)	notifies the guardian of a child: a) that the child has been apprehended, b) of any intention to confine the child, and c) of any intention to apply for a secure services order	B
21(1)	applies to the Court for a supervision order, temporary or permanent guardianship order, an order to return the child to the guardian's custody, or an order to return the child to child welfare authorities of the province they are ordinarily resident, if the child is not returned to the guardian within two days of apprehension	C
21(4)	may withdraw an application under S.21(1)	C
21(11)	returns a child to the guardian if the Court is not satisfied that the child is in need of protective services	C
21.1(1)	must apply for an order for custody until the application for a guardianship order is withdrawn or disposed of	C
21.1(6)	must consult with the guardian and other family members to develop a plan that describes services to be provided and an alternative placement	C
22	provides care, maintenance and services to an apprehended child	B
22.1(1)	may authorize the provision of any essential treatment for a child who has been apprehended if the guardian is unable to or unavailable to consent	B
22.1(2)	must apply to the Court for an order authorizing treatment for a child who has been apprehended if the guardian refuses to consent to essential treatment	B
22.1(4)	may apply for an order for treatment by telecommunication if necessary	B
22.2(1)	must apply to the Court for an order authorizing treatment for a child under guardianship of the director if the child refuses essential treatment	B
23	ensures that notice of any hearing initiated by a director under Part 1, Division 3 are served as required	B
23(1)(b)	receives notice of a hearing when a director is not the applicant	C
23(2)	must serve the guardians and a child over 12 years personally	C

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
23(5)	may apply ex parte to the Court for variations of notice and service provisions	C
28(2)	recommends terms for the proposed supervision	C
28(3)	supervises a child within the child's residence when the child is the subject of a supervision order	C
29(1)	may apply to Court for a different order if a guardian or other person residing with a child has failed to comply with the terms of a supervision order	C
30(1)	may apply to Court of Queen's Bench for a restraining order when conditions warrant such action (via a lawyer)	C
31(1)	is appointed a guardian of a child who is the subject of a temporary guardianship order	G
31(4)	may apply to Court for an order prescribing access, consultation, treatment or remedial programs or, other necessary terms respecting a child under temporary guardianship, if these matters cannot be resolved by agreement or if an agreement is not complied with	C
31(6)	may determine the guardian's or another person's fitness to assume custody of a child when a temporary guardianship order ends	C
31(7)	may make recommendations for the Court's consideration regarding an order for an assessment regarding the fitness of the guardian or other person to assume the custody of the child when the order expires or is terminated	C
32(1)	may apply to Court to renew, vary or terminate a supervision or temporary guardianship order	C
34(1)	may give permission to apply for a permanent guardianship order	E
	may apply to Court for a permanent guardianship order appointing a director as guardian of a child	C
34(4)	becomes guardian of a child who is the subject of a permanent guardianship order	G
34(5)	provides the Public Trustee with a copy of the permanent guardianship order upon request	C
34(8)	may apply to Court for an order prescribing access between the child under a permanent guardianship order and a former guardian or another person	C
34(10)	may enter into an access agreement with a former guardian or another person regarding a child who is under a permanent guardianship order	C
34(13)	may apply to Court for a review of an access order	C
34.1	must report to the Minister, in the manner required by regulations, the plan for a permanent placement for a child who is subject of a permanent guardianship order or agreement for one year or more	C

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
35(1)	may apply to the Court to terminate the permanent guardianship order or agreement if a child should be returned to a former guardian	C
42(1)	may consent to an autopsy of a deceased child who is under permanent guardianship	E
	may arrange for burial or other disposition of the body	C
42(2)	may arrange for burial or other disposition of the body of a deceased child under temporary guardianship if unable to locate the other guardian or the other guardian is unable to pay	C
43.1(1)	may issue a secure services certificate in respect of a child in the custody of the director or under a supervision order, temporary or permanent guardianship order or is subject of a family enhancement agreement under s.8	E
	may detain, convey and confine the child to a secure services facility	B
43.1(2)	must obtain written consent of the guardian for issuing a secure services certificate in respect of a child who is subject of a supervision order, a custody agreement under s.9 or a family enhancement agreement under s.8	C
43.1(3)	appears in Court to show cause for issuing a secure services certificate	C
	may apply for a secure services order for a further period	C
43.1(4)	serves a secure services certificate, a notice of the show cause and any application for further confinement on the child and the guardian who consented to the issuing of a certificate	C
44(1)	may make an ex-parte application for a secure services	C
44(3)	serves a secure services order on a child within one day	C
	notify the guardian of the child by any method orally or written	C
44(4)	may apply for a continuation of a secure services order	C
44(5)	must serve the child and a guardian with notice of the hearing for an application for a continuation of a secure services order	C
44(7)	specifies to the Court the secure services facility for the child	C
44.1(1)	may apply for a renewal for a secure services order	C
45(1)	may apprehend and convey a child named in a secure services certificate or order to the secure services facility named or may detain the child while being conveyed	C
46	may transfer the child to another secure services facility	C

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
47	may grant the child a leave of absence from the secure services facility and may establish terms and conditions(in consultation with the director of the facility)	C
48(1)	may apprehend and convey or authorize the return of a child to a secure services facility if the child is absent without leave	B
48(2)	may apply ex parte to a judge for an order to enter, search and apprehend a child who is absent without leave from a secure services facility and may convey and return the child to the facility	B
48(4)	may apply for an order to enter, search and apprehend by telecommunication if necessary	B
48(9)	completes a facsimile of an order made by telecommunication	B
48(11)	may, without an order and by force if necessary, enter a place or premises where a child may be found, and search for and remove a child, who is in imminent danger and who is under a secure services certificate or order, and convey the child to a secure services facility	B
49(1)	may apply to Court for a review of a secure services order	C
49(4)	receives notice from the clerk of the Court regarding an application for a review of a secure services order	C
49(5)	notifies the child, any guardian and the person in charge of the secure services facility, of a review of a secure services order if the director has applied for it	C
49(5)(b)	receives notice of a hearing of a review of a secure services order	D
50(3)	provides a copy of the order made after a review of a secure services order to the child, the guardian, the child's lawyer and the person in charge of the secure services facility	C
52(2)	may apply to Court for a private guardianship order on behalf of the applicant	C
52(2)(b)	determines if private guardianship is in the best interest of a child	E
53(1)(a)	receives notice of an application for a private guardianship order if the child is under permanent guardianship	C
53(1)(c)	accepts notice of an application for private guardianship	C
	serves notice of a hearing for private guardianship if the director is applying on behalf of an applicant	C
54(2)	prepares a report respecting the suitability, ability and willingness of the applicant for private guardianship if the child is the subject of a permanent guardianship agreement or order	C

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
54(4)	may conduct an investigation and make representations to a Court respecting a proposed private guardianship	C
54(5)	may notify the Court and the applicant of the intent to make representation	C
55(1)(a)	may consent to a private guardianship order respecting a child under permanent guardianship	E
56(2)	receives a certified copy of a private guardianship order respecting a child	C
56.1(1)	may provide financial assistance in accordance with the regulations to someone who obtains private guardianship	C
56.1(2)	may review and vary or terminate the financial assistance in accordance with the regulations	C
57.2(1)	may enter into an enhancement agreement with a youth of the youth is living independently and is in need of intervention services	C
57.2(2)	may enter into a custody agreement with a youth and take custody of the youth if the youth is living independently and is in need of intervention services	C
57.3	may provide support and financial assistance to a youth attaining 18 years of age in accordance with the regulations	C
57.5	may enter into an agreement with a guardian of a child to pay child support	C
59(1)(a)	may consent to the adoption of a child under permanent guardianship	E
61(1)	receives notice of the revocation of a consent to adoption	C
61(2)	notifies the person in whose custody the child has been placed, and any other guardian of the child who has consented to the adoption, of the revocation of consent	C
63(1)	files the petition for an adoption order and accompanying documentation with the Court respecting a child under permanent guardianship or who is the subject of an equivalent order or agreement in another country	E & H
63(1)(a)	completes an affidavit to accompany the adoption petition and forms an opinion respecting the petitioner's suitability as an adopting parent	E & H
63(1)(e)	determines that an affidavit respecting the fitness of the adopting parent is acceptable, or may require any other material	E & H
64(1)(f)	receives notice of a petition for an adoption order	C & H
64(6)	receives notice of a hearing for an adoption order	C & H
66	may conduct an investigation with respect to a proposed adoption and may file a report of the investigation with the clerk of the Court	H

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
66(2)	serves a copy of an investigation report on the petitioner	C
67(1)	involves a person designated by the council of the band in decisions relating to the adoption of a child believed to be an Indian and a member of a band and whose guardian is a resident of a reserve	C
67(2)	requests the guardian's consent to involve a person designated by the council of the band in decisions relating to the adoption of a child believed to be an Indian and a member of a band and whose guardian is not a resident of a reserve	C
67(2)(b)	if the guardian consents, involves the person designated by the council of the band in decisions relating to the adoption of a child	C
72.1	may provide approval to proceed with an adoption of a child who is not a Canadian resident	H
73.1(2)	receives notice of a hearing of an application to set aside the adoption of a child	H
73.1(3)	receives a copy of an order setting aside an adoption pursuant to an application under S.73.1(2)	H
73.1(5)	becomes the guardian of a child whose adoption is set aside if the child was under permanent guardianship immediately prior to the adoption order	G
74(1)(b)	receives a certified copy of each adoption order	H
74.2(2)	may release personal information regarding an adoption made prior to 2005 to specified individuals upon request to those individuals	I
74.2(4)	accepts a veto prohibiting the release of personal information under s.74.2(1)	I
74.2(7)	may release the birth surname of an adopted person to an adopted person over 18 years, a descendant of a deceased adopted person and, to an adopted child who is 16 years of age or older and who is living independently	I
74.2(8)	may determine that parents of an adopted person are deceased and may release personal information in sealed records to the adopted person or a descendant	I
74.3(2)	may release personal information regarding an adoption made after January 1, 2005 to an adopted person who is 18 years of age or older, a descendant of a deceased adopted person or a parent of an adopted person requesting the information	I
74.3(4)	accepts a registration regarding contact preference	I
74.3(5)	advise a person making a request of any registered contract preference	I

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
74.4(1)	may provide a copy of the original registration of birth and identifying information about the child's biological parents regarding a child who is Aboriginal to establish heritance rights	I
74.4(2)	may provide a certified copy of an adoption order to specified individuals upon request	I
74.4(4)	may disclose information sealed under s.74.1 to the Director of Maintenance Enforcement or for use in a Court proceeding where Alberta is a party	I
74.4(5)	may, on request, release non-identifying information to specified individuals	I
74.4(7)	may release information sealed under s.74.1 to the director if an adopted child is in need of intervention	I
75(1)(b)	may form an opinion as to if an adopted child is living independently from the child's guardian for the purposes of voluntary disclosure	I
75(1)(c)(iii) & (iv)	determines that the biological parents of an adoptee are deceased, cannot be located, or are unable to consent to an application for voluntary disclosure	I
75(3)	examines the registry on receiving an application; removes an application on receiving a notice of withdrawal; and, registers vetos	I
75(4) & (5)	discloses the identities of applicants to each other or to a located applicant if applications concern the same adopted person	I
75(7)	shall advise an applicant regarding death of an adopted person, or an inability to locate an applicant	I
81(1)	may provide financial assistance in accordance with the regulations to a person who adopts a child	E
81(2)	may review and vary or terminate the financial assistance in accordance with the regulations	E
85(2)(b)	may authorize an advertisement to find adoption homes for children in care	E & H
87(1)	receives an application for a licence to operate an adoption agency	H
87(1)(b)	may form an opinion about whether a corporation carries on business for gain	H
88(1)	may issue or renew a licence, issue a conditional licence and set conditions, or refuse to issue or renew a licence	H
89(1) & (2)	may suspend or cancel a licence; serve notice of the decision and inform of the right to appeal	H
89(4)	may form an opinion about whether a licenced adoption agency is placing children at risk and may suspend a licence and provide direction to an agency	H



<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
89(6)	may cancel the licence of an agency on 48 hour notice if directions have not been complied with	H
89(7)	notifies clients of a licenced adoption agency of a decision under S.89	H
90	notifies an agency of a decision made under S.89 and receives the surrendered licence, books and records of an agency	H
91(1)	may conduct an inspection of a licenced agency, enter premises, require production of documents and remove documents for copying	H
91(3)	may apply to a judge for an order to enforce compliance with an inspection of a licenced agency	H
96	performs all functions of the Central Authority for Alberta	H
105.3(1)	accepts an application for a residential facility licence or a renewal of the licence and may determine that the application is satisfactory	A
105.3(2)	may issue a residential facility licence or a renewal and impose terms and conditions in the licence	A
105.31	may vary the terms or conditions to which the licence is subject upon application	A
105.5(1)	may inspect a licenced residential facility	A
105.5(4)	may make an application to the Court of Queen's Bench by way of an originating notice for an order to inspect a licenced residential facility if the agency does not comply with an inspection	E
105.6	may provide written orders to a person operating a licenced residential facility regarding non-compliance with the Act, regulations or conditions	A
105.7(1)	may vary, suspend or cancel a residential facility licence and terminate the licensee's contract with the Crown	A
105.8	may provide financial assistance in accordance with the regulations to a person who is caring for a child whose guardian is unable or unwilling to care	C
107(1)	involves a person designated by the council of the band in planning for the services to be provided to a child if the child is believed to be an Indian and a member of a band who is the subject of a temporary or permanent guardianship order or agreement or an application for a permanent guardianship order	C
	involves a person designated by the council of the band in planning for the services to be provided to a child if the child is believed to be an Indian, a member of a band and is a resident of a reserve who is subject of an investigation under s.6 or is receiving intervention services	C

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Enhancement Act</b>	<b>Delegated to Category</b>
107(2)	asks the guardian of an Indian child living off the reserve to consent to consultation with the person designated by chief or council and involves the designate if the guardian consents	C
107(3)	provides the designate with a copy a supervision order (with the guardian's consent), a temporary guardianship order or a permanent guardianship order	C
108(1)	may apply to the Court to compel attendance of any person or to require the production of documents by any person	C
109(5)	may apply to Court to have information admitted into evidence	C
112(1)	may request the Court to direct that a child be represented by a lawyer	C
114	may appeal to the Court of Queen's Bench an order made under this Act or a refusal to make an order (in consultation with the supervisor and lawyer)	C
115	may apply to Court for a stay of execution of an order (in consultation with the supervisor and lawyer)	C
117.1	reviews a decision of a director under the Act (as established by policy) and may confirm, vary or rescind the original decision and provide to the person who requested the review with a copy of the reviewed decision including reasons	E
119(6)	may appeal a decision of an Appeal Panel (in consultation with Legal Services)	E
120(3)	accepts a notice of appeal	C
121(3)	may delegate duties and powers of a director as identified in this section	G
122(1)	may enter into an agreement with a person for the purpose of providing intervention services to a child under this Act	B
124.1(1)(a)	may enter into an agreement to transfer the guardianship of a child under a permanent guardianship agreement or order	F
124.1(1)(b)	may receive authority transferred from another jurisdiction	F
126(1)(e)	may consent, in writing, to disclose or communicate information to any person	E
126(4)	may collect health information as defined in the Health Information Act and personal information for the purposes of conducting an assessment or an investigation or providing services	B
126.1(2)	may consent to release the name of a reporter	G
126.11(5)	accepts an application for disclosure of records under s.126.11(2)	C

Section	Duties and Powers Child, Youth and Family Enhancement Act	Delegated to Category
126.2(2)(a)	may publish or consent to the publication of the name of a child and information serving to identify the child or the child's guardian if it is beneficial to the child	F
126.2(2)(c)	may make an ex-parte application to the court to publish the name of a child and information serving to identify the child or the child's guardian and may publish the information	C
127(5)	may order or consent to the destruction of records	G
	may order or consent to the destruction of adoption records	H
128.1(2)	may administer a refund to a child who is the subject of a TGO, PGO, or PGA; or a youth under a custody agreement or a family enhancement agreement	C

**Duties and powers of the director under the Child, Youth and Family Regulation and the director's delegation to person employed in the administration of the Act:**

<b>Section</b>	<b>Duties and Powers Child, Youth and Family Regulation</b>	<b>Delegated to Category</b>
1(2)(b)	may form an opinion about whether a person is qualified for the purposes of completing a home assessment report	E & H
5(1)(a)	forms an opinion about whether a person has qualifications or experience or a combination of both to conduct alternative dispute resolutions	E
6(1)	may enter into an agreement with a youth who has attained the age of 18 years who was formerly under the custody or guardianship of the director and living independently	C
7	must keep records with respect to a child who is the subject of an investigation, agreement or order	B
8	must report to the Minister the plan for the permanent placement for a child who has been under permanent guardianship for more than one year	C
10(1)(b)	forms an opinion about the likelihood of a breakdown of a placement without treatment and determines a satisfactory residential facility for the treatment	C
10(2)	must review a supports for permanency agreement annually and within 30 days of receiving a written request	C
10(3)	may require an agreement be varied or may terminate it based upon the change in the child's needs and the financial ability of the private guardian or adoptive parents	C
12	may provide financial assistance to a caregiver under s.105	C
13(1)	accepts an application for financial assistance from a caregiver	C
14(1)	may request an annual eligibility review	C
14(3)	may withhold benefits until an annual eligibility form is submitted	C
16(1)	may determine that an education program, or an employment training program is acceptable for eligibility purposes	C
16(3)	may pay a basic monthly benefit if, due to a child's age or for medical reasons, the child is unable to be fully occupied in employment, education or training	C
17(2)	may calculate an average amount as the monthly deduction	C
18	may provide additional financial assistance in the form of supplemental benefits to a caregiver in accordance with s.19-23	C
19(1)	may approve a family day home for the purposes of providing child care costs and may pay child care costs to a caregiver	C

Section	Duties and Powers Child, Youth and Family Regulation	Delegated to Category
19(2)	May determine that a child requires child care based on demonstrated need	C
20	may pay out-of-school-care costs to a caregiver if a child has medical or developmental needs	C
20(2)	may refuse to pay out-of-school care costs if a caregiver has not applied for and received all eligible subsidies	C
21	may pay lunchroom supervision fees and school expenses to a caregiver	C
22	may provide health benefits in respect of a child	C
23(1)	may pay an annual supplementary enhancement benefit to a caregiver if appropriate	C
26	may request records and documents relevant to eligibility from a caregiver	C

**Duties and powers of Minister and the director under the Residential Facilities Licensing Regulation and the director's delegation to person employed in the administration of the Act:**

Section	Duties and Powers Residential Facilities Licensing Regulation	Delegated to Category
3(1)	receives an application for a foster home licence	A
3(2)(b)	may determine that a consent to obtain specified information of the applicant or an adult resident of a foster home is satisfactory and may obtain the specified information	A
3(2)(e)	may determine other information needed to assess a foster home licence application	D
3(4)	accepts an application for a foster home licence renewal and determines what information is necessary to assess the foster home	A
4(a)	may conduct an assessment of the applicant and prepare a report	A
4(b)	may require an applicant to provide the results of a new criminal record check	A
4(c)	may require an applicant to complete training	A
4(d)	may require an applicant to provide evidence that the foster home is in compliance with applicable health and safety legislation	A
5	may issue a licence or a renewal of a foster home licence if the conditions set out in this section are satisfied	D
6	may establish the maximum number of children who may reside in a licenced foster home	A

<b>Section</b>	<b>Duties and Powers Residential Facilities Licensing Regulation</b>	<b>Delegated to Category</b>
8(1)	receives notice of any changes to the residence or the residents or any other change that may impact the ability of a licence holder to continue to operate a foster home	A
8(3)	may require the licence holder to provide updated evidence regarding compliance with applicable health and safety legislation	A
8(4)	may require a licence holder to provide the results of a criminal record check respecting a new resident in a foster home	A
9(c)	may prohibit specific disciplinary measures in a foster home	A
10(2)	receives an incident report	A & C
13(2)(c)	receives an application for a child and youth facility licence	A
	determines satisfactory consent form and obtains information on the individual from any other jurisdiction	A
13(3)(c)	may determine other information needed to assess a child and youth facility licence renewal application	D
13(2)(f)	may determine other information needed to assess a child and youth facility application	D
14	may require an applicant to provide evidence of the applicant's partnership or corporate status, and evidence of compliance with applicable legislation	A
15	may issue a licence or a renewal of a child and youth facility licence if the conditions set out in this section are satisfied	D
17	receives notice of any changes in the body of the corporate body, partners, board members or chief executive office or any change in the program or procedures	A
17(2)(a)	may require the licence holder to provide results of a criminal record check respecting a new partner or CEO	A
17(2)(b)	May require confirmation that a criminal record check on a new board member has been obtained by the licensee	A
19(a)	may determine the format for record keeping of admissions, discharges and absences from the facility	D
19(b)	may determine the format for maintaining personnel records of all employees and volunteers	D
20(2)	may require other information needed relative to a child	A & C
20(3)	may exempt a licence holder from the requirements to keep records in respect of a child who is placed in the facility on a temporary and short-term basis.	D
21	may access a copy of facility policies and procedures	A
23(g)	may prohibit specific disciplinary measures in a facility	D

Section	Duties and Powers Residential Facilities Licensing Regulation	Delegated to Category
24(1)	approves a facility establishing a room for the purpose of isolating a child	E
24(2)(d)	may approve procedures for isolation of children	E
25(2)(a)	receives a incident report	A & C
25(2)(a)	may set out the manner in which incidents are reported	E

**Duties and powers of the Minister and the Director under the Adoption Regulation and the Director's delegation to person employed in the administration of the Act:**

Section	Duties and Powers Adoption Regulation	Delegated to Category
3	may determine information needed to assess a licence application or a licence renewal application	H
5	may inspect the premises of an applicant	H
7(2)(d)	receives a copy of an adoption application	H
9(2)	may, in writing extend the time for completion of the home assessment report	H
10(3)	may consent, in writing, to an agency approving an adoption applicant about whose suitability the Minister has concerns	H
10(5)	receives notice that an agency refused to approve an adoption applicant or rescind the approval	H
11(1)	receives notice of an appeal	H
12(1)(d)	witnesses a consent to adoption and provides counseling according to the regulations	C
13(4)	may agree to a placement if satisfied that consent will be obtained within a reasonable time period after placement	H
13(5)	receives copies of reports	H
13(7)	receives documentation about notification or efforts to notify the biological father	H
13(8)	receives notice about an adoption placement	H
15	authorize, in writing, an adoption placement for a child who is in the custody of the director	E
16(2)	receives notice that an adoption applicant terminated an adoption placement	H
20	receives documentation transferred by an agency	H
21(1)	received an agency's annual financial statement and report	H
21(2)	may require an agency to submit statistical information and reports relating to its operation	H

<b>Section</b>	<b>Duties and Powers Adoption Regulation</b>	<b>Delegated to Category</b>
22(3)	receives notice about the designation of a program director	H
23(1)(o)	may form an opinion that other services are necessary relating to an adoption	H
23(4)	receives a statement of fees charged in respect of an adoption	H
25(3)	may form an opinion about whether advertising contravenes S.26(2) and may, in writing, order the agency to take measures within specified timelines	H
27(2)(b)	may determine that an application for a child's entry into Canada will be considered	H
27(3)	advise an applicant of the requirements of international adoption and provide an applicant with an authorization to obtain a home assessment report from an agency	H
28(1)	receives a complete home assessment	H
28(2)	may approve or refuse to approve a home assessment report or request additional information	H
28(3)	receives an update report after approval of the home assessment	H
29(1)	receives information of any change during the international adoption process that might affect eligibility or suitability to adopt	H
29(2)	may require an addendum to a home assessment if circumstances have changed significantly	H
29(3)	may approve or refuse to approve an addendum to a home assessment report or may request additional information	H
30(1)	may approve an international adoption placement from a non-designated state	H
30(2)	may determine that exceptional circumstances exist to support the placement of more than one child with an applicant within a one-year period	H
30(4)	receives notice of appeal	H
32	performs the functions of the competent authority for Alberta	H



**Duties and powers of the Director under the Resource Rebate Regulation and the Director's delegation to persons employed in the administration of the Act:**

Section	Duties and Powers Resource Rebate Regulation	Delegated to Category
2(2)	may expend the refund paid to a child who is the subject of a TGO, PGO, or PGA, or a youth under a custody agreement or a family enhancement agreement, <i>in any manner as per policy</i>	C

## Part 2

As noted in the 'Overview' section of this chapter (1.3.1), when making decisions about a child, those decisions should be based on the best interests of the child. They should also reflect Section (2) 'Matters to be Considered' of the *Child, Youth and Family Enhancement Act*. Implicit in the delegation of Powers and Duties to a child caregiver these same considerations apply.

### **Duties and powers of a director implicit in the role of guardian and the director's delegation to persons employed in the administration of the Act:**

Section	Duties and Powers Role of Guardian	Delegated to Category
Placement	decides where a child shall live (includes permission for out of province travel)	B
	may consent to advertise for a foster home for a specific child	D
	subdelegates duties and powers to a care giver	B
	may apply for a passport for a child under 16 years	C
	may consent to a child living out of province or to supervise an out of province child	F
	may consent as guardian to the "View to Adoption" placement of a child under permanent guardianship	E
Access	facilitates involvement of a child with family and other significant persons	B
	may consent to involvement of child in a research or survey project	C
Treatment	may consent to, arranges for and evaluate counselling or other mental health treatment for a child	B
	may consent to the use of emotion, thought or behaviour altering drugs or aversion therapy for a child in care	E
	may consent to ordinary medical and dental care for a child under apprehension (1)	B
	consents to emergency treatment or surgical procedure when child welfare worker is not accessible (2)	B
	may consent to chiropractic services for a child under permanent guardianship	D
	may consent to medical, dental or surgical procedures (with exceptions) for a child under the guardianship of a director	E
	may consent to exceptional medical and surgical procedures (includes abortion (3), sterilization and cessation of life supports or a "no code" order) for a child under the guardianship of a director	F

Section	Duties and Powers Role of Guardian	Delegated to Category
Legal	ensures a child has access to legal counsel and notifies a director when the child is involved in legal action as a defendant	C
	may consent to the initiation of civil legal action and retention of counsel	E
	may consent as guardian to the marriage of a child under guardianship of a director	E
Other	may give consent to acquire licences and permits for firearms or vehicle operation for a child in care	C
	may consent to participation in a challenging recreational activity for a child in care	E
	may consent to a change of religious affiliation requested by a child under permanent guardianship	D

**Notes:**

1. "Ordinary medical and dental care" means those procedures that are administered or performed on a routine basis and that do not require hospitalization, surgery or use of general anaesthetic and include, but are not limited to, inoculations, physical examinations and medical treatment for minor illnesses and injuries. Follow requirements of Section 22(1)(b).
2. "Emergency treatment or surgical procedures" means immediate measures necessary to preserve the life, health or physical well being of a patient. Note: These decisions cannot be authorized for a child under apprehension if the guardian refuses to provide consent (see Section 22(2)).
3. May be subdelegated to a regional designate.

## Part 3

### **Duties and powers of a director implicit in the role of a guardian that may be subdelegated to foster parents, adoptive parents (1), or other persons providing care to a specific child:**

**Note:**

Subdelegation requires written authority for each responsibility, naming the child for whom authority is delegated. Subdelegate by completing the appropriate form: either [Delegation of Powers and Duties to a Child Care Giver \[CS1631\]](#) or [Sub-Delegation of Powers and Duties to a Child Care Supervisor \[CS1757\]](#).

### **Duties and Powers**

1. Decides day-to-day matters such as diet, dress and discipline within Ministry policies.
2. Decides involvement in social activities such as peer associations, field trips, camping experiences and recreation.
3. Decides educational, training and employment matters such as identifying resources, consenting to enrolment and evaluating utilization.
4. Gives consent to acquire recreational licences and permits other than for firearms or vehicle operation.
5. Consents to ordinary medical or dental care. (2)
6. Consents to emergency treatment or surgical procedures. (3)

### **Notes:**

1. These delegations apply for adoptive parents prior to the granting of an adoption order.
2. "Ordinary medical or dental care" means those medical procedures that are administered or performed on a routine basis and that do not include hospitalization, surgery or use of general anaesthesia and include, but are not limited to, inoculations, physical examinations and remedial treatment for minor illness and injury. Note: The caregiver has the authority to admit the child to hospital but not to authorize any treatment or tests except according to the following clause.
3. "Emergency treatment or surgical procedures" means immediate measures necessary to preserve the life, health or physical well being of the patient. This authority must be used only if contacting the director will delay treatment enough to endanger the child's life. After giving consent,

the caregiver must tell the child welfare worker or supervisor as soon as possible.

### **b. Duties and Powers of a Director Under the Drug-endangered Children Act**

The *Drug-endangered Children Act* explicitly gives specific duties and powers to the Director.

S.8 of the *Act* amended the *Enhancement Act* so that the Director's authority to delegate under that *Act* is extended under the *Drug-endangered Children Act*. As a result, a director has the power to delegate authority to other people to deliver the services mandated by the *Act*. A director delegates duties and powers to persons employed in, or engaged for the purpose of, administering the *Act*.

Section	Duties and Powers	Delegated to Category
2(1)	forms an opinion about a child being drug-endangered	B
2(1)	may apply ex-parte for an order to apprehend a child or to enter and search for a child	B
2(2)	may apply for an order by telecommunications if necessary	B
2(7)(b)	Completes a facsimile of an order made by telecommunication	B
2(9)	may apprehend a child without an order if the child's life, health or safety is seriously and imminently endangered	B
2(10)	may, without an order and by force if necessary, enter into a place or premise and search for a child whose life or health is seriously and imminently endangered	B
3	notifies the guardian of a child that the child has been apprehended and the reasons for the apprehension	B
4	provides care, maintenance and services to an apprehended child	B

In accordance with S.5 of *Drug-endangered Children Act*, if a director does not return a child to the child's guardian within 2 days from the date of apprehension, the child is deemed to have been apprehended under S.19 of the *Child, Youth and Family Enhancement Act*. If a child is not returned to the guardian within 2 days from apprehension, a caseworker, delegated under the *Child, Youth and Family Enhancement Act* must exercise their delegated authority to apply to the Court, under (Section 21) of the *Child, Youth and Family Enhancement Act*, for a supervision order, temporary or permanent guardianship order, an order to return the child to the guardian's custody, or an order to return the child to child welfare authorities of the province they are ordinarily resident.

### **c. Under the Protection of Children Involved in Prostitution Act**

The *Protection of Children Involved in Prostitution Act* also explicitly gives specific duties and powers to the director. There are no Ministerial duties and powers under this Act. Under this Act, the "director" means a director under the *Child Youth and Family Enhancement Act*. Therefore, a similar Schedule of Delegation exists under this Act as with the *Child Youth and Family Enhancement Act*.

<b>Section</b>	<b>Duties and Powers Protection of Children Involved in Prostitution</b>	<b>Delegated to Category</b>
2(1)	may apply to a judge or to the justice of the peace for an order to apprehend, convey, confine and/or enter and search a place or premise	B
2(2)	may make an application by telephone or other means of telecommunication if necessary	B
2(7)(b)	completes a facsimile of the order made by telecommunication	B
2(9)	may apprehend and convey a child to a protective safe house without an order if a child is believed to in imminent danger	B
2(10)	decides whether it is necessary to confine a child conveyed to a protective safe house	D
	may confine a child for up to five days	D
2(11)	may enter and search without an order if a child is believed to be in imminent danger	B
2(12)	appears in Court to show cause for confining a child	C
2(13)	informs a child of the confinement, the show cause hearing and his/her right to legal council	C
2(14)	may ask the Court for an adjournment of the show cause hearing	C
2.1(2)	gives the child a request for review form and informs the child of the right to ask the Court for a review	C
2.1(3)	receives notice of a request for review	C
2.1(4)	may ask the Court for an adjournment of a review	C
3(1)(a)	receives notice that a child has been apprehended	D
3(1)(b)	returns, releases or confines a child who has been apprehended	C
3(2)	decides whether a child would benefit from a further period of confinement	C
	may apply to the Court for an order to confine a child for a further period of confinement	C
3(5)	may apply to the Court to renew an order to confine	C
	serves the child with an application to renew an order to confine	C

<b>Section</b>	<b>Duties and Powers Protection of Children Involved in Prostitution</b>	<b>Delegated to Category</b>
3(6)	may apprehend, convey and detain a child who is subject to an order to confine if he/she leaves a protective safe house without authorization	B
3.1(1)	may consent to an adjournment	C
3.2(1)	may apply for a review of the Court order to confine a child	C
3.3(1)(a) or (c)	receives notice of review of the Court order to confine a child	C
3.3(1)(b)	serves notice of a review on the child and guardian	C
3.4(1)	may appeal an order of the Court to the Court of Queen's Bench	F
3.4(2)	may appeal a refusal of the Court to make or renew an order to confine	F
3.5(1)	files the notices of appeal	C
3.5(2)	may apply for an order staying the execution of the order appealed pending the hearing of the appeal (in consultation with a lawyer)	C
4(1)	notifies the guardian of a child: a) that the child has been apprehended and b) of the intention to confine the child	B
4(1.1)	notifies the guardian of the child of an application for an order or renewal of an order to confine and the time and place of the hearing	C
5	responsible for a child's care, maintenance and well being while the child is confined to a protective safe house	G
6(1)	may apply to the Court of Queen's Bench for a restraining order when conditions warrant such action (via a lawyer)	C
6.2	may ask the Court to exclude any person from a hearing	C
6.4	may apply to the Court to require any evidence	C
6.5(4)	may examine evidence required by a subpoena	C
6.5(5)	may apply to the Court to have documents, records, other information admitted into evidence	C
7.1(1)	may enter into an agreement with the child (if over 16 years) or the child's guardian and the child to make programs and services available	C

#### **d. Under the Fatality Inquiries Act**

The *Fatality Inquiries Act* gives a specific duty to a director under the *Child Youth and Family Enhancement Act*.

<b>Section</b>	<b>Duties and Powers</b>	<b>Delegated to Category</b>
13	immediately notifies a medical examiner of the death of a child under guardianship or in custody	F

#### **e. Protection Against Family Violence Act**

Under Ministerial Order 2/99, the Minister has authorized the director under the *Child, Youth and Family Enhancement Act* to apply for emergency protection orders.

<b>Section</b>	<b>Duties and Powers</b>	<b>Delegated to Category</b>
6(1)	apply for an emergency protection order on behalf of a person who claims to have been the subject of family violence by a family member	B

#### **f. Under the Alberta Health Care Insurance Act**

The *Alberta Health Care Insurance Act* gives a specific power/duty to a director under the *Child Youth and Family Enhancement Act*.

<b>Section</b>	<b>Duties and Powers</b>	<b>Delegated to Category</b>
22(5)	makes a written request for health care services information	C

#### **g. As a Guardian**

Under the *Child, Youth and Family Enhancement Act*, a director may be appointed as a child's guardian. By virtue of being a guardian, a director has the same responsibilities as any parent under federal and provincial legislation. A director should be particularly aware of their "parental" responsibilities under two pieces of provincial legislation:

**School Act** – a director is the "parent" of a child in care under protective services. Therefore, the director is responsible for ensuring the best educational program for the child and responding to disciplinary action.

**Youth Criminal Justice Act** – The *Youth Criminal Justice Act of Canada* provides the legislative framework for youth between the ages of 12 and 17



who are accused of or commit a crime. If a director is the guardian of a child, they must exercise their parental rights and responsibilities. In addition to advocating for a youth, a parent:

- may make a statement before the disposition is made;
- must be willing to care for a youth under probation; and
- must apply for jurisdictional transfer if moving.

## 1.4 Transitional Provisions of the Enhancement Act

### 1.4.1 Transitional Legislative Sections

The following are sections explain transition issues from the *Child Welfare Act* to the *Child, Youth and Family Enhancement Act*.

#### Section 116 of the *Child Welfare Amendment Act, 2003*

**Note:**

References to “this Act” means the *Child Welfare Amendment Act, 2003*

**116(1)** Any joint guardianship that exists on the coming into force of section 39<sup>1</sup> of this Act continues to exist until it is terminated by a Court, and sections 36(4) and (5) and 37<sup>2</sup> of the *Child Welfare Act* continue to apply to the joint guardianship as if section 39 of this Act had not come into force.

**(2)** On the coming into force of this Act, any adoption petition that is commenced but not determined by the Court continues as if this Act had not come into force.

**(3)** On the coming into force of this Act, any appeal to an Appeal Panel that is commenced but in respect of which the decision has not been rendered continues as if this Act had not come into force.

**(4)** On the coming into force of this Act, any application for a private guardianship order that is commenced but not disposed of continues as if this Act had not come into force.

**(5)** If, on the coming into force of this Act, a child is in the custody of a director or is the subject of a temporary guardianship order, section 33<sup>3</sup> of the *Child Welfare Act*, as it read immediately before the coming into force of this Act, continues to apply to the child as if this Act had not come into force until the child ceases to be in the custody of a director or ceases to be the subject of the temporary guardianship order.

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<sup>1</sup> Section 39 of the *Child Welfare Amendment Act, 2003* repeals section 36 (joint guardianship) and section 37 (review of joint guardianship) of the *Child Welfare Act*.

<sup>2</sup> The text of sections 36 and 37 of the existing *Child Welfare Act* are attached for reference.

<sup>3</sup> The text of section 33 of the existing *Child Welfare Act* is attached for reference.

## Section 33 of the *Child Welfare Act*

### **Term of temporary guardianship**

**33(1)** The total cumulative period during which a child is in the custody of one or more directors or the subject of a temporary guardianship order shall not be more than 2 years.

**(2)** A period during which a director has custody of a child pursuant to section 22(1) is not to be included in computing the total cumulative period in subsection (1).

**(3)** Notwithstanding subsection (1), the Court may make a temporary guardianship order with respect to a child for a further cumulative period of not more than 2 years if the child has not been in the custody of one or more directors or the subject of a temporary guardianship order during the 5 years immediately preceding the date of the application.

**(4)** Notwithstanding subsection (1), if the Court is satisfied that there are good and sufficient reasons for doing so, it may make an order of temporary guardianship for one further period of not more than one year.

## Section 36 of the *Child Welfare Act*

### **Joint guardian**

**36(1)** If a child is the subject of a permanent guardianship agreement or order, any adult may make an application in the prescribed form to the Court to be appointed as guardian of the child jointly with the director.

**(2)** The applicant shall serve notice of the date, time and place at which the application is to be heard on the director not less than 30 days before the date of the hearing.

**(3)** The Court may make an order appointing a person as a guardian of a child jointly with the director if it is satisfied that

- (a) the person is capable of assuming and willing to assume the responsibility of joint guardianship of the child,
- (b) the person has had a significant and continuing relationship with the child,
- (c) the child has consented, if the child is 12 years of age or older,
- (d) the director is of the opinion that it cannot reasonably be anticipated that the child will be adopted within a reasonable time, and

- (e) the appointment of that person as a joint guardian will be beneficial to the child.
- (4)** If the Court makes an order under subsection (3), the director
- (a) subject to any order of the Court under subsection (5), may exercise all the authority of a guardian of the child to the exclusion of the other guardian, and
  - (b) has sole authority to consent to the adoption of the child.
- (5)** If the Court makes an order appointing a joint guardian, it may, on the application of the director or the joint guardian and on being satisfied that the director and the joint guardian have been unable to negotiate an agreement or have not complied with the terms of an agreement, make an order prescribing
- (a) the access that will be provided between the joint guardian and the child, and
  - (b) the conditions under which the director shall consult with the joint guardian on matters affecting the child.

## Section 37 of the *Child Welfare Act*

### **Review of joint guardianship**

**37(1)** If the Court makes an order under section 36, the director, the joint guardian or the child, if the child is 12 years of age or older, may apply to the Court in the prescribed form at any time for a review of the order.

**(2)** The applicant shall serve notice of the date, time and place at which the application for a review is to be heard on the director, the joint guardian and the child, if the child is 12 years of age or older, not less than 5 days before the date of the hearing.

**(3)** The Court may, on hearing the application and in accordance with section 36, continue, vary or terminate any order made under section 36.

## 1.4.2 Additional Clarification of Court Procedures

### Use of New Forms, Court Processes and Private Guardianship

**The new forms are to be used for all new court applications** involving children who were in the custody or guardianship of the director (under the following legal authorities) upon the *Enhancement Act* coming into force on November 1, 2004:

- Apprehension
- Interim Custody
- Temporary Guardianship

Caseworkers are required to follow the procedures below for Court Applications for these children:

- Caseworkers **MUST** use the **NEW COURT FORMS** for **ALL** applications made on or after November 1, 2004, as the old forms are obsolete.
- Utilize the *Checklist for Court Documents* to assist in the completion of the forms.
- If an application was filed prior to November 1<sup>st</sup>, caseworkers **DO NOT need to redo the application.**

The Cumulative Time Frames that apply are the timeframes under the *Child Welfare Act* as identified in the TRANSITIONAL LEGISLATIVE SECTIONS, section 116(5).

These TRANSITIONAL LEGISLATIVE SECTIONS are NOT contained in the *Child, Youth and Family Enhancement Act* that you received from the Queen's Printer as they are separate documents.

**See:**  
[1.4.1 Transitional Legislative Sections](#)

### **Private Guardianship Application Instructions:**

Applications for Private Guardianship are made under Division 5 of the *Enhancement Act*. In making the application **USE THE NEW FORMS**, and follow the procedures in the on line *Enhancement Act Policies and Procedures Manual*.

## 1.4.3 Renewing Custody Agreements

### Renewing a Custody Agreement for a Child that was in Custody of the Director upon the Act coming into Force on November 1, 2004

To assist caseworkers in aligning the processes of working under two pieces of legislation, additional procedures have been developed that relate directly to **renewing a custody agreement** in situations where a *Custody Agreement with Guardian or Child* was signed prior to November 1<sup>st</sup>, 2004 and expires sometime following November 1, 2004.

Upon the expiration of the custody agreement, if it is determined that an additional custody agreement should be entered to, then follow these procedures:

1. The cumulative time in care timeframes under the *Child Welfare Act* continue to apply as per the Transitional Legislative Sections.

**See:**

[1.4.1 Transitional Legislative Sections](#)

***In signing new agreements the new forms are to be used.***

2. Upon expiry of the custody agreement and if the case plan is to sign a new Custody Agreement use the appropriate **NEW FORMS** – the **Concurrent Plan CS3501** and the **Custody Agreement form (CAG – form CS1642 and CAYouth – form CS1641)**, and follow steps 3, 4 and 5.
3. **If the child is under 6 years**, the caseworker can enter into additional custody agreements for up to a **maximum** length of time of 6 months.

This means that the caseworker can sign NEW agreements for a combined total period of 6 months. For example, the two 3 month Custody Agreements could be signed which would total 6 months.

4. **If the child is 6 years and over**, the caseworker can enter into custody agreements for up to 6 months to a total maximum period of **9 months**.

This means that the caseworker can enter into several NEW agreements totalling 9 months but no one agreement can be longer than 6 months in duration.

5. Upon the expiry of the agreement(s) that was signed under step 3 or 4, the caseworker will apply for a Temporary Guardianship Order or Permanent Guardianship Order if it is determined that the child needs to remain in the care of the director.

This means that after the expiry of the maximum time has been utilized under a Custody Agreement as per step 3 and 4 above and **if the child is to remain in care**, the caseworker will need to make an application for TGO or PGO using the NEW FORMS.

**Note:**

The Cumulative Time Frames that apply are as per the *Child Welfare Act* which have been included in TRANSITIONAL LEGISLATIVE SECTIONS section 116(5).

These TRANSITIONAL LEGISLATIVE SECTIONS are NOT contained in the *Child, Youth and Family Enhancement Act* that you received from the Queen's Printer as they are separate documents.

**See:**

[1.4.1 Transitional Legislative Sections](#)



## 1.5 Intervention Records

### 1.5.1 Overview

#### Summary

S.127 requires intervention staff to keep records regarding each child. The format of the records is determined by the Senior Records Officer of the Ministry. The content of the records is determined by the relevant program policy. The security of the records is governed by the Ministry's Records Management policy S.127(2) to (6) of the *Child, Youth and Family Enhancement Act* (Enhancement Act), and section 38 of the *Freedom of Information and Protection of Privacy (FOIP) Act*.

This chapter contains the policy on intervention services information. It describes:

- collecting information
- the purposes for records
- the recording and handling requirements
- what information to record
- how to record a person
- when and how to remove information
- how to do a record check
- retaining records.

#### Collecting

If you collect information about a person directly from that person, make sure you tell the person the following, as required by the FOIP Act:

- that you are collecting the information under the authority of the *Enhancement Act*,
- why you need the information,
- how you will use the information,

- how to contact you if the person has questions about the information you are collecting.
- you should be prepared to advise as to whom else will be able to get the information, as well

**Note:**

There may be circumstances where you may not wish to advise the individual of the purposes you are collecting the information. For instance, if you are collecting information for the purposes of an investigation, or if you believe that telling this to a person might result in your obtaining inaccurate information. In situations such as that, consult with your supervisor and record the reasons for your decision.

## Purposes

Make sure that any information you record fits with at least one of these purposes:

- It could help a future intake worker or investigator identify child intervention needs or assess risk to a child.
- It could help a caseworker do an assessment, provide a service, evaluate a service, prepare for court or provide a person with historical and developmental information.
- It could help administrative, supervisory and management staff provide casework supports.

## Requirements

The recording requirements for each intervention program include:

- what notes to make
- what forms to complete
- what to enter on CYIM and when to enter it
- what records and reports are expected from service providers.

Accurate, complete and timely recording is not a separate function but an integral part of delivering each program. All records are subject to the confidentiality provisions of the *Enhancement Act*, the FOIP Act and to the Releasing Information policy.

## Notes

Record each contact regarding intervention services or about a placement facility on Contact Notes [CS0072 & CS0072FE] or on Information Consolidation [CS1874]. If providing after hours service on behalf of another worksite, record the service on Duty Report [CS0113] and send a copy to the relevant worksite.

## Forms

If a policy says to use a specific form, you must use that form.

If a person needs a Ministry form, supply the form or tell the person how to obtain the form on the Internet.

## What to Record

Record every allegation that a child might need intervention as defined by the *Enhancement Act*. Then record all information about inquiries into the allegation, assessments completed and services provided to the child and family. Make sure that all information you record relates to the child.

If you receive information that a child might need intervention as defined by the *Enhancement Act*, record information about every significant person including:

- the child's family members;
- anyone else who lives with the child;
- any new adult who joins the family during the course of the family receiving services;
- any other care giver who was given responsibility for the child by the parent or a director. This includes anyone to whom the guardian gives status, such as a boyfriend or babysitter; and
- any other person who identifies himself or herself as having a significant relationship with the child.

## How to Record a Person

Record each significant person as an individual person on CYIM and indicate his or her affiliations to the child.

## Youth Criminal Justice Information

If you collect information gathered under the *Youth Criminal Justice Act* (YCJA):

- Make sure you record, retain and release it according to the Young Offender Protocol.

**See:**

Youth Criminal Justice Protocol

- Flag both the CYIM and paper file to indicate they contain YCJA information.

## Removing Records from Worksite

Documents containing confidential information often need to be removed from the worksite. Occasionally a file or diskette needs to be removed. If you need to remove a confidential record:

- Transport the record in a locked container such as a briefcase.
- Do not leave the record unattended unless it is locked up.
- When using the record, make sure no one has access to it that is not entitled to access.
- Remove a file or diskette only with the supervisor's consent. Sign out the record according to the procedures set by the manager.

## FOIP

If a person makes a request to access a record under the FOIP Act, refer the person to the Information and Privacy Office (IPO), phone (780) 427-2805. If they are seeking to have a correction made to the record, they may make that request either informally, or formally under FOIP. Only information that is factual and incorrect needs to be corrected, although there may be a need to annotate or link the new information with that which is alleged to be 'incorrect'. In either case, you will likely be called upon to determine whether or not it should be changed. For assistance in this area, contact the IPO.

## 1.5.2 Recording Information on the Child and Youth Information Module – CYIM

### Summary

The Child and Youth Information Module (CYIM) is an electronic information system. It is part of the records you keep when providing intervention services. This system allows you to enter demographic data on people and facilities and to do all casework functions. It essentially can contain all relevant file information.

Use the CYIM User Guide for instructions on navigating through the CYIM system.

**See:**  
[CYIM User Guide](#)

### Entry Standard

Whenever the case or facility information changes, update CYIM.

### Directory Listing

The name of each person or facility that has direct or indirect involvement in an intervention is recorded in the CYIM directory listing. The primary purposes of this listing are:

- administrative – for managing service delivery;
- statistical – for intervention research;
- checking prior involvement – for screening a report or a person who applies for a position of responsibility for a child receiving intervention;
- information management – for organizing and obtaining service information about a person or facility.

## 1.5.3 Intervention Record Check

### Summary

An intervention record check is a review to determine whether information about a person is in an existing intervention record.

If you are asked to complete a record check on someone:

- If the person is applying for employment with the Ministry, follow the Ministry's Human Resource procedures. A supervisor considers restricting the file if a person with an intervention or facility record takes employment in Children's Services.
- If the person is applying to foster through the Ministry or to adopt, follow the procedures for foster and adoptive home assessments.
- If the person is applying to provide services to children in the administration of the *Enhancement Act*, *PCHIP Act* or to work with children in another capacity use the following procedures.

### Request for a Check

Accept a request for a record check only from the person who is the subject of the information. Have the person complete an Intervention Record Check [CS2687]. Upon receiving a request form, complete these steps.

1. Satisfy yourself that the person making the request is the person named on the form. If possible, view picture identification.
2. Satisfy yourself that the person is applying to provide services to children in the administration of the *Enhancement Act* or *PCHIP Act*.
3. Determine whether the person is recorded on CYIM as someone who might have caused a child to need protection. If not, complete the "no record" section of the form and return it to the person.

**Note:**

An administrative support staff member may complete Steps 1 and 2. A delegated *Enhancement Act* worker must complete any further steps.

4. If the file or the person should have been expunged from CYIM, send an expungement request to CYIM Support Desk. Then complete the "no record" section of the form and return it to the person.

Files that should have been expunged include those, which have exceeded their retention periods. See Intervention Records, Retaining Records for descriptions of the retention periods.

**See:**

[1.5.4 Retaining Records](#)

A person who should have been expunged includes anyone who was not made aware that there was a child intervention concern. For example:

- a member of a family that was not investigated;
  - an extra familial person who was named as an alleged perpetrator but who was never interviewed by an investigator or the police.
5. If the person is recorded on CYIM as someone who might have caused a child to need protection:
- Check whether an historical file exists that is not summarized on CYIM. If an historical file exists, obtain screening, investigation and closing summaries from that file.
  - If the involvement is summarized on CYIM, review the screening, investigation and closing summaries. If the case is open, also review the current activity.
  - Write a very short summary of the person's involvement. Include the reasons for involvement, the dates of involvement and the resolution of the matter. Do not include information that could identify any person other than the requester.
  - Complete the Results of Check section of the form and return it to the person with the summary. Record on the file what you provided, when it was disclosed and to whom.

## Administrative Review

If a person believes there is an error in a summary, give the person an opportunity to provide proof. If the person supplies proof that there is an error, in consultation with the supervisor correct the record and reissue the summary. To have information corrected on CYIM, send a memo to CYIM Support Desk describing what information to change.

If the person is dissatisfied with the intervention record check or summary, give the person an opportunity to have an administrative review. If they are dissatisfied with the responses to their request for correction, advise them of your rationale, and that they can make a formal request for correction under FOIP through the Information and Privacy Office.

## 1.5.4 Retaining Records

### Summary

A record of each report and the outcome is made on CYIM, on the screening document and, if it is investigated, on the investigation document. If the case is opened, further information is added to the paper and CYIM files. Retain these records according to the following.

### Principles

Retain records according to these principles:

- The entire record about a child is integrated into one file. If you receive new information about a child with an existing file, add the information to that file.
- The entire record about a child is retained until the part with the longest retention period reaches the end of that period. If you receive new information about a child with an existing file, keep both the old and new information until all information reaches the end of its retention period.
- The location of the entire record is obvious on CYIM. If you have the paper file, make sure that CYIM indicates you had the last involvement.

### Not a Report

If the worker receives an allegation but determines that it is not a report under the *Enhancement Act*, there is still a need to keep a record of it not only from the perspective of FOIP (one year minimum if it is used to make a decision that impacts on the person to whom it pertains, including a decision to not do anything), but also from an accountability perspective, or to defend a decision).

### Retain 1 Year

Retain the record for 1 year if:

- the referral is incomplete and no further information about the matter is received within a year;



- the examiner of the report determines that neither a Family Enhancement referral nor face-to-face investigation is needed; or
- the Family Enhancement worker or face-to-face investigator determines that no intervention is needed.

To retain for 1 year on CYIM, enter outcome code 017: no need for protective services.

## Retain 5 Years

Retain the record for 5 years if the investigator or Family Enhancement worker determines that the child might need intervention but a case is not opened. Such cases include those where:

- intervention needs are indicated but not substantiated;
- no services are provided because the guardian, custodian or child will not enter into an agreement and:
  - there is insufficient evidence to apply for an order; or
  - the Court refuses to make an order;
- no services are provided because of a change in the child's situation so that the child no longer needs intervention; or
- an emergency service provider has met the immediate intervention need and there is no need for further intervention services.

## Retain 25-100 Years

Arrange to retain the record for 25 to 100 years if intervention services are provided including opening the case for assessment. The specific retention period depends on the type of agreement or order. The retention periods are in the approved Records Retention Schedules and Destruction Authorities described in the Program Management manual.

## 1.5.5 Restricting Records

### Summary

Sometimes a person who normally has access to records should not have access to a specific record. In this situation, access to the paper and/or CYIM file needs to be restricted. The following describes the procedures for restricting a file.

### File Type

You may restrict any type of file: family enhancement, child protection, foster care, unmarried parents, adoption, supports for permanency and licensing.

### Reason

Restrict a file if you believe that a person might have access to the file that should not. Consider whether a person who has access to the paper or CYIM file:

- is the child or parent
- is a relative of the child or parent
- lives with the child or parent
- is an intimate friend of the child or parent
- is a colleague of the child or parent.

Also restrict a file if the child or parent asks you to.

### Decision

Decide whether to restrict the paper file, the CYIM file, or both.

Discuss your decision with the supervisor. The supervisor also considers whether the case should be managed by another unit or office and, if so, negotiates the transfer.

A supervisor also considers restricting the file if a person with an intervention or facility record takes employment in Children's Services.

## Time

Restrict a file as soon as you become aware that access could be a problem. You may restrict right from the time of screening or application.

Leave the file restricted as long as the potential problem exists, including after the file is closed.

## Paper Storage & Handling

If you restrict a paper file, the supervisor names one administrative support staff member to do all administrative work on the file. Indicate clearly on the outside that the file is restricted and name the people who have access: administrative support, intervention worker, supervisor and manager.

Place the file in a locked cabinet with access controlled by the assigned administrative support staff member, the supervisor or the manager. Sign the file out and in. Hand deliver any document related to the file directly to the next person who needs to handle it.

## CYIM

When a file is restricted on CYIM, access is allowed to only the assigned intervention worker, supervisor and manager. If anyone else attempts access, CYIM gives a message indicating the restriction and the name of the worker to call.

A child's file is also automatically restricted as soon as you indicate that the child is adopted or has been placed, Specified as a Permanency Placement.

You can restrict a person on the Person Information screen. If the person is not part of a case, no information on the person is available. If the person is part of a case, no information on the case is available.

You can restrict an activity such as "Screening", "Initial Assessment" or "Investigation". If someone looks up this record, the person cannot read the narrative or data regarding the restricted activity.

You may restrict a facility file on the Facility Registration screen.

## Transfer

To transfer either an open or closed restricted file, you must set the restrict flag on CYIM to "N". Otherwise, the receiving worksite will not be able to accept the transfer. If you need help, contact CYIM Support Desk.

## Closed File

A restricted closed file on CYIM can be reopened only by the intervention worker who has the caseload number that “owns” the case and by that worker’s supervisor or manager.

## 1.6 Releasing Information

### 1.6.1 Overview

#### Policy

When a request to release information contained in an intervention record is received the caseworker will determine:

- who is making the request;
- what information is being requested; and
- the purpose for the request.

The answers to these three questions will determine how to respond to the request. The variety of responses set out in the sections of this chapter on releasing information.

Release of information from intervention files is affected by legislation such as the *Child, Youth and Family Enhancement Act* and the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and by decisions of the Courts.

This area of law continues to evolve so if there are questions, contact Family Law, Ministry of Justice, or the Information and Privacy Branch responsible for Alberta Children's Services for clarification.

#### Do Not Release Information

Do not release the following information except to the family law lawyer involved in a specific case and others who have been delegated to assist in the administration of the Enhancement Act:

- the identity of a person who made a report under S.4 or 5 of the Enhancement Act. This information may be released only with the Minister's written consent;
- the content of any communications between the family law lawyer and the caseworker.

Consult the family law lawyer before releasing this information:

- information that identifies a foster family to anyone who is not involved with the family according to the Concurrent Plan, Family Enhancement Plan, Transition to Independence Plan or the Secure Services Plan;
- information that identifies a child from another family receiving intervention services. An example is an invoice that contains the name of another child;
- adoption information relating to any child or identifying an adoptive family;
- other information that, in the opinion of the caseworker should not be released. An example might be information about an active investigation.

When this section describes releasing information to anyone other than the family law lawyer or a person assisting in the administration of the Enhancement Act, it means releasing information other than that described above.

## Youth Criminal Justice Information

If the record contains information gathered under the *Youth Criminal Justice Act* (YCJA), make sure to release it according to the Young Offender Protocol.

## 1.6.2 For Providing Intervention Services

When providing services under the Enhancement Act, there is often a need to release information to others assisting in the administration of the Act, providing intervention services to the child or providing another service or benefit to the child. S.126 of the Act requires that information not be released except in certain circumstances.

When information **is released** for the purpose of providing services:

- Record on the file the date, what has been released and to whom.
- If possible, tell the person whom the information is about that it was released.
- If unsure how to handle a request, check with a supervisor, a manager, or regional designate responsible for information and privacy, or the FOIP coordinator. If legal advice is needed, contact Family Law or the director's lawyer.

### What Information May Not Be Released

Do not release:

- information listed in Overview, Do Not Release;

**See:**

[1.6.1 Overview, Do Not Release](#)

- a specific piece of information that would seriously harm person if released;
- or any information that the receiving person does not need to know.

### Considerations

Although S.126(1) identifies the information that may be released, the caseworker must use discretion to decide what to release.

Consider:

- whether there was an actual or implied agreement to keep the information confidential.

- If a parent is asking for the information, consider whether the parent is actively involved in the child's care and needs the information to plan for, or care for the child.
- If a parent or child asks for a copy of a document, providing it if:
  - the parent or child originally provided the document for the file;
  - the parent or child previously had a copy and was entitled to have it;  
or
  - the document does not need to have information severed from it before being released.
- When unsure, consult with a supervisor or manager for direction.

## Other Requests

If a person not identified above asks for a file, or for copies of documents from the file, advise the person to make a request under the FOIP Act according to the *Information and Privacy Office*.



## 1.6.3 Law Enforcement Request

### Summary

A request for information from an intervention record from law enforcement officers such as the police, the Canadian Security Intelligence Service, Immigration, Revenue Canada, the Alberta Securities Commission, safety inspectors, fire commissioners, conservation services or the Superintendent of Financial Institutions might be received.

If such a request is received, determine whether the request is being made within the context of an Enhancement Act matter.

### Enhancement Act Matter

If the request is within the context of an Enhancement Act matter, the information may be released under S.126 of the Act. Information may be released even to a person in a law enforcement occupation not specifically mentioned in the FOIP Act as long as that person is assisting the Minister in the administration of the Enhancement Act.

**See:**

[1.6.2 Releasing Information for Providing Intervention Services](#)

If the request is from a police officer or Crown prosecutor and you are considering releasing the information ensure that the requester provides enough information to give reasonable and probable grounds to believe a federal offence was committed.

If the matter involves the administration of the Enhancement Act or the protection of the child, give the requester all information relevant to the offence needed to conduct the investigation.

If a police officer or Crown prosecutor asks for the entire file:

- Advise the requester to send a written request to a specific person such as the supervisor. Any information provided to the police or Crown becomes available to the defendant.
- Upon receiving a written request, have the manager sign a Consent to Release Information [[CS0470](#)] as the Minister's delegate, giving consent to give the information to the police, Crown prosecutor and defence counsel.
- Remove from the file any information that must be kept confidential.

**See:**

[1.6.1 Overview, Do Not Release](#)

- Allow the requester to review the file in the caseworker's office and to copy any needed document.
- Tell the requester that there is deleted information and that it may be released only with Ministerial consent. If the requester asks for information about discussions with the director's lawyer, discuss the request with the director's lawyer.

## Not An Enhancement Act Matter

If the request is outside the context of an Enhancement Act matter so that the disclosure would not fall under S.126 of the Enhancement Act, the information might be able to be released under S.40(1)(o) of the FOIP Act. The FOIP Act permits information to be released to assist in an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

To release information under FOIP Act, Ministerial consent is needed on the Law Enforcement Disclosure form. Your CEO has authority to sign this form.

## 1.6.4 For a Civil Proceeding

### Summary

A request for information might be received from an intervention record for a civil court proceeding.

### Director Not A Party

If the director is not a party to the proceeding (e.g., a motor vehicle claim, custody dispute or other law suit):

- Advise the requester to make a formal FOIP request and direct their questions to the Information and Privacy Branch Office.
- A person who is a party in a civil proceeding can apply to the relevant Court for an Order directing release of information under S.126.11, which gives the Court factors to consider regarding release of information from a Children's Services file.
- S.126.11 is not meant to undermine any of the existing tools to the release of information pursuant to S.126 and FOIP.
- If served with an order under S.126.11:
  - If the document does not direct the caseworker to bring the child's file to court, obtain Ministerial consent to take the file to the hearing and to provide the necessary information; and
  - Obtain advice from the director's lawyer.

### Director A Party

If the director or Minister is a party to the proceeding (e.g., a lawsuit against the Ministry), obtain advice from the Ministry's lawyer. All information will be provided through this lawyer.

### Document Compelling Attendance

If served with a document that compels attendance a court hearing, such as:

- a subpoena;

- a Notice to Attend;
- notice of an application under S.126.11; or
- an order under any other Act.

If such a document is received:

- If the document does not direct the caseworker to bring the child's file to court, obtain Ministerial consent to take the file to the hearing and to provide the necessary information; and
- Obtain advice from the director's lawyer or regional designate responsible for information and privacy.

## 1.6.5 For a Court Proceeding

### Policy

In a contested court proceeding, there must be **full disclosure** of all relevant information:

- to the parent and guardian, whether they have a lawyer or not;
- to the Family Law lawyer if a lawyer is assigned; and
- to the Court, either as testimony or in a report entered as evidence.

#### **Relevant information includes that which is:**

- contained in any prior Court Report;
- contained in the Information Consolidation or Initial Assessment;
- provided by any service provider;
- provided by any psychological or other assessment;
- provided by any medical report; and
- recommended by the Family Law lawyer.

When unsure whether some information is relevant, the caseworker will consult with a lawyer or regional designate responsible for information and privacy.

### Procedures

#### **When Director Does Not Have a Lawyer**

In situations where the director does not have a lawyer and the caseworker receives a request for information from the intervention record, or to review the entire record, from the parent, guardian or child, or the lawyer for any of them:

- In consultation with the supervisor, release only relevant information to which the requester is entitled. See Relevant Information above.

- Before providing the requested documentation or permitting a review of the entire file, review the file and flag any information that must be kept confidential.

**See:**  
[1.6.1 Overview, Do Not Release](#)

If the request is from a lawyer:

- Consider obtaining legal advice before proceeding.
- Verify that the parent or child has authorized the lawyer to obtain the information.
- Refer the lawyer to the parent or child for copies of any documents that the parent or child has already been given.
- If legal advice is not pursued, provide the requested information (if it has not already been provided to the parent or child), or the entire file, to **the regional designate**. The designate determines what should be deleted from the copy to be provided to, or reviewed by, the requester. Once the designate determines what documents are to be provided, or reviewed, follow the regional procedures for providing the documents.

### **Request not from a Lawyer**

- If the request is not from a lawyer, provide the requested information, or entire file, to **the regional designate**. The designate determines what should be deleted from the copy to be provided to, or reviewed by, the requester. Once the designate determines what documents are to be provided, or reviewed, follow the regional procedures for providing the documents.

### **When the Director Has a Lawyer**

In situations where the director has a lawyer and the caseworker receives a request for information from the intervention record, or to review the entire record, from the lawyer for the parent, guardian or child:

- The director's lawyer requests all documentation relevant to the court proceeding and ensures that adequate disclosure has been provided or offered. If a request is made to review the entire file, the director's lawyer asks the caseworker to review the entire file and then provide it to the director's lawyer.
- Before providing the file, consult with the supervisor to determine what information must be kept confidential and flag those sections of the file.

**See:**

[1.6.1 Overview, Do Not Release](#)

- If parts of the file will be required for on-going casework before the director's lawyer can return it, make copies of those file sections before providing the original. The director's lawyer returns the original file to the caseworker once the requester has reviewed it.
- Once the caseworker provides the file, the director's lawyer also reviews it to determine what should be deleted from copies provided to the other parties. If there are any questions about information flagged by the caseworker, the director's lawyer contacts the caseworker to discuss the questions.
- Upon determining what needs to be deleted, the director's lawyer deletes that confidential information and provides the other lawyer an opportunity to review the balance of the file in director's lawyer's office.

**Request not from a Lawyer**

If the caseworker has obtained a lawyer and receives a request for information from the intervention record, or to review the entire record, from the parent, guardian or child:

- If the request is not from a lawyer, provide the requested information, or entire file, to the regional designate. The designate determines what should be deleted from the copy to be provided to, or reviewed by, the requester. Once the designate determines what documents are to be provided, or reviewed, follow the regional procedures for providing the documents.

## 1.6.6 For a Criminal Proceeding

### Summary

A request for information from an intervention record for a criminal court proceeding may be received.

### Youth Criminal Justice Act (YCJA) Matter

If a youth involved in a YCJA matter has an intervention record, follow the *Young Offender Protocol for Case Management and Information Sharing between Child and Family Services Authorities and Alberta Justice*.

If the youth or the youth's lawyer requests access to information in an intervention record, advise the requester to make a formal FOIP request and direct their questions to the Information and Privacy Branch Office.

### Adult Matter

If an accused or the accused's lawyer requests information from the accused's intervention record, advise the requester to make a formal FOIP request and direct their questions to the Information and Privacy Branch Office.

### Request For a Complainant's Intervention Record

If an accused or the accused's lawyer requests information from a complainant's intervention record, notify the director's lawyer and advise the requester to contact the director's lawyer.

### Document Compelling Attendance

If served with a document that compels the caseworker to attend a court hearing, such as:

- a subpoena;
- a Notice to Attend;
- a notice of an application under S.126.11 of the Enhancement Act; or



- an order under any other Act.

If such a document is received:

- If the document does not direct the caseworker to bring the child's file to court, obtain Ministerial consent to take the file to the hearing and to provide the necessary information; and
- Obtaining advice from the director's lawyer or regional designate responsible for information and privacy.

## 1.6.7 Other Requests

### Summary

A request for information from an intervention record for purposes other than Enhancement Act, law enforcement, civil or criminal matters may be received. The following describes procedures for other requests.

### Fatality Inquiry

If a child dies and a fatality inquiry is proposed, the caseworker might be asked to provide information from the child's record prior to the inquiry. This information may not be provided under the FOIP Act. However, some information may be provided under S.126(1)(e) of the Enhancement Act with the written consent of the Minister or the guardian of the child.

Consult with the supervisor upon receiving such a request.

Use caution since the director might not be protected from liability for a release that is not made in the administration of the Enhancement Act or for the protection of the child. Consult with the director's lawyer prior to proceeding.

Consider obtaining consent from the person to whom the information relates. If that person is deceased, consider obtaining consent from their personal representative.

### Historical Request

If adult requests information about services received as a child, follow the procedures in the *Program Management Manual* under Retrieving Historical Child Welfare Files, Post-Service Information Request.

### Miscellaneous Request

If a person who is not providing services under the Enhancement Act requests information from an intervention record, consider releasing the information under S.126(1)(e). Follow these procedures to handle such a request:

- Without confirming whether there is information about that person, refer the requester to the person whom the information is about to obtain the

information or to obtain a signed Consent to Release Information [CS0470] from the child or guardian.

- If the child or guardian supplies a signed CS0470 that is legitimate, release the information according to the terms of the CS0470.
- Decide whether to request Ministerial consent to release the information if it is believed that the information should be released and:
  - the child and guardian are unable or unwilling to release their information, or to sign a CS0470; or
  - the request is for a third person's information.
- To request Ministerial consent to release information, first determine whether the release is within the parameters of S.126(1)(e) of the Enhancement Act. That is, would the release be for the administration of the Enhancement Act or for the protection of the child?
- If the release is within the parameters of S.126(1)(e), ask the manager to sign a CS0470 as the Minister's delegate for the purposes of S.126(1)(e).
- If the release is not within the parameters of S.126(1)(e) but you believe that the disclosure fits within one of the clauses in S.40 of the FOIP Act, ask the CEO to sign consent to release the information under S.40. In the request tell the CEO which clause of S.40 applies.

**Note:**

The Minister has delegated authority to sign S.40 consents only to CEOs and a very few other senior managers in Children's Services. They may not subdelegate this authority.

## 1.6.8 Children's Involvement in Research Projects

### Policy

A caseworker will provide consent for a child's involvement in research only when the regional director's consent has been received and when the regional director has approved the research project.

### Intent

This policy ensures that participation in research will not harm the child; that the requirements of the Freedom of Information and Protection of Privacy legislation are upheld; and, the child's and family's rights to consent or to withhold consent are respected.

### Procedures

When a request is received for consent to involve a child in a research project or survey, follow these procedures:

1. Submit a Consent to Release Information [[CS0470](#)] to the regional director for review and approval. Ensure that the regional director has approved the research project.

If the regional director has not approved the research project, inform the researcher that the regional director's approval of the project is required.

Contact the researcher via phone, e-mail, or facsimile or in person.

2. When providing consent:
  - Gain assurance that the research will not harm the child.
  - Ensure confidentiality by assuring compliance with the Freedom of Information and Protection of Privacy legislation requirements in relation to the research project or survey.
  - Discuss the research with any child who is capable.
  - If the child is over 12, proceed only with the child's written consent.
3. If the child is not under guardianship of the director, inform the researcher that the parent's written consent is needed. Identify a parent only with that parent's written permission.

If seeking parent's permission to release that parent's identity to the researcher, contact the parent via phone, e-mail, or facsimile or in person to obtain written permission. Have the parent complete a Consent to Release Information [CS0470].

4. To identify a parent:
  - Ensure that the regional director has approved the research project. If the regional director has not approved the research project, inform the researcher that the regional director's approval of the project is required.
  - Gain assurance that the research will not harm the child.
  - Ensure compliance with the Freedom of Information and Protection of Privacy legislation requirements in relation to the research project or survey.
  - Discuss the research with parent.
  - Only provide parent's identity if the parent provides written consent for the release of that information in compliance with Freedom of Information and Protection of Privacy legislation requirements.
5. If the child is under temporary guardianship, inform the researcher that both the parent's and the director's written consents are needed. Identify a parent only with that parent's permission. If the parent consents, decide whether to consent on behalf of the director. Consult and obtain your supervisor's approval to consent.
6. If the child is under permanent guardianship, decide, in consultation with the regional director, whether to consent on behalf of the director. Decide whether to consult with involved family members, foster parents or natural advocates of the child prior to deciding whether to consent on behalf of the director.

Consider the level of involvement of these persons in the child's life when deciding whether or not to consult them prior to deciding whether to provide consent.
7. If consenting, inform the researcher of the decision within 10 working days of the request via phone, e-mail, or facsimile or in person. Retain copies of the CS0470 from the regional director, the parent and child as relevant, the research study's consent form, and an overview of the study in the child's file.
8. If it becomes known that a child in care is involved in research without written consent:
  - Notify the supervisor.
  - Provide consent only if the above procedures can be followed.

## 1.7 Child and Youth Advocate

### 1.7.1 Overview

#### Summary

S.3 provides for the Office of the Child and Youth Advocate. The Child and Youth Advocate is an autonomous appointee of the Lieutenant Governor in Council who advocates for children and youth receiving services under the *Enhancement Act*.

#### Referring

Any person, including a caseworker, may refer a child or youth receiving intervention services to the Child and Youth Advocate if the person believes that:

- the child or youth's needs are not being met;
- the child or youth's rights are not being protected; or
- a case plan or decision affecting the child or youth has been made without taking into account the child or youth's viewpoint or interests, or without considering all of the relevant information.

## 1.7.2 Mandatory Notification

### Summary

The caseworker must immediately notify the Child and Youth Advocate if one of the following occurs:

- A child or youth has been given a full explanation of a proposed significant decision on a Family Enhancement Plan, a Concurrent Plan, a Transition to Independence Plan, or a Secure Services Plan and disagrees with the proposal. “Significant” means that the proposal could have a long-term physical or psychological effect on the child.
- A child or youth is alleged to have suffered emotional, physical or sexual abuse while in care.
- Strong, competing points of view are expressed by the significant people involved with a child or youth about a proposed decision or plan for the child or youth.
- The child’s needs are not met.
- The child’s rights are not being respected.
- The child’s viewpoint or interest is not being considered.

To notify the Child and Youth Advocate, complete and submit Mandatory Notification to the Child and Youth Advocate from a Caseworker [[CS2110](#)].

## 1.7.3 Natural Advocate

### Policy

The Child and Youth Advocate will recognize and support the existence of advocacy interest and intention among adult family and community members on behalf of Children/Youth who they know and who are receiving Child Intervention Services. These family and community members will be supported, if accepted by the young person to take issues forward on behalf of that individual. They will be called Natural Advocates.

The child and youth Advocate will recognize and respect the right of young people to choose who takes on the role of their "Natural Advocates", just as young people have the right to choose whether they want the involvement of a Formal Advocate.

It is entirely the young person's decision about whether an adult in his/her life becomes involved as a "Natural Advocate" subject to the outcome of an Intervention Record Check [CS2687] and criminal record check (CPIC) and to there being no existing restrictions concerning access between the young person and the potential Natural Advocate.

The child or youth must be able to express his/her wishes/wants/needs, and can understand what an advocate is as compared to someone who is a decision maker.

Because best interests decision makers (e.g., parents/other guardians, current caregivers, current child welfare workers) already have advocacy as an aspect of their role, they will not be considered for the Natural Advocate role. Like a Formal Advocate, the Natural Advocate is not a decision maker nor does the Natural Advocate have any guardianship rights or authority.

### Intent

- To support and strengthen existing healthy relationships that the young people have with adults, whether these be relatives or other people in their communities because this is in the interest of youth.
- When Natural Advocates are identified by youth, there is a high level of trust that allows the youth to openly impart their issues and concerns.
- The Natural Advocate will play a primary support role, assisting the child or youth to understand his/her "in care" circumstances; to understand his/her rights and to problem solve. They will be willing and able to take issues forward on behalf of the child or youth.



## Procedures

- Caseworkers and Formal Advocates will discuss with the young people with whom they work whether there is an adult in their lives that the young people would like to have involved as a Natural Advocate.
- When a child or youth not already involved with the Child & Youth Advocate Program identifies a potential natural advocate, refer the youth to the Child and Youth Advocate Program to initiate the process for formalizing the Natural Advocate approval process.
- The following processes will occur when a young person has identified someone that he/she would like to be involved as a Natural Advocate.
  1. The Office of the Child and Youth Advocate will provide the potential Natural Advocates with an information package that provides basic information about the Natural Advocate role.
  2. A Formal Advocate, and the young person will review the following with the potential Natural Advocate:
    - Discuss the adult’s **motivation and expectations** with regard to the role.
    - The Child and Youth Advocate will want to ensure the potential Natural Advocate understands the “child-centeredness” of the role.
    - Care will be taken by the Formal Advocate to ensure that Natural Advocates are representing the rights, interests and viewpoints of the young people with whom they are involved, rather than promoting their own version of what is in the young persons “best interest”.
  3. The Formal Advocate will confirm with articulate youth they want to work with the proposed Natural Advocate.
  4. The potential Natural Advocate will be required to complete an Intervention Record Check [CS2687] and a criminal record check (CPIC). The Child and Youth Advocate Program will pay costs associated with the latter. An Intervention Record Check or CPIC check that indicates the adult has, in the past, offended against a child or has placed a child at risk will result in the Natural Advocate process being halted.
  5. The Formal Advocate will facilitate the development of an advocacy agreement between the articulate child or youth and the Natural Advocate.

The agreement serves several purposes:

- It assists the young person to be clear about what he/she wants from the Natural Advocate and to ask questions to determine what assistance might be required from a Formal Advocate.
- It also makes explicit the fact that either the young person or the adult might want to terminate their agreement.

The agreement will include the following:

- What kinds of support the child or youth wants from the Natural Advocate. The particular activities a natural advocate might carry out will be guided by the young person and will be discussed and defined as much as is reasonable at the time the Natural Advocate role is being formalized.
- The activities of the Natural Advocate may include the following:
  - ▶ Accompanying youth to meetings with case worker to discuss desired changes.
  - ▶ Helping the young person to submit, prepare and participate in an Administrative Review.
  - ▶ Assisting the youth to complete applications for Advancing Futures Bursary.
- The circumstances that might lead either the child or youth, or the Natural Advocate, to want to terminate the Natural Advocate role, and how such a circumstance will be handled.
- The level of involvement of the Formal Advocate. The options are:
  - ▶ no involvement once the Natural Advocate Agreement is reached,
  - ▶ remain involved until a particular concern has been resolved; or
  - ▶ may become involved periodically as requested by the child or youth and the Natural Advocate.
- Discussion of the responsibilities of the Natural Advocate and of the Formal Advocate, if the Formal Advocate remains involved.
- Identification of the individuals who need to be notified that an individual is being formally recognized as a Natural Advocate.

6. The process of formalizing the interest of an adult as a Natural Advocate will only be terminated if:
  - The youth or the potential Natural Advocate decide not to proceed; or
  - An Intervention Record Check or criminal record check indicates the potential Natural Advocate placed a child at risk; or
  - The child’s caseworker or the Court has restricted/terminated access between the young person and the potential Natural Advocate.
  - For articulate young people, it is anticipated that an adult will continue in the Natural Advocate role as long as the child or youth is receiving services under the *Child, Youth and Family Enhancement Act*, or until the role is terminated by one of those parties, or until the caseworker or the Court restricts/terminates access between the young person and the Natural Advocate.
7. At this time, the Formal Advocate will also provide information to the Natural Advocate and the young person about the privacy and confidentiality requirements with respect to management of information. “Natural Advocates” will not have access to a child’s or youth’s file. To the greatest extent possible, the information a Natural Advocate has about a child or youth will come from that young person.

## Conflict Resolution

On occasion, conflict may arise between the natural advocate and the child or youth, and the caseworker. The caseworker will manage that conflict using any informal dispute resolution methods available and agreeable to all parties.

## 1.8 Administrative Reviews and Appeals

In conducting our daily activities, issues or concerns may arise. The Ministry is committed to the early resolution of all issues and concerns and has established a number of informal and formal mechanisms to do so.

Resolving issues can be difficult to do and requires a great deal of patience and listening by everyone involved. The fastest and easiest way to resolve concerns is generally through talking them out. The first step is always for the individual to talk to the caseworker who has made the decision that they are unhappy about. From there, each Authority or First Nation Agency will have a process in place that may include talking with the Supervisor, Manager or Director/CEO. Family group conferencing or mediation provide options for working together on solutions.

Guiding Principles of Informal Mechanisms:

- The best solutions are ones worked out between the parties themselves.
- Issues should be resolved as cooperatively, respectfully, fairly and efficiently as possible.
- Accessing informal processes for addressing client concerns does not prohibit clients from accessing the formal, legislated processes.

The formal, legislated mechanisms cannot be accessed for all the issues and concerns that may arise. When these issues arise, care must be taken to ensure that clients are fully aware of the informal mechanisms that exist.

Children and youth who are in care have the right to disagree with a decision and to have their concerns taken seriously. They must be advised as to the range of options that are available for resolving their concerns, which may include both formal and informal mechanisms. They may need a support to help ensure that their voices are heard.

Foster parents are covered by a special protocol. Information regarding the "Protocols and Guidelines for Resolution of Issues in Foster Care" is located under 10.20 Issue Resolution.

**See:**  
[10.20 Issue Resolution](#)

## 1.8.1 Administrative Review

### Intent

A commitment to early resolution of issues through accessing a range of regional alternative dispute resolution mechanisms should offset the need for formal review and appeal processes.

When a dispute over the decision of a director occurs, disputants have 30 days to file an administrative review. A director's decision is any decision made by a caseworker or anyone with delegated authority under the Act. This 30-day period allows for the caseworker, or decision maker and the disputant to engage in alternative dispute resolution strategies to attain a collaborative solution. It is expected that caseworkers will use all methods available to them to resolve the dispute and to ensure that disputants are fully aware of all dispute resolution processes available prior to the filing of an administrative review.

When informal dispute resolution processes have not been successful in finding a resolution, the Administrative Review is the first step of the formalized dispute resolution processes under the legislation.

Effective resolution through an Administrative Review will minimize the need to bring matters before the more formalized Appeal Panel.

### Policy

The administrative review is a formal process that allows for an internal review of a decision of the director when a child, youth, family, or caregiver disagrees with a decision of the director. The person who is directly affected by the director's decision may request an administrative review.

Matters that cannot go forward for administrative review are as follows:

- Operational/administrative matters such as the transfer of a file or changing caseworkers.
- Matters that the director has not determined but are integral to case planning, e.g. a child's diagnosis, educational planning, probation requirements, assessment findings, outcomes of child protection investigations, court orders and decisions of the court.
- Financial matters that have provincially fixed rates attached.

An Administrative Review must be completed prior to matters proceeding to Appeal, except as indicated in legislation S.120(4)(5). An Administrative Review can be used whether or not the matter can be appealed directly.

The Child and Youth Advocate must be given a copy of the Request for Administrative Review Decision [CS1625-2] when involved with or requested to be involved with a child or youth.

If a Request for Administrative Review is received and it meets the criteria for review it must proceed. If it fails to meet the criteria for an Administrative Review the applicant must be advised, in writing, of why their request will not proceed and what other dispute resolution options available.

## Procedure

### **Timelines for Administrative Review**

The person requesting an administrative review must do so within 30 calendar days of receiving the director's decision.

An administrative review must be completed within 15 calendar days of receiving the request for administrative review form. As there can be no extensions of the 15 days, clients should be encouraged to time the submission of their request to ensure that they are able to meet with the Review Team if this is their preference.

If the person requesting the administrative review does not receive written notice of the Administrative Review of a Director's Decision [CS1625] at the end of the 15 days, the director's decision is deemed as upheld. The person may file a Notice of Appeal to the Appeal Panel [CS1622], if the person meets the eligibility criteria under S.20 of the Enhancement Act.

The child continues to receive current benefits and supports while awaiting the Administrative Review decision.

If the decision being reviewed is regarding placement, no placement changes are to be made while waiting for the decision of the administrative review unless the child is at risk or poses a risk to others.

Attempts to resolve the issue can be made through informal mechanisms pending the decision of the Administrative Review Team.

### **Receiving a Request for Administrative Review**

A person requesting an Administrative review may provide the request to any person at a Children's Services office, e.g. Caseworker, Casework Supervisor, Administrative staff.

When receiving a Request for an Administrative Review the recipient must ensure the date received is indicated on the form.

Forward the request to the Manager of the office/program where the file originates.

Upon receiving the request, the Manager will attempt to seek resolution of the matter prior to an Administrative Review proceeding.

If this is not successful the Manager arranges to have the Administrative Review completed by an Administrative Review Team, and the final decision forwarded to the applicant, within 15 calendar days as per S.117.1(4).

### **The Establishment of an Administrative Review Team**

The Administrative Review Team must be comprised minimally of two members employed in the administration of the Enhancement Act.

At least one of the two members must be a Manager of a Child and Family Services Authority or a Director of a Delegated First Nation Agency.

The second member must be a Manager, a Supervisor, or a staff member having a classification at least equivalent to a Supervisor.

Administrative Review Team members cannot review a decision of someone they directly report to, their own decision or a decision they were involved in informally reviewing. Nor can they be in a direct reporting line to the Manager of the office where the decision was made.

At least one Team member must be delegated.

Where there is only one Manager available, that person becomes the Chair of the Administrative Review Team and completes and signs the Administrative Review Decision form when a decision has been made.

### **Administrative Review Process**

The applicant has the option of:

- Providing a written submission to the Administrative Review Team
- Attending a meeting with the Administrative Review Team.
  - Administrative Review Team shall advise the applicant that they can choose to meet without the caseworker being present, should the option to have a meeting be chosen; and,
  - The applicant must also be advised that they can bring a support person with them to the meeting.

The Administrative Review Team reviews all relevant information within 15 calendar days.

Relevant information includes the following:

- All documentation related to consultation with all persons involved with the case plan including the First Nations Designate as per S.107.
- The child's Concurrent Plan, Family Enhancement Plan, Transition to Independence Plan or Secure Services Plan.
- Documentation submitted by the applicant.
- Documentation from informal dispute resolution processes that were used.
- Any file information and policy considered when making the decision under review.
- The rationale for the decision that is under review.
- The Administrative Review Team must consult with the child unless they are confident that the child's viewpoint is being represented.
- Where applicable, the Administrative Review Team must also consult with any other person who can help the Team make an informed decision in the best interests of the child.
- The Administrative Review Team maintains all confidentiality requirements throughout the process and ensures that the decision is made in the best interests of the child and is reflective of the Matters to be Considered S.2.
- The Administrative Review Team makes a decision to confirm, reverse or vary the original decision.
- The Administrative Review Team's decision is limited by legislation, regulations and policy.

### **Follow-Up Requirements**

As per S.117(4)(b) of the Act the applicant must be informed of the final decision of the Administrative Review within 15 calendar days after submitting a Request for Administrative Review.

The decision, and corresponding rationale, is recorded on the Administrative Review Decision form [[CS1625-2](#)].

After verbally informing the applicant of the decision, send the Administrative Review Decision form [[CS1625-2](#)] to the applicant, the child, and involved staff, including the Child and Youth Advocate where applicable.



If the original decision is appealed it will remain in effect during the appeal process except in instances where the decision was to place a child into, or to remove a child from a residential facility to address risk issues.

## 1.8.2 Appeals

### Summary

The caseworker is required to discuss with the family the use of alternative dispute resolution processes that may be available in their region in an attempt to resolve the situation, therefore avoiding the decision progressing to administrative review or appeal. The caseworker is required to document all attempts to resolve the situation with the family. It is noted, that the family may choose not to access the available alternative dispute resolution processes and may go directly to administrative review and/or appeal as per the legislation.

The Appeal Panel may confirm, reverse or vary certain child intervention decisions that may be appealed under S.120. The Panel's decision is limited by Enhancement Act and regulation but not by policy. The appeal panels decision may be appealed to the Court of Queen's Bench.

A director may appoint anyone to represent the director at an appeal hearing. This person does not have to be the caseworker.

The following describes the operation of the Appeal Panel and the procedures to follow when an appeal is made to the Panel.

### Receiving a Notice

As per the legislation, upon being informed of a child intervention decision, the appellant has **30 days** in which to serve notice of an appeal on the director. If there was no administrative review, this 30 days begins when the appellant receives written notice of the director's decision. If there was an administrative review as per S.117.1, these 30 days begins when the appellant receives written notice of the Administrative Review committee's decision.

If an appellant wants to appeal, supply Notice of an Appeal to the Appeal Panel [[CS1622](#)] and tell the person how to complete the form and serve it.

If the caseworker receives a notice of an appeal:

- Acknowledge receiving the notice and ask whether the appellant will be represented by a lawyer.
- Date the CS1622 and immediately send it to the Appeal and Advisory Secretariat, attention: Child Intervention Appeal Panel. Send a copy to the regional appeals designate. The designate provides consultation and support through the appeal process.

If a lawyer might be needed, tell the designate why. Even if the appellant obtains a lawyer, the director does not routinely obtain one. If a lawyer is needed, the designate contacts Family Law to discuss the case. The designate calls the appropriate Family Law Office:

- Edmonton, Central, Northeast and Northwest regions call Edmonton, 422-3715
- Calgary and South regions call Calgary, 297-3360.

Family Law will provide a lawyer for the director if the matter involves a legal issue such as jurisdiction or if the situation warrants one.

- If the appeal is about a child receiving intervention services, immediately notify the Child and Youth Advocate.
- Ensure that the child continues to receive current benefits while awaiting the appeal hearing. Otherwise, until the Appeal Panel makes its ruling, leave in effect the director's decision that is being appealed unless the decision was to place a child into or to remove a child from a placement resource. If the decision was to place or remove, move the child only if the child is at risk.

## Preparing

To prepare for the Appeal Panel hearing:

- Make photocopies of all documents relevant to the appealed decision. If a lawyer is assigned, immediately send these documents to the lawyer. Do not give any original documents to the Panel.
- Discuss the process for an appeal with your supervisor and manager.
- Review all documents and processes that were involved in the decision that is going to be reviewed by the appeal panel. The caseworker should prepare themselves in a similar manner as they would for a court process in terms of ensuring there is an increased understanding of all aspects of the case and the decision.
- If a relevant document is a confidential report from an expert, ask the author to appear before the Panel to give evidence. If the author refuses, tell the author that the report may be given to the Panel. The exception is a report prepared under a contract that says the report will be accessible only to child intervention staff working with the child.
- If the appellant is a child, make sure the child has help to prepare and present the appeal. The child may be represented by a lawyer or any other person.

## Pre-Hearing

The Appeals Secretariat offers the appellant and director a pre-hearing teleconference to determine the following:

- whether they will question the Panel's jurisdiction;
- what support people and observers, including the Child and Youth Advocate, will be present; and
- what witnesses will be called and how much time will be needed.

The information provided at this teleconference is not binding on the parties.

If the Panel's jurisdiction is in question, the Panel tries to hear the parties' positions and proceed with the balance of the hearing only if it has jurisdiction.

## Presenting

When presenting before the Appeal Panel, give the section of the Act, regulations or policy under which the decision was made.

## Panel Decision

The Appeal Panel notifies each party of its decision in a written summary.

If the Panel's decision conflicts with the Enhancement Act or regulations, immediately notify the nearest Family Law office.

## Appeal

S.119 (6) provides for an appeal of a decision of the Panel by any party to the hearing. An appeal must be launched in the Court of Queen's Bench not more than 30 days after the decision.

To launch an appeal:

- Obtain approval from the Assistant Deputy Minister, Children's Services.
- Instruct a legal representative to initiate the appeal.

## 1.9 Police Involvement and Offences

### Overview

Some investigations involve the police as reporters, co-investigators, or a subsequent referral. The following is a review of the roles of the police and the caseworkers.

### Roles

Although both the caseworker and a police officer might investigate the same case, they have differing mandates, skills, decisions to make and actions to take. The caseworker determines whether the child is in need of intervention and provides intervention services. The police officer attempts to maintain law and order, determine whether a law has been violated and brings alleged offenders to justice. In addition, a police officer may make an emergency apprehension under S.20(12).

If police assistance becomes necessary or a referral to the police is appropriate:

- Consult with the supervisor
- Continue to provide child intervention services:
  - perform mandated duties;
  - exercise powers of the Act;
  - retain responsibility to protect the child; and
  - if the child is in the custody of the Director, provide care

In instances where it is determined a joint investigation is required all efforts should be made to coordinate this activity. Delays in coordinating these activities, however, should not limit the caseworkers ability to provide intervention services as noted above. More specifically, if there appears to be imminent risk to a child and the police are unable to respond in a timely manner the caseworker may initiate an investigation without police involvement.

## Summary

The *Criminal Code of Canada* indicates specific offences against children. If the caseworker has information indicating that a person has committed one of these offences, then:

- If appropriate, encourage that person to self-report to the police.
- Inform that person about the responsibilities of the caseworker to report.
- Where appropriate report the alleged offence to the police. Where both the caseworker and the police have a mandate for involvement discuss the coordination of a joint investigation.
- It is an offence for someone except a lawyer to counsel that person regarding ways to avoid the consequences of offending.

## Offences

The following are some of the offences against children:

- failure to provide the necessities of life;
- assault (applying force intentionally or attempting or threatening to apply force);
- assault causing bodily harm;
- sexual assault;
- sexual intercourse with a female under 14;
- incest;
- indecent assault;
- corrupting morals (e.g. child pornography, and drug trafficking);
- guardian procuring a child for illicit sexual intercourse or receiving the avails;
- acts of gross indecency;
- manslaughter;
- infanticide;
- murder; and
- concealing the body of a child.

## 1.10.2 Indian Child

If it is determined that an initial assessment or investigation on an Indian reserve is necessary, follow the protocol negotiated between the reserve and the Ministry.

If the initial assessment or investigation indicates that an Indian child who is a member of a band is in need of intervention services, seek information and advice from the First Nations designate as per S.107.

**Note:**

To obtain consent from the parent as per S.107, use the [Consent to Consult with a First Nation Designate \[CS1634\]](#).

**See:**

[1.10.3 Métis Child, Obtaining Guardian Consent](#)

Carefully consider the advice of First Nations designate and others who may be involved such as:

- Delegated First Nation Agency staff;
- an elder;
- a community leader or advisor.

## 1.10.3 Métis Child

During an initial assessment or investigation when an individual identifies themselves as Métis, the caseworker will provide the client with the opportunity to involve a **Métis resource** in case planning, support and service provision for the child and family. A **Métis resource** is defined as including:

- Region 10, Métis Settlements Child and Family Service Authority
- Métis regional resources, which may be a referral source and are, identified through the CFSA regions. These may be geographically local Métis Nation of Alberta resources, or a Métis Child and Family Services Agency or other agency.

In situations where a family has indicated that they would prefer contact with Métis resource, the family should identify their preferred contact that is available within the community. Upon obtaining consent from the parent/guardian, the caseworker will involve the Métis resource in planning for the child, including case planning, providing support, exploring placements, adoption and private guardianship.

### Obtaining Guardian Consent (for Métis Resource or First Nation Designate or Other Aboriginal Resource)

In asking for consent from the guardian the caseworker may provide an explanation to the child and guardians of the potential benefits to be gained by involving the Métis resources or other Aboriginal resources. The advantages include:

- The possibility of contact and support from extended family and friends, perhaps the re-establishment of relationships.
- The child's connection to their family, culture, social and religious heritage.
- Increased support and assistance that may be available from Aboriginal resources.
- Potential placements for children should that become necessary, including importance of placing the child with extended family.

Documentation of the consent to involve a Métis resource person should be on the child's file, to ensure accountability for obtaining consent.



If the First Nations parents/guardians consent to involvement of the First Nations Designate on their behalf, then the Consent to Involve the First Nations Designate [CS1634] must be signed and placed on the child's file. Also, if the parents/guardians do not consent, the caseworker should also document this on the file and their contact notes.

## 1.10.4 Working with Schools

### Report

School personnel immediately and directly notify a caseworker about a child believed to be in need of intervention services.

### Interview

If it is most appropriate to interview a child in the school:

- Ask the school personnel to provide a time and place for the interview.
- Ask the school personnel to provide access to the child.
- Consider the convenience of the school and child when arranging the interview.

Provide the principal with:

- identification;
- the nature of the initial assessment or investigation **on a “need to know” basis**; and
- the reason for interviewing at the school.

If the child requests the support of a school staff member during the interview, determine with school personnel whether to have the staff member present.

### Follow-Up

Supply information only to a school staff member who is directly involved. Give such a staff member only what is necessary to continue providing service.

If information from a school staff member might be useful, ask the principal to facilitate an interview with that person.

Tell the principal if the parent has been contacted or when the parent will be contacted.

Notify the parent about the interview as soon as possible.

If the principal receives an inquiry from the parent, the principal will refer the parent to you, giving only your name and phone number.

Tell the principal about subsequent developments **as “needed to know” for the purposes of carrying out his or her responsibilities to the student** until the initial assessment or investigation is concluded.

## Conflict

If a conflict arises with any school personnel regarding access to a child, immediately refer the matter to the manager who decides what action to take.

## 1.10.5 Working with Women's Shelters

### Report

Women's Shelter personnel notify a caseworker about a child believed to be in need of intervention services. When receiving such a report:

- discuss whether the mother will be told about the report by the reporter; and
- determine whether a police referral is needed, and if needed, decide how to make the referral.

If a intervention services are not appropriate, tell the reporter of this decision.

### Interview

If it is determined that the child will be interviewed in the shelter:

- Explain the reason to the shelter staff.
- Request a time and private place for the interview.
- Consider the convenience of the shelter and child when arranging the interview.
- Provide the shelter staff with identification.
- If the child requests or requires the support of a shelter staff member during the interview, determine with the shelter personnel whether to have the staff member present.
- Consider the value of interviewing any siblings who are also at the shelter.

If additional information from a shelter staff member is needed, the caseworker is required to ask the shelter director to facilitate an interview with that person.

If more time is needed to complete the initial assessment or investigation, consideration should be given to making a request to ask shelter staff to encourage the family to stay at the shelter until the initial assessment or investigation is complete. The caseworker is also required to ask the staff to notify them if the family decides to leave.

## Follow-Up

After initial assessment or investigation, the caseworker is required to tell the shelter staff:

- that the initial assessment or investigation is complete;
- about any relevant information; and
- whether the child is in need of intervention.

If the child needs intervention services, consider the value of consulting shelter staff regarding case planning.

If the case goes to court, avoid using shelter staff or records as evidence. Subpoena a shelter staff member only if absolutely necessary, and only after consulting with the shelter personnel and legal counsel. If a shelter staff member is subpoenaed, ensure that court preparation is offered.

## Conflict

If a conflict arises with any shelter personnel, refer the matter to the manager who decides what action to take.

## 1.10.6 Day Care Services and Co-ordination

### Report

Day Care Services personnel notify a caseworker about a child believed to be in need of intervention services. When receiving such a report, determine whether the alleged perpetrator is a parent or guardian.

If not a parent or guardian (e.g. a day care staff member), then instruct the reporter to inform the parent and to report the matter to the police, and complete the following:

- Contact the police to ensure that the matter was reported.
- Notify the supervisor or manager who follows up with the police.
- If requested, assist the police with the child intervention issues of their investigation.

### Interview

If the parent is the alleged perpetrator and if it is appropriate to interview the child in the day care:

- Ask the day care personnel to provide a time and place for the interview.
- Ask the day care personnel to provide access to the child.

Provide the day care director with:

- identification;
- the nature of the investigation; and
- the reason for interviewing at the day care.

If it is determined that the support of a day care staff member during the interview is appropriate, arrange with the day care director to have a staff member present.

## Follow-Up

Supply information only to a staff member who is directly involved. Give such a staff member only information that is necessary to continue providing service.

Tell the day care director when the parent will be contacted.

Notify the parent about the interview as soon as possible.

If the day care director receives an inquiry from the parent, the director will refer the parent to the caseworker giving only the caseworker's name and phone number.

## Conflict

If a conflict arises with day care personnel regarding access to the child, immediately refer the matter to the manager who decides what action to take.

## 1.11 Referral and Evaluation of Services

### Definition

Referral of the child and family for an external assessment or for other services, and the subsequent evaluation of the services.

### Purpose

The caseworker is required to clearly state the reason for the referral and the referral objective. Also to describe the terms of service and to evaluate the assessment report or service provided.

### Activities

Complete a Referral and Evaluation of Service [CS1839] for fee for service, standing offer agreement or contract referrals for service providers such as homemakers, parent aides, tutors, in home support services, interpreters, translators, youth workers, psychologists and supported independent living programs. Use it only for drivers, escorts, process servers, day cares or volunteers from an agency with which you have a standing offer agreement or contract.

Do not use this form for medical, dental, optical, or cultural and recreational services, nor for drivers, escorts, process servers, day care or volunteers.

In an emergency, the caseworker may make an oral agreement. In such a case, describe all terms to the service provider. As soon as possible, follow up the oral agreement with a completed CS1839.

Complete the referral sections of the CS1839 and negotiate the terms sections with the service provider. If possible and appropriate, involve the family in this negotiation.

When completing the terms:

- Use the rates negotiated or authorized by the region.
- Obtain the authorization and signature of the supervisor and of the parent if the family is cost sharing.
- Attach page one of the face sheet to the form. This provides demographic data for the service provider.



- Attach any additional required information that is listed in section 3 of the CS1839 then send a copy of the form and attachments to the service provider. Ask the service provider to sign and return one copy.
- Send the parent or care giver a signed copy of the CS1839, if appropriate.
- Upon termination of the services; that is, at the end of each contract and/or extension, complete the evaluation section of the CS1839.
- Once you complete the form, including the evaluation, send a copy to the service provider and give one to your manager.
- Complete a new CS1839 if any change or extension of service is required.
- If the caseworker requires reports but the family is making its own arrangements and is paying for the services, obtain Consent to Release Information [[CS0470](#)] from the parent so that may be obtained information from the service provider.
- Review the services at 3-month intervals in conjunction with the Family Enhancement Plan, the Concurrent Plan, and the Transition to Independence Plan reviews. If the referral objective or the terms of services have changed, complete a new CS1839.

## Time Frame

Normally, before the service starts and, in all cases, within 3 working days of making any oral agreement for service.

## Format

CYIM generated.

## 2. First Nations Designate

### Overview of Requirements for Involvement

The *Child, Youth and Family Enhancement Act (Enhancement Act)* S.67 and 107, clarifies and strengthens the involvement of First Nation communities in planning for their children through collaborative efforts between the First Nation designate and the Child and Family Service Authority (CFSA). Although the legislation clarifies specifically when the director is required to contact the designate, overall involvement occurs in terms of the adoption of a First Nations child, or when children are placed in care through a temporary guardianship order.

A First Nations designate involvement in planning ensures consistency, and cultural expertise in supporting children and families in maintaining cultural ties to their communities and preserving the child's cultural identity while in the care of the director. The following additional policy has been developed to facilitate involvement of the designate in information sharing and advising in permanency planning for children. Through the planning process and involvement of the designate, decision-making authority continues to reside with the Director of *Child, Youth and Family Enhancement Act*.

The legislation clarifies when involvement will occur, and policy further operationalizes the requirements. The following provides parameters to facilitate involvement of the First Nations designate in planning for their children:

- In adhering to the legislative and policy requirements, the level and extent of involvement by the designate should occur within the current capacity of the First Nation. Policy clarifies that the CFSA caseworker is to involve the designate in planning in a similar manner that they would involve other professionals or family members in planning for children.

For example, the policy requires the CFSA caseworker or supervisor and the designate to meet as needed or on a quarterly basis to discuss involvement in planning for specific cases, specifically relating to identification of extended family placements and permanency planning. This may be facilitated through a telephone conference versus when a face-to-face meeting is not possible.

- In instances where a CFSA is involved with a child who is an Indian and a member of the First Nation, and a Delegated First Nation Agency (DFNA) exists, involvement should be coordinated with the designate and DFNA. Facilitating involvement through this structure would ensure a strong level of expertise in assisting in planning for children including facilitating extended family placement for the child, as well as increase coordination between the CFSA and DFNA.

- If a designate is appointed, the following is provided for consideration:
  - The designate must complete a criminal record check and a child welfare intervention services check.
  - Confidentiality provisions must be adhered to. Specifically, files should be stored in the Band office in a secure area, and faxes should be received through the Band office. In situations where a DFNA exists, the files and documentation, including faxes should be stored and received through this office.
  - The designate must sign an oath of confidentiality through the DFNA (where one exists), the CFSA, or the Ministry's First Nation Liaison Unit.
  - If the designate is related to the family member, they will need to take the issue to Chief and Council to further discuss the management of the situation. It is recommended that a mechanism is developed to manage this situation jointly by the Chief and Council and the Ministry.
  - The designate is required to be familiar with the *Enhancement Act*. Orientation to the legislation can be requested through the Ministry of Children's Services.
  - To further support the casework process and preservation of the child's culture, the designate should provide the CFSA caseworker with a list of activities and potential opportunities for involvement in the community, as well as a list of placements within the community and available community resources.

To facilitate involvement in information sharing and advising on permanency planning by the designate, the following additional parameters are provided for CFSAs:

- Pending the number of First Nation children that require involvement, the CFSA may assign all cases where the children are members from one band to a specific unit or caseworker. This would facilitate efficiencies for involvement by the designate.
- To further assist the designate in prioritizing the level of involvement in case planning activities, the caseworker will further identify the permanency plan and anticipated reunification timeframes for the child when they notify the designate.

## Chart: An Overview

The chart below provides a summary of policy requirements and processes to facilitate the involvement of the designate.

Policy	Process to Facilitate Involvement
<p>A CFSA caseworker is required to contact the designate within two business days of an apprehension of a First Nations child who is ordinarily a resident on reserve. The purpose is to determine if there is a placement available within the extended family or community.</p>	<p>If the designate is within the organizational structure of the DFNA, the DFNA may have additional information to facilitate a placement within the community. If a DFNA does not exist, the designate may be aware of additional family members who may be appropriate to provide care.</p> <p>If the caseworker is unable to contact the designate, the caseworker will leave a voice mail explaining the situation, email if available and fax the information to a secured site.</p>
<p>To facilitate involvement in information sharing and advising on permanency planning for the child, if possible face-to-face contact should occur, or alternative means should be agreed upon by the CFSA and Designate, including telephone conferencing.</p>	<p>Involvement should occur within the capacity of the First Nation community.</p> <p>The development of additional regional protocols between the DFNA or First Nation community and CFSA will further assist in clarifying expectations for involvement.</p> <p>The designate and caseworker will discuss the level of involvement and extent of involvement.</p> <p>In developing the concurrent plan or attending the case conferences, involvement may occur through telephone conference, email, fax or other written correspondence.</p> <p>In instances where a higher level of involvement has been identified in the case, the caseworker/supervisor and designate should meet as needed or on a quarterly basis.</p> <p>Regional placement review meetings may occur as agreed upon by the parties or every two months to discuss issues related to placement breakdowns, placement options, and matching etc. This meeting may or may not be necessary pending the processes agreed upon for involvement in case planning.</p>
<p>Provision of information to the designate.</p>	<p>The caseworker will provide information including copies of court order and concurrent plan in those instances where an increased level of involvement has been agreed to.</p>
<p>Assist with permanency planning of First Nations children through the on/off reserve flagging system.</p>	<p>Additional information pertaining to the number of First Nation children that are within the parameters of the legislation concerning this area can be obtained through the Director of the <i>Child, Youth and Family Enhancement Act</i>.</p>

## 3.1 Requirement to Report

### Policy

All reports received from the community must be responded to in a timely and consistent manner and in accordance with the *Enhancement Act*.

### Intent

Reports from community partners, other service jurisdictions, the courts or police, community members or self referrals must all receive a consistent and thorough response that places the safety and well being of the child as the priority consideration.

### Procedures

#### **Failure to Report:**

If you believe that a person has not complied with the duty to report:

- Consult with your supervisor.
- Notify the regional director (director within a region) in writing. If it is determined that the person is registered under an act regulating a profession or occupation, include this information in the notice to the regional director.
- The regional director decides whether to pursue pressing charges.

#### **Exceptions:**

Information that is privileged as a result of a solicitor-client relationship, is not required to be reported.

#### **Court Referral**

A judge may hear evidence in a court other than Family Court that leads the judge to believe that a child may require intervention services. If a judge makes a referral, assess the matter as quickly and completely as per the requirements for screening of reports.

## Youth Criminal Justice Act and System

If the referral concerns a child who is involved in the Youth Criminal Justice system, perform the usual screening procedures. The *Enhancement Act* clarifies under S.4(1.1) reports received pursuant to S.35 of the *Youth Criminal Justice Act*. Consider the offence as only one of many factors when assessing the need for intervention. Such a report might be:

- a referral from the police under S.5, regarding a child under 12 years since such a child may not be charged,
- a referral from the police, the crown prosecutor, or Youth Court regarding a child over 12 years who is assessed as requiring intervention, not criminal proceedings, or
- a referral from a youth worker regarding a child who has received a sentence (Enhancement Act S.4(1.1)).

## Child of an Employee

If the report concerns a child of a CFSA or DFNA (Child and Family Service Authority or Delegated First Nation Agency) employee, have the manager decide:

- who will complete the assessment for determination of intervention services.

## Residential Facilities

If investigating a residential facility (i.e.; foster home or child and youth facility), follow the procedures for investigating complaints from a residential facility.

**See:**

[12.4 Residential Licensing Procedures, Investigation of a Complaint in a Residential Facility](#)

## Youth Criminal Justice

If the assessment of intervention services, including the investigation, involves a child who has an outstanding charge under the *Youth Criminal Justice Act*, assess or investigate the need for intervention independent of the Youth Court proceedings.

## **Report to Police**

Report information to police in the following instances:

- a child with observable injuries, whose injuries are believed to be the result of abuse;
- a child who has been sexually abused; or
- a child whose whereabouts are unknown and who is believed to be in need of intervention.

## **Offences**

S.130 provides for the prosecution of a person under specific circumstances.

If a caseworker has reason to believe that a person has committed an offence under this section, notify the regional manager who decides whether to pursue pressing charges.

## **Transport**

S.6(5) and S.6(6) provides direction on conveying a child. Refer to the sections of the legislation for details.

## **Custody Disputes**

If the child is the subject of a custody dispute:

- attend to assessing intervention needs,
- avoid participating in the dispute, and
- if evidence for a custody hearing is requested, refer to the policy in Releasing Information.

## **Recording**

Record all activities on the file and in CYIM as required.

## 3.2 Receiving Reports from the Community

### Policy

Section 4(1) of the legislation requires that any individual who has reasonable and probable grounds to believe a child is in need of intervention must report the matter to a director.

These reports shall be made to a director's representative within a region, including the Child and Family Services Authorities (CFSA's) and Delegated First Nations Agencies (DFNA's).

The ability to receive and respond to reports from the community is of highest priority. Regions must have the capacity to receive and respond to reports on a 24-hour a day basis 365 days per year.

### Intent

The director must be available to receive reports from the community and respond to these reports.

### Procedure

- Each region must have staff available to receive reports at all times.
- Coverage for after hours must be in place.
- Communications to the community must provide clear information about how reports can be made and how emergency intervention services can be accessed.
- After hours protocols with community resources such as police, schools and health resources must be in place.
- The provincial child abuse hotline number (1-800-387-5437) must be clearly communicated within the community.
- All reports from the community must be responded to by a person and not a recorded telephone message.



## Recording

All calls must be recorded using the following formats as appropriate:

- Screening Form [CS1872] if the information is clearly a report on a child in need of intervention,
- Duty Report [CS0113] if the information does not constitute a report or if it is about a child with an open file,
- Telephone log, if the call is not a report, but is a request for information,
- Contact Note [CS0072] if the call is about a child already receiving services.

All documentation must be retained and filed according to file retention standards.

Unless instructed otherwise, retain all documentation for file review and audit purposes.

## **3.3 Screening – Assessing Reports from the Community**

### **Policy**

The timeframe for completion of the screening activities is 3 working days, unless it is determined that a more immediate response is required.

### **Intent**

Community referrals, reports and requests for services are the primary means to identify children who may be in need of intervention.

Maintaining positive relationships and strong communications with community partners and the community members in general supports the receipt of good information to identify, assess and support children in need of intervention.

Screening represents the first of a series of assessment activities to provide a preliminary assessment of the child's need for intervention.

Screening will determine whether the information received constitutes a report, requiring assessment and/or investigation.

If the information received indicates that a child may be in need of intervention, generally an Initial Assessment will be completed to further determine the need for intervention.

If it is immediately apparent that protective services will be required, the 'assessment' required by the Act can be completed at the screening stage and the matter referred directly for investigation.

### **Procedure**

Upon receiving information from the community, a determination must be made to establish whether the information constitutes a report, under S.4 or 5 and whether an assessment will be required under S.6(1).

When it is determined that the information constitutes a report, the caseworker is required to gather as much information as possible from the referral source.

Sufficient information must be gathered during screening to make a preliminary assessment about the child's need for intervention, and whether family enhancement services or protection services may be required.

**Information gathered during screening should include:**

- as much information as is available from the reporter or referral source,
- collateral information from any individual or agency that may be familiar with the situation to corroborate information gained from the reporter,
- a review of CYIM and other departmental records to determine whether there is information about the child, parent, custodian, any person over 18 who is residing with the child or alleged perpetrator. If there is an open or closed file, review all pertinent information, and
- for third party referrals, determine if the referral source can be a resource to the family and assist in establishing a connection with the family, where appropriate. (e.g., teacher, counsellor child care provider, home visitor, public health nurse).

**As part of a routine screening for Domestic Violence issues:**

- CYIM history of previous domestic violence indicators?
- Is the referral the result of a domestic violence incident?
- If no, is the reporter aware of any domestic disharmony?

**Note:**

If yes to any of these questions review domestic violence section.

**See:**

[17. Domestic Violence, Tips for Caseworkers and Supervisors](#)

**Other information should include:**

- the source of the reporter's information,
- what direct knowledge the reporter has about the child's situation,
- what are pertinent factors relating to the child's need for intervention,
- are there previous incidences of neglect or abuse,
- is the family aware of this report,
- identifying information on each person involved,
- the current circumstances of the child and family,

- what efforts have been made to resolve the situation,
- whether the situation pose a threat to a caseworker.

**Other information about the family, parent and alleged perpetrator should include:**

- the parent’s ability or willingness to protect the child from harm,
- where the parent or alleged perpetrator can be located,
- whether the parent or custodian’s behaviour poses a threat to the child,
- the strengths and resources the family would have to resolve the situation.

**Other information about the children should include:**

- the name, age, sex, birth dates, school and location of the child,
- the name, age, sex and school of any siblings or other children in the home who may be at risk,
- the present condition and circumstance of the child, and
- whether basic necessities of life are lacking or threatened.

**Information about the reporter should include:**

- name, address and phone number. If the reporter wants to remain anonymous determine why.
- reporter’s relationship to the child,
- how long the reporter has know the family and the child,
- how well the reporter knows the family and child,
- does the reporter stand to gain from the report , for example is there a custody dispute,
- any other significant information about the reporter or information about the child.

**Case Conference:**

The completion of the screening activities represents a critical decision point for the case and a careful analysis and review of all information must be completed to determine the action to be taken.

A case consultation shall occur at the completion of screening, involving the caseworker assigned to the screening, and a supervisor. A supervisor will be required to sign off the completed Screening Form with the record of action taken. A key component of this conference is the confirmation of the immediacy of the response.

**Action taken at the completion of screening:**

The possible actions taken at the completion of screening are:

- closure with no referral
- closure with community referral
- brief services
- initial assessment
- investigation

If the screening report **does not** provide reasonable and probable grounds to believe that the child is in need of intervention services, take one of the following actions:

- closure with no referral
- closure with community referral, or
- provision of brief services

If the report provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will address** the identified intervention needs, take the following action:

- refer for completion of an initial assessment.

If the report provides reasonable and probable grounds to believe that the **child is in need of intervention, and it is believed that family enhancement services will not** satisfy the child's need for intervention, take the following action:

- refer for investigation.

## Recording

The screening information, including the action taken is recorded on Screening Information [[CS1872](#)].

Other information is recorded on Contact Note [[CS0072](#)].

Information must also be entered in the CYIM Screening Module.

Information should include but is not limited to, initial referral information, assessment findings rationale for decision and any follow-up anticipated or expected.

## 3.4 Initial Assessment

### Policy

The initial assessment is conducted to determine:

- if a child is in need of intervention,
- if family enhancement services will satisfy the child's need for interventions,
- if protective services are required and an investigation is required,
- if further assessment is required through an extended assessment.

If at any point during the assessment process, it is determined that the child's needs can not be satisfied through family enhancement services and the child's safety is at risk, an investigation is to be initiated.

The initial assessment must be completed within 9 working days from the date of referral from screening.

An initial assessment must be completed prior to the opening of a family enhancement file.

### Intent

**Initial assessment is the phase of assessment activity** that follows screening when it is determined that a child may be in need of intervention. This assessment activity will further determine the child's need for intervention, and determine the type of intervention that may be required.

Assessment activities will involve **gathering, consolidating and analyzing information** that identifies the child's intervention needs and the issues and strengths that relate to each need.

Assessment activities will provide information from a variety of sources to carry out the linked processes of assessment, planning, intervention and review.

A careful and thorough assessment of family strengths and needs is a key element of differential response. A structured and in-depth assessment of the child's needs, parental capacities and environmental factors will provide the caseworker with the information to facilitate analysis, decision making and planning. The assessment should include any concerns that inhibit parenting capacity such as alcohol/drug abuse. Family members should be interviewed separate and alone.

## Procedure

Initial assessment activities will build upon the information gathered during the screening phase. Refer to the information gathering directions in the screening section.

Information will be gathered from a variety of sources to corroborate information and build the base of information about a family.

To build on the routine screening for Domestic Violence review information gathered during screening. Further assess behaviours and indicators of Domestic Violence.

**See:**  
[17. Domestic Violence](#)

### **Case Conference**

The completion of the initial assessment represents a further important decision point on a file. A case conference shall occur involving the caseworker and a supervisor, and the child or parent as appropriate. A supervisor will be required to sign off the completed initial assessment with the record of action taken.

The results of the initial assessment should be shared with the parent and where appropriate, with the child unless doing so would compromise the child's safety or the gathering of further information. Decisions about intervention services should be made with the child and family whenever possible.

### **Action taken at the completion of initial assessment:**

The range of actions that can be taken at the completion of initial assessment are as follows:

- closure with no referral
- closure with community referral
- brief services
- extended assessment
- file already open – family enhancement services
- file already open – protective services
- investigation required
- open family enhancement file



If the initial assessment provides reasonable and probable grounds to believe that the child is **not in need of intervention** as defined in the Act, the following actions can be taken:

- closure of the file,
- closure with referral to a community resource, or
- provision of brief services.

If the initial assessment provides reasonable and probable grounds to believe that the child **is in need of intervention**, and it is believed that family enhancement services will satisfy the child's needs, and **further assessment of the situation is required**:

- refer for extended assessment.

If the initial assessment provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will satisfy** the child's needs:

- refer for family enhancement services.

If the initial assessment provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will not** satisfy the child's needs:

- refer for investigation.

If there is an open file in family enhancement or protection, continue to provide services or make changes to service delivery based on determinations made during the initial assessment.

### **Decision Rule**

If any point during the assessment process, it is determined that the child's needs can not be satisfied through enhancement services and the child's safety is at risk, an investigation must be initiated.

## **Recording**

Assessment information will be recorded on the Initial Assessment Form [CS2132b].

The text summary data will also be entered into the Initial Assessment Activity in CYIM.

Information should include, but is not limited to screening information, assessment finding and any follow-up anticipated or expected.

**Note:**

The Initial Assessment format will also be used for protection investigations in conjunction with the Safety Assessment and Plan [CS3452a].

## 3.5 Investigations

### Policy

The legislation requires that all reports under S.4 and 5 must first be assessed before an investigation can be commenced. 'Assessment' can occur at the screening, initial assessment or extended assessment phases.

The investigation must be completed within 9 working days from the date of referral from screening. If the file was initially referred for initial assessment and subsequently referred for investigation, the accumulated time for the initial assessment and investigation is 9 days. Therefore, if a period of initial assessment activity took place, the investigation must be completed in the remaining 9 working day period.

### Intent

An investigation will only be initiated when assessment activities have determined that a child is in need of intervention services and family enhancement services will not satisfy the child's need for intervention, and that protective services may be required.

The information gathered during investigation will build upon information gathered at initial assessment and will also include the completion of the Safety Assessment and Plan.

### Procedure

To commence investigation activities:

- Enter screening information on CYIM.
- Gather further assessment information to guide decisions about the case.
- Have face-to-face contact with the child, siblings, the child's parent or guardian and other caregivers, separate and alone.
- Make collateral contacts to gain further information and to corroborate existing information.
- Make further calls as required (e.g., schools, other family members).
- Review all previous file information pertaining to the child. Consider reviewing the files of any sibling or the parent if they received services as a child.

- Use the Safety Assessment and Plan [[CS3452a](#)] to address safety issues for the child.
- As part of routine screening for Domestic Violence if indicators for Domestic Violence exist then review Domestic Violence section.

**See:**

[17. Domestic Violence](#)

- Assess any parenting and/or Custody Orders that maybe in place regarding the alleged perpetrating parent.
- If additional information is required to determine whether the child's survival, security or development is endangered, an external clinical assessment may be obtained to augment the assessment of the investigating caseworker.
- If making a referral, complete the Referral and Evaluation of Services [[CS1839](#)] detailing the referral objective.

### **Investigating Physical Injury**

In addition to the procedures for all investigations, follow these procedures when investigating physical injury.

- Examine the child in the presence of the parent or person caring for the child. Be sensitive to the age and gender of the child.
- After consulting the supervisor, report the matter to the police as soon as practicable according to the procedures described in the policy on Police Involvement.

**See:**

[1.9 Police Involvement and Offences](#)

- Accompany the child to a medical examination as soon as possible. If possible, have the parent attend as well.
- If the parent is unavailable or refuses consent for an examination, apprehend the child and obtain an examination.
- Assess any parenting and/or Custody Orders that maybe in place regarding the alleged perpetrating parent.

### **Medical Exam**

Provide Medical Referral [[CS2825](#)] to the physician. The Medical Referral indicates to the physician that the medical exam is for a third party and that payment for the exam will be provided. The referral may be handwritten and sent by FAX.

Advise the physician:

- about the circumstances in which the child was found,
- as much of the following as is known:
  - the child's social and medical history and social circumstances,
  - who has interviewed the child and whether there is a videotape,
  - the explanations for the injuries and the sources of this information,
  - whether any lab tests have been done.
  - who is involved.
- the reason for the examination and any specific questions you want answered,
- your name, worksite address and phone number, and
- that court testimony might be necessary.

Ask the physician for:

- a developmental assessment and a complete physical examination,
- an oral diagnosis, and
- a written report describing the findings regarding the matter being investigated.

### **Investigating Sexual Abuse**

In addition to the procedures for all investigations, follow these procedures when investigating sexual abuse.

- consult the supervisor,
- refer the case to the police according to the procedures in Police Involvement,
- coordinate the investigation with the assigned officer. If the child's interview will be video taped, follow The Protocol Relating to S.643.1 of the *Criminal Code*.
- Assess any parenting and/or Custody Orders that maybe in place regarding the alleged perpetrating parent.

If the child is at a neutral facility such as the school or day care, contact the head of that facility to:

- inform this person of the process, date, and time for the investigation,
- request a neutral location for the interview,
- advise that the family is not to be notified,
- determine the child's ability to be interviewed,
- attempt to determine where the alleged perpetrator and parent will be at the time of the interview.

If a neutral setting can not be arranged, plan an unannounced home visit. When interviewing the child:

- see the child alone if possible, or
- have the fewest possible adults present,
- explain the roles of the police and of the ministry staff,
- record non-verbal communication,
- if the child discloses abuse, tell the child:
  - that the abuse was not her or his fault,
  - that ministry staff want to help the family,
  - what the police and caseworker will do next, and
  - that if she or he is afraid to go home, ministry staff will explore other options and be a support.

Interview all siblings.

If the child does not disclose abuse, interview the parent and assess the need for intervention.

If the child discloses abuse:

- interview a non-abusing parent as soon as possible. Determine whether this parent is able and willing to protect the child,
- if a parent will not protect and support the child, discuss apprehension with your supervisor,
- arrange a medical examination as soon as possible,

### **Medical Exam**

Provide Medical Referral [CS2825] to the physician. The Medical Referral indicates to the physician that the medical exam is for a third party and that payment for the exam will be provided. The referral may be completed in handwriting and sent by FAX to the physician.

Advise the examining physician:

- about the circumstances in which the child was found,
- as much of the following as you can:
  - the child's social and medical history and social circumstances,
  - who has interviewed the child and whether there is a videotape,
  - what abuse has been reported or disclosed and the sources of this information,
  - whether any lab tests have been done,
  - who is involved.
- the reason for the examination and any specific questions you want answered,
- your name, worksite address and phone number, and
- that court testimony might be necessary.

Ask the physician:

- to determine whether there is any evidence of sexual abuse and whether a sexually-transmitted disease is present,
- for an oral diagnosis; and
- for a written report describing the findings regarding sexual abuse.

### **Case Conference**

The completion of the investigation represents a further important decision point on a file. A case conference shall occur involving the caseworker and a supervisor, and the child or parent as appropriate. A supervisor will be required to sign off the completed investigation with the record of action taken.

The results of the investigation should be shared with the parent and where appropriate, with the child unless doing so would compromise the child's safety or the gathering of further information. Decisions about intervention services should be made with the child and family whenever possible.

## Action Taken

After a complete review and analysis of all information determine what further action will be taken and record the action on CYIM.

### Action taken at the completion of investigation:

The range of actions that can be taken at the completion of investigation are as follows:

- closure with no referral
- closure with community referral
- brief services
- extended assessment
- file already open – family enhancement services
- file already open – protective services
- open family enhancement file
- open protective services file

If the investigation provides reasonable and probable grounds to believe that the child is **not in need of intervention**, the following actions can be taken:

- closure of the file,
- closure with referral to a community resource.

If the investigation provides reasonable and probable grounds to believe that the child **is in need of intervention**, but **further assessment of the situation is required**:

- refer for extended assessment.

If the investigation provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will satisfy** the child's needs, take the following action:

- open a family enhancement file.



If the investigation provides reasonable and probable grounds to believe that the child **is in need of intervention, and protective services will be required**:

- open a protection services file, and
- acquire the appropriate protective services legal authority.

If there is an open file in family enhancement or protection, continue to provide services or make changes to service delivery based on determinations made during the investigation.

## Recording

Investigations will be recorded using the Investigation [CS2132a] and the Safety Assessment and Plan [CS3452a]. Updates must also be recorded on CYIM.

The Investigation [CS2132a] form is similar in format to the Initial Assessment [CS2132b] form, which is used for initial and extended assessments.

Information should include screening information, assessment findings rationale for decision, safety assessment outcome and any follow-up anticipated or expected.

If the report concerns a child already receiving intervention:

- Enter a new investigation text on CYIM.
- If the case will remain open, "File already open" on CYIM in the Action Taken code.

### **National Outcome Measurement 1 – Recurrence of Maltreatment**

As part of the National Outcome Measure data collection, enter on CYIM the approximate date of the most recent incident of abuse or neglect. If it is determined that the child's need for intervention arises from a pattern of quality of care rather than incidents of abuse or neglect, enter the date that you made your determination.

### **National Outcome Measurement 2 – Serious Injury or Death**

As part of the National Outcome Measure data collection, enter on CYIM whether the child sustained an injury that required hospital admission or resulted in death. If the child required hospital admission, enter the date of each hospitalization. Record any serious injury, even if caused by accident, assault or self-abuse.

## 3.6 Emergency Care

### Policy

S.7(1) and (2) of the legislation provides for emergency caregivers or entering a residence to provide for a child.

The caseworker may convey the child for purposes of placing the child with the appointed care giver.

### Intent

Emergency care is a means to provide care to children in the least disruptive manner when it is believed that intervention will only be required for a short period of time or when other longer term plans are being made. It enables the child to remain in the familiar surroundings while the parent is being located or other plans are made.

### Procedure

To appoint an emergency care giver:

- determine that the parent cannot be located, has died, or is incapable of caring for the child,
- locate a person 18 years or over who is capable of providing appropriate care and supervision,
- if at all possible, before appointing the caregiver, check intervention records to determine whether the emergency care giver or other resident of the home is alleged to have placed a child in need of intervention. During after hours, record checks may be obtained from the Edmonton or Calgary crisis units. Continue to use the care giver only if you believe that there is no undue risk,
- determine whether to have the care giver provide care in the child's home or the care giver's home,
- determine that the chosen accommodations are adequate,
- if necessary, convey the child to the chosen residence,
- complete Appointment of an Emergency Care Provider [[CS1628](#)] and provide a copy to the care giver.

- do not use the emergency care giver for longer than 10 calendar days.

## Recording

Complete the Appointment of an Emergency Care Provider [[CS1628](#)].

Document the reasons for the action taken on the file.

## 3.7 Extended Assessment

### Policy

If further information is required to gain a more complete understanding of the child's situation, complete an extended assessment at the completion of the initial assessment.

An extended assessment must be completed for all opened family enhancement and protective services files. **If the extended assessment has not been completed prior to opening a file, then it must be completed upon the opening of a file.**

The extended assessment will further assist the caseworker in determining the child's need for intervention and type of services required.

The extended assessment will build on the information gained during initial assessment and/or investigation activities. The extended assessment activities must be completed within a 30 working day time period.

The extended assessment can occur either:

- after the completion of the initial assessment and/or investigation and prior to opening a family enhancement or protection file if further assessment is required, or
- after the file has been opened in family enhancement or protection services.

### Intent

The extended assessment is intended to build on information gained during screening, initial assessment and investigation to provide a sound basis for case planning.

The assessment explores the family strengths and difficulties, factors leading to the child's need for intervention, the child developmental progress, the parental capacity to address the child needs, and environmental factors affecting the child's need for intervention which includes any concerns that inhibit the parenting capacity such as drug/alcohol abuse and family violence.

### Procedure

Continue to build upon the information already gathered, using the sections outlined in the Initial Assessment.

## Actions Taken

The following are actions that can be taken at the completion of the extended assessment when completed after initial assessment and or investigation, but prior to opening a file:

If the assessment provides reasonable and probable grounds to believe that the child **is not in need of intervention** as defined in the Act, the following actions can be taken:

- closure of the file,
- closure with referral to a community resource.

If the assessment provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will satisfy** the child's needs, take the following action:

- refer to family enhancement services for the completion of a Family Enhancement Agreement or Enhancement Agreement with Youth.

If the assessment provides reasonable and probable grounds to believe that the child **is in need of intervention, and it is believed that family enhancement services will not satisfy** the child's needs, take the following action:

- refer to protective services and acquire the appropriate protective services legal authority.

The completion of an extended assessment is required on an open family enhancement files to support the development of the Family Enhancement Plan. If an extended assessment is not completed prior to the opening of a family enhancement file, it must be completed as an activity on an open file.

## Recording

The Extended Assessment will be recorded using the Initial Assessment or other regional assessment formats.

The text summary data will also be entered into the Extended Assessment Activity in CYIM.

The Information Consolidation form may also be used as the recoding and case analysis format.

## 4.1 Family Enhancement Agreement with a Guardian or Custodian

### Policy

S.6(2)(a) allows for the provision of family enhancement services in accordance with the Act.

S.8(1) allows for a director to enter into a Family Enhancement Agreement with a Guardian or Custodian. Consultation with a non-custodial guardian is discretionary, however should occur whenever possible.

To complete a Family Enhancement Agreement with a guardian of a child or person who has custody of the child, the following criteria must be met:

- the child/youth is in need of intervention as defined by the Act,
- the child's need for intervention can be satisfied by family enhancement services and the child's safety can be assured while in the custody of the parent or guardian,
- less intrusive measures cannot adequately protect the child,
- the parent or person who has custody of the child is willing to enter into an agreement.

A Family Enhancement Agreement with a Guardian or Custodian may be completed at the following points:

- following completion of:
  - an initial assessment,
  - an investigation,
  - an extended assessment, or
  - upon the termination of a protective services status where additional supports are required.

Family enhancement services are generally to be provided for not more than 3 months, however, services can be extended pending supervisory review and approval.

If services are provided for a period longer than 6 months, supervisory approval and managerial notification are required.

## Intent

Family enhancement services may be provided for a child in need of intervention whose needs do not require protective services.

Other matters for consideration when planning to complete a Family Enhancement Agreement with a Guardian or Custodian:

- can the safety and security of the child/youth be ensured while the child remains in parental care?
- is the family believed to be cooperative and open to voluntary services?
- is it believed that both the child/youth and family can benefit from voluntary, short-term, supportive and solution focused intervention?

Entering into a family enhancement agreement reflects the family's commitment to work together with the director to address issues relating to the child's need for intervention and provides the legal authority to provide family enhancement services.

The primary goal to be addressed by a family enhancement agreement is to eliminate the condition that caused the child to be in need of intervention.

## Procedure

When it is determined the eligibility criteria are met, a Family Enhancement Agreement with a Guardian or Custodian [CS1616] can be signed with the guardian of the child, or a person who has custody of a child.

To complete a Family Enhancement Agreement with a Guardian or Custodian:

- ensure that the guardian, or custodian has a full understanding of the purpose of the agreement,
- ensure that the guardian or custodian has a full understanding of the services and supports provided through family enhancements services,
- make every effort to engage the guardian or custodian in a collaborative and cooperative working relationship to address the need for intervention,
- explore the family's abilities to access services available in the community,
- explore the family's ability to contribute to the cost of services through financial and in kind contributions, and
- negotiate the agreement in a way which addresses the need for intervention and provides the basis for further planning and cooperation.



## Recording

The family enhancement agreement is completed using Family Enhancement Agreement with a Guardian or Custodian [[CS1616](#)].

The agreement can include siblings who are in need of intervention. Do not include siblings who are not in need of intervention on the agreement.

Create and maintain a separate file for every child who is in need of intervention.

Ensure the children are recorded on CYIM. Each child in need will have a separate Child ID number. Siblings to the child in need will be entered on CYIM and coded as a sibling of a child in need.

**Note:**

A Family Enhancement Plan must be completed on the date that the Family Enhancement Agreement is entered into with a Guardian or Custodian.

**See:**

[4.2 Family Enhancement Plan](#)

## 4.2 Family Enhancement Plan

### Policy

A Family Enhancement Plan [CS3552] must be completed for each child receiving family enhancement services.

The plan must be completed in consultation with the family and be completed on the same day as signing the Family Enhancement Agreement.

If the child is an Indian and a member of a band, involve the First Nation designate as per S.107 of the Act.

The Family Enhancement Plan is completed for a period not exceeding three months, when a review will be conducted and another plan completed if required.

### Intent

The Family Enhancement Plan is based on assessment information and is intended to address the child's need for intervention.

The Family Enhancement Plan identifies the goals, tasks, signs of achievement, responsibilities and timeframes that are agreed to by the family and the caseworker.

The Family Enhancement Plan helps to develop an appropriate action plan for meeting the child's needs. It also forms the plan for the care of the child for the purpose of evaluating progress. It provides an accurate and complete record of the services provided on behalf of the child and to what extent those services have accomplished the identified goals.

### Procedure

To negotiate a Family Enhancement Plan:

- engage the family in a process of planning and shared decision making,
- review the assessment information with the family to ensure agreement on the information gathered,
- use the information from the assessment activities to form the basis of the plan,

- identify strengths described in the case assessment to build upon in planning,
- identify goals, tasks, signs of achievement and timeframes,
- negotiate the completion of specific tasks for individuals to accomplish the goals and identify dates by which tasks are to be completed and describe the actions required to complete the task,
- take responsibility for the negotiation of the agreement and do not allow lack of agreement or engagement by the family or any other party to compromise the well-being of the child,
- complete tasks for which the caseworker is responsible and coordinate implementation of the rest of the Family Enhancement Plan,
- review and record on the Family Enhancement Plan whether tasks are completed within the indicated timeframes,
- retain all working copies on file for review and audit purposes,
- provide a copy of the Family Enhancement Plan to all parties to the plan,
- review and revise the Family Enhancement Plan with the family and other partners at least every two months.

The child, parent and the caseworker should all be parties to the Family Enhancement Plan and sign it. Briefly note on the plan any reluctance by any of the parties to sign the plan. This applies to reluctance to agree with either a specific goal or task or to the entire plan.

## Definitions

### **Goal**

A goal is a brief description of what the parties want the situation to be like in the future. Make sure that a goal:

- describes a broad objective that can be broken down into attainable tasks,
- describes a change in the child or the environment or the maintenance of some conditions while others are being changed,
- is realistic and is stated with signs of achievement,
- is explicitly linked to a need identified in the assessment,

- is manageable given the total number of goals to be worked at the same time. Some goals may be addressed later without assigning tasks.
- does not describe obtaining a placement, a legal authority or a service. These are always tasks related to goals, and
- is stated positively in terms of what ought to be, rather than in terms of what should not be.

### **Signs of Achievement**

Signs of achievement are measures or conditions that will help you and other parties to evaluate the Family Enhancement Plan to determine if the goal has been achieved. Record these measures on the Family Enhancement Plan with each goal.

Signs of achievement should provide clear evidence that the goal has been achieved. As a rule, develop the goals and signs of achievement at the same time.

More than one sign of achievement may be used to measure a goal because the goal might be broader than a particular measure.

### **Tasks**

A task is a time-limited, observable activity that a specific person is responsible for completing and that is directed towards achieving a specific goal.

Several tasks may be assigned to achieve one goal.

Tasks are developed from the strengths described in the case analysis. The tasks assigned should help create the desired situation so changes will occur to achieve the goal.

## **Recording**

The Family Enhancement Plan [[CS3552](#)] is used for recording and signing the Agreement.

Maintain copies of all Family Enhancement Plans on the file.

## 4.3 File Transfers

### Policy

A file is transferred when responsibility for the file is reassigned from one caseworker to another. A transfer might be necessary because the family moves, or the child/youth's status changes. Regions may set transfer criteria that fit the local community and delivery system requirements.

### Intent

Case transfers should be well planned, keeping the child/youth's best interest in mind.

If the child/youth is being transferred between regions the procedures described within the *Inter-Authority Protocol* will apply; or protocols between Child and Family Service Authorities and Delegated First Nations Authorities.

### Procedure

Follow these procedures to transfer a file:

**The transferring caseworker shall:**

- obtain the supervisor's approval,
- review the reason for the transfer with the guardian/youth and other significant persons involved with the family,
- if the child is an Indian, consult with the First Nations designate (as per S.107) about the file transfer,
- ensure that the initial assessment and/or extended assessment is up to date,
- ensure that the Family Enhancement Plan or Transition to Independence Plan is up to date,
- prepare a transfer summary outlining pertinent information for the new caseworker,
- enter case transfer data on CYIM.

Within 10 working days of the event that necessitated the transfer, send the file to the receiving caseworker unless:

- the sending and receiving supervisors agree to a different date, or
- a court hearing is pending or status is about to expire

**The transferring supervisor shall:**

- ensure the file meets records management standards,
- ensure the transferring caseworker completed all transfer tasks,
- ensure that contact with the child/youth and family continues until the receiving caseworker makes contact, and
- initiate a transfer conference with the receiving supervisor within 10 working days from the time of the decision to transfer.

**The receiving supervisor shall:**

- review the file within 2 working days of receiving it,
- if the transfer criteria have been met, accept the file on CYIM,
- if the child or family is high risk, assign immediately, otherwise, assign within 5 working days,
- if the child or family is high risk, ensure the caseworker has face-to-face contact within 5 working days after the file is assigned.

**The receiving caseworker shall:**

- before seeing the child or family, thoroughly review the file,
- establish contact with the child/youth and family within 5 working days of being assigned,
- if the case is high risk, have face-to-face contact within 5 days,
- follow the existing Family Enhancement Plan, or Transition Plan, until enough information is gathered to justify a change

A transfer conference shall be scheduled within 10 working days from the time of the decision to transfer. The file transfer conference shall, whenever possible involve:

- a conference either by phone, or in person
- the sending and receiving supervisors, and

- the sending and receiving caseworkers

## Recording

Complete a transfer summary and document all actions and decisions regarding the transfer.

## **4.4 Vary, Extend or Terminate a Family Enhancement Agreement with a Guardian or Custodian, Enhancement Agreement with a Youth or a Custody Agreement with a Youth**

### **To vary an agreement:**

- determine that circumstances have changed and there is a need to vary the agreement with the guardian, custodian or youth,
- review the existing agreement and Family Enhancement Plan/Transition to Independence Plan with the guardian, custodian or youth, and
- negotiate a revised agreement and plan.

If an appropriate agreement cannot be negotiated, the caseworker and supervisor shall determine the need for a referral to screening to determine if further intervention services are required or whether the case can be closed.

### **To extend an agreement:**

- ensure that the case assessment supports extending the agreement and the child/youth continues to be in need of intervention services,
- follow the policy guidelines and ensure supervisor and/or manager approval is obtained to extend services, and
- update the Family Enhancement Plan or Transition to Independence Plan.

### **To terminate a Family Enhancement Agreement with a Guardian or an Enhancement Agreement with a Youth:**

- review the terms of the agreement and the Family Enhancement Plan or Transition to Independence Plan with the guardian or youth,
- establish that the child or youth is no longer in need of intervention,
- plan for the withdrawal of services with the family or youth, and
- close the file.



In the event that a guardian or a youth decides to terminate an agreement, the caseworker must:

- within three working days of the guardian's decision to terminate, review the situation with their supervisor to determine the need for a referral to screening or to take other action.

**To terminate a Custody Agreement with a Youth, terminate the agreements only if:**

- the youth returns to the parent,
- it is no longer necessary to provide intervention services,
- the youth marries,
- the youth requests termination,
- the youth achieves the key transition plan goals, or
- the youth persistently fails to comply with the terms and is not in need of intervention services.

**Closure of Cases**

The case may be closed in the following circumstances:

- after the expiry of the Agreement, and it is agreed by the family or youth and the caseworker that intervention is no longer required,
- when it is mutually agreed that the need for intervention no longer exists, or
- when either party to the agreement wish to cancel the agreement.

All closures must be case conferenced with a supervisor.

When it has been agreed that a file is to be closed the caseworker will:

- prepare a Closure Summary,
- develop an After Care Plan with the family or youth, and
- make the appropriate entries on CYIM to indicate the closure.

**The Closure Summary will include:**

- a summary of services that were provided,
- a description of the changes that occurred within the family or youth to eliminate the need for intervention,
- a description of the family's or youth's connection to community supports.

**After Care Plan**

An After Care Plan will be developed at closure to assist the family or youth to maintain the changes that were experienced and to provide the family or youth with tools and strategies to address the kinds of issues that may indicate a need for further supports.

An After Care Plan will provide the family or youth with a planned response to events or circumstances that might otherwise require further intervention.

The After Care Plan will include:

- specific strategies that the family or youth can use to deal with issues in a planned and positive manner,
- strategies to maintain the changes they have experienced,
- a list of resources, including telephone numbers and names, of community/network supports who they can contact,
- ideas on how the family or youth can self identify issues that may require attention, and
- strategies and an understanding of the supports in the community that they can turn to.

**Transfer of cases between Family Enhancement Services and Protective Services**

It is intended that a seamless continuum of service be provided between the two streams of intervention service areas.

**When protection services are being concluded and further supports are required**, a direct transfer to open family enhancements services can be made. This would involve closing the protection file and opening a family enhancement file through the negotiation of a Family Enhancement Agreement. The Family Enhancement Plan could be developed from the existing assessment information available and an update of the information as necessary.

#### 4. Family Enhancement

##### 4.4 Vary, Extend or Terminate a Family Enhancement Agreement with a Guardian or Custodian, Enhancement Agreement with a Youth or a Custody Agreement with a Youth

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When a transition from family enhancement to protection services is needed a **referral to screening and investigation would be required**. The appropriate protection status will be determined by the investigation.

## 5.1 Cumulative Time in Care

### Legislation and Policy

The **total time** that a child may be in the custody of the director or the subject of a Temporary Guardianship Order (TGO) is:

- 15 months for a child under the age of 6
- 18 months for a child over the age of 6

A Temporary Guardianship Order is granted in three periods or terms of the cumulative time as per S.33(1)(2)(3):

1. The **first** term of custody under S.33(1) shall not exceed:
  - 6 months if the child is under the age of 6 years, or
  - 9 months if the child is 6 years of age or older.
2. A temporary guardianship order as per S.33(2) may be used to **extend** the original period of custody by:
  - *one period* of not more than 6 months if there are **good and sufficient reasons** to do so
3. S.33(3) allows for a **further** temporary guardianship order for one term of:
  - not more than 3 additional months if:
    - ▶ there are **exceptional circumstances** that justify exceeding the time limit in the previous term, and
    - ▶ it can be anticipated that the child may be returned to the custody of the child's guardian within the period of the order

### Intent

Attachment issues and development of children need to be primary considerations in permanency planning. Research has proven that children under 6 years are quickly at risk developmentally if they are unable to form loving, stable and sustainable relationships.

Earlier permanency for children is paramount for their healthy development. To support the healthy development of children, the cumulative time in care timelines have been shortened and varied based on the child's age with an increased focus on children under the age of 6 years.

## **Custody Agreements**

If a child is *under the age of 6* and is subject to a Custody Agreement with Guardian, and if the “in care” status is nearing 6 months and it is required to be extended, the caseworker **must** attend court and apply for a Temporary Guardianship Order under S.33(2), providing the court with “good and sufficient reasons” for the requested extension of the initial term of custody.

If a child is *6 years of age or older*, and is subject to a Custody Agreement with Guardian, and the “in care” status is nearing 9 months and needs to be extended, the caseworker **must** attend court and apply for a Temporary Guardianship Order under S.33(2), providing the court “good and sufficient” reasons for the extension of the initial term of custody.

If the Court decides that there are *exceptional circumstances* or if it is expected that the child will be returned to his/her guardian within the time frame of the extension, another application for a TGO may be made for *one more* additional period of not more than 3 months under S.33(3) for both age groups. Since the child is already under a TGO, the Notice and Application for a Review [[CS1597](#)] would be used.

## **Exemption to Cumulative Time in Care**

Upon apprehension, including an apprehension order being granted, there is an exemption of **up to 10 days** from the total number of days permitted under cumulative time in care.

Following the first appearance in court (i.e., regarding the application for TGO or PGO), an exemption of **up to 42 days** from cumulative time in care is provided. S.33(5) of the *Enhancement Act* requires that if a child is returned to the custody of the child’s guardian, or if a director’s application for a TGO or PGO after apprehension (S.21(1)(b)) is withdrawn or disposed of within the first 42 days, the 42 day exemption from the cumulative period of time in care is deemed to have occurred.

## **Child Turning Six**

If child is to turn 6 during the course of a TGO, you may, as per this policy, proceed using the 9-month to cumulative time in care period. Be aware of birth dates and request the period of 9 months if the order will encompass the child’s birthday.

## **Timeframe Options for Siblings**

When it is deemed to be in their best interests to keep siblings together and the Concurrent Plan proposes that the children be returned home together, remain together in an alternate placement or other similar circumstance, the

caseworker *may* utilize the legislated time frames for the *youngest child* for *both*. This is a general guideline only and should be considered and reassessed on an ongoing basis for each case.

**Note:**

The option to use the timeline for the *oldest* child is not an option

### **Term of Custody – 5-Year Exemption**

For children who have previously been in the care of the director but who have been out of the care of the director *for five years or more*, the previous cumulative time in care does not apply. As per S.33(6), children who meet this criterion should be treated as though they are coming into care for the first time.

### **Transition from the Child Welfare Act**

A child who is already in the custody of or under the guardianship of the director at the time of proclamation will continue to be governed by the cumulative time in care provisions set out in the *Child Welfare Act* (S.33.1) until the child comes under PGO status or leaves the custody of the director.

The guardians are provided the benefit of the longer cumulative time in care because when their child first entered the custody of a director (prior to proclamation), the guardians would have had the benefit of and may have been advised of the 2-year (with extension 3 year) maximum time in care allowed under the legislation.

If the child comes back into care after proclamation of the Child, Youth and Family Enhancement Act, the *Enhancement Act* will apply.

For children brought into the care of the director following proclamation, the director is required to adhere to the new time frames for cumulative time in care as per the Enhancement Act.

The child's previous time in care (under the *Child Welfare Act*) is included in calculating his/her cumulative time in care under the *Enhancement Act*, if the child has been out of the care of the director for less than 5 years.

### **Children Coming Back into Care**

If the child is brought back into the care of the director following proclamation, and has exhausted allowable total cumulative time in care under the *Enhancement Act*, the director may:

Apprehend and make a direct application for PGO.

- Ensure during this process to explore placements within the extended family. If extended family is found, apply for PGO and place the child with family and support the extended family member in obtaining private guardianship. At the point of the private guardianship order being granted, the director would withdraw the application for PGO. If this is not possible, consider pursuing PGO.
- The concurrent planning process becomes critical to the stability and permanency for the child in this instance as well.

If the file is open to a Supervision Order or Family Enhancement Agreement and the risk appears to be increasing, discuss potential placement options with family to avoid apprehension. The completion of the genogram and the strength based family assessment are critical to this process.

## Procedures

The director can apply to the Court for a number of temporary guardianship orders before the total time in care is exhausted.

For each application, complete the form, Notice and Application for a Temporary Guardianship Order and Terms [CS1595] or the Notice for a Review [CS1597], as appropriate.

Review the Checklist for Court Documents for the Child, Youth and Family Enhancement Act, November 2004 for specific instructions on how to complete the form.

**See:**  
[Checklist for Court Documents](#)

### **Second Term of Custody and Guardianship**

When it is determined that there is sufficient cause to extend custody of a child beyond the initial custody under S.33(1), make an application for extension under S.33(2), which is a one time order of up to 6 months.

Be prepared to explain and to provide sufficient *evidence* to the Court on:

- what the parent has done to demonstrate resolution of their issues
- what the caseworker has done towards the completion of the tasks and goals
- what the plan is for the return of the child and the alternate permanency plan as per the Concurrent Plan

- that the child is anticipated to be returned home within the time frame remaining

Present the Concurrent Plan to the Court as evidence or include the content as part of the evidence to the Court as per S.33(2). The Act clarifies that the director must report on the progress of the Concurrent Plan.

The Court will interpret and determine “good and sufficient” reasons to extend the TGO.

### **Third Term of Custody and Guardianship**

Apply for a further order of not more than 3 months under S.33(3) if the application can be justified by “exceptional circumstances” and it can be anticipated that the child will be returned home.

Provide a clear explanation to the Court, referring *specifically* to:

- the progress made by the family,
- the goals of the Concurrent Plan that have been successfully met,
- what is still required on the Concurrent Plan,
- that a return home by the child is imminent, and that there is a transition plan for the return of the child.

Provide particulars from the Concurrent Plan relating to the return of the child to his/her home, as well as the Concurrent Plan itself, as evidence to the Court.

## **CYIM Calculation of Cumulative Time in Care**

CYIM calculates cumulative time in care for the purpose of flagging files for the intervention workers. CYIM calculates as follows:

- 3 months = 92 days (maximum days in any 3 month period)
- 6 months = 184 days (maximum days in any 6 month period)
- 9 months = 276 days (6 months + 3 months)
- 12 months = 366 days (maximum in any 12 month period)
- 15 months = 458 days (12 months + 3 months)
- 18 months = 550 days (12 months + 6 months)



## 5.2 Custody Agreement with Guardian

### 5.2.1 Overview

#### Summary

S.9 of the *Enhancement Act* allows for a custody agreement of up to 6 months at a time between a director and the guardian of a child. During the term of the agreement, the parent retains guardianship authority but delegates specific responsibilities to the director.

A concurrent plan must be completed within the first 42 days of the child coming into the care of the director upon completion of the initial assessment.

**See:**  
[7.6.1 The Concurrent Plan](#)

#### Criteria

When considering a custody agreement with guardian, caseworkers will consult with a supervisor to determine that the situation meets all the following criteria:

- The child is in need of intervention.
- Less intrusive measures cannot adequately protect the child.
- The parent agrees that the child needs to be taken into care.
- The parent is willing and able to participate in planning.
- The parent will maintain involvement and does not wish to be divested of parental responsibility.
- Either:
  - the child is not the subject of a Family Support for Children with Disabilities (FSCD) agreement; or
  - the FSCD agreement will be terminated once a custody agreement is entered. The FSCD file may remain open if the custody agreement is for less than 30 days.

The cumulative time under custody agreements, interim custody orders and temporary guardianship will not exceed 15 months for a child under 6 years or 18 months for a child over 6 years.

## Agreement vs. Guardianship

Since the parent retains guardianship under an agreement, when deciding whether to negotiate an agreement or to apply for guardianship, caseworkers will consult with a supervisor to consider the following:

- The ability and willingness of the parent to participate in the Concurrent Planning process.
- The position of a non-custodial guardian.
- The nature of any neglect or abuse.
- The value of placing evidence of serious neglect or abuse before a judge and of the judge being a party to the Concurrent Plan.

If applying for a court order and the parent indicated a desire to enter an agreement:

- If the parent has obtained legal representation, advise the parent to consult their lawyer before signing the agreement.
- If the parent insists on signing the agreement without consulting their lawyer the agreement may be accepted.

## 5.2.2 Services

### Policy

The services available to any child in care are described in Services to Children. Caseworkers will ensure the following additional services under a Custody Agreement with Guardian.

**See:**  
[8. Services to Children](#)

### Procedures

#### **Placement**

Begin planning for the child's placement as early as possible according to the procedures described in Foster Care and Child and Youth Facilities.

- Discuss and plan the placement with the child and guardian, including a non-custodial guardian.
- In order to prevent unnecessary disruption to the child, avoid a school transfer if possible.
- Arrange to place the child in an approved placement resource. Brief the parent about the operation of the facility and about visiting it.
- Delegate to the caregiver only the authorities delegated to the director by the parent.
- Ensure that the child has a complete medical examination within 10 working days if entering out-of-home care at this time.

#### **Access**

Tell any appropriate person who has a significant relationship with the child how to maintain contact with the child.

Enable the child to maintain an association with any appropriate person who has a significant relationship.

## Financing

When the child enters care, ensure the child has Alberta Health Care coverage:

- Since the parent retains guardianship, the child has coverage from the parent. Obtain the number from the parent and enter it on CYIM.
- If the child is registered, or is entitled to be registered, as an Indian child, obtain the number from the parent or from Indian and Northern Affairs Canada and enter it on CYIM.
- If the child does not have full dental and extended health care coverage from another source, issue a Treatment Services Card [CS1126] according to the procedures described in Services to Children, Purchased Services Payment. Enter the treatment services card on CYIM. Note that a child registered, or entitled to be registered, as an Indian child is not eligible for a card.

**See:**  
[8.2 Purchased Services Payment](#)

Apply for any available financing according to the procedures in Services to Children, Obtaining Financing.

**See:**  
[8.25 Obtaining Financing](#)

## Contact

Maintain frequent contact with the parent. Have at least one contact with the child each month and one face-to-face contact every 3 months.

## Medical

Since the parent retains guardianship:

- If the child becomes seriously ill, has an accident or requires surgery, notify the parent.
- If the child requires medical treatment:
  - Obtain the consent of the parent (treatment provider's form);
  - If the parent is unavailable, consent to treatment according to the delegated terms; or
  - If the parent will not consent, apply for an apprehension or guardianship order.

## **Visits**

In addition to scheduled visits, you may approve casual visits home by the child for a weekend or holiday.

## **Procedures**

Provide all services agreed to on the Concurrent Plan.

Record all contacts regarding the case on the file including:

- purpose and location of contact
- person seen
- conclusions from contact
- actions proposed
- person responsible for each action
- any significant information gathered

Payment for services is to be approved by a supervisor and according to regional financial procedures.

## 5.2.3 Changing a Custody Agreement with Guardian

### Policy

A custody agreement may be concluded at anytime by either party before the cumulative time in care reached 6 months for a child under 6 years and 9 months for a child over 6 years. It may be varied, extended, replaced or terminated.

### Procedure

Caseworkers are to ensure the following is adhered to when changing a custody agreement:

Each time a child's status is changed or extended, notify the caregiver and school.

If the child is committed to custody under the *Youth Criminal Justice Act*, services are normally continued. Vary or terminate the agreement only to meet the Concurrent Plan goals.

When the terms of the existing agreement need to be varied:

- Review the agreement with the parent.
- If possible, negotiate a revised custody agreement.
- If an appropriate agreement cannot be negotiated, replace it with a more intrusive measure.

When the Concurrent Plan goals will not be reached during the term of the existing agreement:

- Review the agreement with the parent.
- Determine whether a further period of temporary custody is appropriate:
  - The child is expected to return home or become independent within a reasonable time.
  - The cumulative time in temporary care has not reached 6 months for a child under 6 years or 9 months for a child over 6 years

If appropriate and possible, negotiate another custody agreement up to the maximum amount of cumulative time allowed under a Custody Agreement with a Guardian.

- If an appropriate agreement cannot be negotiated, replace it with a more intrusive measure.

When a Custody Agreement with Guardian is no longer adequate to protect the child or the child is not expected to return to the parent or become independent within a reasonable time, apply for a guardianship order.

When a custody agreement is no longer necessary to protect the child but intervention is still needed consider referring the case to Family Enhancement Services.

Terminate a custody agreement when:

- The child is returned to the parent.
- It is no longer necessary to protect the child.
- The child marries.
- The parent requests termination.
- The parent is unable or unwilling to comply with the terms.
- The parent wishes to be divested of parental responsibilities.
- The parent leaves the province for an extended period.
- The parent removes the child from custody.
- A youth over 16 requests termination.

Review the agreement with the parent. If intervention services are still needed, replace it with a more intrusive measure.

Once the agreement is terminated, if the child is returning to the parent:

- Cancel any benefit being received on behalf of the child.
- Advise the parent to apply for the Child Tax Benefit.
- If you are closing the file, notify the parent and any involved band designate.

## 5.3 Court Procedures

### 5.3.1 Overview

This chapter describes the procedures for applications for a court order that may be made under Division 3 of the Enhancement Act. Caseworkers should also refer to the booklet, Checklist for Court Documents for additional information.

- Supervision Order Application and Order, S.16(1) and 28
- Temporary Guardianship Order Application and Order, S.17 and 31
- Permanent Guardianship Order Application and Order, S.18 and 34
- Apprehension Order, S.19
- Apprehension in another province, S.19.1
- Custody, S.21.1
- Health Care, S.22.1 and 22.2
- Restraining Order, S.30

#### Direct Application

A caseworker may apply directly for a supervision or guardianship order without apprehending when the situation meets all the following criteria:

- The supervisor agrees with the plan.
- The child can be adequately protected pending an order.
- The parent understands why the application is for the chosen order rather than for an apprehension order.
- The application can be justified despite the fact that the child is adequately protected in the meantime.
- If the application is for a guardianship order, an immediate placement is available upon obtaining the order.



S.27 allows the Court to make a supervision, guardianship or secure services order no matter what the original application. A judge may make such a change alone or on the request of a party to the proceeding.

## 5.3.2 Preparing for Court

Perform the following activities when preparing for a court hearing under the Enhancement Act.

### Indian Child

If the child or youth is Indian and a member of a band, before applying for an order involve the First Nation Designate as directed in S.107.

If an Aboriginal child or parent could be assisted by an Aboriginal lawyer, spokesperson, interpreter or counsellor, assist the child or parent to obtain such a resource. If such a resource is not available, obtain a resource recognized by the Aboriginal community.

### Applying

To apply for a court order, arrange for a time and place for the hearing:

- Unless the Enhancement Act specifically states that a justice of the peace may hear the matter, ensure that the matter will be heard by a judge.
- Choose the location most convenient for the parent.
- Set a date within the timeline for the particular application.
- File the application with the court. Do not serve a notice before filing or the court may dismiss the application.

### Documentation

To prepare the documentation refer to the booklet Checklist for Court Documents, and:

- Complete the notice and application appropriate to the hearing.
- Complete the Affidavit of Service [[CS0508](#)] for each notice served.
- Prepare proof of any alternate service authorized by the Court.

- If the parent or child over 12 is consenting to the application, complete:
  - Consent by a Child 12 Years of Age or Older [[CS1612](#)], or
  - Consent by a Guardian [[CS1613](#)].
- Assemble all other documentary evidence required.

## Consent to an Order

When applying for a court order, a parent may indicate a desire to consent to the order. If the parent has obtained legal representation, advise the parent to consult with their lawyer before signing a consent. If the parent insists on signing without consulting their lawyer, the consent may still be accepted.

## Activities

Perform the following activities when preparing for a court hearing. Each activity is described in detail under its own subject headings within this policy section (refer also to the booklet, Checklist for Court Documents for additional information):

- Serve notices and notify any entitled person.

**See:**

[5.3.2 Preparing for Court, Giving Notice](#)

- Advertise for any person not located.

**See:**

[5.3.3 Advertising](#)

- Prepare evidence and arrange for any needed witness.

**See:**

[5.3.4 Evidence](#)

- If needed, retain a lawyer for the director or the child.

**See:**

[5.3.5 Legal Representation](#)

- If needed, prepare to request that a person be excluded from the hearing.

**See:**

[5.3.6 Exclusion from Hearing](#)

- Prepare a Family Enhancement Plan for a Supervision Order, or a Concurrent Plan for a Custody Order, Temporary Guardianship Order or application for a Permanent Guardianship Order on which to base the recommendation to the judge. Do this in consultation with the parent, the child and any person assisting the family. Also prepare to address access under the order

**See:**

[5.3.7 At the Hearing](#)

- If needed, prepare to request an adjournment and to recommend custody, interim access, and/or guardianship.

**See:**

[5.3.9 Adjournments](#)

## Child Parent or Caregiver

Prepare the child, the parent and the caregiver for the hearing:

- Discuss the information on the notice.
- Discuss the proposed plans and the recommendations that will be presented in court.
- Describe the purpose, nature and possible results of the hearing.

If the parent or child will be attending the hearing:

- Advise each about the right to have legal counsel. Provide information about Legal Aid.
- If either needs an interpreter but cannot supply one, as far before the hearing as possible, request that the clerk of the court arrange for an interpreter.
- Advise the child about the right to request the Court's consent to examine the court record under S.111(4).

Advise the child and parent of the following:

- Describe the legal effects of the proposed order.
- The judge may make a different order from the one requested.
- A decision of a director may be reviewed as per the legislation at an Administrative Review and certain decisions of an Administrative Review may be appealed to the Appeal Panel.

- Describe the procedural right to request the services of the Child and Youth Advocate, unless the case is still under investigation.

## Interested Persons

If a person expresses an interest in the proceedings or disposition, advise that person about the right to request the Court's consent to appear and make representation under S.111(1)(b).

## Giving Notice

S.23 governs service of notices for hearings under Division 3 of the Act. S.23(1), (2) and (3) identifies who must receive notice. S.23(4) gives the timeline for personal notice. S.21(5) and (6) provide for alternate service and a shortened timeline if needed. S.111(1) allows other persons to make representation to the Court.

## Personal Service

Unless the legislation or the judge allows for a shorter timeline, at least 5 days before the hearing, personally serve:

- each guardian, including one who does not have custody. If the guardians live together, service on one is sufficient,
- any child over 12,
- any foster parent who has continuously cared for the child for at least the past 6 months. If necessary, serve by mail,
- any person who was caring for the child when apprehended. If necessary, serve by mail,
- a putative father. If necessary, serve by mail. A putative father is anyone who:
  - acknowledges paternity,
  - has voluntarily provided care and support to the child, or
  - has demonstrated an intention to treat the child as his.

When calculating the number of days, see booklet Checklist for Court Documents for detail in this area.

Complete Affidavit of Service [[CS0508](#)] and file it with the court.

## Alternate Service

If personal service cannot be made, explain to the Court what efforts were made and obtain from the court authority for alternative service.

If service is made by mail, complete Affidavit of Service by Registered Mail [CS1638].

## Interested Person

Since S.111 (1) gives the following persons the right to make representation, make every reasonable effort to identify and notify orally or in writing:

- any current foster parent who has given at least 6 months care,
- another person who has given at least 6 months care, and
- any other person who has the Court's consent.

## Father

If a putative father cannot be served, explain the reasons why and request waiver of service from the Court.

If the birth father does not meet the criteria for a person who should be notified, be prepared to satisfy the Court that the birth father, by his conduct deprived himself of an absolute right to notice.

## 5.3.3 Advertising

S.23(5) and (6) provide for alternatives to personal service of a notice. If a person needed for a hearing cannot be located, under S.126 the Court may give permission to publish identifying information.

### Authority and Permission

If a lawyer is retained, instruct the lawyer to request authority and permission to serve by advertising.

When appearing without a lawyer at an initial hearing following an apprehension, request from the Court:

- authority under S.23(5)(a) to serve by advertising in newspapers, and
- permission under S.126(2)(c) to publish identifying information by placing advertisements in newspapers.

When appearing without a lawyer at any other hearing:

- Prepare an affidavit or an oral presentation that includes:
  - what attempts have been made to locate the person,
  - where and when the person was last contacted,
  - which newspapers will be used and why, and
  - where the advertising will be located and why.
- Appear before a judge to request authority and permission to serve by advertising.

### Publication

Once authority and permission to serve by advertising has been received, place advertisements in the chosen newspapers. Request proof from the publisher that the advertisement was run. Place this proof on the case file. If the Court will accept an Affidavit of Publication [[CS2645](#)], use this affidavit to give evidence of the advertising.

## 5.3.4 Evidence

S.108, 109 and 110 provide for requesting and giving evidence during a hearing under the Act. Although evidence from a witness is best, S.108 (4) allows for affidavit or hearsay evidence.

S.109 provides for the Court to subpoena confidential information. A subpoena is necessary when the evidence is deemed confidential information under another Act and the person having the information is restricted from disclosing it.

S.110 provides for giving evidence of the age of a child.

### Prepare

To prepare evidence for the Court:

- Consider what information, including documents and records, could be provided by:
  - each person who has knowledge of the matter,
  - each person who has provided a service to the child, and
  - any other person who could contribute to the disposition.
- Determine which people could assist the Court to make a disposition. Ensure that every needed witness is available for the hearing. If any witness needs an interpreter but cannot supply one, ask the clerk of the court to arrange for an interpreter. Make this request as far before the hearing as possible.
- Have any witness subpoenaed if requested by the lawyer or if the witness says that appearing will not be possible otherwise.
- If using an agent, ensure that the agent knows how to serve a subpoena.
- Disclose all evidence to each party to the hearing according to S.111 (2) except to a party who will be asked to be excluded. If the director has retained a lawyer, consult with the lawyer to determine what file information is relevant to the application before the Court. Give the lawyer a copy of all relevant information, flagging the name of a reporter and anything else that should not be released. The lawyer will determine what copies to give the other party's lawyer and any conditions to place on releasing this evidence.



- If the caseworker does not have a lawyer, prepare to present the evidence in court. If the evidence is presented by report, try not to create a new report. Instead, create a new word processing document called “Court Report” using existing information, such as the information consolidation or other assessment material as the basis. Add or delete information as needed.
- An Affidavit of Caseworker [CS2648] is available as a word processing template. With this template, import the court report directly into the affidavit so that it becomes part of the affidavit.

## Confidential Evidence

If confidential evidence is required:

- Apply to the clerk of the court for a subpoena. Describe to the clerk the nature of the confidential information.
- Examine, or have the lawyer examine, the information prior to the hearing.
- If any of the information will assist a disposition, apply to the Court to have it admitted as evidence.

## Evidence of Age

If the judge requires evidence other than the parent’s testimony, obtain the evidence acceptable to the judge. To obtain a birth registration, follow the procedures described in Services to Children, Birth Registration.

**See:**  
[8.5 Birth Registration](#)

## Expert Witness

An expert witness gives evidence based on skill or knowledge obtained through training and experience in a field. When calling an expert witness:

- If a director engaged the witness, negotiate the witness fee according to the rates for that profession set by the director.
- If a director did not involve the witness in the matter, pay according to the Witness Fees Regulation.

**See:**  
Witness Fees Regulation

## Witness Fee

Pay witness fees according to the procedures established between the director and the court.

## 5.3.5 Legal Representation

### Legal Representation for a Director Under the Enhancement Act

**This policy does not apply to Delegated First Nations Agencies.**

S.111(2) lists who is a party to a hearing and a lawyer may represent any of the parties.

A lawyer should represent the director if:

- The case is difficult to present;
- The circumstances are complex; or
- The parent has a lawyer.

If the matter will be heard in Edmonton and Calgary, contact the Family Law Branch of Alberta Justice to have a lawyer assigned.

Child and Family Services Authorities elsewhere in Alberta are represented by agents retained by Alberta Justice. The process outlined below applies where outside counsel is required to represent *the director* in matters under the Enhancement Act or PChIP Act.

**Note:**

This process does not apply to legal representation of a **child** under S.112 of the *Child, Youth and Family Enhancement Act*.

**See:**

[Legal Representation for the Child in an Enhancement Matter](#)

## Procedures

### Retaining a Lawyer

The CFSA must advise the Family Law branch of Alberta Justice of the name of the lawyer they wish to retain. If necessary, the CFSA may request the assistance of the Family Law branch in selecting a local lawyer with experience in child intervention matters.

Family Law will send a retainer letter to the selected lawyer. Once the lawyer is retained, the CFSA may use the services of that lawyer for routine child intervention matters.

### **Terms of Retainer Letter**

The retainer letter authorizes the lawyer to provide legal services to the CFSA on routine child intervention matters, as requested by the CFSA and in accordance with the instructions of the CFSA.

Routine child intervention matters include applications and responses under the *Child Youth and Family Enhancement Act* for:

- Supervision orders,
- Private, temporary and permanent guardianship orders,
- Secure services applications, and
- Applications under the *Protection of Children Involved in Prostitution Act*.

The retainer letter does **not** authorize the lawyer to handle:

- Statements of claim,
- Appeals,
- Charter or constitutional challenges, or
- Novel or complex issues of law or procedure.

These matters are to be referred to the Family Law branch of Alberta Justice in either Calgary or Edmonton.

Additionally, the retainer letter does **not** authorize the lawyer to provide general legal advice not connected with a specific Court matter. General legal advice includes:

- Statutory interpretation,
- Contract review and drafting,
- Legal opinions on matters that are not case specific or that have a policy component,
- Advice on issues of board governance and procedure, and
- Advice to CFSA board members and CEOs in the execution of their responsibilities.

Requests for general legal advice are to be referred to the Legal Services branch of Alberta Children's Services.

### **Hourly Rate**

The standard hourly rate for outside counsel is \$100. The Legal Services branch of Alberta Children's Services pays this rate.

### **Payment of Legal Fees**

Outside counsel are to send their statements of account to the Legal Services branch of Alberta Children's Services for payment.

**See:**  
[Contact Information](#)

Copies of all statements of account are to be sent by the lawyer to the CFSA **for information only**. If CFSA staff notice any irregularities in a statement of account, they are to contact the Legal Services branch.

### **Performance Standards**

Government accountability standards require that all services paid for by government be monitored. Therefore, the services provided by outside counsel to the CFSA's will, from time to time, be subject to a routine client satisfaction survey or other reviews conducted by the Legal Services branch of Alberta Children's Services.

The following standards are to be used in monitoring the performance of outside counsel:

- Demonstrates a clear understanding of the work required
- Clearly explains issues, procedures and options
- Reports to client in timely manner
- Advice and communications are clear, understandable and practical
- Follows instructions and provides services when needed
- Outcome is appropriate to circumstances
- Overall services are satisfactory or better
- Services are provided in a courteous manner

If, at any time, a CFSA is dissatisfied with the performance of outside counsel, they may contact the Family Law branch in either Calgary or Edmonton to have the lawyer's retainer letter rescinded, and another lawyer retained.

### **Contact Information**

Diane Granfield  
Family Law – Edmonton  
Alberta Justice  
5th Floor, John E Brownlee Building  
10365 – 97 Street  
Edmonton, AB T5J 3W7  
Email: [Diane.Granfield@gov.ab.ca](mailto:Diane.Granfield@gov.ab.ca)  
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Fax: 780 427-5914

Doreen Neilson  
Family Law – Calgary  
Alberta Justice  
16th Floor, Standard Life Building  
639 – 5 Avenue SW  
Calgary, AB T2P 0M9  
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Susan Rankin  
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12th Floor, Sterling Place  
9940 – 106 Street  
Edmonton, AB T5K 2N2  
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Phone: 780 427-7267  
Fax: 780 422-0912

## **Legal Representation for Another Party in an Enhancement Act Matter**

Any party may obtain a lawyer privately or through Legal Aid.

Prior to a hearing, tell both the child over 12 and parent:

- that each has the right to legal representation;
- that the Court may direct that the child be represented by a lawyer; and

- that either before or at the hearing, either of them may ask the Court to direct that the child have a lawyer.

Even if the parties have lawyers, continue to attempt to negotiate resolutions with the parent. Keep the director's lawyer informed about such negotiations.

## **Legal Representation for the Child in an Enhancement Act Matter**

S.112 of the Enhancement Act provides that the Court may direct that a child be represented by a lawyer.

If a child does not ask for a lawyer or if the child is under 12 and you believe that the child should have legal representation:

- Ask the Court to direct that the child be represented by a lawyer.
- If the request is denied, consult with the supervisor. If the supervisor agrees, inform the manager about the need.
- If the Court directs you to or your manager gives you permission, arrange for a lawyer through Justice unless the child is 12 or older, in which case, arrangements is made through Legal Aide. The lawyer determines how to take instruction.
- CFSA is responsible for covering the cost of the child's lawyer if one is not appointed by Legal Aide.
- If a child has a lawyer, freely disclose information to the lawyer upon request.

## **Legal Representation for the Child as a Defendant or Respondent**

**See:**

[8.31 Retaining a Lawyer for Children Under a Permanent Guardianship Order \(Civil or Criminal Matters\) – CFSA](#)

## **Legal Representation for a Child as a Litigant**

**See:**

[7.22 Protecting the Legal Interests of Children Under Permanent Guardianship](#)

## **Notice to Proceed (Applies to Delegated First Nations Agencies)**

If you receive a Notice to Proceed regarding a child under the temporary or permanent guardianship of a director, immediately provide the Notice to Proceed to your manager. Include a memo with:

- the child's name, ID number, age, legal authority;
- the caseworker's name, office;
- if the issue is related to abuse, the relationship to the child of the alleged perpetrator; and
- a brief description of the circumstances of the harm to the child (if known).

The manager must forward the memo and Notice to the Director of Child Intervention Services who will review the situation and consider any further action to take.



## 5.3.6 Exclusion from Hearing

Although all hearings are open to the public, S.24 allows the Court to exclude any or all persons except a director and the representing lawyers. At the outset of each hearing, the judge is to inform all parties about their right to apply to have any person excluded.

Prior to the hearing, consider whether some person should be excluded because:

- information to be presented might injure or prejudice the child, or
- the presence of the person might jeopardize:
  - public morals,
  - the maintenance of order, or
  - the proper administration of justice.

**Note:**

In determining who should be excluded, consider not only the people present but anyone who could be present if they wanted. This consideration is necessary because in the past the Court has granted a copy of a court file to a person from the media who was not present at the hearing. If a person who is not present seeks to obtain a court record later, that person likely could obtain it unless the judge excludes everyone who is not present.

If it is believed that a person should be excluded:

- Ask the judge to exclude that person.
- Explain why that person is unnecessary to the proceedings.
- Explain the reasons for the request.

If it is believed that the child should not be present, recommend to the Court that legal representation be appointed for the child under S.112.

## 5.3.7 At the Hearing

### Court Hearings

S.108, 109, 110, 111 and 112 governs Court hearings. The proceedings might vary from hearing to hearing and it is the judge who has authority over the courtroom. However, a director may request or recommend any change that will make the proceedings more meaningful.

The clerk of the court assists the judge and arranges to have the proceedings recorded.

### Presenting

When called to present a case:

- Tell the judge:
  - your name
  - your position of employment
  - who else relevant to the case is present
- Present to the Court evidence of having delegated duties and powers from a director.
- State the name of the child and what your application is.
- Present all required documents.
- If it is your believe that any person should be excluded, request that the judge exclude that person.
- If the child is over 12 and not present, tell the judge why.

### Evidence

Assist the Court with the witnesses by:

- locating them if not in the courtroom,
- introducing them to the judge,
- asking the judge to take any evidence under oath, and

- telling them when they are free to leave the court room.

If any witness is not present, request an adjournment or request a subpoena.

Present the following evidence:

- full name, including maiden name, of the parent,
- address of the parent,
- birth date of the parent,
- if it is an apprehension hearing, either evidence to show reasonable and probable grounds for apprehension or the Order of Apprehension,
- evidence to support the application,
- if relevant, recommendations for terms of the requested order,

Present documentary evidence in the form accepted by the Court.

Answer any questions asked by the judge, the parent or a representing lawyer.

Present the Family Enhancement Plan for a Supervision Order, or the Concurrent Plan as per the legislation for a review of the Temporary Guardianship Order including the recommended period of a requested order.

## Adjournment

If the hearing is adjourned:

- Make a recommendation regarding guardianship, custody and access.
- Ask the judge whether notice must be served for the next hearing.

## 5.3.8 After the Hearing

### Decision

If the judge's decision conflicts with the Act or Regulations, immediately notify the nearest Family Law Branch office.

### Order

If the judge made an order:

- Obtain copies of the Order (Court form).
- Provide a copy to the parent.
- Carry out the terms of the Order.

### Child and Parent

If the parent or child does not have a lawyer and is capable of understanding, as soon as possible after the hearing:

- Ensure that each understands the decision of the court.
- Advise each about the right to appeal under S.114 or to apply for a stay of the order under S.115. A stay prevents the carrying out of an order for up to 5 days.
- Advise each about the right to apply for a review of the order after the 30 day appeal period expires.
- Ensure that each knows the rights and roles of every party under the order. If the order gave a director guardianship, advise each that under S.39 this order takes precedence over any other custody order.

### Placement

If the child's placement is changed as a result of an order, move the child as soon as possible.

## Record

Record the results of the hearing on the file.

## Indian Child

If the child is Indian and registered, or is entitled to be registered as an Indian child, send a copy of any supervision or guardianship order to the First Nations designate within 20 days as per the legislation.

## Appeal

To launch an appeal:

- Obtain your manager's approval to appeal.
- Instruct a legal representative to initiate the appeal.

If another party plans an appeal, as soon as possible:

- Consult your supervisor.
- Retain legal representation.

## 5.3.9 Adjournments

S.26 allows the court to adjourn any hearing under Division 3 for up to 42 days or, if the parties agree, for longer.

### Request

Prior to the hearing, discuss with the parent and any service provider the need for an adjournment. If an intervention or assessment will not be completed before the hearing, consider requesting an adjournment. If an adjournment is needed, make the request at the hearing.

### Recommendation

Whether or not an adjournment is requested, the judge may adjourn the hearing because of some circumstance. Therefore, be prepared to make a recommendation about:

- the length of an adjournment,
- custody and access during the adjournment under S.26(2), and
- guardianship during the adjournment under S.32(3).

**Note:**

A child who has not been apprehended may enter care in this way.

If possible, obtain the parent's agreement concerning what will be recommended.

## 5.4 Terms for Court Orders

### Policy and Procedures

All court applications for orders in courts in **Edmonton, Camrose, Wetaskiwin, Fort Saskatchewan, Sherwood Park, St. Albert, Leduc and Stony Plain** concerning all applications for Supervision, Custody, Temporary Guardianship, or Permanent Guardianship Orders will need to include the applicable terms **exactly** as they are worded in the template (outlined below) when requesting terms.

If the terms required in a particular case do not appear in the template, then caseworkers are to use the '**other**' section to specify the term (this is identified in the template).

### Intent

In consultation with Children's Services, the Judges in Edmonton and Family Youth Court have developed a standardized template for orders, which provides specific wording for terms. The Court's goal is to eventually provide caseworkers and other parties with a copy of the order the same day the order is granted.

### Template

#### **Template for Terms of Orders Effective for all Orders Being Heard on or After January 31<sup>st</sup>, 2005**

In applying for a Custody, Temporary Guardianship, Supervision, or Permanent Guardianship Order, ensure that any terms recommended in the court report are stated using the **exact wording as stated in this template**.

- Custody Order Applications include **only access** and **assessment terms** if applicable.
- Permanent Guardianship Orders include **only access terms** if applicable.

**The headings to each section below are not required to be in the court report. If the terms are not worded exactly as identified under the headings, the Court may decide to adjourn the matter.**

**ASSESSMENT:**

The     (role i.e. mother)    ,     (name)     will attend, and comply with recommendations that come from (insert the appropriate assessment - 'a' to 'e').

The focus of the assessment will be insert information that links the assessment to the needs of the child.

- (a) parenting assessment.
- (b) psychological assessment.
- (c) parenting/psychological.
- (d) neuro-psychological assessment.
- (e) alcohol and drug assessment.

*(Example: The mother, Martha Jones will attend, and comply with recommendations that come from a parenting assessment. The focus of the assessment will be to determine the existence of a mental health diagnosis that impacts the ability and capacity to parent the child.)*

**SERVICES:**

The     (role)    ,     (name)     will:

- (a) meet and work cooperatively with the in-home support worker in the family home a minimum of \_\_\_\_\_ weekly.
- (b) (describe another term, if needed)\_\_\_\_\_.

*(Example: The mother, Martha Jones will meet and work cooperatively with the in-home support worker in the family home a minimum of once weekly.)*

**COUNSELLING:**

The     (role)    ,     (name)     will attend and participate in:

- (a) family counselling
- (b) individual counselling
- (c) relationship counselling
- (d) alcohol and drug abuse counselling
- (e) gambling counselling
- (f) (describe another term, if needed)\_\_\_\_\_.

*(Example: The father, Nick Jones will attend and participate in alcohol and drug abuse counselling).*



**ALCOHOL AND DRUGS:**

The     (role)    ,     (name)    :

- (a) will not use alcohol, or drugs that are not prescribed for you.
- (b) will not abuse the use of drugs prescribed for you.
- (c) will be sure that no alcohol or drugs, that are not prescribed for you, will be found in your home.
- (d) will be sure that no one in your home will be under the influence of alcohol or drugs that are not prescribed for them.
- (e) take alcohol and drug testing as directed by the Director.
- (f) attend residential substance abuse and treatment program arranged or approved of by the Director.
- (g) (describe another term, if needed)\_\_\_\_\_.

**COURSES:**

The     (role)    ,     (name)     will attend and participate and provide proof of attendance at the following course(s):

- (a) parenting
- (b) anger management
- (c) family violence
- (d) life skills
- (e) money management
- (f) (describe another term, if needed)\_\_\_\_\_.

*(Example: The father, Nick Jones will attend and participate and provide proof of attendance at the following course:*

- *Parenting and anger management.)*

**SUPERVISION:**

The caseworker will visit the family home a minimum of \_\_\_\_\_ times per month.

**GENERAL:**

The     (role)    ,     (name)     will:

- (a) adequately protect the survival, security and development of the children.
- (b) immediately notify the caseworker of any change of address or phone number.

- (c) sign such consents as may be necessary, and requested to ensure that relevant medical or other information regarding the child and you will be made available to the case worker.

**ACCESS:**

- (a) reasonable access to \_\_\_\_\_.
- (b) all access to be supervised in the discretion of the Director.
- (c) access by \_\_\_\_\_ to \_\_\_\_\_ will be \_\_\_\_\_.
- (d) other access as agreed to between the parties.
- (e) (describe another term, if needed)\_\_\_\_\_.

## 5.5 Supervision Order

### 5.5.1 Application

#### Policy

S.28 of the *Enhancement Act* allows the court to make a supervision order of up to 6 months. A supervision order authorizes the mandatory supervision of a child and those persons living with the child.

An application for a supervision order is made under S.16. In applying for a supervision order, the caseworker needs to ensure that a determination has been made that the child is in need of intervention. This may be determined through the assessment or investigation process.

**See:**

[3.4 Initial Assessment](#)

[3.5 Investigation](#)

[3.7 Extended Assessment](#)

As per the legislation, through this process the caseworker must determine that:

- the mandatory supervision of the child and a person living with the child is necessary to adequately protect the survival, security and development of the child, and
- there are reasonable and proper grounds to believe that the child's survival, security and development will be adequately protected if the child remains in the care of the guardian.

The application shall occur:

- after the completion of an assessment or investigation, or
- after apprehension of a child, or
- on the review of an existing supervision order or temporary guardianship

#### Intent

A supervision order is a means of providing intervention services to the family when it is determined that a family enhancement agreement will not adequately ensure the child's safety and well being, and when mandatory

supervision of the child and caregivers is required as per the terms of the order.

## Procedures

### Indian Child

If the child is Indian and registered, or is entitled to be registered as an Indian, involve the First Nation designate in planning as per S.107 of the Act.

**See:**

[2. First Nations Designate](#)

Section 107 of the Enhancement Act

### Preparing for a Court Application

Follow the procedures for preparing for a court order in Court Procedures.

**See:**

[5.3.2 Preparing for Court](#)

Make every effort to reach an agreement on services with the child, family and others involved with the family prior to the court hearing. If possible obtain signed consents to describe the services and other terms of the agreement that have been agreed to.

Prepare to recommend and justify a period of supervision not longer than 6 months.

Prepare a Supervision Order Plan [CS3801] for presentation to the court that includes:

- the conditions that cause the child to be in need of intervention,
- the intended outcome of the intervention,
- the proposed frequency of visits by the caseworker to the child and family
- the treatment, services or supports required by the child and family, and
- a clear description of the responsibilities of all the parties to the Supervision Order Plan.

## Adjournment

In the event of an adjournment under an application for a Supervision Order, the caseworker may request access under S.26(2) of the Enhancement Act.

If the Interim Access Order is granted, use the 'Interim Access Order' as the Primary Legal Authority on CYIM.

If the Interim Access Order is not granted, the 'Open Under Assessment' primary legal authority may be used, see below.

## Open Under Assessment

### Policy

"Open under Assessment" is a primary legal authority that can be used in CYIM when there is a need to create or maintain open file status while a court application is being made. This would generally involve an application for a Supervision Order.

This primary legal authority is established to support system requirements to have a primary legal authority in place. It can only be used and entered on CYIM in conjunction with a secondary legal authority (i.e. Application for Supervision Order).

The term of the Open under Assessment legal authority must correspond with the term of the secondary legal authority. The end dates must correspond with the court date for the application.

Examples of when the Open under Assessment Legal Authority would be used would include:

1. When a child has been apprehended and returned home and an application for Supervision Order is made.

In this instance the apprehension would have established a primary legal authority and open file status, but these would end upon the return of the child. The Open under Assessment legal authority would maintain the open file status (i.e.; a primary legal authority) until the matter is heard in court and a disposition provided.

2. When a direct application is made to court from the Investigation or Extended Assessment stage and no other primary legal authority is in place.

In this instance no other primary legal authority or open file status would be in place while awaiting the court to hear the application.

## **Intent**

The Open under Assessment legal authority is established to enable court applications to be made when there is no other primary legal authority in place.

The Open under Assessment legal authority does not provide any added legislated authority for access or involvement with a child.

During the term of the Open under Assessment legal authority, services, assessment and other case activities shall continue.

## **Procedures**

When a court application for Supervision Order is being made, and no other primary legal authority exists, enter the Open under Assessment legal authority in conjunction with the secondary legal authority. This will be an available option on CYIM.

Ensure that the end date for this primary authority is the same as the end date for the secondary legal authority.

## **Other Applications**

There may be other unique circumstances where a court application, other than an application for a Supervision Order, may be made where no primary legal authority exists. An example would be a direct application for temporary guardianship from the investigation stage.

In such instances the Open under Assessment legal authority would also be required and this would require contacting Applications Support (CYIM Help desk) to enter the primary legal authority on CYIM.

## 5.5.2 Services

Follow the policy and procedures for providing services to a child receiving intervention services as described in Services to Children.

**See:**  
[8. Services to Children](#)

Also ensure the following:

- provide all services as directed by the supervision order,
- have at least one contact per month with the child and family, and
- authorize payment for services as guided in policy and regional guidelines,
- record all contacts regarding the case on the file.

## 5.5.3 Review of a Supervision Order

### Policy

A review of a supervision order may be requested by a director, guardian or child as per S.32(1) of the Act.

A review of a supervision order must be considered when:

- the caseworker is not able to comply with a term of the order,
- the caseworker believes that the child and family are not complying with terms of the order,
- the terms of the existing order are not adequate to protect the child or Family Enhancement Plan goals will not be reached during the term of the existing order.

S.32 (2) describes the matters the Court may consider in hearing a review.

Upon hearing the review the Court may vary, renew, terminate or extend the original order.

### Intent

The legislation provides the opportunity for the director, child or family to review an order. Circumstances that change during the term of the order may require revision, termination or extension of an order.

### Procedures

To review a supervision order follow the procedures for preparing for a court hearing and refer to S.32(1) of the legislation.

**See:**  
[5.3.2 Preparing for Court](#)

Discuss the application for review with the parent and child and make every effort to come to agreement regarding the new terms and the recommendations that will be made to the Court.

Provide a recommendation to the Court as per S.32.



## 5.5.4 Breach of Supervision Order

### Policy

S.29 enables the director to present evidence to the court if it is believed that the guardian or other person residing with the child has failed to comply with a term of a supervision order.

### Intent

An application under S.29 for the breach of a supervision order can be used to vary the order, or make direct application for a temporary or permanent guardianship order if the supervision order is not sufficient to protect the survival security and development of a child.

### Procedure

To bring an application for a breach of a supervision order follow the procedures for preparing for a court hearing.

**See:**  
[5.3.2 Preparing for Court](#)

Provide a recommendation to the Court as per S.29.

### Recording

Record all activity on the file and update CYIM.

## **5.5.5 Termination or Expiration of the Order**

To allow an order to expire:

- ensure that the circumstances of a child have changed by the end of the Supervision Order so there is no need for further mandatory supervision,
- consult with your supervisor, and
- allow the order to expire.

When an order is being terminated or expires and if the file is being closed, notify the parent and any involved First Nation designate.

Complete file recording for the closure of a file.

**See:**  
[7.20 Case Closure](#)

## 5.6 Apprehension

### 5.6.1 Overview

#### Summary

To apprehend is to take custody of a child without an agreement or guardianship order. A child is to be apprehended only if the child cannot be adequately protected pending a direct application for a supervision or guardianship order. Caseworkers must obtain permission to apprehend from a supervisor before executing an apprehension.

#### Who May Apprehend

Any person to whom a director has delegated the duty and power to apprehend may apprehend a child. Caseworkers are to consult with a supervisor before applying for an apprehension order under S.19(1) or before making an emergency apprehension under S.19(12) or (14).

**Note:**

Under S.19(12) and (14), a peace officer may also apprehend a child in an emergency.

#### Ex Parte Application

An application for an apprehension order is an *ex parte* application. In other words, caseworkers may apply for such an order without giving notice of the hearing or having the other parties present.

#### Preparing to Apprehend

Apprehending is an intrusive measure that sets in place a series of rapid events requiring both legal and casework attention. As a result, caseworkers need to prepare as much as possible to address:

- under what authority to apprehend;
- how to proceed with the apprehension; and
- what applications to make after the apprehension.

The decision to apprehend a child requires several additional decisions:

- Does the situation meet the criteria under S.1(2)?
- Is the child an Indian child and, if so, resident on reserve?
- Which authority to apprehend is appropriate?
- Will forced entry be necessary?
- Is a treatment order needed?
- Are secure services needed?

## Criteria

When considering apprehension, determine that the situation meets all the following criteria:

- The child is in need of intervention.
- Remaining in the current situation will endanger the child's survival, security or development.
- Less intrusive measures cannot adequately protect the child.

If possible, involve your supervisor in reviewing these criteria.

## Medical Need

If the parent is not providing needed medical treatment because of religious or cultural beliefs, give the parent an opportunity to find an adequate alternative unless the child is in immediate danger. For example, a parent of the Jehovah's Witness faith might wish to consult with the Hospital Liaison Committee of Jehovah's Witnesses.

## Indian Child

If the child is registered, or entitled to be registered, as an Indian child, involve the First Nation designate as per S.107 in planning for intervention if:

- the child is a band member living on-reserve; or
- the child is a band member living off reserve and the parent signs a Consent to Consult with a Band Council [[CS1634](#)].

If a child is child on a reserve and must be apprehended, follow any protocols negotiated between the reserve and your C.E.O.

If access to the child is denied, obtain RCMP assistance.

If the RCMP apprehends the child, assume case responsibility as soon as possible.

## Authority

Choose the appropriate authority under which to apprehend:

- If at all possible, apply in court for an apprehension order under S.19(1).
- If it is impracticable to appear in court, apply by telecommunication for an apprehension order under S.19(5).
- If the child is in immediate danger, apprehend without an order under S.19(12).
- If the child has left or been removed from the custody of the parent without the consent of the parent, apprehend without an order under S.19(14).

## Forced Entry

If the occupant will not allow access to a child:

- If possible, apply for an order to enter by force under S.19(1)(b). If necessary, apply by telecommunication under S.19(5).
- Enter by force under S.19(13) without an order only if you believe:
  - that the child is in immediate danger; and
  - the time taken to obtain an order would place the child at undue risk.
- Request police assistance to enter by force.

## Treatment

If the child requires essential medical treatment before the custody hearing:

- If possible, obtain the parent's consent for treatment.
- If the parent is unavailable or unable to consent, authorize essential treatment recommended by a physician or dentist under S.22.1(1).
- If the parent refuses to consent, apply for a treatment order under S.22.1(2):
  - Complete and file Notice and Application for a Treatment Order [CS1606].
  - Schedule a hearing.
  - If possible, serve the parent with the notice not less than one day before the hearing under S.22.1(3). When calculating the number of days exclude the day the notice is served, the day of the hearing, Saturday, Sunday and holidays.
  - If such service is not possible, prepare to request that the Court dispense with service or authorize shorter notice. However, make every reasonable effort to notify the parent about the hearing and to arrange for the parent to be heard by the judge.
  - If service to the parent according to S.22.1(3) is not correct, inform the judge:
    - ▶ about the efforts to serve the Notice
    - ▶ about any need to dispense with service or authorize shorter notice
    - ▶ whether the parent was notified
    - ▶ about any alternative way in which the parent could make a presentation. In an emergency, under S.22.1(4) the hearing may be held by a teleconference that includes the parent.
  - Present the case to the Court.
  - If the Court makes a treatment order, authorize the treatment.

## Secure Services

If an apprehended child requires secure services follow the Secure Services placement procedures.

**See:**

[6.4 Procedures to Place a Child in Secure Services](#)

## 5.6.2 Authority to Apprehend

### Policy

S.19 governs the authority to apprehend a child. Apprehension of a child from a guardian's care is a very intrusive intervention and caseworkers must ensure they follow all procedures when apprehending a child

**Note:**

A peace officer may also apprehend under S.19(12) or (14).

### Procedures

Caseworkers are to ensure the following is adhered to when apprehending a child:

Obtain approval from a supervisor before applying for an apprehension order.

**To apply in court:**

Complete and file:

- Application for an Apprehension Order [CS1602]; and
- If needed, Notice and Application for a Treatment Order [CS1606].

Make an *ex parte* application before a judge under S.19(1).

If needed, request an order to enter by force under S.19(1)(b).

If an apprehension order is granted:

- Obtain a copy of the order (court form).
- Execute the order as soon as possible, unless otherwise ordered by a judge.
- If the situation changes because of new information not presented to the judge, do not execute the order. Review the situation with your supervisor to determine what new course of action you should take.
- Place the order on the file.

### **To apply by telecommunication**

Assemble:

- The information for an application for apprehension order; and
- Facsimile of Apprehension Order [[CS1636](#)].
- Phone the court administrator in the nearest court and ask to make an application to a judge. Courts are located in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer.
- If the nearest court cannot provide a judge, phone the Edmonton or Calgary Courthouse and ask to make an application to a judge or, if not available, to a presiding justice of the peace.
- If it is outside of business hours (8:30 AM to 4:00 PM business days), phone 1-800-661-1907.

If an apprehension order is granted:

- Complete Facsimile of Apprehension Order [[CS1636](#)]. By checking off the appropriate box, indicate on the form whether a judge or presiding justice of the peace heard the matter.
- Execute the order as soon as possible, unless otherwise ordered by a judge or presiding justice of the peace.
- If the situation changes because of new information not presented to the judge or presiding justice of the peace, do not execute the order. Review the situation with your supervisor to determine what new course of action that should be taken.
- Place the facsimile on the file.

## **Emergency Apprehension**

To make an emergency apprehension, obtain permission from a supervisor.

Provide a supervisor with the presenting circumstances ensuring that:

- The child is in immediate danger according to S.19(12); and
- The time taken to obtain an apprehension order would place the child at undue risk.

Apprehend the child under S.19(12).

Review the circumstances with your supervisor as soon as possible.



## 5.6.3 Apprehending

### Policy

Once an apprehension order is granted or approval for an emergency apprehension is obtained caseworkers are to execute the order as soon as practicable.

Refer also to booklet, Checklist for Court Documents.

### Procedure

Caseworkers are to ensure the following is adhered to when apprehending a child:

Prior to executing the apprehension develop a safety plan that provides for the safety of those involved in the apprehension, including the child, other persons who may be present and the caseworker. If required, request police assistance in the execution of the apprehension order.

If an order was obtained, show it to those present with the child.

- Tell those present that the child is being apprehended under the *Child Youth and Family Enhancement Act*.
- Take custody of the child.

Make every effort to immediately notify the parent according to S.20 using a Notice of Apprehension [[CS1629](#)].

- Tell the parent:
  - why the child was apprehended;
  - if you intend to confine the child or to apply for a secure services order;
  - the telephone number of the nearest office of Legal Aid.
- Record the circumstances of the apprehension on the file.

## Placement

**See:**

- [8. Services to Children](#)
- [11. Child and Youth Facilities Program](#)

## Access

Attempt to reach an agreement with the parent regarding access to the child during the period before the hearing.

## Early Return

If the child may be safely returned to the parent within 2 days of the apprehension:

- Discuss the circumstances with a supervisor.
- Determine that the child's survival, security and development can be protected in the parent's custody.
- Return the child to the parent.
- Record on the file the change in circumstances making possible the child's return.
- No court application is required.

When calculating the number of days exclude the day of apprehension, Saturday, Sunday and holidays. Include the day the child is returned.

## Court Application

**See:**

- [5.3.2 Preparing for Court](#)

## 5.6.4 Drug-endangered Children Act (DECA)

### Summary

The *Drug-endangered Children Act* proclaimed November 1, 2006, will ensure specific protection for children endangered as a result of a guardian's involvement in serious drug activity, most notably manufacturing and trafficking (see *Controlled Drugs and Substances Act*). If a child is drug-endangered as defined in S.1(2)(a-f) *DECA* the director or police may apply for an apprehension order, or where there is imminent danger to the child, apprehend without a court order. *DECA* has been included in the *Child, Youth and Family Enhancement Act* Delegation Schedule, so if a person is **delegated** under the *Child, Youth and Family Enhancement Act* **they will be delegated** under the *Drug-endangered Children Act*.

### Intent

The intent of the legislation is to:

- Define who is a drug-endangered child and make it very clear that a child exposed to serious drug activity is a victim of abuse and requires intervention.
- Provide the authority and guidance for caseworkers and police to take immediate action to protect a drug-endangered child.
- Raise public awareness of the significant risk to children exposed to drug manufacturing, trafficking and other serious drug activity.

### Criteria

A child is drug-endangered as per *DECA* S.1(2)(a-f) if;

- a) the guardian exposes the child or allows the child to be exposed to, or ingest, inhale or have any contact with, chemical or other substance that the guardian use to illegally manufacture a drug;
- b) the guardian illegally manufactures a drug in the presence of the child, or causes or allows the child to enter or remain in any place or premises where a drug is illegally manufactured or stored;
- c) the guardian possess a chemical or other substance with which the guardian intends to illegally manufacture a drug in a place or premises where a child resides;

- d) The guardian exposes the child or allows the child to be exposed to an indoor cannabis grow operation, or to the process of extracting oil or resins from cannabis plants;
- e) The guardian involves the child in or exposes the child to trafficking;
- f) the child has been or is being, or there is a substantial risk that the child will be, physically injured, emotionally injured or sexually abused because the guardian is exposing the child to other forms of illegal drug activity.

## Receiving Reports

All Child and Family Services Authorities and Delegated First Nation Agencies are responsible to have the capacity to receive and respond to reports from the community, 24 hours per day, 365 days per year, regarding a child who may require service under the *DECA*.

Drug-endangered Children referrals may be made by any person or referral source, including the following:

1. Information may be provided by a community member or a community service provider who is concerned that a child is drug-endangered.
2. *Child, Youth and Family Enhancement Act* caseworkers may identify a drug-endangered child and take action under the *DECA*.
3. A police officer may apprehend and convey a child to a Child Intervention office, or an after-hours services office.

## Intake

**All reports are to be screened under the *Child, Youth and Family Enhancement Act*.** The timeframe for completion of the screening activities is 3 working days, unless it is determined that a more immediate response is required.

### **Procedures:**

Caseworkers will ensure the following is completed where *DECA* concerns are indicated:

- Make collateral contacts to gain further information and to corroborate existing information. Collateral contacts may include any individual or agency that may be familiar with the situation, or who may corroborate information received from the reporter.

- Review all previous file information and CYIM information regarding the child to determine if the child has prior involvement with *DECA* or *Enhancement Act* services. Consider reviewing the file information and CYIM information on any sibling or the guardian if they received services as a child.
- Assess any Parenting and/or Custody Orders that may be in place regarding the child through contacts with the police or the courts.
- **Assess whether the situation may pose a threat to the investigating caseworker.**
- Enter screening information on CYIM.

**Action Taken:**

The completion of intake activities represents a further important decision point on a file. A case consultation shall occur involving a caseworker and a supervisor to complete a thorough review and analysis of all information gathered and determine what further action will be taken. A supervisor will be required to approve the completed intake with a record of action taken.

If the intake provides reasonable and probable grounds to believe that a child is **not drug-endangered and** the information **does not provide** reasonable and probable grounds to believe that a child is in need of Intervention Services, as per the *Child, Youth and Family Enhancement Act*,

- Close the screening.

If the intake provides reasonable and probable grounds to believe that the child **is drug-endangered**,

- Refer the matter for Investigation under the *Child, Youth and Family Enhancement Act*.

If the intake provides reasonable and probable grounds to believe that a child is **not drug-endangered however** the information **provides** reasonable and probable grounds to believe that a child is in need of Intervention Services, proceed under the *Child, Youth and Family Enhancement Act*.

**See:**

[3.3 Screening – Accessing Reports from the Community](#)

[3.4 Initial Assessment](#)

[3.5 Investigations](#)

## Investigation

**All Investigations are to be completed under the *Child, Youth and Family Enhancement Act*.** The timeframe for completion of the investigation is 9 working days, unless it is determined that a more immediate response is required.

### Procedures:

Upon assignment for an investigation where *DECA* concerns are indicated caseworkers are to complete the following:

- Review screening information.
- Make further collateral contacts as needed.
- Consult with a supervisor to determine and plan appropriate response including;
  - Contact with child(ren)/family members at home or elsewhere to further assess.
  - Consider whether or not current information is sufficient for an Application for apprehension under the *Drug-endangered Children Act*.
- Contact the police to coordinate a joint response as a residence where a child may be drug-endangered has the potential to be a crime scene and can pose a threat to a caseworker.
- Have face-to-face contact with the child, siblings, the child's parent or guardian and other caregivers, separate and alone as determined by the joint response plan with police.

### Action Taken:

If the investigation substantiates *DECA* concerns the action taken **must** be an Application for *DECA* Apprehension order, or if the situation poses an **immediate risk** a *DECA* emergency apprehension is to be executed.

- Document the reason for *DECA* apprehension as per S.1(2)(a-f) *DECA* in the text screen of the investigation form.
- Close the investigation.
- Open a Child Protection File in CYIM.
- Enter the *DECA* apprehension as per S.1(2)(a-f) *DECA* in CYIM.

If the investigation provides reasonable and probable grounds to believe that a child is **not drug-endangered** and the investigation **does not provide** reasonable and probable grounds to believe that a child is in need of Intervention Services:

- Close the investigation.

OR

- Close the investigation with a community referral.

If the investigation provides reasonable and probable grounds to believe that a child is **not drug-endangered however** the investigation **provides** reasonable and probable grounds to believe that a child is in need of Intervention Services:

- Proceed under the Child, *Youth and Family Enhancement Act*.

**See:**  
[3.5 Investigations](#)

## DECA Apprehension

*DECA* provides the authority (S.2) *DECA* for caseworkers and the police to apprehend a child if they have reasonable and probable grounds to believe that a child is drug endangered. S.1(2)(a-f) *DECA*.

### Procedures:

Apprehending is an intrusive measure that sets in place a series of rapid events requiring legal and casework attention. Caseworkers are required to:

- Consult with and obtain approval from a supervisor to apply for an apprehension order under S.2 of *DECA*. Consider whether to include a request for entry by force.
- If the child is at imminent risk, consult with and obtain permission from a supervisor to execute an emergency apprehension as per S.2(9) *DECA*. If the risk is such that calling the supervisor prior to the apprehension is not practical or the police have executed an apprehension prior to the caseworker's involvement, advise and consult with the supervisor as soon as possible following the apprehension.
- Ensure you complete *DECA* forms, (Application for Apprehension Order [[DECA0001](#)]) or (Facsimile of Apprehension Order [[DECA0003](#)]).
- Ensure you provide evidence to the court as per S.1(2)(a-f) *DECA*.

- Request, from the court, the period of time for which the order will be in effect.
- For further information on how to make court applications and court processes see Court Procedures.

**See:**  
[5.3 Court Procedures.](#)

- Ensure that the appropriate entries are completed on CYIM.

### **Executing a *DECA* Apprehension**

Apprehending from a residence where serious drug activity is taking place is potentially dangerous and may be considered a crime scene. In these circumstances it is essential to coordinate the response with police.

Caseworkers are to adhere to the following procedures when apprehending a drug-endangered child:

- In consultation with a supervisor develop a safety plan prior to executing the order that provides for the safety of those involved in the apprehension, including the child, other persons who may be present and the caseworker.
- If safety concerns are present request police assistance in the execution of the apprehension.
- Have the police execute the apprehension in cases where the drug-endangered child is in a residence where it may be unsafe to enter, for example, a meth lab.
- If a child is apprehended from a residence used to manufacture drugs do not gather any of the child's belongings as there may be a risk of contamination.
- Take physical custody of the child.
- If a child is apprehended from a residence used to manufacture drugs, as soon as possible ensure the child is provided with a change of clothing.
- Using universal precautions bag and label the child's clothing.
- After the child has been placed, contact the police in your jurisdiction for assistance with disposal of the clothing. As analysis of the clothing may be necessary for use in evidence in either child protection proceedings or a criminal prosecution provide the clothing to police as requested.



### **Notice of Apprehension**

- Make every effort to immediately notify the parent. In accordance with S.3 *DECA* notice may be 'by any method and may be oral or in writing and **must** include a statement of the reasons for the apprehension and the telephone number of the nearest office of the Legal Aid Society of Alberta.'
- Wherever possible, notice of the apprehension should be provided to **all** guardians using a Notice of Apprehension [[CS1629](#)].

If it is not possible to notify the guardians using the Notice of Apprehension, clearly tell the parent:

- The child was apprehended under *DECA*.
- The reasons for the apprehension.
- The telephone number of the nearest Legal Aid office.
- If the child is not returned within 2 days from the date of apprehension, the child is deemed to have been apprehended under Section 19 of the *Child, Youth and Family Enhancement Act*.
- Record the *DECA* apprehension on CYIM.

### **Medical Need**

If the child requires medical treatment, seek treatment as soon as possible. In cases of children exposed to chemicals used in manufacturing drugs, because the toxicity of the chemicals poses a health risk, medical treatment is required.

- Complete the Medical Referral [[CS2825](#)] to ensure communication to medical personnel about the environment the child has been exposed to and whether or not toxicity screens are necessary.

### **Placement**

In addition to the placement procedures outlined in Section 7.5 of the Enhancement Act Policy Manual, consider the following:

- The child should be bathed or showered immediately.
- The need for medical assessment and follow-up:
  - If the child has not already received a medical assessment prior to placement, provide the completed medical referral form [[CS2825](#)] to ensure communication of child's drug endangerment to medical personnel.

### **Return of the Child:**

If the child may be safely returned to the parent/guardian within 2 days of the *DECA* apprehension, discuss the circumstances with a supervisor including:

- The current situation of the guardian and their involvement in the events leading to the apprehension.
- The rationale for determining that the child is no longer drug-endangered.
- The safety plan established with the parent/guardian to reduce the likelihood of further endangerment and any need for continued involvement under the *Child, Youth and Family Enhancement Act*.

If the plan to return is supported by the supervisor:

- Return the child to the parent/guardian.
- Advise the guardian of any medical follow-up or other appointments that are required.
- Record on the file the change in circumstances making possible the child's return.
- A court application is **not** required if the child is returned within two days.
- Advise the guardian of further *Enhancement Act* activity or community referrals as necessary.

## **Deemed Apprehension**

If a child is apprehended under *DECA* and **not returned** to their guardian within 2 days from the date of apprehension, the child is **deemed to have been apprehended under S.19 of the *Child, Youth and Family Enhancement Act***.

### **Procedures:**

Caseworkers are required to ensure:

- The legal status on CYIM is to be **Apprehension**.
- When recording the start date of the apprehension under the *Child, Youth and Family Enhancement Act* it **must** be the same as the start date of the *DECA* apprehension.

- All subsequent activities are completed in accordance with the *Child, Youth and Family Enhancement Act*.
- A court application must be made under S.21(1) of the *Child, Youth and Family Enhancement Act*.

**Note:**

**Counting Days**

Calculating the number of days that a child is apprehended is **the same** as under the *Child, Youth and Family Enhancement Act*:

- If you return the child within 2 days, **exclude** the day of apprehension, exclude Saturday, Sunday and holidays. Include the day the child is returned.

For example: if a child is apprehended on a Friday of a long weekend the two days **would not include** the Friday, Saturday, Sunday or Monday, Therefore the child would have to be returned on the Wednesday or an application must be made under the *Child, Youth and Family Enhancement Act*.

Calculating the number of days that an application after apprehension must be heard in court is **the same** as in the *Child, Youth and Family Enhancement Act*.

- If the child is not returned within 2 days **include** the day of apprehension and all other days.

The following chart may be used as a guide to determine the final day that an application following apprehension, can be heard in court:

Day of Apprehension under the <i>Drug-endangered Children Act</i>	Application for court order under the <i>Child, Youth and Family Enhancement Act</i>
Monday	The following week Wednesday
Tuesday	The following week Thursday
Wednesday	The following week Friday
Thursday	The following week Friday
Friday	The following week Friday
Saturday	The following week Monday
Sunday	The following week Tuesday

If there is a date when the court is not sitting, the application must be heard prior to the date on the chart.

## Recording

### **Procedures:**

Caseworkers are required to ensure:

- A caseworker, supervisor and/or manager must record all the activities involved with the apprehension. Document all points of consultation, decision making and rationale for the decision.
- Record the screening information; include the *DECA* reason for referral on screening form.
- Record the Investigation information, including the reason for *DECA* apprehension as per *DECA* S.1(2)(a-f) in the text screen on the investigation form.
- Record all other information on Contact Notes.
- CYIM updates to be completed within 5 days.

## 5.7 Temporary Guardianship Order

### 5.7.1 Application

#### Policy

S.31(1) enables the Court to make a temporary guardianship order. Under such an order, a director becomes a joint guardian with any other guardian as per S.31(2). The director may exercise all the authority of a guardian with the exception of matters relating to Part 2, Division 1 of the Act (Adoptions).

An application for a temporary guardianship order can be made:

- directly;
- after apprehending; or
- on a review of a current supervision or temporary guardianship order.

A **direct application** for a temporary guardianship order is made under S.17.

**If a child has been apprehended**, S.21.1(1) requires that a hearing respecting custody of the child, to be heard within 10 days of apprehension. The caseworker will file an application for temporary guardianship or permanent guardianship and an Application for Custody [[CS3613](#)].

S.21.1(2) enables the Court, upon hearing the director's custody application to:

- order the child into the director's custody until the director's application for temporary or permanent guardianship is heard by the Court, or
- order the child returned to their guardian's custody.

The Court, pending the director's application for a temporary guardianship order or a permanent guardianship order, may make an order regarding terms of access, or the requirement to obtain an assessment of the child or guardian. Refer to S.21.1(2).

S.21.1(4) provides that the custody hearing:

- is summary in nature, and
- may be adjourned for a period of not more than 7 days, or for any longer period the parties agree to up to a maximum of 42 days.

S.21.1(5) enables the court to grant an interim custody order, including terms of access to the child, for the period of the adjournment.

S.21.1(6) requires that the director consult with the guardian and other family members to develop a plan of care for the child (concurrent plan) that will:

- describe the services that will facilitate the return of the child to the child's guardian, and
- describe an alternate permanent placement plan for the child.

When considering an application for a temporary guardianship order, determine that the situation meets all the following criteria.

- the child is in need of intervention as determined by an investigation,
- less intrusive measures cannot adequately protect the child,
- the child can be expected to return to the parent or become independent within a reasonable time, and
- the cumulative time in care has not reached 15 months for a child under 6 years or 18 months for a child over the age of 6 years.

## Procedure

Follow the procedures for preparing and presenting all court applications as described in policy.

**See:**  
[5.3.2 Preparing for Court](#)

Also complete the following procedures when applying for a temporary guardianship order.

- Determine that the child is eligible for a temporary guardianship order and review case planning with a supervisor.
- Complete, file and serve:
  - Notice and Application for a Temporary Guardianship Order, and
  - if needed, Notice of Application for Terms of a Temporary Guardianship Order.
- Schedule a hearing in accordance with timeframes described in Preparing for Court.

- Prior to the hearing, make every effort to reach an agreement on services with the child, the family and other involved persons. If possible, obtain the following signed consents:
  - Consent by a Child 12 Years of Age or Older [CS1612],
  - Consent by a Guardian [CS1613],
  - Access or Consultation Agreement [CS1619].
- Advise the parent and child that an application for access may be made by the parent, the child or another person who has the consent of the child if the child is over 12:
  - to the caseworker, for an Access Agreement under S.14, or
  - to the court for an Access Order under S.31, if an agreement cannot be reached.
- Be prepare to recommend and justify:
  - a period of temporary guardianship,

**See:**  
[5.1 Cumulative Time in Care](#)

  - maintenance for which an agreement was not reached, and
  - if needed, an order to submit to an assessment under S.31(6).
- Be prepared to present to the Court:
  - the intended outcome of the intervention,
  - the proposed frequency of visits by a caseworker to the child and family,
  - the treatment or services required by the child and family, and
  - the proposed services to be provided.
- Be prepared to address the guardian's financial responsibility arrangements.

## 5.7.2 Terms

The Court may at any time during the term of a temporary guardianship order, and upon the application of the director, guardian or a child over 12 years, make an order prescribing various terms to the agreement as per S.31(4) (a–e).

**See:**  
[5.4 Terms for Court Orders](#)



## 5.7.3 Services

Provide the services available to any child in care as described in policy.

**See:**

[8. Services to Children](#)

Also provide the following additional services under a temporary guardianship order.

If the child is not already in care, follow the **placement procedures** described in Foster Care or the Child and Youth Facilities Program policy.

**See:**

[10.7 Placement of a Child](#)

[11.2 Placing a Child in a Child and Youth Facility](#)

Ensure that access arrangements are in place.

- Advise any appropriate person who has a significant relationship with the child how to maintain contact with the child.
- Enable the child to maintain an association with any appropriate person who has a significant relationship.
- If an agreement on access cannot be reached with an applicant, including a child over 12, advise the applicant:
  - that an order may be requested under S.29; and
  - if the child is over 12, that an order may be granted to someone other than the guardian only with the child's consent.

Ensure that health coverage and medical care benefits are arranged.

**See:**

[8.20 Medical Care](#)

Apply for any available financing according to policy.

**See:**

[8.25 Obtaining Financing](#)

Provide all case management responsibilities and have contact with the child and family as follows:

- at least 1 contact a month.
- at least 1 face-to-face contact with the child every three months.

## 5.7.4 Review of a Temporary Guardianship Order

A director may apply to have a temporary guardianship order reviewed at any time. After the 30 day appeal period expires, a parent or child over 12 may apply for a review under S.32 once during the term of a temporary guardianship order. The Court may vary, extend or terminate the existing order.

If a child expresses a desire to have their order reviewed, advise the child about their right to also involve the Child & Youth Advocate.

Each time a child's legal authority is changed or extended, notify the school and care giver.

If the child is registered, or entitled to be registered, as an Indian child, involve the First Nation designate in the planning as per S.107.

Apply for a review of an order when it is believed that the order should be **varied**.

- complete, file and serve a Notice and Application for a Review [[CS1597](#)],
- schedule a hearing which must be held within 30 days of filing the notice, and
- follow the procedures for preparing and presenting all court applications.

If a review hearing is adjourned, ensure the judge addresses guardianship during the adjournment as required by S.26(2)(b) and S.32(3).

An application to **renew** an order may be made when the concurrent plan goals will not be reached during the term of the existing order:

- Ensure that the appeal period has expired.
- Ensure the situation meets both of the following criteria:
  - The child is expected to return home or become independent within a reasonable time, and
  - The cumulative time has not exceeded 15 months for a child less than 6 years or 18 months for a child over 6 years.

- The three terms of cumulative time in care are:
  - First Term:
    - ▶ 6 months if the child is under 6 years of age
    - ▶ 9 months if the child is over 6 years of age
    - ▶ The caseworker may make more than one application for Temporary Guardianship to accumulate time in care up to the maximum 6 or 9 months, depending on the child's age at the time of the application.
  - Extension under S.33(2)
    - ▶ *One additional term* of up to 6 months, if there are good and sufficient reasons for doing so.
  - Further Extension under S.33(3)
    - ▶ *One final term* of up to 3 months if there are exceptional circumstances.

**See:**

[5.1 Cumulative Time in Care](#)

- Revise the concurrent plan to indicate:
  - proposed interventions,
  - plans for the child to return home or become independent by the end of the extended order, and
  - any other changes to the plan.
- Apply to renew the order under S.32(1).
- Recommend an extended period of time in care up to the maximum amount of cumulative time in care.

An application to **terminate** an order to facilitate the return of the child to the guardian can be made when it is determined that the child can safely return to the parent with mandatory supervision:

- Ensure that the appeal period has expired.
- Apply to review the order under S.32.
- Recommend a Supervision Order, if appropriate.

When a considering an application to terminate an order:

- In consultation with your supervisor, decide whether to terminate the order or to allow it to expire. Consider the time remaining in the term of

the order. Even though a child returns home, time in care accumulates to the end of the order.

- Revise the concurrent plan to indicate any interventions that will be used after the child returns home.
- A family enhancement agreement may be entered into immediately after an order is terminated or expires.
- If a decision is made to terminate the order:
  - Ensure that the appeal period has expired.
  - Apply to review the order under S.32.
  - Recommend that the order be terminated.
- If a decision is made to allow the order to expire:
  - Return the child home.
  - Continue to contact the child and provide services until the order expires.
- Once the order is terminated or expires, if the child is returning to the parent:
  - Cancel any benefit being received on behalf of the child.
  - Advise the parent to reinstate Alberta Health Care coverage and to apply for the Child Tax Benefit.
  - If you are closing the file, notify the parent and any involved First Nation designate.

Under S.40, the order automatically terminates if:

- the order expires or is terminated by the Court,
- a private guardianship order is made,
- the child turns 18, or
- the child marries.

## Recording

Complete file recording and update CYIM.

## 5.8 Permanent Guardianship Order

### 5.8.1 Application

#### Policy

S.34 enables the Court to make a permanent guardianship order. Under such an order, a director is appointed as the sole guardian of the child.

An application for a permanent guardianship order is made under S.18. An application can be made:

- directly;
- after apprehending; or
- on a review of a current supervision or temporary guardianship order.

Only a director may make an application; a parent cannot.

#### Intent

Permanent guardianship provides the director with full guardianship responsibilities for a child. This includes the responsibility to provide for all of a child's needs normally provided by the guardian or custodian, and includes providing a permanent placement for the child.

#### Procedure

When considering an application for a permanent guardianship order, determine that the situation meets all the following criteria:

- The child is in need of intervention.
- Less intrusive measures cannot adequately protect the child.
- Regardless of the amount or type of support services provided, the child cannot be expected to safely return to the parent within a reasonable time.

To **obtain approval** to make an application for permanent guardianship:

- with the supervisor, consult the child regarding permanent guardianship and determine whether permanent guardianship is appropriate for the child, and
- review all case information and analysis to determine that permanent guardianship is the best option for the child.

If the child is under temporary guardianship, request consent from the manager who will be responsible to:

- ensure that a diligent effort has been made to make the child's return home possible;
- determine that the child is unlikely to return home within a reasonable time;
- if the child is Aboriginal, ensure that the appropriate First Nation designate or community has been involved as per S.107;
- ensure that a clear permanency plan is in place; and
- provide a written decision within 10 working days of receiving the request. If in agreement, the manager provides a Consent by a Director or Authorized Delegate [[CS2047](#)].

If the child is registered, or is entitled to be registered, as an Indian child, involve the First Nation designate in planning for intervention once the application for permanent guardianship is filed as per S.107.

**See:**

[2. First Nations Designate](#)

If the child is Métis, obtain parental consent to involve a Métis resource.

Follow the procedures for preparing and presenting all court applications as described in policy and the following procedures (also see Checklist for Court Document booklet):

**See:**

[5.3.2 Preparing for Court](#)

- If the child is under an existing supervision or temporary guardianship order, complete, file and serve Notice and Application for a Review [[CS1597](#)].
- If the child is not under an existing order, complete, file and serve Notice and Application for a Permanent Guardianship Order [[CS1598](#)].

- If the application is a review of an existing order made in another court district, obtain a certified copy of the existing order.
- Prior to the hearing, explain to the parent the reasons for the application and the finality of a permanent guardianship order.
- Keeping the best interests of the child and their permanency plan paramount, make every effort to reach agreement on access with the child, the family and other involved persons.
- Consider the impact of access on the adoptability of the child.
- Consider the right and need of the child to continue relationships.
- If the child is over 12, obtain the child's consent before signing an access agreement.
- If possible, obtain the following signed consents:
  - Consent by a Child 12 Years of Age or Older [[CS1612](#)],
  - Consent by a Guardian [[CS1613](#)], and
  - Access or Consultation Agreement [[CS1619](#)].
- Advise the child and parent that a director, a parent, a child over 12 or another involved person may apply to the Court for an access order under S.34(8) using Notice and Application for Access under a Permanent Guardianship Order [[CS1600](#)].
- The consent of a child over 12 is required before such an order may be made.
- Ensure that the service plan includes the permanent placement objectives and prepare to present the plan to the Court.
- Discuss, with parent, contribution towards maintenance of the child.

To present the case in Court, prepare to recommend and justify:

- An application for a permanent guardianship order; and
- If no agreement was reached, recommend terms of access if appropriate.

If the child is not already in care, follow the placement procedures in policy.

**See:**

[10.7 Placement of a Child](#)

[11.2 Placing a Child in a Child and Youth Facility](#)

If a permanent guardianship order is made:

- Inform the care giver and all service providers.
- Advise all parties to any access order made that a review may be requested at any time under S.34(13) using Notice and Application for a Review [[CS1597](#)].
- If requested, send a copy of the order to the Public Trustee.
- If appropriate, prepare the case for transfer.



## 5.8.2 Terms

S.34 provides for access terms to a permanent guardianship order set out in an agreement or in an order.

Whenever possible, enter an Access or Consultation Agreement [[CS1619](#)], that sets out the access between the child and the parent or any other person with whom the child has a significant relationship. If the child is over 12, the child's consent is required.

If the matter cannot be resolved by agreement or if the terms of an agreement have not been complied with, complete, file and serve Notice and Application for Access under a Permanent Guardianship Order.

If the terms of an existing order are inadequate, complete, file and serve Notice and Application for a Review [[CS1597](#)].

The Court may vary access terms only if:

- the child consents, if over 12; and
- it is satisfied that the access terms will not interfere with the adoption of the child.

Present the case in court by following the procedures for all court hearings.

**See:**

[5.3.2 Preparing for Court](#)

[5.4 Terms for Court Orders](#)

## 5.8.3 Services

Under a permanent guardianship order or agreement, a director is the sole guardian of a child. As a result, the Ministry must provide all services necessary for life, permanency and stability.

The services available to any child in care are described in policy.

**See:**  
[8. Services to Children](#)

Provide the following additional services under permanent guardianship.

If the child is registered, or is entitled to be registered, as an Indian child, involve the First Nations designate in planning as per S.107.

In most cases, the First Nation designate is involved throughout the case planning process prior to a permanent guardianship order or agreement.

### Report on Guardianship

S.34.1 requires the director to report to the Minister on the permanency plans for children under permanent guardianship.

As per the regulation, the following reporting is required:

- following the conclusion of the first year the child is under permanent guardianship,
- every six months thereafter for the next 2 years, and
- every 12 months following the conclusion of the first 3 years the child is under permanent guardianship.

To meet the reporting requirements:

- For children under the age of 6 years, the permanency plan must be completed and enter on CYIM within 6 months of the date of the PGO Order.
- For children between the ages of 6 to 15 years, the permanency plan must be completed and entered into CYIM within 1 year of the date of the PGO Order.

- For children 16 to 18 years, assuming the plan is for a transition to independence, the permanency plan must be completed within 8 months of the order.

## Placement Planning

If the child has not been in care prior to the permanent guardianship order or agreement, begin planning for the child's placement as early as possible according to the procedures described in Foster Care.

**See:**  
[10.7 Placement of a Child](#)

Also:

- Discuss and plan for a permanency placement with the child and any other person who has a significant relationship.
- In order to prevent unnecessary disruption to the child, avoid a school transfer if possible.
- Arrange to place the child in an approved placement resource.
- If the child is placed in a child and youth facility, brief anyone who is to maintain a significant relationship about the operation of the facility and about visiting it. Ensure that the child has a complete medical examination within 10 working days if entering out-of-home care at this time.

## Access

Advise any appropriate person who has a significant relationship with the child how to maintain contact with the child. Enable the child to maintain an association with any appropriate person who has a significant relationship.

If the child requests contact with a family member or another significant person:

- Consider the best interest of the child.
- Obtain the consent of the other person before arranging contact.
- If a request for access is denied, advise the child why it was denied. If the child is over 12, advise the child about the right to apply for an access order under S.34(8) using Notice and Application for Access Under a Permanent Guardianship Order [[CS1600](#)].

- Encourage contact with siblings. If siblings consent, facilitate contact.

If another person requests contact with a child:

- Consider the best interest of the child.
- Obtain the consent of any child over 12.
- Attempt to negotiate an access agreement.
- If an agreement cannot be reached, advise the person:
  - about the right to apply for an access order under S.34(8) using Notice and Application for Access Under a Permanent Guardianship Order [CS1600],
  - if the child is over 12, that an order may be granted only with the child's consent.
- If direct contact is inappropriate, consider other means of contact.

## Financial Support

When the child enters care ensure the following supports are in place:

- Ensure the child has Alberta Health Care coverage.
- If the child is registered, or is entitled to be registered, as an Indian child, obtain the Indian Registration Number from the parent or from Indian and Northern Affairs Canada, commence the coverage of services by the Ministry and enter the number on CYIM.
- If the child is not an Indian child, commence the child for coverage by the Ministry and enter the number on CYIM.
- If the child is not an Indian child, issue a Treatment Services Card [CS1126] according to the procedures described in policy and enter the treatment services card on CYIM.

**See:**

[8.20 Medical Care](#)

- If the child is registered, or is entitled to be registered, as an Indian child, do not issue a Treatment Services Card. Obtain payment for services through the Non-Insured Health Benefits program of Health and Wellness Canada.
- Apply for any available financing according to the procedures in policy.

**See:**  
[8.25 Obtaining Financing](#)

## Contact with the Child

During the first year the child is under permanent guardianship, have a least one face-to-face contact with the child every month. In an exceptional situation, a supervisor may approve a deviation from this schedule.

After the first year under permanent guardianship, have at least one contact with the child each month and one face-to-face contact every 3 months.

Maintain frequent contact with the caregiver and provide detailed updates on the progress of the case.

## Casework Responsibilities

Casework responsibilities for a child in permanent care include:

- Initiate activities contributing to the child's educational, social and health development.
- Become thoroughly acquainted with the child, involved persons and case records.
- Review and revise the Concurrent Plan, Part B – Alternative Permanent Plan to work towards establishing the child in a permanent placement, whenever possible and appropriate.
- If at any time the child disagrees with the Concurrent Plan, refer the matter to the Child & Youth Advocate.
- Record all contacts regarding the case on the file including:
  - purpose and location of contact
  - person seen
  - conclusions from contact
  - actions proposed
  - person responsible for each action
  - any significant information gathered
- Authorize payment for services in consultation with the supervisor or manager.

## Provide Information

Provide information to the child as follows:

- Continuously provide background information to the child.
- Determine what to provide by considering the best interest and the desire to know of the child.
- If uncertain about sensitive information, consult with the supervisor about releasing it.
- When permanent guardianship is expiring or being terminated, provide the child or the person assuming guardianship with any of the following that they do not already have:
  - family background, except for information that could be harmful or an invasion of another person's privacy,
  - developmental history with significant milestones,
  - school history with names of schools and for what grades,
  - medical history with details of procedures, childhood diseases and immunizations,
  - My Story Book, and
  - all personal items on the file such as:
    - ▶ birth certificate
    - ▶ report cards
    - ▶ pictures
    - ▶ baptismal certificate

## Transition Planning

Each child in care over the age of 16 is to receive preparation for independence and for transition to independence.

**See:**

[16. Youth Transition Planning](#)

Provide the following additional planning to a youth under permanent guardianship:

- Review the Transition to Independence Plan for each youth in long-term care according to the procedures set by this policy.
- Secure the most suitable permanent arrangement for each youth.

- Begin transition planning well in advance of the status expiry.
- Help the youth access community resources and support networks that will facilitate independence.
- Consider the youth's need for a Support and Financial Assistance Agreement. If needed, begin negotiating the agreement before the permanent guardianship expires.

**See:**

[16.5 Support and Financial Assistance Agreement](#)

## Follow-Up

Once permanent guardianship expires:

- Notify the youth, the school and the caregiver.
- Advise the youth that a Support and Financial Assistance agreement may be entered into later if not being entered now.
- Cancel any benefit being received on behalf of the child.
- Follow the procedures in policy for leaving care.

**See:**

[10.9 Caseworker Responsibilities for a Child in Foster Care – Leaving Care](#)

- Advise the youth to obtain Alberta Health Care coverage.
- If you are closing the file, notify the youth and any involved First Nation designate.

## 5.8.4 Terminating an Order

Under S.40(2), permanent guardianship automatically terminates if:

- a private guardianship order is made,
- an adoption order is made,
- the child turns 18, or
- the child marries.

S.35(1) allows a director to apply to have a permanent guardianship order or agreement terminated. When permanent guardianship is terminated, guardianship reverts to the person who was guardian prior to permanent guardianship.

When considering an application to terminate permanent guardianship:

- Assess the stability and suitability of the former guardian's circumstances.
- Determine the child's opinion.
- Consider how long the child has been in care.
- Consider how involved the former guardian has been during the time in care.
- Assess the stability and relationships of the current placement.
- Consider the opinions of the care giver.
- Consider what services will be needed if guardianship is not terminated.

To prepare to bring an application to terminate an order to Court, follow the procedures in policy.

**See:**  
[5.3.2 Preparing for Court](#)

In addition to the above procedures, also:

- Provide the manager with a recommendation and reasons regarding termination:
  - within 30 days of receiving a request for termination; or



- upon deciding to initiate an application.
- If the manager provides a signed Consent of Director or Authorized Delegate complete, file and serve:
  - Notice and Application to Terminate a Permanent Guardianship Agreement, or
  - Notice and Application for a Review, if there is a PGO.

If there is a Joint Guardianship Order:

- Under “type of order” in the Notice, insert “Permanent Guardianship and Joint Guardianship”.
- After the first sentence in the Application, add “I also am applying to terminate the Joint Guardianship Order that was granted on (date)”.
- Present the case in court by following the procedures for all court hearings and be prepared to justify the application to terminate the order.

If permanent guardianship is terminated:

- If the child has Registered Indian status, send a copy of the order to the First Nation designate within 30 days.
- Cancel the special allowance and any maintenance or benefit.
- Advise the parent to register for Alberta Health Care and apply for the Child Tax Benefit.
- If permanent guardianship was terminated under S.35(1) and the file is closed, notify the parent and any involved First Nation.

## 5.9 Other Court Orders

### 5.9.1 Enter and Search to Return a Child to the Director's Custody

#### Policy

S.19 allows the court to make an order authorizing a person to enter, by force if necessary, premises to return a child to the custody of a director. In an emergency, a director may take this action under S.19(14) without having an order.

#### Procedure

Caseworkers are to ensure the following is adhered to when entering and searching for a child:

Apply for an enter and search order if the situation meets all the following criteria:

- The child is under the guardianship or custodial care of a director.
- The child has left or been removed from the designated caregiver.
- The occupant of the premises where the child is will not permit access to the child.

Obtain a supervisor's approval.

#### Apply in Court

Complete and file Application for an Apprehension Order [[CS1602](#)].

Make an ex parte application before a judge for an enter and search order under S.19

If an enter and search order is granted, obtain a copy of the order and execute it.

### **Apply by Telephone**

If you cannot attend court, apply by telephone:

- Follow the procedures for any telephone application as described in Authority to Apprehend.
- If an enter and search order is granted, complete a facsimile and execute it.

If you believe that the child is in immediate danger and that the time taken to obtain an enter and search order would place the child at undue risk, enter and search under S.19(14).

### **Police Assistance**

As required, obtain police assistance to enter the premises by force and recover the child.

## 5.9.2 Restraining Order

### Policy

A director may apply for a restraining order to ensure a child's safety who has intervention status. Section 30 allows the Court of Queen's Bench to make restraining orders against a person who is likely to physically or emotionally injure or sexually abuse the child or has encouraged or is likely to encourage the child to engage in prostitution.

### Procedure

Caseworkers are to ensure the following is adhered to when applying for a restraining order:

**Apply for a restraining order only if the situation meets all the following criteria:**

- The child has been apprehended or is under a supervision order or a guardianship order.
- It is believed that a person:
  - has abused the child; or
  - is likely to abuse the child.
- Such an order is needed to protect the child.
- Either the child is in care or if the child has remained at home and the situation meets all the following criteria:
  - The abusing person is not willing to temporarily refrain from residing with or associating with the child during assessment or treatment.
  - A non-abusing parent is not willing or able to protect the child.
  - A non-abusing parent is not willing or able to obtain an appropriate restricting or restraining order.

To apply for a restraining order:

- Determine that the child is eligible.
- Determine that the police will not obtain a condition of release prohibiting contact with the child.

- Determine that a parent will not apply for an order.

Consult with a supervisor and determine whether to apply for one or both of the possible orders:

- restraining a person from residing with the child; or
- restraining a person from associating with the child.

Have a lawyer make the application.

## 6.1 Overview

### Policy

Secure Services is an intervention that may be used to stabilize and assess a high-risk child who is primarily over the age of 12 when less intrusive measures have been unsuccessful at stabilizing the child and sufficiently reducing the danger. An initial risk assessment is required for all children accessing Secure Services. An on-going assessment and the development of a Secure Services Plan are requirements when a child remains in Secure Services for more than 10 days. The maximum time that a child or youth may remain in Secure Services is 30 days.

### Intent

Secure Services is an intrusive intervention on a continuum of services available to the caseworker. It should be used only after all other options have been exhausted, as per the legislation.

It is an intervention for a child that brings together the knowledge and efforts of a multidisciplinary team to create a plan to stabilize and successfully transition the child back into the community.

#### **Prior to Accessing Secure Services**

Utilize all less intrusive service options available (e.g., a one-to-one, a community risk assessment, therapist, and family support) for the child. Document for the Court as per S.43.1(1) and S.44(2) why the services were unsuccessful at stabilization.

#### **Initial Assessment**

In interpreting and applying the legislation, Division 4, Secure Services, the caseworker assesses and determines that the child is in need of Secure Services by reviewing the following:

- The child has performed a recent act, or is in a condition which could lead to the performance of an act – typically within the past 72 hours – that has caused, will cause or create an immediate risk of serious harm or danger to self or others; AND
- It is necessary to confine the child in order to stabilize and assess; typically because the child will not submit voluntarily to assessment or intervention directed at stabilization; AND

- Less intrusive measures have been explored, attempted and documented as being unsuccessful for the stabilization of the child and to sufficiently reduce the danger, such as the child's behaviour indicates remaining under adult supervision is unlikely.

### **Eligible Statuses**

Secure Services may be provided for under S.43.1(1) for a Secure Services Certificate and S.44(1) for a Secure Services Order for the following statuses:

- Family Enhancement Agreement with a Guardian or Custodian
- Custody Agreement with Guardian
- Supervision Order
- Temporary Guardianship Order
- Permanent Guardianship Agreement or Order, or
- When the child is in the custody of the director under apprehension, a Custody Order or an Interim Custody Order.

Caseworkers are required to access a secure services order in all situations except when an immediate response is required. In a situation that requires an immediate response, and caseworkers do not have access to the Court, caseworkers can access a secure services certificate.

For a youth who is under:

- a Custody Agreement with a Youth or,
- an Enhancement Agreement with a Youth

The caseworker must apprehend the youth in order to access Secure Services.

A guardian is usually not actively involved with the youth under these statuses to provide consent to access Secure Services. In these situations, the caseworker is required to obtain custody or guardianship by apprehending the youth in order to access secure services.

### **Additional Secure Services Certificate Requirements**

When there is:

- a Supervision Order or,
- a Custody Agreement with a Guardian or,

- Family Enhancement Agreement with a Guardian or Custodian has been signed.

The guardian has full guardianship under these statuses and must provide written consent to access Secure Services under a Secure Services certificate.

Record the guardian's consent in Section 2 of the Secure Services Certificate [[CS1620](#)].



## 6.2 Procedures for Accessing Secure Services

The following two methods of accessing Secure Services as per the legislation:

1. Secure Services Order granted by the Court – **Caseworkers are required to access this preferred** method as it is reflective of best practices and has a higher degree of accountability, as Secure Services is an extremely intrusive resource.
2. Secure Services Certificate issued by a caseworker – This method should be **accessed only on an emergency basis** when there is no opportunity to access court and an *immediate* response is required.

### Secure Services Orders

There are separate time frames for obtaining Secure Services Orders:

- The initial order of (up to) 5 days as per S.44(2), the continuation of (up to) a 5-day order as per S.44(4) (for a total of (up to) 10 days).
- Following a Secure Services Certificate of (up to) 3 days as per S.43.1(3), a subsequent order of (up to) 7 days under S.44.1 can be accessed (total of (up to) 10 days)
- The renewal order of (up to) 20 days under S.44.1(1).

The maximum time allowed in Secure Services is 30 days.

**Note:**

S.51(1) allows the court to adjourn the hearing and to extend confinement at any time during the 30 day period. However, the period of adjournment is included in the duration of any order granted by the court.

Refer to Checklist for Court Documents booklet for instruction on preparing the documents for Court.

**See:**  
[Checklist for Court Documents](#)

When placing a child in Secure Services follow the placement procedures.

**See:**  
[6.4 Procedures to Place a Child in Secure Services](#)

## 6.3 Procedures for a Secure Services Order and Certificate

### 1. Initial Secure Services Order of (up to) 5 days

#### Requirements for the Initial (up to) 5 day Secure Services Order

- Consult with the supervisor regarding the emergent nature of the child's circumstances and why a Secure Services Order is required. Include in your discussion a review of the attempted interventions that have not been successful in stabilizing the child.
- Record the supervisor's approval on the file.
- Complete the Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] as per S.44(1) and file with the Court. A judge of the Family Court will hear an application on an ex parte basis. Service of the **application** is not required.
- Provide factual, concise information as evidence of how the child meets the criteria.
- Ensure the child is aware of the right to attend and to be represented by a lawyer.
- Assist the child to obtain a lawyer from the local Legal Aid Society.
- Arrange for transportation and supervision for the child to attend the court hearing.

#### Service

As per S.44 (1), the application for the initial (up to) 5 day Secure Services Order is made ex parte. Therefore service is not required. However, as per S.44(3), if the court grants an initial Secure Services order of (up to) 5 days:

- The **order** must be served on the child not more than one day after it was granted, and
- The guardian must be notified as soon as possible either by serving the order or by verbally advising the guardians.

#### Continuation of the Initial (up to) 5 day Secure Services Order

If the child requires a further period of time of *stabilization* or *assessment*, apply for *another* up to 5-day *Secure Services Order* to make up the initial Secure Services period of time of up to **10 days total**, per S.44(4).

### **Procedures for the applying for a Continuation**

- To request an additional (up to) 5 day Secure Services Order, complete the Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] and submit it to the Court.
- Determine whether the child will be sufficiently stabilized during the continuation of the (up to) 5-day *Secure Services Order* and will be ready for discharge. If the caseworker and the multidisciplinary team believe that the child **can** be stabilized during the initial 10 day period, then the Secure Services Plan and assessment **do not** have to be completed.

### **Renewal of a Secure Services Order**

- Consult with Secure Services staff, and if there is agreement that the child needs further stabilization beyond the initial 10 days then complete:
  - An assessment and a Secure Services Plan [CS3511] with the multidisciplinary team by the end of the 10-day period and present the documents to the Court at the time of the renewal application.
  - Use Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608].

### **Service for Continuation and Renewal Applications**

As per S.44(5), the child and a guardian of the child must be served with notice of the date, time and place of the hearing of an application for continuation (up to) 5 days or for a renewal (up to) 20 days as per S.44.1(1) not less than one day before the hearing date of the application.

## **2. Adjournments**

If an application for a secure services order is adjourned, the number of days the child was confined during the adjournment must be included in the length of the order granted by the court as per S.51(3).

## **3. Procedures When Using a Secure Services Certificate S.43.1(1) and Subsequent (up to) 7 day Order S.43.1(3)**

- Consult with the supervisor regarding the emergent nature of the child's circumstances and why a Secure Services Certificate is required. Include in your discussion a review of the attempted interventions that have not been successful in stabilizing the child.
- Record the supervisor's approval on the file.
- Obtain a completed Secure Services Certificate [CS1620] from a manager for a period of (up to) 3 days for purposes of stabilization and completion

of a risk assessment, which addresses how the child meets the criteria outlined under S.43.1(1)(d)(e)(f).

### **Show Cause Hearing**

Within 3 days of issuing a Secure Services Certificate, attend court to “show cause” for confining the child without the court’s prior approval. Use the Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement [CS1604] to document your evidence as to how the child met the criteria for confinement when the Certificate was issued.

When counting the 3 days do not include:

- The day of confinement
- Saturday, Sunday and holidays

If the third day falls on a week-end or holiday, the caseworker must appear in court the next working day to show cause.

### **Further Order of Confinement for up to 7 Days**

Before attending court to show cause, consult with staff at the secure services facility as to whether further stabilization and/or **assessment and development of a Secure Services Plan** is warranted. If warranted, a further order of confinement for up to 7 days may be requested at the show cause hearing.

To apply to the court for a further period of confinement, use the Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement [CS1604]. Be prepared to give evidence (either verbal or by a sworn court report) as to why the child requires further confinement to stabilize the child, and/or to assess the child and prepare a Secure Services Plan.

If the show cause appearance is before a Justice of the Peace, there is an option to request the Justice of the Peace to adjourn the application for a further order of confinement until the next court day.

If the court orders a further order of confinement, enter the legal authority on CYIM.

## Prior to the Show Cause Hearing

### Service

- Provide the child and the guardian, if the guardian consented to the issuing of the Secure Services Certificate, have a copy of the Secure Services Certificate and the Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement [CS1604] not more than **one day** after the certificate has been issued as per S.43.1(4).
- Ensure the child and the guardian are aware of the right to attend and to be represented by a lawyer.
- Assist the child to obtain a lawyer from the local Legal Aid Society.
- Arrange with Secure Services staff for transportation and supervision for the child to attend.
- Assemble all documents required by the court:
  - A copy of the Secure Services Certificate [CS1620];
  - The Affidavit of Service [CS0508] or documentation of reasons why the child and/or guardian who consented could not be served; and
  - The Secure Services risk assessment report completed by Secure Services staff or documentation of the progress of the assessment.
- If the order is granted, the maximum time period thus far that a child can be placed in Secure Services is **(up to) 10 days**.
- Determine whether the child will be sufficiently stabilized during the further period of Secure Services ordered by the Court and will be ready for discharge. If the caseworker and the multidisciplinary team believe that the child **can** be stabilized during the initial 10 day period, then the Secure Services Plan and assessment **do not** have to be completed.

### Requirements to Access Secure Services Beyond 10 days in Secure Services

- When it is determined with the Secure Services staff that the child will require Secure Services **beyond the 10 days**. Develop an assessment and a Secure Services Plan in the initial (up to) 10 days.

#### See:

#### [6.6 Development of Assessment and Secure Services Plan](#)

- Apply an order under S.44.1 using Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608], requesting a renewal of **(up to) 20 days**.

- Ensure the child and the guardian are aware of the right to attend and to be represented by a lawyer.
- Assist the child to obtain a lawyer from the local Legal Aid Society.
- Present the Secure Services Plan and assessment to the court at the time of the application.

**Service**

The child and the guardian must be served with notice of the date, time and place of the hearing of the application for renewal not less than one day before the hearing date of the application.

## 6.4 Procedures to Place a Child in Secure Services

- Arrange to place the child in a Secure Services facility according to the regional placement procedures.
- Enter the legal authority on the Child and Youth Information Module (CYIM).
- Notify the designated facility of the impending admission.
- Arrange for the appropriate facility staff to take custody.
- Transport the child to the facility. If needed, request police assistance.

Provide the facility with Delegation of Powers and Duties to a Child Care Giver [CS1631]. Include a statement authorizing the director of the facility to grant a leave of absence and giving staff the authority to locate and return the child if absent without leave.

An facility director may sub delegate any powers and duties to specified facility staff:

- If the caseworker has approved the written sub delegation policies of the facility, and
- by completing Sub delegation of Powers and Duties to a Child Care Provider [CS1757].

Provide the facility with a copy of the order or the certificate.

At admission or within 1 working day, provide the following information to the facility:

- Child and family identifying information
- Concurrent Plan, Family Enhancement Plan or Transition to Independence Plan
- Latest Medical Report, immunization record and any medical care procedures
- Services and Alberta Health Care numbers
- Current assessment or service reports
- Reports from previous residential placements

- Placement, service and relevant social history
- Reason for current intervention involvement
- Reason for confinement
- Known behaviour management issues and useful strategies
- Any other information useful to care for and assess the child

**Transfer of a child from one Secure Services facility to another when:**

- it is preferable to have the child closer to the home community, the family or another person;
- it is necessary to access services not currently available in the community; or
- it will best meet other specific needs.

**Procedures to transfer a child to another Secure Services facility:**

- Obtain authorization to transfer from the regional manager
- Record the reasons for the transfer.
- Repeat the procedures to place a child in Secure Services.

**Procedures to grant a leave of absence as per S.47:**

- Consult with the supervisor and the director of the facility.
- The facility director completes the Leave of Absence from Secure Services Facility [CS1623] including:
  - the purpose of the leave
  - the duration of the leave
  - the activities or tasks of the child during the leave
  - the supervision necessary during the leave
  - other terms or conditions of the leave

**A leave of absence is required:**

- any time the child will be absent from the facility for more than 24 consecutive hours; and
- any time the child will be absent from the facility for any period if not accompanied by either facility staff or the caseworker.



## 6.5 Review of a Secure Services Order

Apply to have a Secure Services Order reviewed when an assessment report recommends a shorter term or termination of an existing order (commonly used for orders granted (up to) 20 days). If the assessment does not confirm the need for Secure Services, decide whether to apply for termination.

### **To apply for a review as per S. 49(2):**

1. Complete the Notice and Application for a Review [[CS1597](#)].
2. Schedule a hearing.
3. Notify the child, the guardian and the facility not less than 1 day before the hearing of the date, time and place.
4. Present the case in court.

**See:**  
[5.3.7 At the Hearing](#)

5. Provide copies of the Secure Services Order granted by the court to the child, the guardian, the child's lawyer and the facility.

If the Secure Services Order is terminated, arrange the immediate release of the child.

### **Review by the Child or Guardian**

If a child or guardian wants to serve a notice of a Review on the caseworker, have the supervisor accept the notice.

## 6.6 Development of the Assessment and Secure Services Plan

The **assessment** is a required on-going process, which must begin upon the admission of a child to Secure Services and continues in various phases of the Secure Services intervention with several purposes.

### Initial Risk Assessment

A **risk** assessment must be completed when a child first enters a Secure Services facility. Collect all relevant documented material (e.g., assessments, Information Consolidations on file, agency contacts) and make them available to the Secure Services facility to ensure the risk assessment is accurate, focused and builds upon the assessment material completed prior to the Secure Services intervention.

### Documentation Required During the Initial Maximum 10-day Period in Secure Services:

- If the caseworker and the multidisciplinary team believe that the child **can** be stabilized during the initial 10 day period, then the assessment beyond the risk assessment and the Secure Services Plan **do not** have to be completed.
- If during the initial 10 day period, the caseworker and the multidisciplinary team assess the child to require further time in Secure Services following the 10 days, then the Secure Services Plan and assessment **does** have to be completed and presented to the Court when requesting a Renewal of the Secure Services Order, under S.44.1 for a period of (up to) 20 days.

### The Assessment and Secure Services Plan must address the following:

1. Does the child continue to meet the criteria for confinement outlined in the *Enhancement Act*?
2. What services are required to stabilize the child?
3. What services the child will receive while in Secure Services? Who are the individuals and what are services, which may be required for the development of the Secure Services Plan?

Identification of the child and family's strengths will be key to the planning process. Verification of the programs and services available within the region are also key components of the assessment.

## Multidisciplinary Team

The maximum time of **30 days** that a child may stay in Secure Services requires collaboration with the Secure Services staff to plan for the child and prepare him or her for a successful return to the community. The multi-disciplinary approach in casework increases cooperation and collaboration with guardians and Secure Services staff (*per matter to be considered 2(k)*).

## Requirements for Case Conferencing

Conferences must take place with the Secure Services Multidisciplinary Team **minimally three times** during the course of a maximum 30-day intervention in Secure Services.

The purpose of the case conferences is to discuss the findings of the assessment and to develop and implement the Secure Services Plan.

The **method** of conferences is negotiable between the caseworker, facility and others involved.

- The first conference is the intake meeting, which will occur at the time of placement in a Secure Services facility.
- The second conference is a planning meeting. This meeting will occur prior to the 10<sup>th</sup> day that the child is in the Secure Services facility. The method used to access Secure Services will have an impact on when the conference will occur (for example, if a 5-day order was granted, the conference should take place prior to the 5<sup>th</sup> day to determine if an additional (up to) 5-day order should be requested). The purpose of the planning meeting is:
  - To identify if the child will continue to require services offered through Secure Services, and
  - To discuss if the Secure Services Plan is required as per the legislation, and if it is, the multidisciplinary team develops the plan.
  - Also, this conference should be used to discuss if a further assessment is required as per the legislation.
    - ▶ Additional conferences may need to occur pending the needs of the child and the requirements of the court process (for example, the caseworker may conference at intake, prior to the initial 5 day order expiring, prior to the second 5 day order expiring, and two times within the 20 day order).
  - Prior to discharge, the multidisciplinary team will hold a conference to discuss and finalize the transition of the child into a community setting. The decisions will be reflected in the Secure Services Plan.

## Development of the Secure Services Plan

The caseworker is responsible for ensuring that any tasks identified within the Secure Services Plan [CS3511] are assigned and properly completed for follow-up purposes. All parties referenced by the plan are responsible for implementing the tasks according to the document.

The Secure Services Plan must include:

- Description of services and interventions
- Goals and tasks
  - Responsibility to complete
  - Progress
  - Indicators of successes
- Review dates.

The Secure Services Plan identifies what services will be provided to the child while he or she is in Secure Services and upon discharge.

### **The following describes the content expectations of the sections of the Secure Services Plan:**

- **Stabilization Interventions:** A comprehensive description of the services and interventions that will be provided to the child while in Secure Services to ensure stabilization.
- **Safety Plan:** A Safety Plan which directly addresses the at-risk behaviour that brought the child into Secure Services and identifies who will be responsible for each piece of the Safety Plan – while the child is in Secure Services and upon discharge.
- **Transition Plan:** Recommendations of services that will aid in the successful transition of the child to their parental home or placement upon discharge (may include but not limited to recommendations for ongoing services, behaviour management strategies, support services, educational/vocational needs, health needs, social skills, cultural/spiritual) – individuals providing these services should be brought in as part of the multidisciplinary team while the child is in Secure Services. If the service is not available – an interim service should be sought and obtained, and a referral made to the optimal service.
- **Placement upon discharge:** Identification of the placement resource that will be involved with the transition of the child from Secure Services.

## **Procedures**

Ensure that all members of the multidisciplinary team are identified and invited to participate in the case conferences.

The Secure Services Team addresses all components of the Secure Services Plan at the case conferences.

The caseworker documents the goals and tasks agreed upon by the multidisciplinary team.

Individual members of the multidisciplinary team follow through on assigned tasks and report the progress at subsequent case conferences.

When there are incomplete tasks, the person responsible will provide the reasons and seek direction from the multidisciplinary team in order to complete or alter the task.

## 6.7 Additional Procedures for the Final (Up To) 20-Day Period

### Assessment

Build upon the assessment of the child that was developed in the first 10 days by:

- Documenting new information and
- Revising any changes to the current information, if necessary.
- Focusing on the child's strengths and address his or her areas of concern.

### Secure Services Plan

Continue to work on the Secure Services Plan by:

- Documenting the completion of tasks and any revisions to the plan during the child's stay in Secure Services.
- Holding all parties responsible for implementing the tasks referenced in the plan and document the progress. Successful implementation of the plan relies on each member of the team following through with his or her goals and tasks as outlined.

The purpose of the plan is to stabilize the child is, reduce risk is and prepare the child for a return to the community. Also, it ensures that services and professionals are put in place to provide a successful safety net for the child's transition back into the community.

### Secure Services Facilities

As per Schedule 2 of the Child, Youth and Family Enhancement Regulation, the following are Secure Services facilities:

- Youth Assessment Centre (High Prairie);
- Youth Assessment Centre (Lac La Biche);
- Youth Assessment Centre (Red Deer);
- Yellowhead Youth Centre (Edmonton);
- Hull Child and Family Services (Calgary).

## 7.1 Assessment and Planning Tools

### 7.1.1 Genogram

#### Definition and Purpose

A genogram is a diagram representing the membership of the child's family.

The Genogram [CS1895] is a simple and effective instrument for collecting data. It provides an easily recognizable and simply organized visual representation of the family.

Complete the assessment of the family with the child and family. During this collaborative process, common experiences or characteristics and trans-generational patterns might become apparent. This may also be a means to identify resources within the family.

A genogram is required (4 generational) helps to provide an overview of the family composition.

#### Completion

In completing the genogram chart 4 generations of the child, siblings, parents, and grandparents. If less than 4 generations are illustrated, briefly state the reason on the form.

Include any other family members, aunts, uncles, cousins, etc. that are important to the child or the child's parent.

Use circles for females, squares for males and triangles for people of unknown gender.

Indicate birth order of children; put the oldest child to the left.

Use as much space as needed so that it can include names, dates, diseases, causes of death, and other important information on the genogram.

Record geographical location of members, dates of birth and death, cause of death, adoption, major personal attributes and other life cycle events as appropriate.

Record alcohol/drug/chemical abuse, family violence, criminal records, occupation, education, etc. that are significant.

For the initial Genogram, draw a line around the family members of the child's household.

Indicate the quality of relationships by the types of lines used; a solid line is an important or strong connection, a dotted line is a tenuous connection, jagged marks across a line indicate stress or conflict.

It is appropriate to give copies of the genogram to the child and family members.

Do not record the same information on both the genogram and the information consolidation. Record it only where it fits best.

## Time Frame

For a new file, complete at the time of completing an assessment or investigation and at the time of completing and Information Consolidation or updated.

Review annually unless significant changes occur.

## Format

Genograms may be hand written.



## 7.1.2 Information Consolidation

### Definition

The Information Consolidation [CS1874] is used for gathering, consolidating and analyzing case information that identifies the child's intervention needs, and the problems and strengths that relate to each need. Extended assessment may be recorded using the information consolidation format.

It is a record of the case facts and analysis, which along with the genogram, presents a comprehensive and current picture of the case. It provides a means to consolidate the important facts of a case that might have an effect on the child's life and case planning.

### Completion

Complete an Information Consolidation for the following legal authorities:

- Family Enhancement Agreement or Enhancement Agreement with a Youth when there is no regional assessment form.
- Custody Agreement with Guardian
- Custody Agreement with a Youth
- Supervision Order
- Temporary Guardianship Order
- Permanent Guardianship Order
- Permanent Guardianship Agreement

To complete an Information Consolidation, gather information to construct a comprehensive description of the family as guided by the categories on the Information Consolidation.

Important sources of information are:

- the intervention files of the child and siblings who received intervention services,
- the intervention file of a parent who as a child received intervention services,
- the genogram,

- assessment information from other sources, and
- assessment information from the initial assessment and investigation activities.

Draft a complete description of the important characteristics of the case in the Assessment Activities/History and Family Information sections of the Information Consolidation. Cover all the categories in the Information Consolidation. Use information from the screening and investigation forms, the genogram, contact notes and other relevant sources.

Include the connections the family has with both informal and formal community supports in the Family Information section.

Critically examine the case facts to define the child's needs, problems and strengths in the Case Analysis section.

For every child in care, include information about permanency of relationships, the permanent placement objective, how the child's needs for permanency will be met and other information relevant to planning for permanency. The permanency plan is optional for a child not in care.

Describe the facts of the case without using labels, if possible. Carefully identify the sources of the information presented.

Complete the Information Consolidation Section in detail as described.

## **1. Assessment Activities/History**

Record assessment information from screening, initial assessment and investigation activities, and all other file recording.

Assessments from external assessments such as psychological reports should also be used ensuring that the source is identified.

## **2. Family Information**

When completing the child's family information, review any CYIM records on every person living in the child's household.

For every new adult that joins the household, immediately complete a CYIM check on the new person and revise the family information section within 7 days of completing the CYIM check.

If the child moves to another household, immediately undertake a review of CYIM records of all individuals residing in this household and revise the family information section within 7 days of completing the review of CYIM information.

### **3. Placement Information**

It is important to assess each child's placement regularly. The Placement Resource Feedback Sheet [[CS2824](#)] provides a means for assessing placements.

### **4. Case Analysis**

Describe the child's needs as related to S.1(2) of the Act , S.34.1 (PGO section) and other identified needs as required.

The case analysis requires the critical consideration of all the facts of the case in order to identify the child's needs; the barriers to meeting those needs; and the strengths that could be used to resolve or compensate for the barriers.

The information base for the case analysis is the genogram, CYIM printout of legal authorities and placements, and other information in the information consolidation.

In reviewing any new information that has been added to the information consolidation as a result of a new member joining the household or a child moving residence, the caseworker will consider and record their assessment of the impact of the new circumstances on the child's well-being and safety.

#### **a. Child's Need Definition**

A child's need is something that is lacking in the child's situation, or would be lacking if the department were not involved, and which:

- contributes to the child's survival, security or development being endangered as defined in S.1(2).

Needs must fall into the above categories to allow departmental involvement. An exception is during a Support and Financial Assistance Agreement under S.57.3. In this case there is no 'need for intervention as per S.1(2).

When a child is under the guardianship of the director, the director has the responsibility for all of the child's needs.

For a child who is not under the guardianship of the director, agreement of the youth or parent is required to provide enhancement services.

### **b. Problem Definition**

A problem is a characteristic, behaviour or condition of the child or the child's environment that prevents the need from being met. The condition is something that is either present or lacking.

Identifying the current and generational issues that affect families (such as: family violence, poverty, family of origin issues and substance abuse) is an essential component for completing a thorough family assessment. The problem must identify how it contributes to the need for intervention services.

A problem should be resolved if possible. Otherwise it must be compensated for, depending upon the strengths in the situation.

If something or someone caused or contributed to the child's need but is not currently preventing the need from being met, that thing or person is now not a problem.

### **c. Strengths Definition**

Strengths are the personal characteristics and positive motivations of the child or other people in the environment plus the resources available in the family system and the community that can be used to meet the need, in whole or in part.

Use these strengths to help identify tasks and accomplish goals.

## **5. Permanency Planning**

Permanency planning is a set of goal-directed activities designed to help a child live in a family that offers continuity of relationships with nurturing parents or caretakers and the opportunity to establish lifetime relationships.

Preparation for permanency planning begins during assessment when a case is first opened and continues throughout the life of a case. During the assessment stage, collect information about placement and relationship permanency and record it in the information consolidation. Record the child's specific needs for permanency in the case analysis section.

The permanency plan is the section of the information consolidation that describes the child's permanent placement objective and how the child's needs for continuity of care and nurturing relationships will be met. This is further described under Concurrent Plan along with the goals and tasks that address the child's needs for permanency.

## Time Frame

The Information consolidation must be completed 30 days from the completion of an initial assessment or investigation and reviewed minimally every 6 months. Revise if needed or if there is a significant change in circumstances (e.g. placement, legal authority, addition of new members in the household, child changes residences) for all cases where the director has guardianship of the child.

## Format

The Information Consolidation [[CS1874](#)] can be accessed through Forms.

## 7.1.3 Child's Social and Family History

### Definition

Identifying information about the child's:

- birth
- medical and developmental history
- parents' social and medical histories
- extended family, if relevant.

### Purpose

To provide a historical record for adoptive parents or for the child's own future reference if the child is adopted or requests information about the family of origin.

### Activities

Complete the Child's Social and Family History [CS2379] if:

- the child's permanent placement objective becomes a form of "alternate care" rather than "parental care" or "independent living";
- the child has been in care for over 6 months; or
- a permanent guardianship order is granted.

When completing the information, involve the child's parent as much as possible.

Add new information to the Child's Social and Family History as it becomes available.

### Time Frame

Within 30 working days after:

- setting the child's permanent placement objective as "alternate care";

- the child has been in care for 6 months; or
- a permanent guardianship order is granted.

## Format

Word processing using Child's Social and Family History format as a guide.

## 7.2 Registered Indian

### Policy

For every child receiving intervention services the director must determine whether the child is eligible for, or has **registered Indian status**.

For every child receiving intervention services who is determined have registered Indian status, the **band membership** of the child must also be determined.

To determine if a child has **registered Indian status** and band membership:

- attempt to gain this information from the parent, guardian or caregiver, and
- obtain the 10 digit registration number and band membership information.

If it is uncertain whether a child is registered and there is reason to believe the child may have some Aboriginal heritage and may be eligible for registration, send an inquiry to:

Manager, Indian Registration and Band Lists  
Indian and Northern Affairs Canada  
630 Canada Place  
9700 Jasper Avenue  
Edmonton, Alberta T5J 4G2

If the child is eligible to be registered, the caseworker shall facilitate the registration of the child by having the parent register the child or by directly registering the child with the Manager of Indian Registration and Band lists at INAC. The Manager registers the child and provides a letter indicating the registration number. Record this number on the file and on CYIM.

**Each Registration Number** has 10 digits. Interpret the numbers as follows:

- The first 3 numbers represent the band number,
- The next 5 numbers represent the number assigned to the head of a family, and
- The last 2 numbers represent the individual's rank order in the family unit.

Each band is responsible for its own **band membership list**. If a registered child is not a band member, the parent applies to the band for membership.



If the director is the sole guardian of a registered child who is not a band member:

- Consult the child's parents requesting that they apply for membership on behalf of the child.
- If the parent cannot be located, apply to the band for membership on behalf of the child.
- Write a letter to the Band Chief and Council requesting the child be granted band membership.
- Enclose a copy of the letter from INAC confirming the registration.

If the child's parents are members of different bands and neither parent can be contacted for consultation, determine with which band to affiliate the child by considering the band benefits.

## 7.3 On/Off Reserve Verification

### Policy

On January 23, 1992, Alberta and Canada jointly announced the introduction of the Administrative Reform Arrangement, which pertains to the funding and administration of social services to Treaty Indians living in Alberta.

The Administrative Reform Arrangement:

- Ensures that all Treaty Indians in Alberta have access to the same or comparable level and range of social services regardless of whether they live on or off-reserve.
- Clearly sets out the respective funding and administrative roles of Canada and Alberta in relation to the provisions of Child, Youth and Family Enhancement services to Treaty Indians in the Province.

On-reserve children – INAC is responsible for funding and arranging for the delivery of services to Indians ordinarily resident on-reserve comparable to provincial social services available to all other Albertans.

Off-reserve children – Alberta Children's Services will fund and deliver Child, Youth and Family Enhancement services to all Treaty Indians ordinarily resident off-reserve in Alberta.

For every child receiving intervention services who also:

- is living on a reserve or in a "specified" community (Cadotte Lake, Fort Chipewyan, Fort McKay, Garden River, Little Buffalo) or,
- is of Aboriginal descent,
- is receiving services from a Delegated First Nation Agency

it is a requirement that the caseworker determine whether a child is designated to be **ordinarily resident on-reserve or off-reserve**.

This designation is based on the residency of the parent, guardian or caregiver at the time the initial assessment/investigation commenced. The flag remains in effect for as long as services are provided on a continuous basis. Closures that occur when a case moves between the Child Protection and Family Enhancement programs do not represent a break in services provided the services are continuous. The criteria used to determine "ordinary residency on-reserve" is defined in the *Canada/Alberta Arrangement for the Funding and Administration of Social Services* (Definition and Explanatory Notes).

When the on-reserve/off-reserve residency for a child has been determined, **verification must be provided to the verification officer** for the following cases:

- Child and Family Services Authority (CFSA) files for all children ordinarily resident **on-reserve**, and
- Delegated First Nation Agency (DFNA) files for all children ordinarily resident **off-reserve**. DFNAs must also complete forms for all children on-reserve and provide these to Indian and Northern Affairs Canada (INAC).

## Intent

The information regarding on/off reserve residency is used to determine whether INAC, a DFNA or a CFSA is **responsible for the cost of services** provided to the child and family.

## Procedure

To **determine if a child is ordinarily resident on or off reserve** complete the following steps:

1. Determine whether the child is:
  - Aboriginal,
  - Aboriginal – Registered Indian Status, or Potential to Be Registered,
  - Living on a reserve or in one of the “Specified” communities of Cadotte Lake, Fort Chipewyan, Fort McKay, Garden River, Little Buffalo
  - Receiving services from a Delegated First Nation Agency
2. If the child **is not included** in one of the above categories, take no further action.
3. If the child **is included** in one of the above categories, complete the Verification of On/Off Reserve Status [CS2872].
  - If the answer is “no” to all four questions on CS2872, the child is **off-reserve**.
  - If the answer is “yes” to any question, the child is **on-reserve**.
    - ▶ If the legal status is under protective or family enhancement services, the CS2872 is completed on the Child Youth Information Module (CYIM.) If the file is open under Supports for Permanency the CS2872 must be completed manually.

4. If the child is receiving **protection or family enhancement services** and the CS2872 is completed on CYIM, the form will be **automatically submitted to the designated verification contact for:**
  - Files that are flagged **on-reserve** a CFSA and
  - Files that are flagged **off-reserve** by a DFNA.

The designated Verification Officer is:

Fen Boer  
Verification Officer  
10<sup>th</sup> Floor Sterling Place  
9940 – 106 Street  
Edmonton AB T5K 2N2  
Fax: 780 422-5415  
Email: [fen.boer@gov.ab.ca](mailto:fen.boer@gov.ab.ca)

5. The verification officer will receive the CS2872 and review it to ensure it is completed as required, and determine if INAC, a DFNA, or a CFSA has financial responsibility for services.
6. The verification officer will forward the CS2872 to the responsible agency and monitor incoming and outgoing forms.
7. The DFNA, CFSA or INAC will confirm their financial responsibility and return the CS2872 to the verification officer. If an agency has an issue with the on or off reserve status, the verification officer will contact the caseworker and agency to assist in resolving the issue.
8. The verification officer will receive the CS2872 from the agency, update the monitoring list and fax a copy of the form to the worksite for the child's file.
9. The verification officer will update CYIM with the approved status.

## Recording

Follow the recording instructions in the above procedures and ensure the confirmed on/off reserve status is recorded on the file and on CYIM.

Verification of residency and all recording must be completed with 30 days of opening the file.

## 7.4 Child Support Agreements and Orders

### Introduction

As per S.57.5 (1) of the Enhancement Act, caseworkers are required to review a parent's ability to provide financial child support and contributions in kind when a child comes into the custody or guardianship of the director.

Contributions in kind may be more appropriate if the parent's ability to contribute is less than \$50 per month or less than \$300 for the duration of the Agreement. When the income is below these levels, **do not ask the parent or guardian to enter into an agreement or do not seek a court order.**

There are two ways to facilitate the financial contributions:

- Agreements
- Court Orders

Caseworkers will always attempt to come to an agreement with a parent or guardian and will only use an application for a child support order when an agreement cannot be reached.

If the parent or guardian's income is through Human Resources and Employment, then do enter into an agreement or order as the contributions for the child can be redirected to Children's Services.

### Intent

Under the Enhancement Act, parents and guardians have an increased responsibility to provide adequate financial support for their child when the child is in the custody or guardianship of the director. This policy applies to those parents and guardians who are able, as per the considerations listed below, to provide child support and/or contributions in kind.

### Summary

#### **Considerations Regarding When to Approach Parents or Guardians About Contributions**

The following considerations will guide the caseworkers' decision about when to approach a parent or guardian to discuss financial child support and/or contributions in kind:

- The needs of the child in care
- Parent's income and financial situation
- The needs of other children that may remain in the parent's custody
- The anticipated length of time the child will be in the care and/or custody of the director
- The visitation schedule and the parent's expenses relating to the care of the child at home, e.g. meals, travel, etc.

### **Types of Child Support**

Child Support includes:

- A financial amount to support the child,
- Contributions in kind that may include direct payment for goods or services e.g. health care payments, school fees, etc,
- Non-monetary contributions towards the child's care.

### **When to Discuss Child Support**

The caseworker will enter into a discussion about child support payments in preparation for the following legal authorities:

- Renewal of a Temporary Guardianship Order
- Temporary Guardianship Order Application following a Custody Agreement with a Guardian or a Custody Agreement with a Youth
- Permanent Guardianship Order Application

### **Other Situations When Child Support May Be Requested**

- Consideration may be given to requesting retroactive child support payments from the time the child first came into the care and custody of the director, e.g. when a child is in care longer than anticipated or there is a significant change in the income level of parent or guardian.
- Request the parent or guardian to additionally cover the child's medical and dental costs when the parent or guardian has medical insurance.

Caseworkers will explain to a parent or guardian that as per Division 7, Section 57.4 of the Enhancement Act, there is an expectation that the parent or guardian pay child support based on the parent or guardian's income and ability to contribute whenever a child is in the custody of the director or the director has guardianship of the child. Caseworkers will discuss this obligation and ask the parent or guardian to enter into an agreement to pay child

support when it is appropriate to do so, based on the considerations listed above. If they agree, see *Negotiating and Agreement to Pay Child Support to a Director* further on in this policy.

In cases where the parents are separated or divorced, the caseworker will ask if there is an existing Child Support Order that is administered through the Maintenance Enforcement Program (MEP). It is possible to re-direct the Child Support Order through MEP. The process is outlined further on in this policy.

In situations where the parent or guardian is unwilling to provide financial information or enter into an agreement to pay child support, the caseworker will consult a Family Law lawyer or agent about the application under the Family Law Act for an order for disclosure of financial information and/or for an order for child support.

### **Determining a Parent's Level of Contribution**

To negotiate monetary child support:

- Determine the parents' financial circumstances by requesting a copy of the parents' most recent Tax Return Form to identify the "Total Income" on line 150 of the T1 General Income Tax and Benefit Return form or a copy of their most recent Notice of Assessment provided by Canada Customs and Revenue Agency. If unable to obtain the either taxation documentation, request pay stubs to assist in estimating annual income.
- Determine the amount each parent should pay for child support by using the Federal Child Support Guideline Amounts.

**See:**

[Appendix 1 – Federal Child Support Amounts: Simplified Tables](#)

## **Part A – Agreement to Pay Child Support**

### **Negotiating an Agreement to Pay Child Support to a Director**

The caseworker and the parent will negotiate the type of child support, which may include:

- Monetary child support corresponding to the Federal Child Support Guideline amounts;

**See:**

[Appendix 1 – Federal Child Support Amounts: Simplified Tables](#)

**Note:**

If one or more of the children in a sibling group return home and other children remain in the care or custody of the director, the child support amount is reduced to reflect the change using the Federal Child Support Guideline amounts.

The caseworker will explain to the parent that child support payments are collected through the Maintenance Enforcement Program (MEP).

Other negotiated payments could include:

- Any medical insurance coverage provided by the parent including:
  - Dental care
  - Alberta Health Care
  - Extended health care
  - Special needs care such as orthodontics
- The direct payment and non-monetary responsibilities of the parent such as:
  - Clothing
  - Recreation
  - Associated responsibilities such as transportation to appointments;
  - Education costs
  - Psychological service costs
- The direct one-time payment for an expenditure e.g. purchase of sporting equipment, which may be **in addition** to the monthly payment.

If an agreement between the parent or guardian and the caseworker is reached, complete an Agreement to Pay Child Support to a Director [[CS3679](#)] with the parent or guardian outlining all of the contributions described in the agreement.

**See:**

[Completing an Agreement](#)

If an agreement is not reached with the parent or guardian, consult with a Family Law lawyer or agent respecting an order for child support.

The caseworker will ensure the parent or guardian agrees to notify the caseworker if there are significant changes in their circumstances. Inform the parent or guardian that if there is a change in the income level, the agreement must be re-negotiated.



## Completing an Agreement

When parents reside together and their combined income is being reviewed, both parents will enter into an agreement.

Parents who are separated or divorced will enter into separate agreements for their children who are in the care of the director.

The caseworker will ask separated or divorced parents or guardians if there is a Child Support Order in existence and if the parent is registered with the Maintenance Enforcement Program (MEP).

When there is a Child Support Order, the caseworker will view it to:

- Identify the amount of maintenance paid under the Parentage and Maintenance Order/Agreement.

Next Steps:

- If there is an existing Child Support Order through the Court of Queen's Bench. The Court could be requested to will rescind the payer's order and the Court will order the payer to pay child support to Children's Services through the agreement. The matter is heard through the Court of Queen's Bench under the Divorce Act.
- Ensure the total amount of maintenance collected through the Agreement to Pay Child Support to a Director and Parentage and Maintenance Order/Agreement does not exceed the actual cost of maintaining the child.
- Record the total income as stated on either the T1 General Income Tax and Benefit Return Form, line 150 or on the Notice of Assessment in Section 3 of the Agreement.
- When no income tax has been filed, estimate the annual income using available financial information e.g. pay stubs. Record the annual income on section 3 of the agreement.
- Identify the contribution amount using the Federal Child Support Guideline Amounts.
- Have that parent complete and sign the agreement [\[CS3679\]](#) in the parent's name.
- The caseworker will ensure that the MEP package is completed.

**See:**

[To Register an Agreement with Maintenance Enforcement Program \(MEP\)](#)

- Document the negotiation process on the child's file.

- Notify the Maintenance and Enforcement Program (MEP) of the Justice Department by certified mail using the MEP Creditor Registration Package (explained below) of the date the director assumed the care and control of the child. The monies collected will be directed to the Child and Family Services Authority where the child is placed in the custody or guardianship of a director for the duration of the agreement so long as the agreement has a provision for the parent to financially contribute by making monthly payments. Payments in kind are not enforceable by MEP.

### **To Register an Agreement with Maintenance Enforcement Program (MEP)**

To register an Agreement to Pay Child Support to a Director with MEP, immediately complete and submit the MEP Creditor Registration Package [AG 480] to MEP.

The director is the **creditor** when an agreement is registered with MEP. The caseworker will identify the **CFSA or DFNA finance office contact person** as the creditor when completing the form.

The Creditor Registration Package [AG 480] is found at:  
[http://www.justice.gov.ab.ca/mep/creditor\\_info.aspx?id=122](http://www.justice.gov.ab.ca/mep/creditor_info.aspx?id=122)

The general web link for the Maintenance Enforcement Program is:  
<http://www.justice.gov.ab.ca/mep/>

Include a copy of the legal authority Order and a memo describing anything the maintenance enforcement worker should consider when attempting collecting the maintenance payment.

### **Termination of an Agreement Registered with MEP**

If an Agreement to Pay Child Support to a Director is terminated prior to the expiration date:

- Advise MEP stating why termination is required and whether the remaining unpaid arrears are to be collected or not.

### **When a Child Leaves the Director's Care or Custody**

When a child leaves the director's care or custody, the caseworker is required to notify MEP using Notice to the Maintenance Enforcement Program that a Child has left a Director's Custody or Guardianship [CS3682].

### **Timeframes of the Agreement**

When the child is in the guardianship of a Director and when there is a change to the child's legal status, the Agreement to Pay Child Support to a Director [CS3679] cannot go beyond the length of the legal status order.

### **Changes in Family or Child's Situation**

If the family's situation changes, such as relocation, child turns 18, payer is incarcerated, loss of job, etc. then enter into a new Agreement [CS3679] with the parent or guardian.

## **Part B – Child Support Orders**

### **Procedures to Apply for a Child Support Order and/or an Order to Request Disclosure of Financial Information**

#### **Preparing for Court**

When an agreement to pay child support to a director cannot be reached with the parent or guardian and it has been determined that the case meets the criteria to make this request, the caseworker will contact a Family Law lawyer or agent for assistance to apply for an order to obtain a disclosure of financial information under S.65(1) of the Family Law Act and an order for child support under S.50(1)(4) of the Family Law Act.

The caseworker must gather the following information:

- The family income
- Is child support being paid at the present time?
- If child support is being paid, who are the parties to the transaction?

When there is an existing Child Support Order, the caseworker will view it to:

- Identify the amount of maintenance paid under the Parentage and Maintenance Order/Agreement.
- Determine if there is a transfer of Care and Control clause.

If there is an existing Child Support Order through the Court of Queen's Bench, it can be "assigned" to Children's Services by the parent who is the "payer". The matter is heard through the Court of Queen's Bench under the Divorce Act. The Court, upon request, can rescind the payer's order and direct the payer to pay child support to Children's Services.

Complete a "CS1 - Statement – Child Support" J4369. Check off the statement "I am a person who has care and control of the child(ren). I am the child(ren)'s caseworker."

When the lawyer is applying for a Child Support Order the caseworker must request that the order include a **transfer of care and control clause**.

**See:**  
[Transfer of Care and Control Clause](#)

### **To Register a Child Support Order with the Maintenance Enforcement Program (MEP)**

To register a Child Support Order with MEP, immediately complete and submit the MEP Creditor Registration Package [[AG 480](#)] to MEP.

The director is the **creditor** when an order is registered with MEP. The caseworker will identify the **CFSA or DFNA finance office contact person** as the creditor when completing the form.

The Creditor Registration Package (AG 480) is found at:  
[http://www.justice.gov.ab.ca/mep/creditor\\_info.aspx?id=122](http://www.justice.gov.ab.ca/mep/creditor_info.aspx?id=122)

The general web link for the Maintenance Enforcement Program is:  
<http://www.justice.gov.ab.ca/mep/>

Include a copy of the Legal Authority Order and a memo describing anything the maintenance enforcement worker should consider when collecting the maintenance payment.

Since MEP files all registrations with the Court of Queen's Bench, each Child Support Order becomes a judgment of that court. An Order must be either collected as is or terminated.

If a Child Support Order **will be registered** with the MEP for collection, tell the parent that:

- failure to meet the payments will result in enforcement action under the MEP,
- all payments are to be made to MEP, and
- any cheque or money order is to be made payable to the Director of the Maintenance Enforcement Program.

### **Transfer of Care and Control Clause**

There will be situations when the director will want to transfer the Child Support Order:

- Private Guardianship Order is granted and the guardian wishes to have the child support transferred
- The child returns to a parent/guardian's care and child support is being paid by the other parent

The caseworker will notify MEP using Notice to the Maintenance Enforcement Program that a Child has left a Director's Custody or Guardianship [[CS3682](#)] and request that the Child Support payments be redirected and to whom.

### **Termination of a Child Support Order Registered with MEP**

If a Child Support Agreement is terminated prior to the expiration date:

- Advise MEP stating why termination is required and whether the remaining unpaid arrears are to be collected or not.

### **Changes in Family or Child's Situation**

If the family's situation changes, such as relocation, child turns 18, payer is incarcerated, loss of job, etc. then an application for a new order would be required.

### **When a Child Leaves the Director's Care or Custody**

When a child leaves the director's custody, the caseworker is required to notify MEP using Notice to the Maintenance Enforcement Program that a Child has left a Director's Guardianship [[CS3682](#)].















Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)				Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)				Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)				Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)			
	No. of Children/ N <sup>bre</sup> d'enfants					No. of Children/ N <sup>bre</sup> d'enfants					No. of Children/ N <sup>bre</sup> d'enfants					No. of Children/ N <sup>bre</sup> d'enfants			
	1	2	3	4		1	2	3	4		1	2	3	4		1	2	3	4
<b>137600</b>	1205	1932	2514	2991	<b>140800</b>	1232	1974	2569	3055	<b>144000</b>	1259	2017	2623	3119	<b>147200</b>	1286	2059	2677	3183
<b>137700</b>	1205	1934	2516	2993	<b>140900</b>	1233	1976	2570	3057	<b>144100</b>	1260	2018	2624	3121	<b>147300</b>	1287	2060	2679	3185
<b>137800</b>	1206	1935	2518	2995	<b>141000</b>	1233	1977	2572	3059	<b>144200</b>	1261	2019	2626	3123	<b>147400</b>	1288	2061	2680	3187
<b>137900</b>	1207	1936	2519	2997	<b>141100</b>	1234	1978	2574	3061	<b>144300</b>	1261	2021	2628	3125	<b>147500</b>	1289	2063	2682	3189
<b>138000</b>	1208	1938	2521	2999	<b>141200</b>	1235	1980	2575	3063	<b>144400</b>	1262	2022	2630	3127	<b>147600</b>	1289	2064	2684	3191
<b>138100</b>	1209	1939	2523	3001	<b>141300</b>	1236	1981	2577	3065	<b>144500</b>	1263	2023	2631	3129	<b>147700</b>	1290	2065	2685	3193
<b>138200</b>	1210	1940	2525	3003	<b>141400</b>	1237	1982	2579	3067	<b>144600</b>	1264	2025	2633	3131	<b>147800</b>	1291	2067	2687	3195
<b>138300</b>	1211	1941	2526	3005	<b>141500</b>	1238	1984	2580	3069	<b>144700</b>	1265	2026	2635	3133	<b>147900</b>	1292	2068	2689	3197
<b>138400</b>	1211	1943	2528	3007	<b>141600</b>	1239	1985	2582	3071	<b>144800</b>	1266	2027	2636	3135	<b>148000</b>	1293	2069	2691	3199
<b>138500</b>	1212	1944	2530	3009	<b>141700</b>	1239	1986	2584	3073	<b>144900</b>	1266	2028	2638	3137	<b>148100</b>	1294	2071	2692	3201
<b>138600</b>	1213	1945	2531	3011	<b>141800</b>	1240	1988	2586	3075	<b>145000</b>	1267	2030	2640	3139	<b>148200</b>	1294	2072	2694	3203
<b>138700</b>	1214	1947	2533	3013	<b>141900</b>	1241	1989	2587	3077	<b>145100</b>	1268	2031	2641	3141	<b>148300</b>	1295	2073	2696	3205
<b>138800</b>	1215	1948	2535	3015	<b>142000</b>	1242	1990	2589	3079	<b>145200</b>	1269	2032	2643	3143	<b>148400</b>	1296	2075	2697	3207
<b>138900</b>	1216	1949	2536	3017	<b>142100</b>	1243	1992	2591	3081	<b>145300</b>	1270	2034	2645	3145	<b>148500</b>	1297	2076	2699	3209
<b>139000</b>	1216	1951	2538	3019	<b>142200</b>	1244	1993	2592	3083	<b>145400</b>	1271	2035	2647	3147	<b>148600</b>	1298	2077	2701	3211
<b>139100</b>	1217	1952	2540	3021	<b>142300</b>	1244	1994	2594	3085	<b>145500</b>	1272	2036	2648	3149	<b>148700</b>	1299	2079	2702	3213
<b>139200</b>	1218	1953	2541	3023	<b>142400</b>	1245	1996	2596	3087	<b>145600</b>	1272	2038	2650	3151	<b>148800</b>	1300	2080	2704	3215
<b>139300</b>	1219	1955	2543	3025	<b>142500</b>	1246	1997	2597	3089	<b>145700</b>	1273	2039	2652	3153	<b>148900</b>	1300	2081	2706	3217
<b>139400</b>	1220	1956	2545	3027	<b>142600</b>	1247	1998	2599	3091	<b>145800</b>	1274	2040	2653	3155	<b>149000</b>	1301	2082	2708	3219
<b>139500</b>	1221	1957	2547	3029	<b>142700</b>	1248	1999	2601	3093	<b>145900</b>	1275	2042	2655	3157	<b>149100</b>	1302	2084	2709	3221
<b>139600</b>	1222	1959	2548	3031	<b>142800</b>	1249	2001	2602	3095	<b>146000</b>	1276	2043	2657	3159	<b>149200</b>	1303	2085	2711	3223
<b>139700</b>	1222	1960	2550	3033	<b>142900</b>	1250	2002	2604	3097	<b>146100</b>	1277	2044	2658	3161	<b>149300</b>	1304	2086	2713	3225
<b>139800</b>	1223	1961	2552	3035	<b>143000</b>	1250	2003	2606	3099	<b>146200</b>	1277	2046	2660	3163	<b>149400</b>	1305	2088	2714	3227
<b>139900</b>	1224	1963	2553	3037	<b>143100</b>	1251	2005	2608	3101	<b>146300</b>	1278	2047	2662	3165	<b>149500</b>	1305	2089	2716	3229
<b>140000</b>	1225	1964	2555	3039	<b>143200</b>	1252	2006	2609	3103	<b>146400</b>	1279	2048	2663	3167	<b>149600</b>	1306	2090	2718	3231
<b>140100</b>	1226	1965	2557	3041	<b>143300</b>	1253	2007	2611	3105	<b>146500</b>	1280	2050	2665	3169	<b>149700</b>	1307	2092	2719	3233
<b>140200</b>	1227	1967	2558	3043	<b>143400</b>	1254	2009	2613	3107	<b>146600</b>	1281	2051	2667	3171	<b>149800</b>	1308	2093	2721	3235
<b>140300</b>	1228	1968	2560	3045	<b>143500</b>	1255	2010	2614	3109	<b>146700</b>	1282	2052	2669	3173	<b>149900</b>	1309	2094	2723	3237
<b>140400</b>	1228	1969	2562	3047	<b>143600</b>	1255	2011	2616	3111	<b>146800</b>	1283	2054	2670	3175	<b>150000</b>	1310	2096	2724	3239
<b>140500</b>	1229	1970	2563	3049	<b>143700</b>	1256	2013	2618	3113	<b>146900</b>	1283	2055	2672	3177					
<b>140600</b>	1230	1972	2565	3051	<b>143800</b>	1257	2014	2619	3115	<b>147000</b>	1284	2056	2674	3179					
<b>140700</b>	1231	1973	2567	3053	<b>143900</b>	1258	2015	2621	3117	<b>147100</b>	1285	2057	2675	3181					

Income/ Revenu (\$)	Monthly Award/Paiement mensuel (\$)			
	One Child/ Un enfant	Two Children/ Deux enfants	Three Children/ Trois enfants	Four Children/ Quatre enfants
<b>For income over \$150,000</b>	<b>1310 plus 0.85%</b> of income over \$150,000	<b>2096 plus 1.32%</b> of income over \$150,000	<b>2724 plus 1.69%</b> of income over \$150,000	<b>3239 plus 2.00%</b> of income over \$150,000
<b>Pour revenu dépassant 150 000\$</b>	<b>1310 plus 0,85%</b> du revenu dépassant 150 000\$	<b>2096 plus 1,32%</b> du revenu dépassant 150 000\$	<b>2724 plus 1,69%</b> du revenu dépassant 150 000\$	<b>3239 plus 2,00%</b> du revenu dépassant 150 000\$

**EXAMPLE (Step 2) / EXEMPLE (Étape 2)**  
**Alberta**

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)			
	No. of Children/ N <sup>bre</sup> d'enfants			
	1	2	3	4
<b>35000</b>	288	506	680	823
<b>35100</b>	288	507	682	825
<b>35200</b>	289	508	683	827
<b>35300</b>	290	509	685	829
<b>35400</b>	291	511	687	831
<b>35500</b>	292	512	688	833
<b>35600</b>	292	513	690	834

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>8000</b>	0	0	<b>13400</b>	240	240	<b>18800</b>	483	483	<b>24200</b>	691	716
<b>8100</b>	2	2	<b>13500</b>	245	245	<b>18900</b>	488	488	<b>24300</b>	693	720
<b>8200</b>	4	4	<b>13600</b>	250	250	<b>19000</b>	492	492	<b>24400</b>	695	725
<b>8300</b>	6	6	<b>13700</b>	255	255	<b>19100</b>	496	496	<b>24500</b>	698	729
<b>8400</b>	8	8	<b>13800</b>	260	260	<b>19200</b>	501	501	<b>24600</b>	700	733
<b>8500</b>	10	10	<b>13900</b>	265	265	<b>19300</b>	505	505	<b>24700</b>	702	737
<b>8600</b>	12	12	<b>14000</b>	270	270	<b>19400</b>	509	509	<b>24800</b>	705	742
<b>8700</b>	14	14	<b>14100</b>	275	275	<b>19500</b>	514	514	<b>24900</b>	707	746
<b>8800</b>	16	16	<b>14200</b>	280	280	<b>19600</b>	518	518	<b>25000</b>	709	750
<b>8900</b>	18	18	<b>14300</b>	284	284	<b>19700</b>	522	522	<b>25100</b>	712	755
<b>9000</b>	20	20	<b>14400</b>	289	289	<b>19800</b>	527	527	<b>25200</b>	714	759
<b>9100</b>	25	25	<b>14500</b>	294	294	<b>19900</b>	531	531	<b>25300</b>	717	763
<b>9200</b>	30	30	<b>14600</b>	299	299	<b>20000</b>	535	535	<b>25400</b>	719	768
<b>9300</b>	35	35	<b>14700</b>	304	304	<b>20100</b>	539	539	<b>25500</b>	721	772
<b>9400</b>	40	40	<b>14800</b>	309	309	<b>20200</b>	544	544	<b>25600</b>	724	776
<b>9500</b>	45	45	<b>14900</b>	314	314	<b>20300</b>	548	548	<b>25700</b>	726	780
<b>9600</b>	50	50	<b>15000</b>	319	319	<b>20400</b>	552	552	<b>25800</b>	728	785
<b>9700</b>	55	55	<b>15100</b>	323	323	<b>20500</b>	557	557	<b>25900</b>	731	789
<b>9800</b>	60	60	<b>15200</b>	328	328	<b>20600</b>	561	561	<b>26000</b>	733	793
<b>9900</b>	65	65	<b>15300</b>	332	332	<b>20700</b>	565	565	<b>26100</b>	735	798
<b>10000</b>	70	70	<b>15400</b>	336	336	<b>20800</b>	570	570	<b>26200</b>	738	802
<b>10100</b>	75	75	<b>15500</b>	341	341	<b>20900</b>	574	574	<b>26300</b>	740	806
<b>10200</b>	80	80	<b>15600</b>	345	345	<b>21000</b>	578	578	<b>26400</b>	742	811
<b>10300</b>	85	85	<b>15700</b>	350	350	<b>21100</b>	582	582	<b>26500</b>	745	815
<b>10400</b>	90	90	<b>15800</b>	354	354	<b>21200</b>	587	587	<b>26600</b>	747	819
<b>10500</b>	95	95	<b>15900</b>	359	359	<b>21300</b>	591	591	<b>26700</b>	749	824
<b>10600</b>	100	100	<b>16000</b>	363	363	<b>21400</b>	595	595	<b>26800</b>	752	828
<b>10700</b>	105	105	<b>16100</b>	367	367	<b>21500</b>	600	600	<b>26900</b>	754	832
<b>10800</b>	110	110	<b>16200</b>	372	372	<b>21600</b>	604	604	<b>27000</b>	756	836
<b>10900</b>	115	115	<b>16300</b>	376	376	<b>21700</b>	608	608	<b>27100</b>	759	839
<b>11000</b>	120	120	<b>16400</b>	380	380	<b>21800</b>	613	613	<b>27200</b>	761	842
<b>11100</b>	125	125	<b>16500</b>	384	384	<b>21900</b>	617	617	<b>27300</b>	763	845
<b>11200</b>	130	130	<b>16600</b>	389	389	<b>22000</b>	621	621	<b>27400</b>	766	847
<b>11300</b>	135	135	<b>16700</b>	393	393	<b>22100</b>	625	626	<b>27500</b>	768	850
<b>11400</b>	140	140	<b>16800</b>	397	397	<b>22200</b>	630	630	<b>27600</b>	770	853
<b>11500</b>	145	145	<b>16900</b>	402	402	<b>22300</b>	634	634	<b>27700</b>	773	855
<b>11600</b>	150	150	<b>17000</b>	406	406	<b>22400</b>	638	638	<b>27800</b>	775	858
<b>11700</b>	155	155	<b>17100</b>	410	410	<b>22500</b>	642	643	<b>27900</b>	777	861
<b>11800</b>	160	160	<b>17200</b>	415	415	<b>22600</b>	646	647	<b>28000</b>	780	864
<b>11900</b>	165	165	<b>17300</b>	419	419	<b>22700</b>	650	651	<b>28100</b>	782	866
<b>12000</b>	170	170	<b>17400</b>	423	423	<b>22800</b>	654	656	<b>28200</b>	784	869
<b>12100</b>	175	175	<b>17500</b>	428	428	<b>22900</b>	659	660	<b>28300</b>	787	871
<b>12200</b>	180	180	<b>17600</b>	432	432	<b>23000</b>	663	664	<b>28400</b>	789	874
<b>12300</b>	186	186	<b>17700</b>	436	436	<b>23100</b>	665	669	<b>28500</b>	791	877
<b>12400</b>	191	191	<b>17800</b>	440	440	<b>23200</b>	667	673	<b>28600</b>	794	879
<b>12500</b>	196	196	<b>17900</b>	445	445	<b>23300</b>	670	677	<b>28700</b>	796	882
<b>12600</b>	201	201	<b>18000</b>	449	449	<b>23400</b>	672	681	<b>28800</b>	798	884
<b>12700</b>	206	206	<b>18100</b>	453	453	<b>23500</b>	674	686	<b>28900</b>	801	887
<b>12800</b>	211	211	<b>18200</b>	458	458	<b>23600</b>	677	690	<b>29000</b>	803	890
<b>12900</b>	216	216	<b>18300</b>	462	462	<b>23700</b>	679	694	<b>29100</b>	805	892
<b>13000</b>	221	221	<b>18400</b>	466	466	<b>23800</b>	681	699	<b>29200</b>	807	895
<b>13100</b>	226	226	<b>18500</b>	471	471	<b>23900</b>	684	703	<b>29300</b>	810	897
<b>13200</b>	230	230	<b>18600</b>	475	475	<b>24000</b>	686	707	<b>29400</b>	812	899
<b>13300</b>	235	235	<b>18700</b>	479	479	<b>24100</b>	688	712	<b>29500</b>	814	902

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>b</sup> re d'enfants			No. of Children/ N <sup>b</sup> re d'enfants			No. of Children/ N <sup>b</sup> re d'enfants			No. of Children/ N <sup>b</sup> re d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>29600</b>	816	904	<b>35000</b>	942	1043	<b>40400</b>	1067	1179	<b>45800</b>	1202	1328
<b>29700</b>	818	907	<b>35100</b>	944	1045	<b>40500</b>	1069	1182	<b>45900</b>	1205	1331
<b>29800</b>	821	909	<b>35200</b>	946	1047	<b>40600</b>	1071	1185	<b>46000</b>	1207	1333
<b>29900</b>	823	912	<b>35300</b>	948	1050	<b>40700</b>	1074	1187	<b>46100</b>	1210	1336
<b>30000</b>	825	914	<b>35400</b>	951	1052	<b>40800</b>	1076	1190	<b>46200</b>	1212	1339
<b>30100</b>	827	917	<b>35500</b>	953	1055	<b>40900</b>	1079	1193	<b>46300</b>	1215	1342
<b>30200</b>	830	919	<b>35600</b>	955	1057	<b>41000</b>	1081	1195	<b>46400</b>	1217	1344
<b>30300</b>	832	922	<b>35700</b>	957	1059	<b>41100</b>	1084	1198	<b>46500</b>	1220	1347
<b>30400</b>	834	924	<b>35800</b>	959	1062	<b>41200</b>	1086	1201	<b>46600</b>	1222	1350
<b>30500</b>	836	927	<b>35900</b>	961	1064	<b>41300</b>	1089	1204	<b>46700</b>	1225	1353
<b>30600</b>	838	929	<b>36000</b>	964	1066	<b>41400</b>	1091	1206	<b>46800</b>	1227	1355
<b>30700</b>	841	932	<b>36100</b>	966	1069	<b>41500</b>	1094	1209	<b>46900</b>	1230	1358
<b>30800</b>	843	934	<b>36200</b>	968	1071	<b>41600</b>	1096	1212	<b>47000</b>	1232	1361
<b>30900</b>	845	937	<b>36300</b>	970	1074	<b>41700</b>	1099	1215	<b>47100</b>	1235	1364
<b>31000</b>	847	939	<b>36400</b>	973	1076	<b>41800</b>	1101	1217	<b>47200</b>	1237	1366
<b>31100</b>	850	942	<b>36500</b>	975	1079	<b>41900</b>	1104	1220	<b>47300</b>	1240	1369
<b>31200</b>	852	944	<b>36600</b>	977	1081	<b>42000</b>	1106	1223	<b>47400</b>	1242	1372
<b>31300</b>	855	947	<b>36700</b>	979	1084	<b>42100</b>	1109	1226	<b>47500</b>	1245	1375
<b>31400</b>	857	949	<b>36800</b>	982	1086	<b>42200</b>	1111	1228	<b>47600</b>	1247	1377
<b>31500</b>	859	952	<b>36900</b>	984	1089	<b>42300</b>	1114	1231	<b>47700</b>	1250	1380
<b>31600</b>	862	955	<b>37000</b>	986	1091	<b>42400</b>	1116	1234	<b>47800</b>	1252	1383
<b>31700</b>	864	957	<b>37100</b>	989	1094	<b>42500</b>	1119	1237	<b>47900</b>	1255	1386
<b>31800</b>	866	960	<b>37200</b>	991	1096	<b>42600</b>	1122	1239	<b>48000</b>	1258	1389
<b>31900</b>	869	962	<b>37300</b>	993	1099	<b>42700</b>	1124	1242	<b>48100</b>	1260	1391
<b>32000</b>	871	965	<b>37400</b>	996	1101	<b>42800</b>	1127	1245	<b>48200</b>	1263	1394
<b>32100</b>	873	968	<b>37500</b>	998	1104	<b>42900</b>	1129	1248	<b>48300</b>	1265	1397
<b>32200</b>	876	970	<b>37600</b>	1000	1107	<b>43000</b>	1132	1250	<b>48400</b>	1268	1400
<b>32300</b>	878	973	<b>37700</b>	1003	1109	<b>43100</b>	1134	1253	<b>48500</b>	1270	1402
<b>32400</b>	881	975	<b>37800</b>	1005	1112	<b>43200</b>	1137	1256	<b>48600</b>	1273	1405
<b>32500</b>	883	978	<b>37900</b>	1007	1114	<b>43300</b>	1139	1259	<b>48700</b>	1275	1408
<b>32600</b>	885	980	<b>38000</b>	1010	1117	<b>43400</b>	1142	1262	<b>48800</b>	1278	1411
<b>32700</b>	888	983	<b>38100</b>	1012	1119	<b>43500</b>	1144	1264	<b>48900</b>	1280	1413
<b>32800</b>	890	986	<b>38200</b>	1014	1122	<b>43600</b>	1147	1267	<b>49000</b>	1283	1416
<b>32900</b>	892	988	<b>38300</b>	1017	1124	<b>43700</b>	1149	1270	<b>49100</b>	1285	1419
<b>33000</b>	895	991	<b>38400</b>	1019	1127	<b>43800</b>	1152	1273	<b>49200</b>	1288	1422
<b>33100</b>	897	993	<b>38500</b>	1021	1130	<b>43900</b>	1154	1275	<b>49300</b>	1290	1424
<b>33200</b>	899	996	<b>38600</b>	1024	1132	<b>44000</b>	1157	1278	<b>49400</b>	1293	1427
<b>33300</b>	902	999	<b>38700</b>	1026	1135	<b>44100</b>	1159	1281	<b>49500</b>	1295	1430
<b>33400</b>	904	1001	<b>38800</b>	1028	1137	<b>44200</b>	1162	1284	<b>49600</b>	1298	1433
<b>33500</b>	907	1004	<b>38900</b>	1031	1140	<b>44300</b>	1164	1286	<b>49700</b>	1300	1435
<b>33600</b>	909	1006	<b>39000</b>	1033	1142	<b>44400</b>	1167	1289	<b>49800</b>	1303	1438
<b>33700</b>	911	1009	<b>39100</b>	1035	1145	<b>44500</b>	1169	1292	<b>49900</b>	1305	1441
<b>33800</b>	914	1012	<b>39200</b>	1038	1148	<b>44600</b>	1172	1295	<b>50000</b>	1308	1444
<b>33900</b>	916	1014	<b>39300</b>	1040	1150	<b>44700</b>	1174	1297	<b>50100</b>	1310	1446
<b>34000</b>	918	1017	<b>39400</b>	1042	1153	<b>44800</b>	1177	1300	<b>50200</b>	1313	1449
<b>34100</b>	921	1019	<b>39500</b>	1045	1155	<b>44900</b>	1179	1303	<b>50300</b>	1315	1452
<b>34200</b>	923	1022	<b>39600</b>	1047	1158	<b>45000</b>	1182	1306	<b>50400</b>	1318	1455
<b>34300</b>	925	1025	<b>39700</b>	1050	1161	<b>45100</b>	1184	1308	<b>50500</b>	1320	1458
<b>34400</b>	928	1027	<b>39800</b>	1052	1163	<b>45200</b>	1187	1311	<b>50600</b>	1323	1460
<b>34500</b>	930	1030	<b>39900</b>	1054	1166	<b>45300</b>	1190	1314	<b>50700</b>	1326	1463
<b>34600</b>	933	1032	<b>40000</b>	1057	1168	<b>45400</b>	1192	1317	<b>50800</b>	1328	1466
<b>34700</b>	935	1035	<b>40100</b>	1059	1171	<b>45500</b>	1195	1320	<b>50900</b>	1331	1469
<b>34800</b>	937	1038	<b>40200</b>	1062	1174	<b>45600</b>	1197	1322	<b>51000</b>	1333	1471
<b>34900</b>	940	1040	<b>40300</b>	1064	1176	<b>45700</b>	1200	1325	<b>51100</b>	1336	1474

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>51200</b>	1338	1477	<b>56600</b>	1474	1626	<b>62000</b>	1610	1775	<b>67400</b>	1746	1924
<b>51300</b>	1341	1480	<b>56700</b>	1477	1629	<b>62100</b>	1613	1778	<b>67500</b>	1749	1927
<b>51400</b>	1343	1482	<b>56800</b>	1479	1631	<b>62200</b>	1615	1781	<b>67600</b>	1751	1930
<b>51500</b>	1346	1485	<b>56900</b>	1482	1634	<b>62300</b>	1618	1783	<b>67700</b>	1754	1932
<b>51600</b>	1348	1488	<b>57000</b>	1484	1637	<b>62400</b>	1620	1786	<b>67800</b>	1756	1935
<b>51700</b>	1351	1491	<b>57100</b>	1487	1640	<b>62500</b>	1623	1789	<b>67900</b>	1759	1938
<b>51800</b>	1353	1493	<b>57200</b>	1489	1643	<b>62600</b>	1625	1792	<b>68000</b>	1761	1941
<b>51900</b>	1356	1496	<b>57300</b>	1492	1645	<b>62700</b>	1628	1794	<b>68100</b>	1764	1943
<b>52000</b>	1358	1499	<b>57400</b>	1494	1648	<b>62800</b>	1630	1797	<b>68200</b>	1766	1946
<b>52100</b>	1361	1502	<b>57500</b>	1497	1651	<b>62900</b>	1633	1800	<b>68300</b>	1769	1949
<b>52200</b>	1363	1504	<b>57600</b>	1499	1654	<b>63000</b>	1635	1803	<b>68400</b>	1771	1952
<b>52300</b>	1366	1507	<b>57700</b>	1502	1656	<b>63100</b>	1638	1805	<b>68500</b>	1774	1954
<b>52400</b>	1368	1510	<b>57800</b>	1504	1659	<b>63200</b>	1640	1808	<b>68600</b>	1776	1957
<b>52500</b>	1371	1513	<b>57900</b>	1507	1662	<b>63300</b>	1643	1811	<b>68700</b>	1779	1960
<b>52600</b>	1373	1516	<b>58000</b>	1509	1665	<b>63400</b>	1645	1814	<b>68800</b>	1781	1963
<b>52700</b>	1376	1518	<b>58100</b>	1512	1667	<b>63500</b>	1648	1816	<b>68900</b>	1784	1966
<b>52800</b>	1378	1521	<b>58200</b>	1514	1670	<b>63600</b>	1650	1819	<b>69000</b>	1786	1968
<b>52900</b>	1381	1524	<b>58300</b>	1517	1673	<b>63700</b>	1653	1822	<b>69100</b>	1789	1971
<b>53000</b>	1383	1527	<b>58400</b>	1519	1676	<b>63800</b>	1655	1825	<b>69200</b>	1791	1974
<b>53100</b>	1386	1529	<b>58500</b>	1522	1678	<b>63900</b>	1658	1827	<b>69300</b>	1794	1977
<b>53200</b>	1388	1532	<b>58600</b>	1524	1681	<b>64000</b>	1660	1830	<b>69400</b>	1796	1979
<b>53300</b>	1391	1535	<b>58700</b>	1527	1684	<b>64100</b>	1663	1833	<b>69500</b>	1799	1982
<b>53400</b>	1394	1538	<b>58800</b>	1530	1687	<b>64200</b>	1666	1836	<b>69600</b>	1802	1985
<b>53500</b>	1396	1540	<b>58900</b>	1532	1689	<b>64300</b>	1668	1839	<b>69700</b>	1804	1988
<b>53600</b>	1399	1543	<b>59000</b>	1535	1692	<b>64400</b>	1671	1841	<b>69800</b>	1807	1990
<b>53700</b>	1401	1546	<b>59100</b>	1537	1695	<b>64500</b>	1673	1844	<b>69900</b>	1809	1993
<b>53800</b>	1404	1549	<b>59200</b>	1540	1698	<b>64600</b>	1676	1847	<b>70000</b>	1812	1996
<b>53900</b>	1406	1551	<b>59300</b>	1542	1700	<b>64700</b>	1678	1850	<b>70100</b>	1814	1998
<b>54000</b>	1409	1554	<b>59400</b>	1545	1703	<b>64800</b>	1681	1852	<b>70200</b>	1816	2001
<b>54100</b>	1411	1557	<b>59500</b>	1547	1706	<b>64900</b>	1683	1855	<b>70300</b>	1819	2004
<b>54200</b>	1414	1560	<b>59600</b>	1550	1709	<b>65000</b>	1686	1858	<b>70400</b>	1821	2006
<b>54300</b>	1416	1562	<b>59700</b>	1552	1712	<b>65100</b>	1688	1861	<b>70500</b>	1823	2009
<b>54400</b>	1419	1565	<b>59800</b>	1555	1714	<b>65200</b>	1691	1863	<b>70600</b>	1826	2011
<b>54500</b>	1421	1568	<b>59900</b>	1557	1717	<b>65300</b>	1693	1866	<b>70700</b>	1828	2014
<b>54600</b>	1424	1571	<b>60000</b>	1560	1720	<b>65400</b>	1696	1869	<b>70800</b>	1831	2017
<b>54700</b>	1426	1573	<b>60100</b>	1562	1723	<b>65500</b>	1698	1872	<b>70900</b>	1833	2019
<b>54800</b>	1429	1576	<b>60200</b>	1565	1725	<b>65600</b>	1701	1874	<b>71000</b>	1835	2022
<b>54900</b>	1431	1579	<b>60300</b>	1567	1728	<b>65700</b>	1703	1877	<b>71100</b>	1838	2024
<b>55000</b>	1434	1582	<b>60400</b>	1570	1731	<b>65800</b>	1706	1880	<b>71200</b>	1840	2027
<b>55100</b>	1436	1585	<b>60500</b>	1572	1734	<b>65900</b>	1708	1883	<b>71300</b>	1842	2030
<b>55200</b>	1439	1587	<b>60600</b>	1575	1736	<b>66000</b>	1711	1885	<b>71400</b>	1845	2032
<b>55300</b>	1441	1590	<b>60700</b>	1577	1739	<b>66100</b>	1713	1888	<b>71500</b>	1847	2035
<b>55400</b>	1444	1593	<b>60800</b>	1580	1742	<b>66200</b>	1716	1891	<b>71600</b>	1850	2037
<b>55500</b>	1446	1596	<b>60900</b>	1582	1745	<b>66300</b>	1718	1894	<b>71700</b>	1852	2040
<b>55600</b>	1449	1598	<b>61000</b>	1585	1747	<b>66400</b>	1721	1896	<b>71800</b>	1854	2043
<b>55700</b>	1451	1601	<b>61100</b>	1587	1750	<b>66500</b>	1723	1899	<b>71900</b>	1857	2045
<b>55800</b>	1454	1604	<b>61200</b>	1590	1753	<b>66600</b>	1726	1902	<b>72000</b>	1859	2048
<b>55900</b>	1456	1607	<b>61300</b>	1592	1756	<b>66700</b>	1728	1905	<b>72100</b>	1861	2050
<b>56000</b>	1459	1609	<b>61400</b>	1595	1758	<b>66800</b>	1731	1908	<b>72200</b>	1864	2053
<b>56100</b>	1462	1612	<b>61500</b>	1598	1761	<b>66900</b>	1734	1910	<b>72300</b>	1866	2056
<b>56200</b>	1464	1615	<b>61600</b>	1600	1764	<b>67000</b>	1736	1913	<b>72400</b>	1868	2058
<b>56300</b>	1467	1618	<b>61700</b>	1603	1767	<b>67100</b>	1739	1916	<b>72500</b>	1871	2061
<b>56400</b>	1469	1620	<b>61800</b>	1605	1769	<b>67200</b>	1741	1919	<b>72600</b>	1873	2063
<b>56500</b>	1472	1623	<b>61900</b>	1608	1772	<b>67300</b>	1744	1921	<b>72700</b>	1876	2066



Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>72800</b>	1878	2069	<b>78200</b>	2006	2209	<b>83600</b>	2134	2349	<b>89000</b>	2262	2490
<b>72900</b>	1880	2071	<b>78300</b>	2008	2212	<b>83700</b>	2136	2352	<b>89100</b>	2264	2492
<b>73000</b>	1883	2074	<b>78400</b>	2011	2214	<b>83800</b>	2139	2354	<b>89200</b>	2267	2495
<b>73100</b>	1885	2076	<b>78500</b>	2013	2217	<b>83900</b>	2141	2357	<b>89300</b>	2269	2497
<b>73200</b>	1887	2079	<b>78600</b>	2015	2219	<b>84000</b>	2143	2360	<b>89400</b>	2271	2500
<b>73300</b>	1890	2082	<b>78700</b>	2018	2222	<b>84100</b>	2146	2362	<b>89500</b>	2274	2503
<b>73400</b>	1892	2084	<b>78800</b>	2020	2225	<b>84200</b>	2148	2365	<b>89600</b>	2276	2505
<b>73500</b>	1895	2087	<b>78900</b>	2023	2227	<b>84300</b>	2151	2367	<b>89700</b>	2279	2508
<b>73600</b>	1897	2089	<b>79000</b>	2025	2230	<b>84400</b>	2153	2370	<b>89800</b>	2281	2510
<b>73700</b>	1899	2092	<b>79100</b>	2027	2232	<b>84500</b>	2155	2373	<b>89900</b>	2283	2513
<b>73800</b>	1902	2095	<b>79200</b>	2030	2235	<b>84600</b>	2158	2375	<b>90000</b>	2286	2516
<b>73900</b>	1904	2097	<b>79300</b>	2032	2238	<b>84700</b>	2160	2378	<b>90100</b>	2288	2518
<b>74000</b>	1906	2100	<b>79400</b>	2034	2240	<b>84800</b>	2162	2380	<b>90200</b>	2290	2521
<b>74100</b>	1909	2102	<b>79500</b>	2037	2243	<b>84900</b>	2165	2383	<b>90300</b>	2293	2523
<b>74200</b>	1911	2105	<b>79600</b>	2039	2245	<b>85000</b>	2167	2386	<b>90400</b>	2295	2526
<b>74300</b>	1914	2108	<b>79700</b>	2042	2248	<b>85100</b>	2170	2388	<b>90500</b>	2298	2529
<b>74400</b>	1916	2110	<b>79800</b>	2044	2251	<b>85200</b>	2172	2391	<b>90600</b>	2300	2531
<b>74500</b>	1918	2113	<b>79900</b>	2046	2253	<b>85300</b>	2174	2393	<b>90700</b>	2302	2534
<b>74600</b>	1921	2115	<b>80000</b>	2049	2256	<b>85400</b>	2177	2396	<b>90800</b>	2305	2536
<b>74700</b>	1923	2118	<b>80100</b>	2051	2258	<b>85500</b>	2179	2399	<b>90900</b>	2307	2539
<b>74800</b>	1925	2121	<b>80200</b>	2053	2261	<b>85600</b>	2181	2401	<b>91000</b>	2309	2542
<b>74900</b>	1928	2123	<b>80300</b>	2056	2263	<b>85700</b>	2184	2404	<b>91100</b>	2312	2544
<b>75000</b>	1930	2126	<b>80400</b>	2058	2266	<b>85800</b>	2186	2406	<b>91200</b>	2314	2547
<b>75100</b>	1932	2128	<b>80500</b>	2060	2269	<b>85900</b>	2188	2409	<b>91300</b>	2316	2549
<b>75200</b>	1935	2131	<b>80600</b>	2063	2271	<b>86000</b>	2191	2412	<b>91400</b>	2319	2552
<b>75300</b>	1937	2134	<b>80700</b>	2065	2274	<b>86100</b>	2193	2414	<b>91500</b>	2321	2555
<b>75400</b>	1940	2136	<b>80800</b>	2068	2276	<b>86200</b>	2196	2417	<b>91600</b>	2324	2557
<b>75500</b>	1942	2139	<b>80900</b>	2070	2279	<b>86300</b>	2198	2419	<b>91700</b>	2326	2560
<b>75600</b>	1944	2141	<b>81000</b>	2072	2282	<b>86400</b>	2200	2422	<b>91800</b>	2328	2562
<b>75700</b>	1947	2144	<b>81100</b>	2075	2284	<b>86500</b>	2203	2425	<b>91900</b>	2331	2565
<b>75800</b>	1949	2147	<b>81200</b>	2077	2287	<b>86600</b>	2205	2427	<b>92000</b>	2333	2567
<b>75900</b>	1951	2149	<b>81300</b>	2079	2289	<b>86700</b>	2207	2430	<b>92100</b>	2335	2570
<b>76000</b>	1954	2152	<b>81400</b>	2082	2292	<b>86800</b>	2210	2432	<b>92200</b>	2338	2573
<b>76100</b>	1956	2154	<b>81500</b>	2084	2295	<b>86900</b>	2212	2435	<b>92300</b>	2340	2575
<b>76200</b>	1959	2157	<b>81600</b>	2087	2297	<b>87000</b>	2215	2438	<b>92400</b>	2343	2578
<b>76300</b>	1961	2160	<b>81700</b>	2089	2300	<b>87100</b>	2217	2440	<b>92500</b>	2345	2580
<b>76400</b>	1963	2162	<b>81800</b>	2091	2302	<b>87200</b>	2219	2443	<b>92600</b>	2347	2583
<b>76500</b>	1966	2165	<b>81900</b>	2094	2305	<b>87300</b>	2222	2445	<b>92700</b>	2350	2586
<b>76600</b>	1968	2167	<b>82000</b>	2096	2308	<b>87400</b>	2224	2448	<b>92800</b>	2352	2588
<b>76700</b>	1970	2170	<b>82100</b>	2098	2310	<b>87500</b>	2226	2451	<b>92900</b>	2354	2591
<b>76800</b>	1973	2173	<b>82200</b>	2101	2313	<b>87600</b>	2229	2453	<b>93000</b>	2357	2593
<b>76900</b>	1975	2175	<b>82300</b>	2103	2315	<b>87700</b>	2231	2456	<b>93100</b>	2359	2596
<b>77000</b>	1978	2178	<b>82400</b>	2106	2318	<b>87800</b>	2234	2458	<b>93200</b>	2362	2599
<b>77100</b>	1980	2180	<b>82500</b>	2108	2321	<b>87900</b>	2236	2461	<b>93300</b>	2364	2601
<b>77200</b>	1982	2183	<b>82600</b>	2110	2323	<b>88000</b>	2238	2464	<b>93400</b>	2366	2604
<b>77300</b>	1985	2186	<b>82700</b>	2113	2326	<b>88100</b>	2241	2466	<b>93500</b>	2369	2606
<b>77400</b>	1987	2188	<b>82800</b>	2115	2328	<b>88200</b>	2243	2469	<b>93600</b>	2371	2609
<b>77500</b>	1989	2191	<b>82900</b>	2117	2331	<b>88300</b>	2245	2471	<b>93700</b>	2373	2612
<b>77600</b>	1992	2193	<b>83000</b>	2120	2334	<b>88400</b>	2248	2474	<b>93800</b>	2376	2614
<b>77700</b>	1994	2196	<b>83100</b>	2122	2336	<b>88500</b>	2250	2477	<b>93900</b>	2378	2617
<b>77800</b>	1996	2199	<b>83200</b>	2124	2339	<b>88600</b>	2252	2479	<b>94000</b>	2380	2619
<b>77900</b>	1999	2201	<b>83300</b>	2127	2341	<b>88700</b>	2255	2482	<b>94100</b>	2383	2622
<b>78000</b>	2001	2204	<b>83400</b>	2129	2344	<b>88800</b>	2257	2484	<b>94200</b>	2385	2625
<b>78100</b>	2004	2206	<b>83500</b>	2132	2347	<b>88900</b>	2260	2487	<b>94300</b>	2388	2627

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>94400</b>	2390	2630	<b>99800</b>	2518	2770	<b>105200</b>	2646	2910	<b>110600</b>	2774	3051
<b>94500</b>	2392	2632	<b>99900</b>	2520	2773	<b>105300</b>	2648	2913	<b>110700</b>	2776	3053
<b>94600</b>	2395	2635	<b>100000</b>	2523	2775	<b>105400</b>	2651	2916	<b>110800</b>	2779	3056
<b>94700</b>	2397	2638	<b>100100</b>	2525	2778	<b>105500</b>	2653	2918	<b>110900</b>	2781	3059
<b>94800</b>	2399	2640	<b>100200</b>	2527	2781	<b>105600</b>	2655	2921	<b>111000</b>	2783	3061
<b>94900</b>	2402	2643	<b>100300</b>	2530	2783	<b>105700</b>	2658	2923	<b>111100</b>	2786	3064
<b>95000</b>	2404	2645	<b>100400</b>	2532	2786	<b>105800</b>	2660	2926	<b>111200</b>	2788	3066
<b>95100</b>	2407	2648	<b>100500</b>	2535	2788	<b>105900</b>	2663	2929	<b>111300</b>	2791	3069
<b>95200</b>	2409	2651	<b>100600</b>	2537	2791	<b>106000</b>	2665	2931	<b>111400</b>	2793	3072
<b>95300</b>	2411	2653	<b>100700</b>	2539	2794	<b>106100</b>	2667	2934	<b>111500</b>	2795	3074
<b>95400</b>	2414	2656	<b>100800</b>	2542	2796	<b>106200</b>	2670	2936	<b>111600</b>	2798	3077
<b>95500</b>	2416	2658	<b>100900</b>	2544	2799	<b>106300</b>	2672	2939	<b>111700</b>	2800	3079
<b>95600</b>	2418	2661	<b>101000</b>	2546	2801	<b>106400</b>	2674	2942	<b>111800</b>	2802	3082
<b>95700</b>	2421	2664	<b>101100</b>	2549	2804	<b>106500</b>	2677	2944	<b>111900</b>	2805	3085
<b>95800</b>	2423	2666	<b>101200</b>	2551	2807	<b>106600</b>	2679	2947	<b>112000</b>	2807	3087
<b>95900</b>	2426	2669	<b>101300</b>	2554	2809	<b>106700</b>	2682	2949	<b>112100</b>	2810	3090
<b>96000</b>	2428	2671	<b>101400</b>	2556	2812	<b>106800</b>	2684	2952	<b>112200</b>	2812	3092
<b>96100</b>	2430	2674	<b>101500</b>	2558	2814	<b>106900</b>	2686	2955	<b>112300</b>	2814	3095
<b>96200</b>	2433	2677	<b>101600</b>	2561	2817	<b>107000</b>	2689	2957	<b>112400</b>	2817	3098
<b>96300</b>	2435	2679	<b>101700</b>	2563	2820	<b>107100</b>	2691	2960	<b>112500</b>	2819	3100
<b>96400</b>	2437	2682	<b>101800</b>	2565	2822	<b>107200</b>	2693	2962	<b>112600</b>	2821	3103
<b>96500</b>	2440	2684	<b>101900</b>	2568	2825	<b>107300</b>	2696	2965	<b>112700</b>	2824	3105
<b>96600</b>	2442	2687	<b>102000</b>	2570	2827	<b>107400</b>	2698	2968	<b>112800</b>	2826	3108
<b>96700</b>	2444	2690	<b>102100</b>	2572	2830	<b>107500</b>	2700	2970	<b>112900</b>	2828	3111
<b>96800</b>	2447	2692	<b>102200</b>	2575	2833	<b>107600</b>	2703	2973	<b>113000</b>	2831	3113
<b>96900</b>	2449	2695	<b>102300</b>	2577	2835	<b>107700</b>	2705	2975	<b>113100</b>	2833	3116
<b>97000</b>	2452	2697	<b>102400</b>	2580	2838	<b>107800</b>	2708	2978	<b>113200</b>	2836	3118
<b>97100</b>	2454	2700	<b>102500</b>	2582	2840	<b>107900</b>	2710	2981	<b>113300</b>	2838	3121
<b>97200</b>	2456	2703	<b>102600</b>	2584	2843	<b>108000</b>	2712	2983	<b>113400</b>	2840	3123
<b>97300</b>	2459	2705	<b>102700</b>	2587	2846	<b>108100</b>	2715	2986	<b>113500</b>	2843	3126
<b>97400</b>	2461	2708	<b>102800</b>	2589	2848	<b>108200</b>	2717	2988	<b>113600</b>	2845	3129
<b>97500</b>	2463	2710	<b>102900</b>	2591	2851	<b>108300</b>	2719	2991	<b>113700</b>	2847	3131
<b>97600</b>	2466	2713	<b>103000</b>	2594	2853	<b>108400</b>	2722	2994	<b>113800</b>	2850	3134
<b>97700</b>	2468	2716	<b>103100</b>	2596	2856	<b>108500</b>	2724	2996	<b>113900</b>	2852	3136
<b>97800</b>	2471	2718	<b>103200</b>	2599	2859	<b>108600</b>	2727	2999	<b>114000</b>	2854	3139
<b>97900</b>	2473	2721	<b>103300</b>	2601	2861	<b>108700</b>	2729	3001	<b>114100</b>	2857	3141
<b>98000</b>	2475	2723	<b>103400</b>	2603	2864	<b>108800</b>	2731	3004	<b>114200</b>	2859	3144
<b>98100</b>	2478	2726	<b>103500</b>	2606	2866	<b>108900</b>	2734	3007	<b>114300</b>	2861	3146
<b>98200</b>	2480	2729	<b>103600</b>	2608	2869	<b>109000</b>	2736	3009	<b>114400</b>	2863	3149
<b>98300</b>	2482	2731	<b>103700</b>	2610	2871	<b>109100</b>	2738	3012	<b>114500</b>	2866	3151
<b>98400</b>	2485	2734	<b>103800</b>	2613	2874	<b>109200</b>	2741	3014	<b>114600</b>	2868	3154
<b>98500</b>	2487	2736	<b>103900</b>	2615	2877	<b>109300</b>	2743	3017	<b>114700</b>	2870	3156
<b>98600</b>	2490	2739	<b>104000</b>	2618	2879	<b>109400</b>	2746	3020	<b>114800</b>	2872	3159
<b>98700</b>	2492	2742	<b>104100</b>	2620	2882	<b>109500</b>	2748	3022	<b>114900</b>	2875	3161
<b>98800</b>	2494	2744	<b>104200</b>	2622	2884	<b>109600</b>	2750	3025	<b>115000</b>	2877	3164
<b>98900</b>	2497	2747	<b>104300</b>	2625	2887	<b>109700</b>	2753	3027	<b>115100</b>	2879	3166
<b>99000</b>	2499	2749	<b>104400</b>	2627	2890	<b>109800</b>	2755	3030	<b>115200</b>	2881	3169
<b>99100</b>	2501	2752	<b>104500</b>	2629	2892	<b>109900</b>	2757	3033	<b>115300</b>	2884	3171
<b>99200</b>	2504	2755	<b>104600</b>	2632	2895	<b>110000</b>	2760	3035	<b>115400</b>	2886	3174
<b>99300</b>	2506	2757	<b>104700</b>	2634	2897	<b>110100</b>	2762	3038	<b>115500</b>	2888	3176
<b>99400</b>	2508	2760	<b>104800</b>	2636	2900	<b>110200</b>	2764	3040	<b>115600</b>	2890	3179
<b>99500</b>	2511	2762	<b>104900</b>	2639	2903	<b>110300</b>	2767	3043	<b>115700</b>	2893	3181
<b>99600</b>	2513	2765	<b>105000</b>	2641	2905	<b>110400</b>	2769	3046	<b>115800</b>	2895	3183
<b>99700</b>	2516	2768	<b>105100</b>	2644	2908	<b>110500</b>	2772	3048	<b>115900</b>	2897	3186

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>116000</b>	2900	3188	<b>121400</b>	3022	3322	<b>126800</b>	3144	3456	<b>132200</b>	3266	3590
<b>116100</b>	2902	3191	<b>121500</b>	3024	3325	<b>126900</b>	3146	3458	<b>132300</b>	3268	3592
<b>116200</b>	2904	3193	<b>121600</b>	3026	3327	<b>127000</b>	3148	3461	<b>132400</b>	3270	3595
<b>116300</b>	2906	3196	<b>121700</b>	3028	3330	<b>127100</b>	3150	3463	<b>132500</b>	3272	3597
<b>116400</b>	2909	3198	<b>121800</b>	3031	3332	<b>127200</b>	3153	3466	<b>132600</b>	3275	3600
<b>116500</b>	2911	3201	<b>121900</b>	3033	3335	<b>127300</b>	3155	3468	<b>132700</b>	3277	3602
<b>116600</b>	2913	3203	<b>122000</b>	3035	3337	<b>127400</b>	3157	3471	<b>132800</b>	3279	3604
<b>116700</b>	2915	3206	<b>122100</b>	3037	3339	<b>127500</b>	3159	3473	<b>132900</b>	3281	3607
<b>116800</b>	2918	3208	<b>122200</b>	3040	3342	<b>127600</b>	3162	3476	<b>133000</b>	3284	3609
<b>116900</b>	2920	3211	<b>122300</b>	3042	3344	<b>127700</b>	3164	3478	<b>133100</b>	3286	3612
<b>117000</b>	2922	3213	<b>122400</b>	3044	3347	<b>127800</b>	3166	3481	<b>133200</b>	3288	3614
<b>117100</b>	2924	3216	<b>122500</b>	3046	3349	<b>127900</b>	3168	3483	<b>133300</b>	3290	3617
<b>117200</b>	2927	3218	<b>122600</b>	3049	3352	<b>128000</b>	3171	3486	<b>133400</b>	3293	3619
<b>117300</b>	2929	3221	<b>122700</b>	3051	3354	<b>128100</b>	3173	3488	<b>133500</b>	3295	3622
<b>117400</b>	2931	3223	<b>122800</b>	3053	3357	<b>128200</b>	3175	3491	<b>133600</b>	3297	3624
<b>117500</b>	2933	3226	<b>122900</b>	3055	3359	<b>128300</b>	3177	3493	<b>133700</b>	3299	3627
<b>117600</b>	2936	3228	<b>123000</b>	3058	3362	<b>128400</b>	3180	3495	<b>133800</b>	3302	3629
<b>117700</b>	2938	3231	<b>123100</b>	3060	3364	<b>128500</b>	3182	3498	<b>133900</b>	3304	3632
<b>117800</b>	2940	3233	<b>123200</b>	3062	3367	<b>128600</b>	3184	3500	<b>134000</b>	3306	3634
<b>117900</b>	2942	3235	<b>123300</b>	3064	3369	<b>128700</b>	3186	3503	<b>134100</b>	3308	3637
<b>118000</b>	2945	3238	<b>123400</b>	3067	3372	<b>128800</b>	3189	3505	<b>134200</b>	3311	3639
<b>118100</b>	2947	3240	<b>123500</b>	3069	3374	<b>128900</b>	3191	3508	<b>134300</b>	3313	3642
<b>118200</b>	2949	3243	<b>123600</b>	3071	3377	<b>129000</b>	3193	3510	<b>134400</b>	3315	3644
<b>118300</b>	2951	3245	<b>123700</b>	3073	3379	<b>129100</b>	3195	3513	<b>134500</b>	3317	3647
<b>118400</b>	2954	3248	<b>123800</b>	3076	3382	<b>129200</b>	3198	3515	<b>134600</b>	3320	3649
<b>118500</b>	2956	3250	<b>123900</b>	3078	3384	<b>129300</b>	3200	3518	<b>134700</b>	3322	3652
<b>118600</b>	2958	3253	<b>124000</b>	3080	3387	<b>129400</b>	3202	3520	<b>134800</b>	3324	3654
<b>118700</b>	2961	3255	<b>124100</b>	3083	3389	<b>129500</b>	3205	3523	<b>134900</b>	3327	3656
<b>118800</b>	2963	3258	<b>124200</b>	3085	3391	<b>129600</b>	3207	3525	<b>135000</b>	3329	3659
<b>118900</b>	2965	3260	<b>124300</b>	3087	3394	<b>129700</b>	3209	3528	<b>135100</b>	3331	3661
<b>119000</b>	2967	3263	<b>124400</b>	3089	3396	<b>129800</b>	3211	3530	<b>135200</b>	3333	3664
<b>119100</b>	2970	3265	<b>124500</b>	3092	3399	<b>129900</b>	3214	3533	<b>135300</b>	3336	3666
<b>119200</b>	2972	3268	<b>124600</b>	3094	3401	<b>130000</b>	3216	3535	<b>135400</b>	3338	3669
<b>119300</b>	2974	3270	<b>124700</b>	3096	3404	<b>130100</b>	3218	3538	<b>135500</b>	3340	3671
<b>119400</b>	2976	3273	<b>124800</b>	3098	3406	<b>130200</b>	3220	3540	<b>135600</b>	3342	3674
<b>119500</b>	2979	3275	<b>124900</b>	3101	3409	<b>130300</b>	3223	3543	<b>135700</b>	3345	3676
<b>119600</b>	2981	3278	<b>125000</b>	3103	3411	<b>130400</b>	3225	3545	<b>135800</b>	3347	3679
<b>119700</b>	2983	3280	<b>125100</b>	3105	3414	<b>130500</b>	3227	3548	<b>135900</b>	3349	3681
<b>119800</b>	2985	3283	<b>125200</b>	3107	3416	<b>130600</b>	3229	3550	<b>136000</b>	3351	3684
<b>119900</b>	2988	3285	<b>125300</b>	3110	3419	<b>130700</b>	3232	3552	<b>136100</b>	3354	3686
<b>120000</b>	2990	3287	<b>125400</b>	3112	3421	<b>130800</b>	3234	3555	<b>136200</b>	3356	3689
<b>120100</b>	2992	3290	<b>125500</b>	3114	3424	<b>130900</b>	3236	3557	<b>136300</b>	3358	3691
<b>120200</b>	2994	3292	<b>125600</b>	3116	3426	<b>131000</b>	3238	3560	<b>136400</b>	3360	3694
<b>120300</b>	2997	3295	<b>125700</b>	3119	3429	<b>131100</b>	3241	3562	<b>136500</b>	3363	3696
<b>120400</b>	2999	3297	<b>125800</b>	3121	3431	<b>131200</b>	3243	3565	<b>136600</b>	3365	3699
<b>120500</b>	3001	3300	<b>125900</b>	3123	3434	<b>131300</b>	3245	3567	<b>136700</b>	3367	3701
<b>120600</b>	3003	3302	<b>126000</b>	3125	3436	<b>131400</b>	3247	3570	<b>136800</b>	3369	3704
<b>120700</b>	3006	3305	<b>126100</b>	3128	3439	<b>131500</b>	3250	3572	<b>136900</b>	3372	3706
<b>120800</b>	3008	3307	<b>126200</b>	3130	3441	<b>131600</b>	3252	3575	<b>137000</b>	3374	3708
<b>120900</b>	3010	3310	<b>126300</b>	3132	3443	<b>131700</b>	3254	3577	<b>137100</b>	3376	3711
<b>121000</b>	3012	3312	<b>126400</b>	3134	3446	<b>131800</b>	3256	3580	<b>137200</b>	3378	3713
<b>121100</b>	3015	3315	<b>126500</b>	3137	3448	<b>131900</b>	3259	3582	<b>137300</b>	3381	3716
<b>121200</b>	3017	3317	<b>126600</b>	3139	3451	<b>132000</b>	3261	3585	<b>137400</b>	3383	3718
<b>121300</b>	3019	3320	<b>126700</b>	3141	3453	<b>132100</b>	3263	3587	<b>137500</b>	3385	3721

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)		Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants			No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus		5	6 or more 6 ou plus
<b>137600</b>	3388	3723	<b>140800</b>	3460	3803	<b>144000</b>	3532	3882	<b>147200</b>	3604	3961
<b>137700</b>	3390	3726	<b>140900</b>	3462	3805	<b>144100</b>	3534	3884	<b>147300</b>	3607	3964
<b>137800</b>	3392	3728	<b>141000</b>	3464	3808	<b>144200</b>	3537	3887	<b>147400</b>	3609	3966
<b>137900</b>	3394	3731	<b>141100</b>	3467	3810	<b>144300</b>	3539	3889	<b>147500</b>	3611	3969
<b>138000</b>	3397	3733	<b>141200</b>	3469	3812	<b>144400</b>	3541	3892	<b>147600</b>	3613	3971
<b>138100</b>	3399	3736	<b>141300</b>	3471	3815	<b>144500</b>	3543	3894	<b>147700</b>	3616	3973
<b>138200</b>	3401	3738	<b>141400</b>	3473	3817	<b>144600</b>	3546	3897	<b>147800</b>	3618	3976
<b>138300</b>	3403	3741	<b>141500</b>	3476	3820	<b>144700</b>	3548	3899	<b>147900</b>	3620	3978
<b>138400</b>	3406	3743	<b>141600</b>	3478	3822	<b>144800</b>	3550	3902	<b>148000</b>	3622	3981
<b>138500</b>	3408	3746	<b>141700</b>	3480	3825	<b>144900</b>	3552	3904	<b>148100</b>	3625	3983
<b>138600</b>	3410	3748	<b>141800</b>	3482	3827	<b>145000</b>	3555	3907	<b>148200</b>	3627	3986
<b>138700</b>	3412	3751	<b>141900</b>	3485	3830	<b>145100</b>	3557	3909	<b>148300</b>	3629	3988
<b>138800</b>	3415	3753	<b>142000</b>	3487	3832	<b>145200</b>	3559	3912	<b>148400</b>	3632	3991
<b>138900</b>	3417	3756	<b>142100</b>	3489	3835	<b>145300</b>	3561	3914	<b>148500</b>	3634	3993
<b>139000</b>	3419	3758	<b>142200</b>	3491	3837	<b>145400</b>	3564	3916	<b>148600</b>	3636	3996
<b>139100</b>	3421	3760	<b>142300</b>	3494	3840	<b>145500</b>	3566	3919	<b>148700</b>	3638	3998
<b>139200</b>	3424	3763	<b>142400</b>	3496	3842	<b>145600</b>	3568	3921	<b>148800</b>	3641	4001
<b>139300</b>	3426	3765	<b>142500</b>	3498	3845	<b>145700</b>	3571	3924	<b>148900</b>	3643	4003
<b>139400</b>	3428	3768	<b>142600</b>	3500	3847	<b>145800</b>	3573	3926	<b>149000</b>	3645	4006
<b>139500</b>	3430	3770	<b>142700</b>	3503	3850	<b>145900</b>	3575	3929	<b>149100</b>	3647	4008
<b>139600</b>	3433	3773	<b>142800</b>	3505	3852	<b>146000</b>	3577	3931	<b>149200</b>	3650	4011
<b>139700</b>	3435	3775	<b>142900</b>	3507	3855	<b>146100</b>	3580	3934	<b>149300</b>	3652	4013
<b>139800</b>	3437	3778	<b>143000</b>	3510	3857	<b>146200</b>	3582	3936	<b>149400</b>	3654	4016
<b>139900</b>	3439	3780	<b>143100</b>	3512	3860	<b>146300</b>	3584	3939	<b>149500</b>	3656	4018
<b>140000</b>	3442	3783	<b>143200</b>	3514	3862	<b>146400</b>	3586	3941	<b>149600</b>	3659	4021
<b>140100</b>	3444	3785	<b>143300</b>	3516	3864	<b>146500</b>	3589	3944	<b>149700</b>	3661	4023
<b>140200</b>	3446	3788	<b>143400</b>	3519	3867	<b>146600</b>	3591	3946	<b>149800</b>	3663	4025
<b>140300</b>	3449	3790	<b>143500</b>	3521	3869	<b>146700</b>	3593	3949	<b>149900</b>	3665	4028
<b>140400</b>	3451	3793	<b>143600</b>	3523	3872	<b>146800</b>	3595	3951	<b>150000</b>	3668	4030
<b>140500</b>	3453	3795	<b>143700</b>	3525	3874	<b>146900</b>	3598	3954			
<b>140600</b>	3455	3798	<b>143800</b>	3528	3877	<b>147000</b>	3600	3956			
<b>140700</b>	3458	3800	<b>143900</b>	3530	3879	<b>147100</b>	3602	3959			

Income/ Revenu (\$)	Monthly Award/Paiement mensuel (\$)	
	Five Children/ Cinq enfants	Six or more children/ Six ou plus enfants
For income over \$150,000	3668 plus 2.26% of income over \$150,000	4030 plus 2.48% of income over \$150,000
Pour revenu dépassant 150 000\$	3668 plus 2,26% du revenu dépassant 150 000\$	4030 plus 2,48% du revenu dépassant 150 000\$

**EXAMPLE (Step 2) / EXEMPLE (Étape 2)**  
**Alberta**

Income/ Revenu (\$)	Monthly Award/ Paiement mensuel (\$)	
	No. of Children/ N <sup>bre</sup> d'enfants	
	5	6 or more / 6 ou plus
35000	942	1043
35100	944	1045
35200	946	1047
35300	948	1050
35400	951	1052
35500	953	1055
35600	955	1057

## 7.5 Caseworker Responsibilities When Placing a Child

### Policy

As per S.2(i) of the Enhancement Act, the caseworker is responsible to identify a placement that is in the best interests of the child. The caseworker will look for alternative placements within the child's extended family and community *first* pending the needs of the child.

When there is no appropriate placement within the extended family and community immediately available, the caseworker must obtain the most appropriate, available foster home or child and youth facility placement that can meet the child's needs, including the child's need for cultural involvement.

### Intent

Careful consideration must be given to the decision of bringing a child into the care and custody of the director. Caseworkers must weigh the risk to the child in the present situation and apply the *matters to be considered*, S.2 of the Enhancement Act.

Whenever possible, children are brought into care in a planned way that poses the least disruption to the child.

### Procedures

Obtain a placement according to the procedures described in either the Foster Care Policy chapter or the Child and Youth Facilities Program chapter.

**See:**

[7.8 Maintaining a Child's Culture in Placements](#)

[10.7 Placement of a Child](#)

[11.2 Placing a Child in a Child and Youth Facility](#)

Once the facility is obtained, place the child according to the following procedures.

**Preparation prior to placing the child:**

- Ensure that the child, parent and caregiver understand the reason for placing.

- Ensure the parent knows what the caregiver is told about the family.
- Facilitate contact between the family and caregiver if possible.
- Give the child as much information as possible about the caregiver. Have the child visit the facility as many times as possible before placing.

Discuss with the child any concerns such as:

- Where will I live?
- What school will I attend?
- Will I see a counsellor?
- May I bring my belongings?
- May I see my friends?
- May I continue with my cultural activities?
- May I phone home?
- May I visit my parent?
- When may I go home?

If the child must change schools:

- Ensure that the local school board can provide the needed education.
- If possible, notify both the current and new school in advance.
- Arrange to transfer or provide any needed textbooks and supplies.

Arrange to transfer or provide any needed clothing, personal belongings and adequate luggage according to the standards set by the regional director. Encourage the parent to supply clothing.

Arrange to transfer or provide:

- the **Personal Health Number**;
- the **Health** Record [CS1639];
- if appropriate, the Treatment Services Card [CS1126];
- the immunization record; and
- the birth certificate.

### **Contact With the Caregiver**

Have face-to-face contact with the caregiver before placing. In an emergency, this contact may be by phone. Supply the caregiver with all information needed to care for the child.

### **Placement of a Child in a Residential Facility:**

Accompany the child to the foster home or child and youth facility.

Provide the caregiver with:

- The Delegation of Powers and Duties to a Child Caregiver [[CS1631](#)].
- The Foster Home Placement Package (for foster care placement).
- Include all the information listed on the Placement History [[CS2591](#)] and the Foster Parents' Checklist [[CS2592](#)].
- Tell the caregiver that the information must be stored securely to ensure confidentiality.

As close to the time of placement as possible, hold a placement conference at the facility, or some other mutually acceptable location, including the child and others involved in the case planning. At this time, negotiate the case plan responsibilities.

### **Medical Examination**

Have the child medically examined within 3 working days. Usually the foster parent or Child and Youth Facility caregiver will take the child to the doctor.

Use the child's own doctor if possible. **Complete the front side of the Medical Report [[CS0046](#)] and have the physician complete the back. If the physician does not know the child, provide as much background as possible.**

**See:**  
[8.20 Medical Care](#)

### **Access and Visitation**

Facilitate contacts and visits between a child and any party to an access agreement or order:

- Negotiate specific arrangements.
- Record the arrangements and the role of each person.
- Consider the convenience of every involved person when arranging a visit.



- Encourage a contact between the child and any involved person unless the contact puts the child at risk. If necessary, provide transportation for family members.
- Tell the parent how important regular contact is.
- If the child is at risk during a visit, supply supervision.
- Consider the effect on the child of any person who is in the home during a visit.

### **Child of a Youth**

If a youth in care has a child:

- Provide maintenance for the child.
- As custodian of the youth, provide her all supports needed for parenting.
- Advise the youth to apply for the Child Tax Benefit on behalf of the child.
- If the child becomes at risk, provide child protective services.

To pay maintenance for the child:

- If the mother is in foster care have the foster parent claim the regular foster care rate for the child.

If the mother is in independent living have the mother submit a Child Maintenance Account [CS0011] prior to the beginning of each month for food, clothing, household items and personal incidentals according to the income security rates.

Register the child for Alberta Health Care Insurance under the mother's coverage number.

### **Removal of a Child From a Residential Facility**

When removing a child from a facility:

- Except in an emergency, hold a case conference before the move to assess the progress achieved toward the case plan goals and to plan how to achieve anything still outstanding. Normally, this conference is the placement conference for the new facility or living arrangements.

If the child is moving to another facility, follow the procedures described in Placing a Child in a Child and Youth Facility or Foster Care Policy, Placement of a Child.

**See:**

[10.7 Placement of a Child](#)

[11.2 Placing a Child in a Child and Youth Facility](#)

If the child is moving home or into independent living, follow the procedures described in Placing with the exception of those procedures, such as delegating authorities that stem from guardianship responsibility.

**Child Leaving the Care and Custody of the Director**

If the child being removed is leaving care and custody:

- Hold a placement conference to arrange any transition and after care services in the new living arrangement.
- If the child has not had a medical examination in the last year, have one completed.
- Ensure that any medical or dental treatment that is in progress will be completed.
- If the child is turning 18, ensure that all needed medical or dental treatment has been completed.
- If the treatment service card has not expired, retrieve it from the caregiver or child and cancel it on CWIS.
- Cancel AHC by submitting Group Commencement (form AHC 199).
- Cancel any financing being received on the child's behalf.

## 7.6 Permanency Planning

### 7.6.1 The Concurrent Plan

#### Overview of the Legislation and Policy

As per S21.1(6) of the *Enhancement Act*, the caseworker is required to consult with the guardians and other family members to develop a Concurrent Plan for the child. The Concurrent Plan must be developed within 42 days of the application for custody and TGO or PGO has been made. A child is over 12 years, should be a signatory on the Concurrent Plan.

#### Cumulative Time in Care Exemption

As stated in S.33(4) of the *Enhancement Act*, a maximum 42 days is exempt from cumulative time in care in situations where the child has been apprehended and an application for Temporary Guardianship Order (TGO) or Permanent Guardianship Order (PGO) has been made.

The Concurrent Plan must be developed within the 42 days of the date the application for TGO or PGO was filed with the court. The caseworker works intensely and collaboratively with the guardians, other family members during the 42 days exemption using mediation as defined by the legislation, or some other regional alternate dispute resolution process if necessary, to develop a Concurrent Plan for the child.

#### Statuses Requiring a Concurrent Plan

- Application for Temporary Guardianship Order (TGO)
- Application for Permanent Guardianship Order (PGO)
- Custody Agreement with Guardian (CAG)
- Temporary Guardianship Order (continue with the plan developed)
- Application Permanent Guardianship Order – the caseworker must continue to work with the guardians towards reunification up until the PGO is granted. Upon the granting of PGO, the caseworker is required to review the Concurrent Plan and focus on the achievement of Part B, the alternate permanency plan.

- Permanent Guardianship Agreement (PGA) – upon signing the PGA, the caseworker is required to complete Part B only, which is the alternate permanency plan.

Under certain circumstances, as per S.9 of the Child, Youth and Family Enhancement Regulation, a Concurrent Plan is not required – these exemptions are described below:

- Where guardianship is applied solely for the purpose of authorizing medical treatment.
- Where all legal guardians are deceased, the director need not consult or develop the “Plan to Return Child or Youth to Guardian” Part (A) of the Concurrent Plan.
- Where the director’s application is for permanent guardianship and all legal guardians consent to the application, the director need not consult or develop the “Plan to Return Child or Youth to Guardian” Part (A) of the Concurrent Plan.
- Where a director applies for a TGO after a youth has been under an Enhancement Agreement with Youth or Custody Agreement with Youth, the director is exempt from completing the Concurrent Plan.

### **Review of a TGO – Concurrent Plan as Evidence**

As per S.32(2) of the *Enhancement Act*, the caseworker presents evidence with respect to whether the director has followed the plan of care for the child, which will include all progress. The caseworker should be prepared to provide an updated copy of the Concurrent Plan. The caseworker is required to provide information on the intervention services provided and to what extent the Concurrent Plan has been followed by the guardian, caseworker and other support people named in the plan.

### **Change of Child’s Legal Status**

If there is a change in the child’s status (e.g., CAG to TGO), the Concurrent Plan must be revised or replaced to reflect the new status. A new Concurrent Plan must be developed if the child is brought back into care at a future date.

## **Intent**

The development of the Concurrent Plan supports earlier achievement of permanency for children. Permanency is defined as a placement other than the care of the director.

A Concurrent Plan will identify the permanency placement for the child.

In working together in a collaborative manner, caseworkers, families and service providers will achieve the best outcomes for the children.

## Overview of the Concurrent Planning Process

The regulated Concurrent Plan [CS3501] includes two streams of planning as per S.21.1(6) of the legislation that are developed simultaneously: a **family reunification plan** (part A) and an **alternate permanency plan** (part B). The legislation requires the director to involve the guardian and other family members in developing the plan. The plan addresses at the outset, two pathways for care of the child:

- The *reunification plan* outlines the tasks and services required to assist the guardians in making the changes needed to create a safe and secure home for their child and facilitate the return of the child to the custody of the child's guardian, and
- The *alternative permanency plan* arranges for the care of the child to be placed with an alternate caregiver, preferable other family members, who are willing to make a long-term commitment to the care of the child until age 18, should reunification of the child with the guardian not occur in a timely manner.

## The Seven Principles of Concurrent Planning

1. **Differential Response Diagnosis** – Based on the family history, identification of significant relationships and examples of resilience, the assessment information is gathered within the first maximum forty-two days of placement. It is important to utilize a strength-based assessment and to formulate planning goals based on the clinical analysis of the assessment information.
2. **Success Redefined** – Caseworkers must begin to see success as *permanency* for the child, which may or may not be reunification with the birth family.
3. **Part A and Part B** – Part A is reunification and Part B is an alternate permanency plan, **both of which** begin when the child is placed in out of home care.
4. **Full Disclosure** – The birth family, the caregiver, and the legal system are all informed that an alternate permanency plan would be made for the child in the event that he/she cannot safely return home. The caseworker will keep all parties informed as the case progresses.

5. **Casework Evidence Based Practice** – Caseworkers must document all information pertaining to a case as the case progresses. This is done in preparation of a decision to proceed with a termination of parental rights. A Concurrent Plan that reflects evidence-based practice is needed for accountability and to meet the requirements of the legislation.
6. **Behaviour, Not Promises** – Parents must make progress and change the behaviours that caused the removal of their children. The caseworker is also accountable to the terms of the Concurrent Plan.
7. **Developing the Concurrent Plan** – Birth parents and caseworkers must negotiate the necessary steps that are required to occur for children to be safely reunited with their families. Involvement of families in the development of the Concurrent Plan empowers parents and allows them to clarify expectations and focus on tasks.

### **Success Factors**

Development of an effective Concurrent Plan relies on a number of time-intensive activities. These include:

- early and comprehensive family assessments and a clinical diagnosis,
- case-specific planning for both reunification and alternative permanency options,
- inclusion of other family members or persons with significant relationship with the child or family in the development of the Concurrent Plan,
- full disclosure to all parties,
- careful, team-oriented decision-making,
- facilitation of intensive visitation schedules,
- early, intensive service provision to parents,
- diligent searches for relatives and community placements,

identification and support of family members and foster-adopt parents or those caregivers who may be interested in pursuing private guardianship or adoption in the event that reunification is not possible.

### **Respect for Cultural Heritage**

S.2(n) of the *Enhancement Act* recognizes Alberta's diverse multiculturalism and the value of maintaining a child's heritage.

Caseworkers are required to increase their awareness and understanding of the culture of the child and their family. Increased understanding will assist in the assessment process and ensure that interventions reflect the culture of the family.

Both caregivers and caseworkers need to ensure that the child's culture is preserved.

The Concurrent Plan shall address the child's cultural, spiritual and linguistic background, and the steps required to support the children's cultural connection to their heritage.

### **Involvement of First Nations Designate**

As per S.107 of the legislation, when working with an Aboriginal family, the First Nation designate may be involved in developing the Concurrent Plan to assist in identifying potential alternative placements and supporting the maintenance of the child's culture. As per S.107, if consent of the guardian is required, use the Consent to Consult with a First Nations Designate [[CS1634](#)].

### **Inclusion of a Métis Resource Person**

When an individual identifies themselves as Métis, the caseworker will provide the family with the opportunity to involve a **Métis resource** in developing the Concurrent Plan. A **Métis resource** is defined as including:

- Region 10, Métis Settlements Child and Family Service Authority
- Métis regional resources, which may be a referral source and are, identified through the CFSA regions. These may be geographically local Métis Nation of Alberta resources, or a Métis Child and Family Services Agency or other agency.

In situations where a family has indicated that they would prefer to include a Métis resource, the family should identify their preferred contact that is available within the community.

In asking for consent from the guardian, the caseworker may provide an explanation to the child and guardians of the potential benefits to be gained by involving the Métis resources or other Aboriginal resources. The advantages include:

- The possibility of contact and support from extended family and friends, perhaps the re-establishment of relationships.
- The child's connection to their family, culture, social and religious heritage.

- Increased support and assistance that may be available from Aboriginal resources.
- Potential placements for children should that become necessary, including importance of placing the child with extended family.

Upon obtaining consent from the parent/guardian, the caseworker will involve the Métis resource in planning for the child, including case planning, providing support, exploring placements, adoption and private guardianship. Documentation of the consent to involve a Métis resource person should be on the child's file, to ensure accountability for obtaining consent.

## Procedures

Complete a strength-based assessment with the guardians (including a non-custodial guardian), other family members that includes a genogram. Ensure that four generations are identified for Aboriginal families on the genogram. The completion of the genogram is a direct link to the identification of an alternate permanency plan by identifying potential caregivers.

A **thorough assessment** is key to the development of the Concurrent Plan. The information gathered will indicate the likelihood of the child safely returning to parental care within a reasonable time period.

Introduce the Concurrent Plan to the parents/guardians and other family members involved in the planning process. Consider involvement of the Child and Youth Advocate, First Nations designate, Métis resource, other support persons identified by the family, a supervisor, or any other resource person to develop the Concurrent Plan.

When there are conflictual situations and the family is reluctant to enter into the planning process, utilize mediation or other regional alternative dispute resolution processes available to engage the family in the planning process.

Document attempts made to engage families, including any form of alternative dispute resolution that were attempted or utilized.

### **Relative/Significant Other Search**

To develop Part B of the Concurrent Plan, the Relative Search [[CS3503](#)] must be completed for a child coming into care.

Document and track potential alternate permanent placements for the child using the Relative Search [[CS3503](#)]. At a minimum, document:

- Date of contact



- Name of child/youth
- Name of worker
- Who was contacted, and their relationship to the child
- How they were contacted
- Whether the family is interested in being an alternate permanent caregiver, and if not why (e.g. financial)
- If the family is agreeable to being a caregiver, what supports will be required
- Is the extended family interested in initiating and maintaining contact with the child if they are not able to provide a placement

### **Meeting to Develop the Concurrent Plan**

Whenever possible, gather all participants in the development of the Concurrent Plan together for a meeting. Document in the child's file if anyone involved in the planning process is not able to attend the review in person and the reasons.

Involve the First Nations Designate, as per S.107 of the *Enhancement Act*, caregivers, and family in discussions on the goals and tasks to maintain the child's culture and seek consensus whenever possible. Identification of tasks will include specific activities to reflect the caregiver's commitment to maintaining the cultural ties and should be reflected in the Concurrent Plan.

Ensure the child's participation in all aspects of the development and implementation of the Concurrent Plan, appropriate to his/her age level.

Caseworkers shall draw upon cultural interpretive services, where language and culture is a barrier to the child's ability to advise, consent or remain informed.

Explain the importance of the Concurrent Plan by completing the following:

- State that the primary focus is to achieve permanency for the child in a timely manner.
- Stress parental rights and responsibilities in a supportive manner and the casework responsibilities.
- Stress the importance of alternative dispute resolution processes, such as mediation and other family conference decision-making processes.

Introduce the concept of Part A and B.

**Part A – Plan to Return Child or Youth to Guardian** – describes the services to be provided to facilitate the return of the child to the custody of the child’s guardian. Part A includes the intensive services, measured outcomes and timelines for behavioural changes.

**Part B – Alternative Permanent Plan** (e.g., kinship placement, adoption, etc.); describes an alternative permanent placement for the child.

Develop Part A

- Clearly articulate plan for reunification.
- Outline the support services to be provided.
- Identify consequences for actions and the importance of accountability from the guardians, caregivers as well as yourself as the caseworker.
- Describe the follow-up and visitation requirements.
- Complete written visitation reports.

Develop Part B

- Ensure that Part A goals do not conflict with implementation of Part B.
- Determine whether the current placement can meet the permanency needs of the child:
  - Review the placement priority list in the Matters to be Considered in S.2(i) of the Act
- If it is decided that the current placement cannot meet the permanency needs of the child, the caseworker, the parents and others involved in the development of the Concurrent Plan determine when it is in the child’s best interest to move the child to an alternate permanency placement.
- If reasonable efforts have been made and the child cannot be safely returned to the parents after 15 to 18 months pending on the age of the child, it is assumed that the implementation of the alternative plan is in the child’s best interest.

Have all participants sign the Concurrent Plan when it is completed.

If there are participants who are unable to sign, document the reasons why on the file.

### **Following the Development of the Concurrent Plan:**

Provide a copy of the Concurrent Plan and any future revision of the plan to all parties participating in implementation of the plan.

Share information with those involved in the development of the Concurrent Plan as it is received to ensure informed decisions are made within the timeframes of the legislation.

The Concurrent Plan must be revised or replaced when there is a change in the child's status (e.g., CAG to TGO) to reflect the new status.

### **Review of the Concurrent Plan**

An in-person review of the Concurrent Plan must be conducted with the family and others (e.g. service providers, extended family, etc.) at a minimum of **once every two months**. Make changes to the tasks and goals to meet the needs of the family to ensure they are dealing with the issues, which brought them to the attention of the director.

Any revisions to the plan must be documented, along with statements of accomplishments, items outstanding, and reasons why things have not yet been completed.

### **Re-opening an Intervention File**

Review the previous Concurrent Plan, if there was previous involvement with the family, and carry the relevant sections of the Concurrent Plan forward to the current Concurrent Plan.

Assess the needs that should be added to the Concurrent Plan (if circumstances are now different) and ensure that the new document reflects the changes.

## 7.7 Children's Procedural Rights

### Policy and Legislation

S.2.1 of the *Enhancement Act* requires caseworkers to inform a child of their procedural rights. While all youth and children have procedural rights, additional procedural rights are given to children 12 years of age or older as per the *Enhancement Act*.

Caseworkers must ensure that procedural rights are discussed with children and youth in a manner that reflects their age, their developmental level, any special needs that they may have, and the type of intervention as follows:

- When intervention services include removing the child or youth from the parental home, the child or youth, pending age and developmental level, must receive a copy of the Procedural Rights Pamphlet and have an opportunity to discuss it with the caseworker.
- Caseworkers should inform children of their procedural rights immediately at the time of placement.
- If the case involves a court hearing soon after the child is placed the caseworker must inform children of their procedural rights prior to the court hearing as the Court will want to ensure the child is aware of their procedural rights prior to the hearing.

### Intent

The legislation increases accountability by ensuring that children are informed of their procedural rights.

### Procedures

Caseworkers will:

- Meet with the child or youth in a location that is comfortable for them and provides an opportunity to discuss the Procedural Rights Pamphlet. Include the caregiver in the discussion to support the understanding of the child or youth.
- Give the child or youth the opportunity to express themselves and ask questions. Let them know that they may further discuss their procedural rights at other times, and their opinions will be respected, regarding any decisions made on their behalf.

- For children younger than 12 years of age, or who have developmental challenges or needs, take steps to ensure that their procedural rights are respected and protected. Provide explanations that are appropriate to their level of understanding.
- Document on a contact note the date you reviewed the Procedural Rights pamphlet with the child and the child's response to the information.
- If you have not been able to talk to the child or youth personally, describe what steps have been taken to ensure that the child or youth is advised and document on the contact notes.
- Ensure the child's caregiver has a copy of the Procedural Rights document to review with the child as questions arise.

## 7.8 Maintaining a Child's Culture in Placements

### Policy

In circumstances where it is not possible to place the child with extended family, the caregivers must ensure that the child stays connected to and maintains his familial connections and cultural identity.

The caseworker and caregiver are required to have increased awareness of the child's culture. The child must be connected with the cultural services in the community that are reflective of the family's culture so that he/she may come to experience and identify with his/her culture.

### Intent

As per S.2 of the Enhancement Act "Matters to be Considered", any decision concerning the placement of a child outside the child's family should take into account the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage. A person who assumes responsibility for the care of a child under the Enhancement Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage.

In making decisions relating to an Aboriginal child who is in need of intervention, the uniqueness of the Aboriginal culture, heritage and spirituality and traditions must be respected. Furthermore, consideration must be given to the importance of preserving the child's cultural identity when an Aboriginal child comes into the care of the director.

The child's present and future identity are crucial to a child's healthy development. A strong, significant connection to the family and cultural community while in the director's care helps the child and the parents sustain **an attachment and will benefit reunification plans.**

Maintaining the culture includes a focus on language, history, and traditions. In practice, the caseworker and the caregiver should explore activities that can meaningfully connect the child to her/his family, community and environment.

## Procedures

- Prior to placing a child, the caseworker will discuss with the child and family (where possible) the history and traditions of the family that are indicative of their culture.
- A placement should be made based on the child's cultural needs with caregivers who are open to working with the child's extended family and able to meet the child's cultural needs.
- In evaluating non aboriginal placements for Aboriginal children, including kinship care, foster care, (including potential private guardianship and potential adoption parents – this would usually follow a kinship care or foster care placement), caseworkers will determine that the caregivers are able and willing to ensure that the child is given the opportunity to maintain his/her cultural heritage.
- The First Nations designate (if involved), Métis resource, Aboriginal or other cultural resource, caregivers, family, involved resources and caseworker should discuss and agree on the goals and tasks to maintain the child's culture spiritual and linguistic background. These tasks should be reflected in the Concurrent Plan, or the Transition to Independence Plan.
- The identified tasks and goals, as well as the identified activities for cultural involvement will be monitored and documented by the caseworker.
- An evaluation of the Concurrent Plan or Transition to Independence Plan for the children placed in the home, specifically relating to the foster parents/kinship caregivers responsibilities, should be reviewed with the caregivers.
- The Annual Foster Care Review (or annual review of the Kinship Care placement) should also include a review of the foster parents/kinship caregivers' ability to follow through.
- If there has not been follow through, ensure there are concrete strategies or recommendations written into the annual review to address the cultural component in the upcoming year. This should be evaluated on an ongoing basis throughout the year.

## 7.9 Memory Books

### Policy

Once a child has been in care for 6 months, a memory book is to be initiated.

A memory book is a record of the highlights in a child's life. It contains information about significant events and people.

### Procedures

Caseworkers will ensure the following:

Have the caregiver begin maintaining a collection of materials for a memory book.

- Suggest that the caregiver keep these items together in an album or in the "My Storybook".

Have the caregiver include as many of the following materials as possible:

- pictures of family, foster family, friends, pets, houses, activities, places and special events
- letters and cards from significant people
- schoolwork and report cards
- awards, certificates and mementos
- lists or descriptions of favourite foods, activities and friends
- dates of special events and milestones.

If the child returns home, give the materials to the parent.

If the child enters permanent guardianship, use the materials to create a memory book with child to help the child understand the permanency plan.

If the child will be adopted, use the memory book materials as a basis for writing the Life Book described in Preparing for Placement.

**See:**  
[13.6.8 Preparing for Placement](#)



## 7.10 Accident/Illness of a Child or Youth

### Policy

Caseworkers are to be aware of any accident or illness that occurs to a child in care.

### Procedure

Caseworkers will ensure the following:

Advise the caregiver to report any accident or illness to the caseworker.

Except in the case of children who are subjects of a permanent guardianship order, immediately notify the parents.

Record the circumstances on the child's file.

If a child needs hospitalization, arrange admission with the caregivers. The caregiver may sign the admission forms; however, the guardian's consent is required for any tests or treatment.

If a child has a condition that could have an emotional basis, such as enuresis:

- Assess whether the intensity and duration of the condition are common for a child in the situation. For example, enuresis is common for a young child in a new placement.
- If the intensity or duration is uncommon, have a doctor explore organic dysfunction or disease and the effectiveness of medication.
- If a physical basis is ruled out, consider a conditioning program. If such a program might have a significant effect on the child's physical or emotional health, obtain the manager's written consent on the Consent by a Director or Authorized Delegate [[CS2047](#)], before starting.

## **7.11 Restrictive Procedures Regarding a Child/Youth**

### **Policy**

If a residential resource or institution proposes to deviate from core standards or regionally approved protocols for using restrictive procedures that include isolation, withdrawal of privileges, etc, this is to be reviewed by the CEO of a Child and Family Service Authority or Director of a Delegated First Nation Agency.

### **Procedures**

Caseworkers will provide all needed information for the review of the restrictive procedure to the CEO or Director.

Caseworkers will document on the child's file that a review occurred and the outcome.

## 7.12 Child/Youth Requests Requiring Director's Consent

### Policy

When a child is in the guardianship of a director, the director might be asked to make guardianship decisions unrelated to the case plan. The following procedures describe consents to:

- A change of name,
- A marriage,
- A change of religion
- Becoming a police informant.

### Procedure

Where the director has the authority to consent to a change of name, the caseworker will:

If a child under a permanent guardianship agreement is not adopted within 3 months, register the given name with the Division of Vital Statistics.

Complete the Statutory Declaration Re: Correction or Alteration of a Registration [REG3108]. Submit the registration documents according to regional procedures.

If a child under permanent guardianship asks for a change of name, caseworkers will follow these procedures:

If the child wants to take the foster parent's surname:

- Determine whether the change relates to the child's emotional integration with the foster family or to an attempt to disconnect from his/her family of origin.
- Explore with the child the pros and cons of this decision.
- Have the child and foster parent make a written request.

Ensure that the situation meets all the following criteria:

- The permanency plan has ruled out adoption or private guardianship in the foreseeable future.
- If the child is under 12, the permanency plan describes the exceptional circumstances.
- The child has lived with the foster parent for at least 2 years.
- The child, independent of the foster parent, expresses an understanding and desire for the change.
- Both the child and foster parent understand that the change does not create a legal relationship.

Obtain a witnessed consent from the foster parent.

Ask a supervisor for consent to the change.

The supervisor is to consider:

- The caseworker's recommendation regarding consent;
- The reason why the foster parent is not seeking private guardianship or adoption;
- If the child is a member of an Indian band, the opinion of the First Nations designate,
- If the child has regular contact with the original family, the opinions of the family members; and
- If the child has siblings in the same foster home, whether they also wish to change and if not, the implications.

The supervisor gives an answer within 5 working days.

If the supervisor consents, complete the Application for Change of Name [REG3132]. Submit these documents according to regional procedures.

Once a name change has been registered, the Division of Vital Statistics supplies a Certificate of Change of Name and a birth certificate.

File these documents and enter the new name on CYIM.

**Where the director has the authority to consent to a marriage, the caseworker will:**

Give the request to the manager.

The manager decides whether to consent by considering at least:

- The opinion of the parent or significant others.
- If the child is under temporary guardianship, obtain the parent's written consent;
- The child's motivation and capacity to be emancipated;
- What services the child has received to ensure the decision is informed and made without duress; and
- The child was told that all intervention services terminate with marriage.

The manager gives an answer within 5 working days.

If not consenting, the manager:

- Records the reasons on the file
- Meets with the child to explain
- Tells the child that a court may grant an order to dispense with the consent.

If consenting, the manager completes Consent to Marriage of a Minor [DVS208].

The caseworker will submit this consent to the Division of Vital Statistics, file a copy and give a copy to the child.

If the child marries, the caseworker will advise the child to contact the Public Trustee regarding possible assets.

If the child is a member of an Indian band, advise the child to contact the First Nations designate or band regarding possible assets or benefits.

Close the file.

**If a child or foster parent asks to change the child's religious affiliation, the caseworker will:**

If the child is 12 or over, have the child submit a written request.

If the child is under temporary guardianship:

- Proceed only if the child made the request.
- If the child is under 16, proceed only if the parent supports the change and provides written consent.
- Record in the request any exceptional circumstances that would make the change beneficial.

Give the request to the supervisor.

The supervisor decides whether to consent by considering at least:

- How the child, independent of the foster parent, expresses motivation and desire for the change;
- Why the permanency plan has ruled out adoption or private guardianship in the foreseeable future;
- The reasons why the foster family is not seeking a legal relationship;
- How the change will strengthen the relationship with the foster parent;
- If the child is a member of an Indian band, the opinion of the First Nations designate;
- If the child has regular contact with the original family, the opinions of the family members; and
- Whether the child is aware that, if desired, the child will receive help to be re-involved with the previous religion.

The supervisor gives an answer within 5 working days and if consenting, completes a written consent.

**If the police request consent for a child to become an informant, the caseworker will:**

Deny the request unless the situation is exceptional as being a police informant could place a child at personal risk.

In the exceptional situation where consent might be appropriate, refer the police to the CEO of a Child and Family Service Authority or Director of a Delegated First Nation Agency for consent.

## 7.13 Inter-Provincial Protocols/Reciprocal Agreements

### Policy

S.124.1 (1),) provides for the Minister to enter into agreements with other child services authorities, inside or outside of Canada, in order to transfer guardianship of a child under PGA/O to and from an outside authority. Subsections (2) and (3) ensure compliance with the Enhancement Act with respect to guardianship responsibilities and any further Court proceedings under the Enhancement Act for children and youth transferred to Alberta.

Through the delegation of authorities, a director (or delegate) may transfer guardianship to another jurisdiction for a child or youth who is the subject of a permanent guardianship order or agreement and, who is in a permanent placement with caregivers residing in or planning to move to another child service authority/jurisdiction except:

- When the terms of the order or agreement cannot be met by the intended receiving jurisdiction.
- Where the transfer of guardianship would not be in the best interests of the child for another reason.

A director (or designate) may accept the transfer of guardianship of a child or youth who is the subject of an order or agreement that is equivalent to a permanent guardianship order or agreement from another jurisdiction where the child or youth resides or will be residing in Alberta except:

- when the terms of the order or agreement cannot be met by the Ministry of Children's Services or,
- where the best interests of the child or youth cannot be met for other reasons.

A permanent move can be any of the following:

- a move with the current foster family,
- a move to live with extended family or another significant person, or
- a move into independent living.

**Note:**

Currently, the only other jurisdiction in Canada that has legislation enabling a reciprocal agreement is the Province of Saskatchewan. Other Canadian jurisdictions are moving in the same direction and will eventually pass similar enabling legislation. Each situation needs to be addressed on an individual case-by-case basis with the other child services authority.

Enabling legislation may exist in jurisdictions outside of Canada. The existence of such enabling legislation needs to be explored on an individual case-by-case basis regarding the capacity to enter into a reciprocal agreement and/or the authority for courtesy supervision, provision of appropriate services and financial support.

## Intent

Reciprocal agreements are linked to the inter-provincial protocol (Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories). The protocol allows for the transfer of **some** authority through the arrangement of courtesy supervision and the assumption of basic maintenance to children moving to and from other provinces.

Reciprocal agreements expand the options for permanency planning when a child or youth who is the subject of a Permanent Guardianship Order or Agreement moves to or from another jurisdiction and ensures the ability to provide the highest level of care and permanency for a child or youth continuing to require in care services when residing in another child service jurisdiction.

Reciprocal agreements are generally viewed to be in the best interests of children and youth who continue to need in care services and Department staff will be working with other Canadian jurisdictions to encourage similar amendments to legislation to allow for the transfer of guardianship when appropriate. The inter-provincial protocol will be updated as milestones in this regard are met.

## Procedures

### **Case Conferences/Negotiations of Transfers to and from Alberta**

Every situation where a transfer of guardianship to or from Alberta is being considered must involve a case conference for the full disclosure and discussion of the planning process and needs of the child or youth.

Case conferences/negotiations should be arranged through the CFSA inter-provincial coordinator or DFNA supervisor/director. Please see procedures related to moves out of Alberta and moves into Alberta below.



Most case conferences will be conducted through telephone conferencing and, therefore, supporting documentation must be forwarded or received in sufficient time for review of the information.

Where the transfer concerns an Aboriginal child or youth, the appropriate First Nations designate must be informed and involved in the planning and decision making process.

The director should consider all of the terms under a permanent guardianship order made in Alberta or equivalent order from another jurisdiction when entering into any negotiations to ensure that they can be fulfilled or can undergo Court review. Specific considerations include access and maintenance and any grandfathered joint guardianship orders.

Generally, it is reasonable to expect that the receiving director is able to fulfill the term of the order however, in planning for a successful transfer, the Alberta director should consider and/or negotiate the following:

- Whether siblings will be separated by the transfer and if so, what (if any) plans/costs are involved to enable visits.
- Indicators of stability in the placement agreed upon by both jurisdictions.
- What special needs and services will be required for the child and caregiver.
- Acceptance by the receiving director of all financial responsibility.

If the parties agree to the transfer of guardianship:

- The official agreement should include the date that the transfer is to take effect. Ensure that the scheduling of the transfer to the receiving authority provides sufficient time for the child to complete the move and establish reasonable stability in his/her new environment.
- The director must inform the current caregiver of the following:
  - The date the transfer takes effect.
  - The identity of the new guardian and contact persons.
  - The fact that the receiving province's current supports and procedures will apply.
- Provide a copy of the child enhancement file with only those items severed that must be severed according to the Disclosure policy. The director accepting guardianship needs the full record.
- Participate in the case conference and negotiation of the transfer to provide first hand knowledge of the child or youth situation.

- In the interest of completeness, consider all other matters that should be addressed whenever a case of a child in care is closed. These include health care, treatment services, maintenance, pensions, benefits, trust accounts, Child Special Allowance and monies payable to band members.

If there is any reasonable doubt that placement will not be permanent, the transfer should not take place.

If the outcome of the negotiation is that the child's best interests or the terms and conditions of the order cannot be reasonably met through a transfer of guardianship, consider the other options available through the inter-provincial protocol and alternate permanency planning options if appropriate.

### **Moving from Alberta**

Guardianship transfers from Alberta must include the completion of required documentation; Agreement to Transfer Permanent Guardianship to Another Jurisdiction [[CS3451](#)].

A copy of CS3451 must be attached to the Permanent Guardianship Order or Agreement along with a description of the planning process that includes:

- Dates of meetings, conferences and consultations
- Participants involved in the decision-making
- Outcomes of the planning process.

### **Considerations Prior to Transferring Guardianship**

- If a child or youth under permanent guardianship is living in a permanent placement in another province or territory, consider transferring guardianship to the Director of child services in the receiving jurisdiction.
  - Review the information previously provided to the receiving jurisdiction for completion/updating, the caregivers ability for ongoing care and commitment, the service supports provided and the demonstrated ability of the other jurisdiction in meeting the terms of the guardianship order under the current courtesy supervision arrangement.
  - Discuss the option of guardianship transfer with your supervisor for decision to proceed.
  - If proceeding, complete CS3451 and forward it to your director (designate) for review and approval.
  - Upon receipt of the approval, forward the signed CS3451 to your regional inter-provincial coordinator or DFNA supervisor or director for

- contact with the receiving jurisdiction to arrange a case conference to negotiate the transfer.
- Participate in the case conference to present Alberta’s position of the transfer and provide additional information if required.
  - Upon a decision to complete the transfer, the inter-provincial coordinator or DFNA supervisor or director will forward form CS3451 and other updating or pertinent information to the receiving jurisdiction and request that a signed copy of CS3451 be returned to the case worker for filing on the child’s file.
  - Once the signed CS3451 is received and all transfer needs have been met, prepare the file for closure ensuring that the CS3451 form is on file.
  - Update CYIM showing that the file has been closed with the reason Guardianship Transfer.
- If a child under permanent guardianship is planning a permanent move to another child service jurisdiction, consider transferring guardianship to the other jurisdiction.
    - Review the child’s file information and the terms of the permanent guardianship order and formulate an opinion about whether the transfer of guardianship would be in the child’s best interests.
    - Consider service needs and the opinions of the caregiver, child, significant people in the child’s life, professionals involved with service provision to the child.
    - Discuss the option of guardianship transfer with your supervisor for decision to proceed.
    - If the child is moving to Saskatchewan or another jurisdiction outside of Canada, request that the regional inter-provincial coordinator or DFNA supervisor or director explore the possibility of a reciprocal agreement with that jurisdiction. If the jurisdiction outside of Canada does not have enabling legislation, consider other options similar to the options for courtesy supervision in the current inter-provincial/territorial protocol.
    - If the jurisdiction has enabling legislation, proceed by preparing a summary of the child’s youth’s circumstances and the planning to attach to the CS3451 and include the following:
      - ▶ Reason for the child’s move,
      - ▶ Name and relationship of the placement facility/family,
      - ▶ The child’s involvement in, and awareness of, the decisions regarding the move and transfer of guardianship,
      - ▶ Date of the move,
      - ▶ Agreed upon indicators used to determine that the placement is table,
      - ▶ Any special needs of the child,

- ▶ Any special services provided to the child prior to the move,
  - ▶ Any special services needed in the receiving province,
  - ▶ Any terms under the permanent guardianship order or agreement,
  - ▶ The records that will be provided to the receiving province,
  - ▶ Itemize projected case costs.
- 
- Complete CS3451 and attach the summary of the planning process and a copy of the permanent guardianship order or agreement and forward it to your director for review and approval.
  - Forward the signed CS3451 to your regional inter-provincial coordinator or DFNA supervisor or director for further contact with the receiving jurisdiction to arrange a case conference to negotiate the transfer.
  - Participate in the case conference to present Alberta's position of the transfer and provide additional information if required.
  - Upon a decision to complete the transfer, the inter-provincial coordinator or DFNA supervisor or director will forward form CS3451 and other updating or pertinent information that results from the negotiations to the receiving jurisdiction and request that a signed copy of CS3451 be returned to the case worker for filing on the child's file.
  - Once the CS3451 is received and all transfer needs have been met, prepare the file for closure ensuring that the CS3451 and copies of the attachments are filed with the closing summary.
  - Update CYIM showing that the file has been closed with the reason Guardianship Transfer.

### **Moving into Alberta**

When another child service jurisdiction makes contact regarding transferring guardianship of a child to an Alberta director, follow the processes and forms from the sending province, keeping in mind the requirements of the Enhancement Act and the considerations in the Alberta planning process.

- Inform your director and inter-provincial coordinator of the request.
- The CFSA inter-provincial coordinator or DFNA supervisor or director will facilitate
  - The inclusion of a case conference/negotiation in the planning process for the transfer of guardianship of the child or youth and will invite the parties affected by the guardianship transfer request.
  - Identifying Alberta's information needs regarding the child's circumstances and needs, case costs, and terms of the order or agreement in the other jurisdiction.

- Recommending to the director whether the child's best interests will be met through a transfer of guardianship to Alberta. Alternatively, considering courtesy supervision and other provisions in the inter-provincial protocol or similar to the protocol that can support the child or youth while residing in Alberta.
- Participate in the Case Conference if appropriate.

## 7.14 Inter-Provincial Placement

### Policy

S.121(3)(d) allows a director to delegate responsibilities to another jurisdiction. S.124.1 authorizes a director to receive delegated responsibilities from another jurisdiction. S.125 validates an order or agreement from another jurisdiction.

When a child under guardianship from one province moves to another, the original province retains guardianship. The receiving province is delegated care and custody of the child. Each region has an inter-provincial designate who coordinates inter-provincial placements. This designate handles all requests for a child to move out of or into Alberta.

The Inter-provincial/Territorial Protocol on Children Moving between Provinces/Territories governs children moving to other provinces or territories.

### Procedures

#### Transfer Out

A child under permanent guardianship may be considered for transfer out of Alberta. A child under a custody agreement may never be transferred and a child under temporary guardianship may be considered only in exceptional circumstances.

If it is in a child's best interest to move out of Alberta, follow these procedures:

Submit a transfer request for the child to the manager well before the moving date. Include in the request:

- If the child is under temporary guardianship, the views of the parent
- If the child has a relationship with the natural family, how that relationship will be maintained
- How the move fits into the Concurrent Plan
- How the goals of the Concurrent Plan can be met in the new location
- The views of the child

- If the child is an Indian, the views of the band or First Nations designate (as per the legislation S.107)
- If the child is moving with the current caregiver, how stable the child's relationship is with the caregiver; and why adoption or private guardianship is not being pursued
- If the child is moving without the current caregiver:
  - the placement plan or needs;
  - a home study request regarding the proposed caregiver or a placement request that describes characteristics desired to meet the child's needs; and
  - the services required integrating the child into the proposed placement

Include with the request copies of:

- birth registration
- the guardianship order and any directly related orders
- social history
- an up to date medical completed within the last 2 years
- if the child is moving with a foster family, the foster home study assessment/report and a recent review of the foster home

The manager responds within 10 days of receiving the request. If the manager agrees with the move, send the request package to the regional director or inter-provincial designate who forwards the request to the receiving province according to the Inter-provincial Protocol. If the designate negotiates approval from that province, arrange the transfer according to the inter-provincial designates direction.

Cancel the special allowance.

The inter-provincial designate will supply a consent to care and medical treatment in the standard format.

Maintain an open file.

Review and respond to any reports from the supervising province.

## **Move with Foster Family**

If the child is moving with a foster family:

- Tell the family that the move will not be officially considered final until the family obtains foster home status in the receiving province.
- Tell the family that maintenance and support will be set according to the receiving province's criteria.
- Once the family is approved in the new jurisdiction, the foster care caseworker transfers the foster home file to the caseworker.
- If the inter-provincial designate negotiates charge backs for services by the receiving province, bill such charges to the child's file.

## **Transfer In**

If another province wants to transfer a child to Alberta, that province sends a request to the inter-provincial designate. The designate forwards the request to the appropriate office.

When such a request is received, supply a written response to the designate within 30 days.

If the child is to move to a foster or adoption home, follow the procedures described in the Foster Care or Adoption sections.

If the child is to move to a private home, conduct a home study. Use the Home Assessment format [CS3461] as a guide emphasizing what is relevant and current to the request. Send the home assessment to the inter-provincial designate.

If the child requires a placement, locate the most suitable facility and inform the inter-provincial designate.

The inter-provincial designate decides whether to accept the transfer, discusses this decision with the requesting province and informs the office of the decision.

Once the child has been placed in Alberta provide the same services as are provided to all children in care.

- Apply for the special allowance.
- Make major case plan or non-emergency placement changes only in consultation with the guardian province.
- Send any correspondence to the guardian province via the inter-provincial designate.



Provide care and maintenance until:

- the guardianship or custody expires;
- the child attains the age of majority in the guardian province; or
- the two provinces mutually agree to terminate support.

Before terminating, consult the guardian province.

## 7.15 Repatriating

### Policy

At the conclusion of an initial assessment or investigation, a director may determine that a runaway, lost or abducted child is not in need of intervention services but does need to be repatriated.

The office where the child is located takes responsibility for repatriating. The **Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories** governs repatriations to other provinces and territories.

### Procedure

When repatriating children:

If the parent is not providing transportation, in consultation with the supervisor, decide whether to take custody of the child.

When custody of the child is taken to repatriate a child to a parent, proper supervision must be provided while waiting and during any stopover.

If the child will be transported by a means arranged by the department, transport the child under S.6(6) only if the situation meets all the criteria set out in S.6(2). Otherwise, apprehend the child as per S.19.

If a child is apprehended in order to be repatriated, you do not need to apply to the court if the child is returned to the parent within 2 days.

If the child is not returned to the parent within 2 days, apply to the court for an order to return apprehended child and then at the hearing withdraw the application under S.21(4).

### **Albertan Children**

To repatriate a child from Alberta:

- Determine that the child is under 16 or is in the care of a director.
- Attempt to locate the parent who has legal custody.
- If the child is in the care of a director, contact the supervising office or institution. In consultation with this resource, arrange to repatriate the child.

- If the child is in the care of a parent who is willing and able to resume care, arrange with this parent to repatriate the child. If the parent cannot be located or is not willing or able to resume care, contact the office where the parent lives.
- Assist this office to form a plan to return the child and to assume responsibility for the child.

### **Canadian Children Outside Alberta**

To repatriate a child from outside Alberta follow the procedures described in the **Interprovincial/Territorial Protocol on Children Moving Between Provinces**.

**Note:**

The Provincial Emergency Social Services (crisis units) can offer advice to any office regarding contacts in other provinces. They may also supervise stopovers or otherwise assist.

### **American Children**

To repatriate a child from the United States follow the same procedures as for any other child from outside Alberta with the following exceptions:

- Have the resident state arrange any stopover and transfer supervision needed in the United States.
- Request a pre-paid airline ticket from the resident state.

### **Conclude**

To conclude a repatriation, send the summary and any reports to the resident office.

Place copies on the file.

## 7.16 Administrative Requests from Other Regions or Jurisdictions

### Policy

Regions have a responsibility to respond to reports and referrals from other regions and jurisdictions for courtesy activities. These administrative requests may include serving notices, witnessing consents and conducting home studies.

### Intent

Provision of services to families on behalf of other regions and jurisdictions provides for seamless services and better coordination of supports to families.

Protocols guide the response to administrative request from other jurisdictions.

### Procedure:

Upon receiving an administrative request, respond according to the procedures set by the region according to the Inter-Authority Protocol or Interprovincial Protocol.

#### **Home Study Requests**

If a home study is requested, use the Home Assessment Report for Adoption, Foster Care and Private Guardianship [CS3461] as a guide, emphasizing what is relevant to the request. Answer any specific questions asked in the request.

If there is disagreement over the request, refer the matter to the supervisors for resolution. The supervisor uses the dispute resolution process in the relevant protocol.

### Recording

Use recording that is appropriate to the request and consistent with this policy.

## 7.17 Attention Flag

### Policy

When a child is in a situation of higher and more immediate risk, caseworkers may place a CYIM attention flag that assists in:

- identifying the child's needs
- tracking and monitoring the child's contacts with caseworkers and other professionals by bringing forward the case for systematic reviews.

A child is eligible for an attention flag due to at least one of the following:

- suicidal – at risk of attempting suicide
- behavioural/emotional problems – exhibiting severe behavioural/emotional problems that present a serious danger to the child or others
- circumstantial – a medical condition or other circumstances place the child in serious danger.

### Procedure

Caseworkers will ensure the following:

Determine whether a child is eligible for an attention flag by considering the following indicators. The list of indicators is not a checklist nor is it comprehensive. Use it only as a guide. The presence of one indicator does not necessarily indicate eligibility. Eligibility usually requires a combination and high intensity of indicators.

Indicators: CYIM category code 001 – suicidal:

- self-mutilation
- symptoms of depression
- preoccupation with death
- previous suicide threats or attempts
- talking about suicide methods or plans
- significant changes in appearance or behaviour
- recklessness (blatant disregard for personal safety)

- direct or indirect threats or statements of desire to die
- isolation by withdrawing from family, friends and usual activities
- a model for suicide (a parent or significant person has attempted or completed)
- making final arrangements (giving away favourite possessions; saying good-bye).

Indicators: CYIM category code 002 – behavioural/emotional problems:

- autism
- cruelty
- fire setting
- hyperactivity
- mood swings
- running away
- self-mutilation
- eating disorder
- wetting; soiling
- severe drug and alcohol abuse
- inappropriate sexual behaviour
- aggression; anti-social behaviour
- inability to adjust to placements
- inability to form a significant relationship
- criminal activity or association with criminals
- psychotic episodes (e.g. symptoms of schizophrenia, delusions, hallucinations).

Indicators CYIM category code 003 – circumstantial:

- child is prostituting
- child refuses services

- appropriate resource is not available
- child is living in dangerous circumstances
- child has run away and cannot be located or contacted
- child has been abducted and might be in an unsafe situation
- child has a medical condition that a physician believes will be life threatening if the prescribed treatment is not provided

If a child is eligible, caseworkers may use the CYIM attention flag as follows:

- Enter the most relevant category code and start date on CYIM.
- If the category code is 001, notify the Child and Youth Advocate.
- Enter the next review date on CYIM.

Caseworkers will decide who will be involved in reviews and how often to review the situation. The minimum should be once a month.

On the review date:

- Determine whether the child is still at high risk.
- Determine whether a case conference or additional resources are needed.
- Add goals to the case plan to address any outstanding risk.
- Enter the next review date on CYIM.

On the annual information consolidation update, summarize the risk conditions, the actions taken and the actions planned.

Remove the attention flag from CYIM after a thorough review of the situation with a supervisor indicates that the child is no longer at high risk.

## 7.18 Alerts

### Policy

Place an alert when it is important to bring attention to a particular child, family or situation.

### Intent

The 3 most common reasons for placing an alert are:

- to provide other worksites and after hours caseworkers with critical information,
- to inform other worksites or jurisdictions that the region's worksite has an open file and the child or family has left the region's jurisdiction with no forwarding address, or
- to inform other worksites or jurisdictions that a report of a child in need of intervention has been received and the child or family left the region's jurisdiction before the risk to the child could be assessed.

### Procedure

To place an alert on CYIM:

- enter the alert information on CYIM,
- if the family or child can not be located to investigate a complaint, enter the screening information on CYIM and indicate the potential need for intervention services and add the persons involved if not already on CYIM.

**Note:**

An alert can be placed on a person or a residential facility, See the CYIM User Guide for instructions.

To place an alert out of province:

- send an e-mail requesting distribution to the Ministry Inter-provincial contact and include:
  - the name of the child and family
  - the dates of birth, if known
  - a brief summary of the concern



- the possible location of the child and family
- any specific province or territory that should receive the alert
- the contact person and telephone numbers.

Follow these procedures when receiving an alert:

- If another province or territory sends an alert, the Ministry Interprovincial Contact receives it.
- The Interprovincial Contact enters the persons on CYIM through a screening then enters the alert.

To cancel an alert:

- Send an e-mail to Central Client Directory identifying the alert and reason for deleting it.

**Note:**

CYIM automatically removes an alert once the expiry date passes.

To cancel an out of province alert:

- Send an e-mail to the Ministry Inter-provincial contact identifying the alert and the reasons for deleting it.

**Note:**

The Inter-provincial contact automatically cancels the alert after 6 months if no other direction is received.

To cancel an alert from another province or territory:

- If the alert was from another province or territory, the Inter-provincial contact brings forward (BF's) the matter with an expected end date 6 months from the date of entry.
- If there is no further activity by the expected end date, the Inter-provincial contact closes the file on CYIM.
- If the originating province cancels the alert earlier, the Inter-provincial Contact closes the file on CYIM upon receiving the cancellation.

## 7.19 Case Transfer

### Policy

A file is transferred when responsibility for the file is reassigned from one caseworker to another. A transfer might be necessary because the family moves, or the child/youth's status changes. Regions may set transfer criteria that fit the local community and delivery system requirements.

### Intent

Case transfers should be well planned, keeping the child/youth's best interest in mind.

If the child/youth is being transferred between regions the procedures described within the *Inter-Authority Protocol* will apply; or protocols between Child and Family Service Authorities and Delegated First Nations Authorities.

### Procedure

Follow these procedures to transfer a file.

#### **The transferring caseworker shall:**

- obtain the supervisor's approval,
- confirm that the receiving office is expecting the file,
- review the reason for the transfer with the guardian/youth and other significant persons involved with the family,
- if the child is an Indian, consult with the First Nations designate as per the legislation about the file transfer (S.107 directs when to contact the designate),
- ensure that the initial assessment and/or extended assessment is up to date,
- ensure that the case plan (i.e., Concurrent Plan, Family Enhancement Plan or Transition to Independence Plan) is up to date,
- prepare a transfer summary outlining pertinent information for the new caseworker,
- enter case transfer data on CYIM.

Within 10 working days of the event that necessitated the transfer, send the file to the receiving caseworker unless:

- supervisor and receiving supervisor agree to a different date, or
- a court hearing is pending or status is about to expire.

**The transferring supervisor shall:**

- ensure the file meets records management standards,
- ensure the transferring caseworker completed all transfer tasks,
- ensure that contact with the child/youth and family continues until the receiving caseworker makes contact, and
- initiate a transfer conference with the receiving supervisor within 10 working days from the time of the decision to transfer.

**The receiving supervisor shall:**

- review the file within 2 working days of receiving it,
- if the transfer criteria have been met, accept the file on CYIM,
- if the child or family is high risk, assign immediately, otherwise, assign within 5 working days,
- if the child or family is high risk, ensure the caseworker has face-to-face contact within 5 working days after the file is assigned.

**The receiving caseworker shall:**

- before seeing the child or family, thoroughly review the file,
- establish contact with the child/youth and family within 5 working days of being assigned,
- if the case is high risk, have face-to-face contact within 5 days,
- follow the existing case plan until enough information is gathered to justify a change.

A transfer conference shall be scheduled within 10 working days from the time of the decision to transfer. The file transfer conference shall, whenever possible involve:

- a conference either by phone, or in person,
- the sending and receiving supervisors, and

- the sending and receiving caseworkers.

## Recording

Complete a transfer summary and document all actions and decisions regarding the transfer.

## 7.20 Case Closure

### Closure of a Protection Case

Protective services cases may be closed in the following circumstances:

- after the expiry or cancellation of a court order, or
- after the expiry of an agreement and the family or youth and the caseworker agree that intervention services is no longer required.

In instances when the family chooses to cancel an agreement, a determination will be made to assess the need for continued intervention services or a referral to Screening.

All closures must be case conferenced with a supervisor.

When it has been agreed that a file is to be closed the caseworker will:

- prepare a Closure Summary,
- develop an After Care Plan with the family or youth (optional – this is consistent with closure in the enhancement stream of activity), and
- make the appropriate entries on CYIM to indicate the closure.

The Closure Summary will include:

- a summary of services that were provided,
- a description of the changes that occurred within the family or youth to eliminate the need for intervention services,
- a description of the family's or youth's connection to community supports.

### After Care Plan [CS3573]

An After Care Plan [CS3573] may be developed at closure to assist the family or youth to maintain the changes that were experienced and to provide the family or youth with tools and strategies to address the kinds of issues that may indicate a need for further supports.

An After Care Plan will provide the family or youth with a planned response to events or circumstances that might otherwise require further intervention.

The After Care Plan will include:

- specific strategies that the family or youth can use to deal with issues in a planned and positive manner,
- strategies to maintain the changes they have experienced,
- a list of resources, including telephone numbers and names, of community/network supports who they can contact,
- ideas on how the family or youth can self identify issues that may require attention, and
- strategies and an understanding of the supports in the community that they can turn to.

## Transfer of Cases Between Family Enhancement Services and Protective Services

It is intended that a seamless continuum of service be provided between the two streams of intervention service areas.

**When protection services are being concluded and further supports are required**, a direct transfer to family enhancements services may be made. This would involve closing the protection file and opening a family enhancement file through the negotiation of a Family Enhancement Agreement or an Enhancement Agreement with Youth. The Family Enhancement Plan or Enhancement Plan should be developed from the existing assessment information available and update of the information as necessary.

When a transition from family enhancement to protection services is needed **a referral to screening and investigation is required**.

## **7.21 Delivery of Child Intervention Services to Employees, Individuals in Governance Positions in Child Intervention Services and Their Families**

### **Summary**

When employees, or those in positions of governance of a Child and Family Services Authority or a Delegated First Nations Agency become involved with child intervention services, additional stress is placed on all involved. There is a need for the involvement to proceed as in any other case, yet with heightened sensitivity. Staff and management may find themselves in a dual role relationship with a colleague who is involved with child intervention services. Casework must proceed in a neutral and sensitive manner.

This policy is applicable to involvement with employees, those in governance positions, and their families throughout the continuum of child intervention services (e.g. screening, investigation, assessment, family enhancement, and protection services).

This policy provides basic standards for managing the delivery of child intervention services to employees and those in governance positions. Delegated First Nations Agencies and Child and Family Services Authorities may already have local policies or procedures in place. It is expected that this provincial policy will complement those that already exist. Authorities and Agencies may want to develop their own guidelines that provide greater detail for their staff and management than that provided by this provincial policy.

### **Intent**

This policy is intended to assist staff and management who are providing child intervention services to employees and those in governance positions by:

1. ensuring that the involvement of child intervention services remains child centered;
2. providing consistency and basic standards for service delivery;
3. ensuring a common understanding of the process across Authorities and Agencies, particularly when more than one Authority/Agency is involved; and

4. applying a process that is seen to be fair by the impacted individual.

## Policy

- Decisions regarding intervention are to be determined in the same manner as with any other case, considering the information available, case history, legislation, etc.
- Care must be taken to maintain neutrality and to respect the confidentiality of the individual and their family.
- Staff approached to become involved in the delivery of child intervention services involving an employee or a person in a governance position will declare any conflict or dual role relationship that might exist.
- Staff assigned to a case involving an employee or individual in a governance position must be experienced and current in the function (e.g. investigation, family enhancement) that they are being asked to perform.
- No one from the employee's worksite will be involved in any case decision, or in providing other support services regarding the case.
- No one with whom the employee has a supervisory relationship will be involved in any case decision, or in providing other support services regarding the case. This includes an employee's direct Supervisor, a Manager or a supervisee.
- In order to maintain confidentiality for an employee, a decision may be made to ask another Authority or Agency to manage the case.
- Cases involving those in governance positions will be managed by another Child and Family Services Authority or Delegated First Nations Agency.
- When deciding which worksite should manage the case, the following should be considered:
  - Whether anyone in the worksite is likely to know the employee or individual in a governance position
  - Whether the worksite will be able to maintain neutrality
  - Whether the worksite is able to respond quickly
  - Whether the family's ability to access services will be impacted by geography
  - The child and/or family's wishes



## Procedure

### **Response**

Because of the sensitive nature of allegations involving employees, those in governance positions, and their families, activities such as restricting the file and assigning an alternate worksite must occur in a timely manner.

### **Screening**

When a Screener determines that a report concerns an employee or an individual in a governance position, the Screener will continue to collect information from the reporter. The Screener will then bring the screening to the Supervisor, who will notify the worksite Manager. Decisions regarding screening disposition, as well as any investigation, assessment, or case management required, will be handled by a worksite other than the one where the employee works or has a supervisor/supervisee relationship or in an Authority or Agency other than the one where the individual performs a governance function.

### **Protection of a Child at Risk**

Protection of a child at risk is paramount. In situations where following these guidelines would place a child at undue risk, an urgent response may be required by a caseworker who works in the same worksite as the employee or in the same Agency or Authority as an individual in a governance position. However, the file should be transferred to an alternative worksite or Agency/Authority as soon as it is safe and practical to do so.

### **Placement**

If the child or an employee or individual in a governance position requires placement in a child intervention services resource, the staff member providing support to the placement must be from a different worksite or Agency/Authority than the individual whose child is in care.

## Records Management

Restrict the paper and Child Youth Information Module files as per Releasing Information, Restricting Records.

**See:**  
[1.5.5 Restricting Records](#)

## Human Resource Issues

- If an employee believes that their ability to perform their duties may be impacted by personal involvement with child intervention services, the employee is obligated to advise their immediate Supervisor. If the immediate Supervisor is not a Manager, the Supervisor will advise the Manager, who will determine the next steps.
- If an individual in a governance position believes that their ability to perform their duties may be impacted by personal involvement with child intervention services, the individual is obligated to advise the chairperson of their board, committee, or council.
- If the Manager of a worksite providing services to the family of an employee or an individual in a governance position determines that the individual's ability to competently perform his or her duties may be impacted, that Manager will notify the employee's Manager or, in the case of a person in a governance position, the chairperson of the board, committee, or council.
- The impacted employee's Manager should consider involving an expert, such as a Human Resources Consultant, to assist in the management of human resource issues.

## 7.22 Protecting the Legal Interests of Children Under Permanent Guardianship

### Policy

Advise the Legal Services branch of Children's Services of **all** cases that meet **any one** of the following criteria:

- A child under permanent guardianship has been sexually assaulted.
- A child under permanent guardianship has sustained serious physical injury requiring significant medical attention, or resulting in residual medical problems.
- A lawyer or insurance company has contacted a child under permanent guardianship, or the child's worker, with respect to settlement of an injury or accident.
- A child under permanent guardianship has indicated that he or she wishes to commence a civil action.

Legal Services will subsequently refer these cases to the Public Trustee for assessment and appropriate action.

### Intent

To inform Ministry staff of the interim process for protecting the legal interests of children under permanent guardianship.

### Background

A recent ruling from the Court of Queen's Bench suggests that the Public Trustee (Alberta Justice) has the authority and the responsibility to pursue civil claims on behalf of children under permanent guardianship. This does not mean that the Public Trustee must pursue all claims that come to his attention. Rather, the Public Trustee is entitled to assess potential claims to determine if they are of sufficient merit to justify the expense and risk of legal action, and to consider, in consultation with the Director of Child, Youth, and Family Enhancement, whether litigation is in the best interests of the child.

In order to carry out this responsibility, the Public Trustee will be relying on Children's Services to identify cases involving harm to children under permanent guardianship and refer those cases to the Public Trustee for assessment and appropriate action.

Pending further clarification concerning the role of the Public Trustee, CFSAs and DFNAs are requested to implement the following process, effective immediately.

If in doubt as to whether a case meets the outlined criteria, please contact Legal Services for advise and direction.

## Contacts

### **Legal Services Branch, Children's Services**

Kelly Besler, Acting Manager  
Legal Services Branch  
Litigation Support Unit  
5th Floor, Sterling Place  
9940 – 106 Street  
Edmonton, AB T5K 2N2  
[Kelly.Besler@gov.ab.ca](mailto:Kelly.Besler@gov.ab.ca)  
Phone: 780 422-3587  
Fax: 780 422-0562

## 7.23 Commencement of Litigation

### Policy

If you receive a Notice to Proceed regarding a child under the temporary or permanent guardianship of a child intervention director, immediately provide the Notice to Proceed to your manager. Include a memo with:

- the child's name, ID number, age, legal authority
- the caseworker's name, office
- the relationship to the child of the alleged perpetrator
- a brief description of the circumstances of the alleged abuse (if known).

The manager must forward the memo and Notice to the Director of the Child, Youth and Family Enhancement Act who will review the situation and consider any further action to take.

### Intent

A child who was allegedly abused in care has two years to commence a lawsuit against the responsible parties. Until recently, the time on those two years did not begin to run until the child turned 18, or even later in the child's life in certain circumstances.

Because of recent legislative amendments, a potential defendant can now start the 2-year time before the child turns 18, by serving a Notice to Proceed on the Public Trustee and on the child's guardian.

Where the Director has temporary or permanent guardianship of a child, the Director may be served with a Notice to Proceed from a potential defendant. If steps are not taken on the child's behalf, the child could lose their ability to sue the perpetrator. If the child lost his or her ability to sue the perpetrator, the child may be able to sue the Ministry.

## 7.24 Protection of Children Abusing Drugs Act (PChAD)

### Policy

The *Protection of Children Abusing Drugs (PChAD) Act* proclaimed July 1, 2006, allows parents and guardians of children under 18 years of age who abuse alcohol or drugs to apply to the court for an apprehension and confinement order for **up to five days** in a protective safehouse. Alberta Health and Wellness will administer the *Act* through the Alberta Alcohol and Drug Abuse Commission (AADAC). **Children's Services staff have no delegated authority under PChAD and cannot provide any services to children under this legislation.** Caseworkers may access and respond to PChAD services in accordance with the following procedures.

### Intent

The intent of this legislation is:

- To help minors who are addicted to alcohol or drugs and who cannot help themselves.
- To provide an avenue for parents/guardians to help their children, when all other options for intervention and voluntary treatment have failed.
- To respond to a need expressed by parents, addicted children, addictions counselors, teachers and police officers.

### Criteria for a Caseworker Accessing PChAD

- Only parents or guardians may access PChAD; therefore caseworkers may only access this legislation for children with **temporary or permanent guardianship status**.
- PChAD is an intensive service that should only be considered after other options for intervention and voluntary treatment have been explored. Caseworkers are to work with AADAC to find out what services and programs are available before seeking the assistance of the PChAD program. PChAD is to be considered an option of last resort.
- Prior to accessing PChAD Caseworkers are to exhaust all other avenues of intervention services under the *Child, Youth and Family Enhancement Act*.

### **Contact Information**

AADACs general information line is 1-866-332-2322.

Contact numbers for AADAC are as follows:

#### **Region 1: Lethbridge**

Addictions Counsellor – PChAD  
Telephone: (403) 381-5183

#### **Region 2: Medicine Hat**

Addictions Counsellor – PChAD  
Telephone: (403) 297-4664

#### **Region 3: Calgary**

Addictions Counsellor – PChAD  
Telephone: (403) 297-4664

#### **Region 4: Red Deer**

Addictions Counsellor – PChAD  
Telephone: (403) 340-5274

#### **Region 5: East Central**

Addictions Counsellor – PChAD  
Telephone: (780) 417-7360

#### **Region 6: Edmonton**

Addictions Counsellor – PChAD  
Telephone: (780) 422-7383

#### **Region 7: North Central**

Addictions Counsellor – PChAD  
Telephone: (780) 538-6330

#### **Region 8: Northwest**

Addictions Counsellor – PChAD  
Telephone: (780) 538-6330

#### **Region 9: Northeast**

Addictions Counsellor – PChAD  
Telephone: (780) 417-7360

#### **Region 10: Métis Settlements**

Addictions Counsellor – PChAD  
Telephone: (780) 422-7383

## **Procedure**

### **When Caseworkers initiate an application for apprehension and confinement under the *PChAD Act* they must:**

- Consult with the Casework Supervisor to determine if all other avenues of intervention have been exhausted in providing services.
- Obtain approval from their Casework Supervisor before applying for an Apprehension and Confinement Order under the *PChAD Act*.
- Obtain the following regulated PChAD forms for apprehension and confinement at the courthouse.
  - Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07)
  - Affidavit of Service to Alberta Alcohol and Drug Abuse Commission AH2223 (2006/07)
  - Affidavit of Service to Other Guardian AH2224 (2006/07)

- Complete the PChAD Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07)
- If there are safety issues anticipated ensure that **police assistance in the apprehension and transportation** of the child is requested.
- File the PChAD Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07) with the courts.
- Serve AADAC with the PChAD Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07). In order to serve AADAC with an application contact **1-888-844-5395**.
- Complete the PChAD Affidavit of Service to Alberta Alcohol and Drug Abuse Commission AH2223 (2006/07).
- Serve all guardians with the PChAD Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07).
- Complete the PChAD Affidavit of Service to Other Guardian AH2224 (2006/07).
- File all Affidavits of Service with the courts. The courts may waive service requirements and may exclude any person (other than a director or a child's lawyer) from all or any part of the proceedings.

**When Caseworkers obtain a PChAD Apprehension and Confinement Order they must:**

- Contact AADAC **1-888-844-5395** to receive information regarding the location of the PChAD Protective Safe House.
- Contact the police informing them of the order and requesting they execute the apprehension and transport the child as ordered by the court.

**When Caseworkers confine a child under PChAD they must:**

- Attend all court hearings and be involved in all aspects of case planning, coordination and service approval decisions.
- The youth must be released immediately as ordered by the court thus discharge planning cannot be delayed. Plan for the discharge of the child with the AADAC PChAD counsellor and Protective Safe House Staff at the earliest possible time, preferably upon admission to PChAD.
- Arrange for transportation and placement upon release.



As the child's guardian, it is important to know the child's rights under the *PChAD Act*. If a child is confined in an ADDAC Protective Safe House, AADAC is to advise the child of the following:

- the right to contact Legal Aid or a lawyer;
- the reason for confinement;
- the duration of the confinement;
- the right to request the court review the apprehension and confinement order and provide the child with a Request for Review form; and
- that if a Request for Review is filed with the court, it will be reviewed within a day.

Once a child is confined to a PChAD Protective Safe House, the child may be detoxified, AADAC will assess the child, and a treatment plan will be developed.

## Applications for Apprehension and Confinement Initiated by a Child's Parent/Guardian

In situations when the application for apprehension and confinement under PChAD is initiated by a parent or guardian (other than the director) and there is intervention involvement, **caseworkers have no authority** to execute or assist in the execution of apprehension and confinement orders under PChAD as they are **not delegated under PChAD**, nor do they have legal authority to convey or assist in conveying children to ADDAC Protective Safe Houses.

When the Director does not have guardianship, there is no requirement for the parent/guardian to notify the Director of the application for apprehension and confinement.

When a PChAD application is filed with the court, Court Services will make every effort to determine if there is Children's Services involvement and suggest the applicant may wish to inform the Director before proceeding.

When the child is in the custody of the Director without guardianship, (Custody Agreement, Initial or Interim Custody), S.39 of the *Child, Youth and Family Enhancement Act* directs that the Director's right to custody of the child takes precedence over the rights given by any other act respecting custody, access, contact, parenting time, and place of residence.

### Permanent Guardianship Agreement or Order

- Only the Director would qualify as a guardian under PChAD for the purpose of applying for an apprehension and confinement order.

- The biological mother or father of this child would have no standing to apply under PChAD.

### **Temporary Guardianship Order**

- During Temporary Guardianship, the Director becomes a joint guardian. The child's other guardians can apply for an apprehension and confinement order and must notify the Director of the application within 48 hours of the court hearing.
- The caseworker will attend court.

### **Custody Agreement**

- The child is in the Director's custody however the parent can under PChAD apply for an apprehension and confinement order, and because the Director in these circumstances is not a guardian, the child's guardian is not required to notify the Director of the application.
- If a parent applies for and is granted an apprehension and confinement order, discussion needs to take place with the parent to determine if the parent is terminating the Custody Agreement and any other options available for the child. If unable to talk to parent consider the action of the parent as constructive termination of the Custody Agreement.
- If the caseworker is aware of the court hearing and does not support a PChAD Apprehension and Confinement Order, the caseworker must:
  - Determine if there still are intervention needs present requiring the child be in the care of the Director.
    - ▶ Consult with a Casework supervisor if the child needs to be in the Director's care and gain approval for an Apprehension Order under the *Child, Youth and Family Enhancement Act*. See apprehension policy.
    - ▶ Advise the court of the PChAD order when presenting evidence to the court for the apprehension.
  - Close the intervention file, if the child does not need to be in the care of the Director.
- If the caseworker supports the PChAD Apprehension and Confinement Order, the Custody Agreement can remain in place

### **Custody Orders – Interim and Initial**

- The child is in the Director's custody however the parent can under PChAD apply for an apprehension and confinement order, and because the Director in these circumstances is not a guardian, the child's guardian is not required to notify the Director of the application.

- If under Interim/Initial Custody status a parent applies for and is granted a PChAD apprehension and confinement order and the Director agrees with this order the matter can proceed and custody to the director would be maintained.
- If under Interim/Initial Custody status; a parent applies for and is granted a PChAD apprehension and confinement order and the director disagrees with this order, S.39 of the *Child, Youth and Family Enhancement Act* supersedes the PChAD order.
- Should this happen, contact legal counsel immediately to determine the next course of action.
- Inform the placement where the child is residing that they may be required to relinquish custody to the parent or police officer and if this occurs to contact the caseworker or the after hours office.

### **Apprehension Order**

- The parent can under PChAD apply for an apprehension and confinement order, and because the Director in these circumstances is not a guardian, the child's guardian is not required to notify the Director of the application.
- If under Apprehension status a parent applies for and is granted a PChAD apprehension and confinement order and the director is aware of and agrees with this order the matter can proceed and custody to the director would be maintained.
- If under Apprehension status a parent applies for and is granted a PChAD apprehension and confinement order and the director is aware of and disagrees with this order, S.39 of the *Child, Youth and Family Enhancement Act* supersedes the PChAD order.
  - Should this happen contact legal counsel immediately to determine the next course of action.
  - Inform the placement where the child is residing to relinquish custody to the parent or police officer but to first contact the caseworker or the after hours office.

### **Supervision Order, Family Enhancement Agreement**

- When there is no custody status as in the case of a Supervision Order or Family Enhancement Agreement, the child's parent can, without having to notify the Director, apply for an apprehension and confinement order.

**When the Child's Parent/Guardian's Application is before the courts and Children's Services has involvement and is aware of the application Caseworkers will:**

- Consult with the Casework Supervisor to determine if all other avenues of intervention have been exhausted in providing services.
- Obtain approval from their Casework Supervisor in determining if the director is consenting to or opposing the application.
- Consult with legal counsel in determining representation at the court hearing.
- Where possible, meet with the guardian(s) to determine if there are any other services, including AADAC services and programs that can be provided to the child.
- Attend court hearings and be prepared to provide evidence.

## Referrals from PChAD

Refer to Screening, Initial Assessment and Investigations policy.

There may be instances where AADAC contacts Children's Services regarding children who may be in need of intervention services under the *Child, Youth and Family Enhancement Act*. In these cases, AADAC will make every effort to contact Children's Services 48 hours prior to release of the child.

## Recording

Placement information is to be recorded on CYIM.

Other information is recorded on contact notes including all options that were considered prior to making an application for Apprehension and Confinement under the *PChAD Act*.

A caseworker, supervisor and/or manager must ensure that any involvement with the PChAD program and processes is thoroughly documented. Documentation is to include all points of consultation, decision making and rationale for the decision.

Copies of the PChAD Notice and Application for an Apprehension and Confinement Order AH2221 (2006/07) and all Affidavits of Service are to be placed on the child's file.

## 8.1 Purchased Services Overview

### Summary

This section discusses the services that may be provided to a child by a person or agency other than the caseworker. Such services may be provided to a child living at home or out of the home.

### Criteria

A referral for an external risk assessment may be made during an initial assessment or investigation to assist the caseworker to determine the degree of risk to the child.

Referrals for other external services for a child or family may be made only after determining that the child is in need of intervention and the case is opened for assessment or service provision.

### Principles

Encourage and assist the family to develop and access informal and natural supports as a first option whenever appropriate.

Encourage the family to access and pay for a service or to share the costs. This involvement reflects the values of families having primary responsibility for their children and of families being self-sufficient. If the family needs assistance to access or pay for a service, consider using the service with which the family is most likely to maintain ongoing involvement without child intervention support.

Before purchasing a service, consider the following:

- Is there a potential informal or natural support system that could adequately meet the need?
- Is there a volunteer or free service available that could adequately meet the need?
- Is there a community-funded agency that could adequately meet the need?
- Could Mental Health Services adequately meet the need?
- Could a regionally contracted agency adequately meet the need?

- Could the need be met by an agency with whom the department has a standing offer agreement?

Explore every other financial resource before having intervention services assume financial responsibility for a service. Such resources include community services, parents, Health and Welfare Canada (for a registered Indian), Alberta Health Care, Social Allowance, Blue Cross and other private insurance plans.

When referring to a private counsellor, make every effort to use one belonging to a professional association, i.e. chartered psychologist or registered social worker with an MSW.

If you cannot retain such a counsellor, you may use one with less training and accreditation. In such a situation, use one who is an employee of an organization that provides supervision or one who has access to supervision. If possible, consult with the casework supervisor before engaging the counsellor.

The fee for a counsellor with less training and accreditation should be at rates lower than those paid for professional assessments or counselling.

**See:**  
[8.15 Fee for Service Rates](#)

## Service Definitions

### **Counsellor**

A counsellor provides an assessment of a person's behavioural, emotional or mental processes and counselling that helps a child or family resolve the problems inhibiting the meeting of the child's unmet needs.

### **Family/Youth Worker**

A family or youth worker provides one of the following types of services:

- **Social Development:**  
The worker focuses on developing a relationship with the child and providing relief to the caregiver. Through recreation and outings, the worker assists the child to develop social skills and to learn how to use community services. If the child displays behaviour problems, the worker does not attempt to modify them but reports them to the caseworker.
- **Therapeutic Support:**  
According to the goal set by the caseworker, the worker focuses on teaching the child or parent a skill or on modifying a behaviour. The

worker may also provide behavioural and social adjustment assessments. If the child displays behaviour problems, the worker attempts to modify them and reports them to the caseworker.

### **Homemaker**

A homemaker goes into the child's home either full or part time to provide child care, meal preparation, light housekeeping or other similar services.

A teaching or specialized homemaker is a homemaker who's primary responsibilities are to teach the skills of child care and home management.

### **Parent Aide**

A parent aide provides the services of a teaching homemaker as well as assisting with parent-child conflict resolution; providing advocacy and teaching clients to advocate on their own behalf; assisting parents to deal with such issues as relationships, sexual abuse and addictions; and transporting and accompanying clients to court, therapy sessions and other appointments.

### **Driver**

A driver picks up, transports and drops off the child or family at the time and location specified.

### **Accessing Services**

To use an external service, follow these procedures.

Complete a Referral and Evaluation of Service [CS1839] for fee for service referrals to homemakers, parent aides, tutors, interpreters/translators, youth workers, private counsellors and supported independent living programs. Also complete a CS1839 when referring for these services to agencies with which the department has a standing offer agreement. Do not use this form for medical, dental, optical, or cultural and recreational services nor for drivers, escorts, process servers, day care or volunteers.

Follow the procedures set by the regional director for referrals to departmental or contracted agencies.

**See:**

[1.11 Referral and Evaluation of Services](#)

## **Indian Child**

A registered Indian child who is not in the director's care is eligible to have counselling covered by Health and Welfare Canada (HWC). If such a child needs counselling, advise the parent to: obtain a medical doctor's referral for counselling; and give the counsellor written consent for the service.

The counsellor obtains payment direct from the Non-Insured Health Benefits program of Health and Welfare Canada.

## **Review**

Review and evaluate services at least every 4 months in conjunction with the regular caseworker review. If the referral objective or the terms of services change, complete a new form.

## **Payments**

When invoiced, verify that the services provided were in accordance with those described on the CS1839 and send the invoice to regional finance. To pay drivers, escorts and taxis, use the CS0018C. Issue a CS0018C every 2 weeks or once a month if the service will continue for an extended period. This will permit the driver, escort or taxi driver to properly complete the "invoice" section of the CS0018C and submit it for payment on an ongoing basis as services are provided.

## **Family Arranged Services**

If the family is making its own arrangements and is paying for the services, and if the caseworker needs to receive the reports, obtain a Consent to Release of Information [[CS0470](#)] from the parent so that information may be obtained from the service provider.

## **Standing Offer**

If a service provider has been or will be used for longer than 6 months, a standing offer agreement should be negotiated. Ask the supervisor to pursue an agreement according to the standing offer agreement format described in the departmental Contract Management Manual.

A standing offer agreement does not eliminate the need for the CS1839; however, it does eliminate the need to itemize the specific costs associated with each referral.



## **Volunteers**

If the case plan includes using a volunteer, follow the procedures and standards for using volunteers set by the regional director. Use only a volunteer approved by the supervisor.

## 8.2 Purchased Services Payment

### Policy

The following describes the various means of paying for services when a director arranges services for a child or family and the CFSA/DFNA is responsible for ensuring that the service provider is paid. Detailed use of each means is described where the respective services are discussed. Each region determines the specific use and handling of documents and authorization of expenditures.

### Procedure

#### **Child Maintenance Invoice [CS0011]**

A foster home, provisional home or boarding home claims all allowable expenses for a child in its care on a Child Maintenance Invoice [CS0011]. A youth living independently also uses this form to obtain funds.

The caseworker will have the caregiver or youth submit the completed claim to receive payment as follows:

- For authorized maintenance, complete the claim without further documentation.
- For special rates, complete the claim according to the authorized Special Rate Schedule [CS0246].
- For an extraordinary expense, complete the claim and enclose a receipt and a letter from a supervisor authorizing the expenditure.

#### **Purchase Authorization and Invoice [CS0018C]**

A vendor who provides goods or services claims payment on a Purchase Authorization and Invoice [CS0018C].

The caseworker will:

- Gain approval for the expenditure from the designated expenditure officer.
- Give the vendor a completed CS0018C including describing the goods or services and authorizing a maximum amount.

- Have the vendor submit the CS0018C by following the instructions on the back.

### **Fee for Service Invoice**

Although most fee for service providers use the CS0018C, other invoices are acceptable if they contain all the same information. If a service provider submits a business invoice, a Services Invoice [CS0158] or a regional fee for service form the caseworker will:

- Ensure that the invoice includes the child's name, client ID and date of birth
- the type of service, dates, hours, rates and total cost
- a description and the cost of any extra expenses
- receipts to justify extra expenses.

Attach a copy of the services agreement that authorized the expenditure.

Give the invoice to the supervisor for approval and forwarding to regional finance area.

### **Alberta Health Care Insurance Plan**

A medical service provider whose service is covered by Alberta Health Care Insurance claims payment against the child's personal health number (PHN).

This plan covers:

- all medically required services provided by a physician including an annual examination
- oral surgery performed by a dental surgeon required because of injury or disease
- optometric testing according to an agreement with the optometrists
- chiropractic services according to an agreement with the chiropractors
- physiotherapy according to an agreement with the physiotherapists.

### **Treatment Services Card [CS1126]**

Each child in care is entitled to a Treatment Services Card [CS1126] unless someone else provides all dental and extended health care coverage. A parent, a parent's insurance or Health and Welfare Canada might provide this

coverage. A registered Indian is covered by Health and Welfare Canada. The service provider claims payment directly from whoever is providing coverage.

If a child has a Treatment Services Card, the service provider claims payment against the card. When indicated on the card, the card covers:

- prescription drugs
- ophthalmic services – glasses prescribed by an ophthalmologist according to an agreement with the ophthalmic dispensers. Contact lenses are covered if the ophthalmologist submits a written explanation of the need and cost and if the supervisor approves.
- optometric services – glasses prescribed by an optometrist according to an agreement with the optometrists.
- dental services – benefits as defined in the agreement between the department and the Alberta Dental Association.
- If orthodontic services are needed the dentist refers the child to an orthodontist.
  - The orthodontist diagnoses the condition and sends an estimate of the services needed to the Alberta Dental Services Corporation (ADSC).
  - The ADSC notifies the orthodontist whether the treatment plan is approved or rejected. If approved, the ADSC attaches a cost for the services planned.
  - This approval is valid until the treatment is completed: even after the file is closed.
- ground ambulance services – to the nearest appropriate hospital.

The caseworker will ensure upon entering a custody agreement or receiving a guardianship order, issue a Treatment Services Card, if any of the services covered by the card are not covered by someone else. To complete the Treatment Services Card [CS1126]:

- indicate the services covered. Provide a service only if it is not covered by someone else.
- enter the expiry date. Use the end of the legal authority or one year, whichever is sooner.
- the supervisor signs the card,
- give it to the caregiver and enter on CYIM.

## 8.3 AIDS

### Policy

Children with HIV infection or AIDS or with risk factors are to receive services from the director. Children with risk factors include:

- infants of HIV-positive mothers or whose mothers are injection drug users, have multiple sexual partners or have an HIV-positive sexual partner
- children who have lived in countries where the prevalence of HIV infection is high
- children who inject drugs or have unprotected sex with an HIV-positive partner or multiple sexual partners
- children who received blood or blood products in Canada before November 1, 1985.

### Procedure

The following outlines the procedures for caseworkers.

#### Referral

If a child displays symptoms or has risk factors:

- Discuss the need for testing with the child (if capable) and with the parent or caregiver as appropriate; and
- Have the child and the parent or caregiver discuss testing with the doctor or the Sexually Transmitted Disease Clinic, Edmonton and Calgary.

**Note:**

The child may obtain medical care alone if the physician believes the child can provide informed consent.

#### Testing

If the child is to be tested:

- If the child is under guardianship, accompany the child to the testing and to receive the results. Involve the parent if appropriate.

- If the child is under a custody agreement, accompany the child and parent if possible.
- Ask the doctor to provide pre and post test counselling. If the child is able to give informed consent for testing, the doctor obtains the consent during counselling.
- If the child is not able to give informed consent, have the guardian give consent to the doctor.

### **Decision Making Team**

If the child is HIV infected or has AIDS, a multi-disciplinary team must do case planning and decision-making. This team also makes decisions about disclosing information. The team is lead by the caseworker and includes, as appropriate:

- the child, age and mental capability permitting
- the parent
- the physician
- the caregiver
- any other person relevant to the child's situation.

### **Confidentiality**

The child and the family's privacy must be respected. Keep information about the child's infection strictly confidential.

**Do not enter it on CYIM or the Attention Flag system.**

Seal the child's file, restricting access to the caseworker, supervisor and manager.

### **Releasing Information**

The decision to release information must balance the child and family's right to privacy with the public interest. When considering whether to release information, the multi-disciplinary team considers:

- the child's right to privacy;
- the child's age, emotional state and understanding of the infection;
- the stage of the infection;

- the risk of transmission to others due to the child's behaviour or the behaviour of others; and
- the relationship of the person caring for the child and the information needed by that person to meet the child's physical and emotional needs and to prevent transmission

The child and parent, if appropriate, should be in agreement with disclosing the child's medical condition.

If the child's behaviour or situation puts the public at risk, consult with the Medical Officer of Health (MOH). The MOH has authority under the *Public Health Act* to assess the risk and notify people who might be at risk.

### **Services**

Protect the child from exposure to infection. Ask the physician for advice regarding precautions and any special procedures.

Do not consent to live virus immunizations without consulting the child's physician.

Provide any needed counselling and social support services. Ensure that the grief and dying issues experienced by the child, parent and caregiver are addressed at all stages of the disease.

### **Caregiver**

If the child is in or enters care:

- Tell the foster parent, facility director or residential centre physician about the child's medical condition.
- Decide with the multi-disciplinary team what other caregivers, family members or support staff need to know about the child's medical condition.
- Remind the caregiver about the need for confidentiality under the Act.

### **Day Care**

HIV infection does not prevent a child from attending a day care or family day home. The multi-disciplinary team decides whether to have the child in day care, considering the following:

- The child's health and risk of infection from other children who have respiratory infections, chicken pox, etc.;

- The child's ability to participate in the regular daily activities without placing others at risk. Behaviour problems such as biting by either the child with HIV or another child might restrict the child's participation;
- The child's ability to control bowel functions or the presence of open oozing sores; and
- The day care's hygiene practices and ability to prevent infection.

Contact the Medical Officer of Health (MOH) to discuss any concerns.

### **School**

HIV infection does not prevent a child from attending school. Decide with the multi-disciplinary team whether the child should attend school using the same considerations as for day care.

Do not inform the school unless special education is needed due to the child's medical condition.

If a school refuses or expels a student with HIV infection, follow the conflict resolution procedures in the *School Act*.



## 8.4 Approving Travel

### Policy

Caseworkers must be aware of and ensure appropriate travel approvals for children in care.

### Procedure

- The caseworker must ensure travel is consistent with the child's case plan.
- The caseworker obtains the parent's verbal approval if the child is not under a permanent guardianship order.
- If the travel will be outside of Alberta, provide the caregiver with a travel letter [[CS2651](#)].
- If the travel is outside of Canada obtain approval from the supervisor.
- The supervisor considers the purpose, duration, destination and any special needs the child may have.
- The supervisor follows the CFSA's/DFNA's approval procedures for out of country travel.
- If the child is traveling without the caregiver arrange for any supervision or support the child may need.
- CEO of CFSA or Director of a DFNA approval is required for funding requests.
  - The CEO or Director may delegate authority to approve expenditures for recreation activities, repatriation family events such as medical emergencies, funerals or evacuations
  - If the funding is for the purpose of accompanying a caregiver on vacation, CEO or Director approval is required. For expenditures over \$500 the Minister's approval is required

## 8.5 Birth Registration

### Policy

If required by the court or needed to accurately identify a child in the care of a director, caseworkers will obtain a copy of the birth document by following these procedures:

If the child was born in Alberta

- If a photocopy of the child's birth certificate is not available or adequate complete Application for Certificate/Documents (Vital Statistics REG3023). This form can be accessed through <http://www3.gov.ab.ca/gs/> (Vital Statistics).
- Ensure the "reason certificate required" portion of the form states either identification or court purposes.
- If a birth certificate is required request a certified small.
- Utilize regional procedures to pay for the birth certificate.

If the child was born outside of Alberta:

- If the request is to another province, access the application from that province's vital statistics office. Contact information can be located through [http://www.ppt.gc.ca/passports/vital\\_stats\\_e.asp](http://www.ppt.gc.ca/passports/vital_stats_e.asp).

If the request is to another country,

- Send a memo to the regional designate requesting a registration of live birth or other such document.
- Include with the request as much birth information as possible:
  - child's name
  - date of birth
  - parent's name
  - mother's maiden name
  - place of birth
  - place of baptism

- The designate:
  - Requests the document from the appropriate jurisdiction and includes a cheque from Regional Finance to cover the cost.
  - Sends any document received to the worksite.
  - Recovers any costs from the child's file.

The designate may try to obtain the address of that country's registry or bureau through the Alberta Government Library, Capital Health Centre site <http://www.assembly.ab.ca/lao/library/director/lib.asp?libnum=13> or Alberta Children's Services, Adoption Services.

- If the address is not obtained through these means, the designate may request this be routed through International Social Services, Ottawa, <http://issc-ssic.ca/>.

## 8.6 Camp/Vacation

### Camp

#### Policy

A child or youth in care including Enhancement Agreement with a Youth and Custody Agreement with a Youth may attend a camp. If the child is in foster care, once per year the foster parent may claim \$325 for camp fees using the Child Maintenance Invoice [CS0011]. If the child is in residential care: the residence may charge a camp fee up to \$325; or if the residence operates a camp program with its own staff, it may bill the usual per diem rate. A youth in independent living up to age 18 may attend camp and claim up to \$325.

### Vacation

A child in foster care may accompany the foster family on vacations. If the foster parent is not claiming for camp fees, once per fiscal year, the foster parent may claim up to \$325 for vacation costs. A youth in independent living up to age 18 may claim \$325 for vacation costs once per fiscal year.

#### Procedure

- The foster parent discusses the cost with the caseworker prior to claiming, claims the cost the month before the vacation and continues to claim the usual per diem during the vacation. The foster parents must submit the vacation claim using the Child Maintenance Invoice [CS0011].
- Instead of claiming the \$325, the foster family may request payment for the child's actual fare. The caseworker gives this request to the supervisor.
- The supervisor decides whether to pay the fare by considering
  - The benefit to the child
  - The appropriateness and cost of alternate care if the family goes without the child
  - What costs are being covered by the foster parent, parent and child
  - Payment is made using the Purchase Authorization and Invoice [CS0018C]

- Permission to travel out of province must be provided to the foster parent, see Approving Travel policy.
- The youth discusses the cost with the caseworker prior to claiming, claims the cost the month before the vacation using the Child Maintenance Invoice [CS0011].
- The caseworker will remind the youth to save the balance of the \$325 for future vacation expenses.
- Instead of claiming the \$325, the youth may request payment for the actual fare. The caseworker gives this request to the supervisor for approval.
- The supervisor decides whether to pay the fare by considering
  - The benefit to the youth
  - What costs are being covered by the youth
  - Payment is made using the Purchase Authorization and Invoice [CS0018C]
- Permission to travel out of province must be provided to the youth, see Approving Travel policy.

## 8.7 Chiropractic Care

### Policy

Caseworkers are to obtain needed consents prior to accessing chiropractic services for children in care.

### Procedure

Caseworkers will:

- Obtain the parent's consent if the child is not under a permanent guardianship order.
- If the child is under permanent guardianship, obtain the supervisor's consent.

## 8.8 Christmas Gifts

### Policy

Each child in care over Christmas receives a gift.

### Procedure

The caregiver purchases a gift according to the following rates:

0-2 years	\$20.50
3-5 years	\$24.50
6-9 years	\$28.50
10-12 years	\$32.50
13-15 years	\$36.50
16-17 years	\$40.50
18-19 years	\$44.50

- If the child is in foster care or a department resource, the caregiver purchases the gift from the basic maintenance unless the child was placed after October 31.
- If the child was placed after October 31, reimburse the caregiver using the Child Maintenance Invoice [CS0011] or Purchase Authorization and Invoice [CS0018C] unless the previous caregiver forwarded a gift.
- If the child is in a private resource or living independently, reimburse the resource or supply a Purchase Authorization and Invoice [CS0018C].

## 8.9 Daily Living Costs

### Policy

When a child is in care or guardianship of the director, daily living costs are the responsibility of the director. The director may also provide daily living costs for youth who are not in the custody of the director. A parent who is able should assume financial responsibility through child support or contributions in kind for their child's daily living costs. Daily living costs for children in foster care are described in Foster Care.

**See:**  
[10. Foster Care Policy](#)

### Procedure

#### **Clothing**

When placing a child ensure the child has an acceptable wardrobe. If a child needs clothing that is unavailable from the parent authorize the caregiver to bring the wardrobe up to a standard set by the manager.

Authorize payment on a Purchase Authorization and Invoice [CS0018C], or on a expenditure authorization letter that may be attached to a Child Maintenance Invoice [CS0011]. Itemize the authorization letter and have a supervisor sign it.

Tell the caregiver that once the wardrobe meets standards it is up to the caregiver to maintain the wardrobe. Periodically discuss with the caregiver the condition of the child's wardrobe.

The exception is a facility that does not have wardrobe maintenance in its contract. Such a facility may request a monthly clothing allowance of:

0-1 years	\$25.83
2-5 years	\$36.12
6-11 years	\$47.10
12-15 years	\$65.72
16-18 years	\$67.26



Consider supplementing the child's clothing allowance if the child has an exceptional need caused by a physical or emotional problem and the parent will not meet the need. In these situations complete the following:

- Ask a supervisor for approval.
- Upon approval authorize the caregiver to purchase the specific items needed.

### **Room and Board**

Room and board may be provided to a child in care or to a youth who has entered an enhancement agreement with youth. To pay for a youth in a room and board facility obtain approval from a supervisor.

Negotiate with the service provider a monthly rate for room, board and laundry. If the rate exceeds the maximum set by regional financial procedures, obtain approval from a supervisor.

Decide whether payment will be to the youth or the service provider.

Enter a three-party agreement with the service provider and the youth that describes the responsibilities of each.

Direct the payee (service provider or youth) to submit a Child Maintenance Invoice [CS0011] prior to the beginning of each month for those of the following needs not provided directly by the parent:

- room and board
- spending money of \$53.68
- personal incidentals of \$21.00
- clothing allowance of \$67.26

Send a copy of the agreement to regional finance area.

### **Rent**

To pay for a youth in an apartment:

- Obtain the supervisor's approval.
- Ensure the youth is over 16 and has demonstrated responsibility.
- Encourage the youth to share the apartment.
- View the accommodations and approve payment only if it is appropriate.

If a damage deposit is needed:

- Pay the child's share.
- When the child leaves, obtain a refund from the landlord payable to the Provincial Treasurer. Send the refund with an explanatory memo to regional finance area.

**Note:**

**Do not co-sign the tenancy agreement.**

If furniture, bedding, initial groceries or other items are needed and unavailable from the parent:

- Obtain a supervisor's approval.
- Purchase the items for no more than the maximums set by regional financial procedures.
- Ensure the vendor deducts the Good and Services Tax from the price.
- If further items are needed within 12 months, have the supervisor review the circumstances.

## **Payment**

Arrange to pay the child directly, using the Child Maintenance Invoice [CS0011], prior to the beginning of each month, for the following needs not provided directly by the parent:

- Rent, groceries and household incidentals according to the rates set by the regional director;
- Spending money of \$53.68;
- Personal incidentals of \$21.00;
- Clothing allowance of \$67.26

## **Child of a Youth**

If a youth in care including under an Enhancement Agreement with a Youth or a Custody Agreement with a Youth, has a child and there are no protection concerns:

Provide maintenance for the child by:

- If the mother is in foster care have the foster parent claim the regular foster care rate for the child.

- If the mother is in independent living have the mother submit a Child Maintenance Invoice [CS0011] prior to the beginning of each month for food, clothing, household items and personal incidentals according to the income security rates.

Provide the mother with all the supports needed for parenting.

Advise the youth to apply for the Child Tax Benefit on behalf of the child.

Register the child for the Alberta Health Care Insurance Plan under the mother's personal health number (PHN).

## 8.10 Death of a Child

### Policy

The medical examiner's office must be notified when a child under the director's guardianship and/or custody dies, in accordance with the *Fatality Inquiries Act*.

If you become aware that a child known to intervention services had died, even if the file is closed, the department of Children's Services must be notified within 48 hours in accordance with the Provincial Safety Standards.

Staff, caregivers, and birth families may require additional support when a child dies.

Determine in consultation with the individual, the level of support they require.

### Intent

Under S.13 of the *Fatality Inquiries Act*, a director under the *Child, Youth and Family Enhancement Act* must immediately notify a medical examiner's office of the death of any child under his or her guardianship and/or custody. The Medical Examiner investigates the death and provides the Chief Medical Examiner with a report of the investigation. The Chief Medical Examiner notifies the Fatality Review Board, which makes a decision whether to recommend to the Minister of Justice and the Attorney General that a Public Fatality Inquiry be held.

The Minister of Children's Services is responsible to examine all fatal incidents of children who have been known to the Ministry within one year prior to the incident.

Findings and recommendations from the examination of fatalities are useful to understand patterns and trends that may further assist in reducing the number of preventable child deaths.

The death of a child is difficult for all those involved and individuals have various support needs.

## Safety Standard

### **Standard 18: Death of a Child**

Within 48 hours of a death of a child known to the Ministry, the Report of a Death [CS2901] must be submitted to the Senior Manager, Process Reviews. CS2901 must be completed and submitted in respect to the death of any child (excluding children under a Family Support for Children with Disabilities Agreement) to whom the Ministry has provided services to within one year preceding his/her death, even if the file has been closed, whenever the reporter is aware of the death.

## Procedures

### **Notification**

The caseworker immediately notifies the supervisor and manager, even if the file is closed. The manager notifies the Chief Executive Officer or First Nations Director as soon as possible.

Within 48 hours of the death, the manager completes and submits a Report of a Death [CS2901] as per Standard 18 of the Provincial Safety Standards to the Senior Manager, Process Reviews, Children's Services (780) 422-5640 (phone), (780) 415-4804 (fax).

*If the child was under the director's guardianship and/or custody:*

- The caseworker must make every effort to notify the parent, any person who ceased to be a guardian when permanent guardianship began, the caregiver, and any siblings in care.
- Within one hour of the child's death or of hearing of the child's death, the manager notifies the Medical Examiner's Office according to S.13 of the *Fatality Inquiries Act*. This notification includes:
  - the child's name, birth date, religion and status;
  - the place of death and location of the body;
  - the circumstances of death; and
  - a request to be informed whether or not an autopsy is ordered.

### **Request for Autopsy**

*If the child was not under the director's guardianship, the caseworker:*

- refers the hospital staff to the parent.

*If the child was under the director's guardianship, and a hospital requests consent to perform an autopsy on a child, the manager:*

- requests the parent's consent, *if the child was under Temporary Guardianship.*
- determines if an autopsy will violate a religious or cultural standard of the child.
- decides whether to consent, and informs the hospital of this decision.
- if consenting, completes Consent by a Director or Authorized Delegate [CS2047], sends a copy to the hospital and gives a copy to the caseworker for the file.
- sends the Medical Examiner a request for a complete autopsy and external examination report or a Certificate of the Medical Examiner.
- gives a copy of the autopsy report to the caseworker for the file.
- informs the parent of the findings.

### **Request for Organ Donations**

*If a hospital requests consent to donate a child's organs, the caseworker:*

- informs the requester that the *Act* does not permit such consent by the director.
- considers assisting the hospital to locate the parent or other adult next of kin, if the physician indicates that there is sufficient time.

### **Funeral/Burial Arrangements**

*If the child was under the director's guardianship and/or custody the caseworker:*

- requests authorization for payment of burial or cremation expenses up to the level stated in the agreement between the department and the Alberta Funeral Services Association, if the parents require financial assistance or if the child was under a Permanent Guardianship Order and a parent does not ask to pay.

- considers any cultural or religious issues that may affect the arrangements.
- follows the procedure set by the office for purchasing a spray of flowers or a wreath.

*If the child was under the director's guardianship the caseworker:*

- involves the parents as much as possible in the burial arrangements.
- considers cremation only with the parent's consent or if a public health risk makes it necessary.

*If the child was under Permanent Guardianship the caseworker:*

- follows the procedures set by the office for providing a grave marker. (Do not exceed the standard set by the office for the cost of the marker, inscriptions such as dates and name; and the cemetery placement fee.)

*If any siblings are under the director's guardianship and/or custody the caseworker, in consultation with the family:*

- assists the sibling(s) to attend the funeral, if applicable.

## **Administration**

The caseworker:

- cancels any maintenance or benefit.
- closes the file.
- ensures no changes are made to the existing documentation in the file.
- ensures any work completed following the death (e.g., Info con, contact notes) indicates the actual date it was completed.

## **Supports**

The manager or supervisor:

- makes an assessment of the need for and level of support required for staff, caregivers, and birth families and arranges for such services as critical incident stress debriefing.

## 8.11 Dental

### Policy

Caseworkers are to ensure that children entering care receive a dental examination by a qualified dentist.

### Procedure

The caseworker is to ensure a dental examination is completed:

- upon moving to Alberta from another jurisdiction;
- as the child's dental health dictates.

Have the caregiver take as much responsibility as possible for arranging the examination.

If the child is being examined as part of regular dental care or an annual check-up, have the caregiver obtain the results.

If the dentist recommends further tests or treatment:

- obtain any needed consent
- ensure that the caregiver obtains services
- stay informed of any developments



## 8.12 Driver's Licence

### Policy

Parents, guardians or caregivers of a child in care must consent to a youth's request for a driver's licence if they retain the authority to consent. Caseworkers will direct the youth to the parent where applicable.

### Procedures

When the director has the authority to consent, the caseworker will:

- Discuss the request with the youth ensuring the youth understands all aspects of the consent including that the director's consent to obtain a driver's licence can be withdrawn effectively suspending the driver's licence.
- Provide consent after consulting with a supervisor.
- Inform the youth that he/she is responsible to pay for a driver's licence. If the youth has no other resource, the recreation allowance may be used to pay for a driver's licence.
- If it is in the youth's best interest, the supervisor may authorize payment for an accredited driver-training course.

## 8.13 Education

### Policy

A parent who is able, willing and appropriate should as much as possible be involved in and take financial responsibility for a child's education. Under the School Act, a director is the "parent" of a child in care under protective services.

Caseworkers are required to discuss with the parents their ability to provide child support and contributions in kind. Caseworkers will enter into a Child Support Agreement with parents who are able to pay child support or contribute to the child.

Refer to Child Support and Contributions in Kind for procedures and S.57.5 of the legislation.

### Procedure

A director is responsible to obtain the most appropriate school program and to pay any associated costs.

#### **Student Records**

A director may apply to view a student's record under the School Act S.8(2)(d). If such information is needed, request a release of information from the director of the Regional Office of Education.

A student or parent may also view the student record. This record must not contain information about an intervention report, initial assessment or investigation. However, other information given to the school, such as the foster parent's name, should not be released to the parent, **tell the school about any such limitation.**

#### **Liaison**

Under the School Act, the "parent" has specific rights and responsibilities. The school must involve the "parent" regarding:

- special education programs under S.47(3)(a)
- early childhood services programs under S.30(1)(b)
- religious and patriotic instruction under S.50(2)

- work experience programs under S.54(3)
- student records under S.23
- appeals concerning student matters under S.123(2)(a)

To ensure the best education for a child:

- Involve the school, the child and the parent in planning.
- Ensure that the following activities occur. Have the caregiver take as much responsibility as possible for these activities:
  - Providing the school with all information that will assist the child's education.
  - Having contact with the core teacher(s) at least twice each school year to discuss the program, the child's progress and any difficulties. The caregiver records the discussions and decisions on the caregiver's monthly log sheets. The caregiver reports any emergent concerns to the caseworker immediately.
  - Advocating with the school for any needed service.
- Record on the child's file contacts with the school. File all copies of the caregiver's monthly log sheets.
- Maintain a copy of the child's report card and any school progress reports on the file.
- Invite school personnel to any case conference regarding education.
- If suitable education cannot be obtained locally, consider a placement change.
- If any needed educational service is not provided, inform the supervisor. The manager or designate may use the conflict-resolution process that the School Act provides. If a referral to management does not produce an appropriate service, consider a referral to the Child and Youth Advocate.

## **Truancy**

The School Act mandates multi-disciplinary attendance boards that address the complex issues of long-standing truancy. Such a board consists of education, children's services, health and community representatives.

The attendance board is mandated to:

- determine the cause of truancy;
- determine who is responsible for the truancy; and

- the most appropriate remedy, including what agency will take responsibility. The School Act sets out the action that the board may take.
- The board may establish panels as necessary.

An attendance officer under the School Act may enter a building and return a truant student home or to school. The officer may seek a court order to do so or may refer a student to the attendance board. In taking responsibility for a truant child, the attendance board must notify the parent of any hearing. The director receives notice of a hearing regarding a child in care.

### **Suspension and Expulsion**

Under S.24 of the School Act, a student may be suspended or expelled from school, a course or a class according to the board's rules. The board must notify the student and parent of the reasons. Either may make representation to the board. If a child is expelled, the child or parent may request a review by the Minister of Education.

### **Vandalism**

The School Act holds a student and the parent liable for intentional or negligent property damage by the child. If a school claims for damage by a child in care:

- The claim is normally addressed to a director.
- Submit the claim to Risk Management according to the procedures set by the district manager.
- Risk Management negotiates a settlement with the board.

### **Educational Responsibility**

The Department of Education, through the local school board, is responsible for educating both a "resident student of the board" and a "resident student of the Government". The board determines the appropriate program.

Since a foster child is considered to be a resident student of the board where the foster parent lives, the child is normally the responsibility of the board that the foster parent supports. However, a Catholic child in care under an agreement placed with a foster parent who supports the public school board is the responsibility of the Catholic school board. The School Act does not address a case of a non-Catholic child in a Catholic home or of a child under guardianship. If a dispute arises regarding which board is responsible, refer the matter to the relevant Department of Education regional office for resolution.

The responsible school board determines the educational program for a child; however, advocate for the child to ensure that the education needs are met.

### **Funding**

The Department of Education provides funding to the school board for education. A director is responsible only for the costs of a child's residential care, recreation or treatment. **Do not enter an agreement to pay for educational services for a child in care.**

### **Transportation**

If a child is in a school board operated program, the Department of Education is responsible for transportation costs.

### **Expenses**

Unless the parent is paying directly for school expenses, pay for supplies and textbook rentals up to the maximum rate set for each grade. The regional director sets this rate each year in consultation with local school boards. Pay by Purchase Authorization and Invoice [CS0018C] unless the caregiver uses the Child Maintenance Account [CS0011]. The caregiver may apply for the set rate on the July maintenance claim without authorization.

Give the caregiver a letter of authorization or a CS0018C to pay for:

- bus passes
- school pictures
- examination fees
- student union and locker fees
- needed supplies that exceed the set rate
- if the supervisor approves, graduation attire.

Supply a CS0018C to the school for:

- driver training accredited by the Motor Vehicle Branch; and
- recreational or cultural courses if the student also takes credit courses.

## **Graduation**

Pay graduation costs for a child graduating from a junior high, senior high or post-secondary program. Before approving payment, consider at least:

- the cost
- contributions by the child
- contributions by the parent
- the community standard

Ensure that the child's costs are covered for the graduation photographs, attire and dinner. Authorize payment by CS0011 or CS0018C.

## **Trips**

Before approving payment for a school-approved student exchange program or school trip outside of normal school hours, the supervisor considers at least:

- the cost;
- whether the child will participate in any organized fund-raising project;
- contributions by the child;
- contributions by the parent;
- whether the recreation allowance has been used;
- the appropriateness for the child's development; and
- the community standard.

## **Tutor**

Authorize a needed tutor according to the procedures and rates set by the regional finance area.

## **Pre-School**

If you determine that a child must attend play school or day care to meet the child's needs:

- Obtain the supervisor's approval.

- Arrange registration.
- Authorize payment by CS0018C.
- Do not pay for day care services because a foster parent is working.

### **Distance/Correspondence Learning**

To enrol a child in distance/correspondence learning school, in consultation with the supervisor:

- Obtain the approval and recommendation of the local school superintendent. If the child is currently in school, the principal may sign these.
- For further information on course availability and registration process

**See:**  
[Distance Learning Resources](#)

If the child is over 16 (youth), include with the application a letter stating that the child is receiving child protective services.

Pay for any needed supplies.

### **Summer School**

If a child needs summer school:

- Consult with the supervisor.
- Authorize only grade 10 to 12 courses.

### **Private School**

Before enrolling a child in a private school, obtain the approval of the Regional Office of Education.

If the child is a resident student of Government or a registered Indian, the school may obtain 100% funding from the Department of Education. If the child is a resident student of the board, the school may obtain 75% funding from the Department of Education. The parent or a director must pay the balance. The school does not receive a transportation grant but may apply to the Department of Education to cover a specific student's costs since this cost is part of the student's educational program.

### **Post Secondary**

To pay for a young person enrolled in an Alberta university or institute of technology, have the institution bill the department for all fees. The department pays the entire fee at the beginning of the school year.

### **Vocational Education**

A youth who attends Alberta Vocational Education receives an allowance based on age and accommodations. Once the allowance starts, reduce room, board and laundry payments by the same amount. If the allowance exceeds department payments, supply only medical coverage.



## 8.14 Eye Care

### Policy

Caseworkers are to ensure that children in care receive an eye examination if recommended by a public health nurse or a physician.

### Procedure

Have the caregiver take as much responsibility as possible for arranging the examination.

The caseworker can have the caregiver take the child to and obtain the results from the examination.

If the optometrist/ophthalmologist recommends further tests or treatment:

- obtain any needed consent
- ensure that the caregiver obtains services
- stay informed of any developments

## 8.15 Fee for Service Rates

### Policy

The following are the provincial maximum rates for purchasing services on a fee for service basis. The regional director may establish regional fee for service rates within the provincial standards, i.e. as long as they do not exceed the rates set in the provincial standards.

The provincial standards are as follows:

#### **Professional Assessments**

##### **Individual Assessments**

\$65/hr max. 6 hours except for neuropsychological assessments

The supervisor may approve higher rates in exceptional cases if suitable services cannot be obtained at this rate.

##### **Couple and Family Assessments**

\$75/hr max. 10 hours

The supervisor may approve higher rates in exceptional cases if suitable services cannot be obtained at this rate.

##### **Report Writing**

2 hours/report and one hour for data analysis where applicable

##### **No Show Reimbursement**

One hour per assessment identified on the referral with additional hours allowed if the service provider notifies the worker after each missed appointment.

##### **Case Conference Attendance**

Duration of the conference plus 2 hours

##### **Court Attendance**

According to the Witness Fees policy described in Court Orders, Evidence, plus 2 hours for court preparation.

### **Travel Outside Urban Areas**

Hourly rate

### **Parking Fees**

With receipts

### **Telephone Consultations (with the department)**

Hourly rate

### **Professional Counselling**

#### **Individual Therapy**

\$65/hr max. 6 hours

The supervisor may approve higher rates in exceptional cases if suitable services cannot be obtained at this rate.

#### **Couple and Family Therapy**

\$75/hr

The supervisor may approve higher rates in exceptional cases if suitable services cannot be obtained at this rate.

#### **Group Therapy**

\$250/hr/person for a maximum group size of 8 clients

The supervisor may approve higher rates in exceptional cases if suitable services cannot be obtained at this rate.

#### **Report Writing**

One hour/report

#### **Missed Appointments Reimbursement**

One appointment per referral with additional hours allowed if the service provider notifies the worker after each missed appointment.

#### **Case Conference Attendance**

Duration of the conference plus 2 hours

### **Court Attendance**

According to the Witness Fees policy described in Court Orders, Evidence, plus 2 hours for court preparation.

### **Travel Outside Urban Areas**

Hourly rate

### **Parking Fees**

With receipts

### **Telephone Consultations (with the department)**

Hourly rate

### **Family and Youth Work**

#### **Individual Social Development**

\$10/hr

#### **Group Social Development**

\$6/hr/person maximum of 6 persons

#### **Individual Therapeutic Support**

\$13/hr

#### **Group Therapeutic Support**

\$8/hr/child maximum of 6 persons

### **Report Writing**

One hour/report

### **Missed Appointments Reimbursement**

One hour per referral with additional hours allowed if the service provider notifies the worker after each missed appointment

### **Case Conference Attendance**

Duration of the conference

### **Kilometre**

Government travel rates (class A)

**Parking Fees**

With receipts

**Child's Expenses**

Government subsistence rate

**Homemakers and Parent Aides**

**Homemakers**

\$12.50/hr, 2 hour minimum

**Specialized Teaching Homemakers**

\$13.25/hr, 2 hour minimum

**Parent Aides**

\$15/hr, 2 hour minimum

**Drivers**

**Kilometre**

\$00.35/kilometer with the client in the vehicle, plus \$5.00 per pick up stop

\$00.35/kilometer from the home of the driver and return (i.e. without a client in the vehicle) once per day. An additional return trip to the home of the driver may be authorized when a child has been driven for a day visit and the waiting time would be several hours

**Waiting Time**

\$5/hr

**Parking Fees**

With receipts

**Child's Expenses**

Government subsistence rate

## **Tutors**

### **Professional Teachers**

\$20/hr

### **Teacher Aides and others**

\$12/hr

### **Case Conference**

Duration of the conference

### **Missed Appointments Reimbursement**

One hour per referral with additional hours allowed if the service provider notifies the worker after each missed appointment

## **Translation and Interpreter Services**

### **Government Translation Bureau**

\$30/hr

### **Private Agencies**

\$75/hr

### **Process Service**

\$25/hr

## **Procedure**

Caseworkers are to follow these procedures to obtain the most appropriate service and to pay any associated costs.

If there is a standing offer agreement with the service provider, pay the rates set out in the agreement. Otherwise, pay the rates set by the region. If the region has not set rates, pay up to the maximum provincial rate.

If services are required on a statutory holiday, pay up to one and a half (1.5) times the amount of the set rates.

If the services provided are subject to the Good and Services Tax (G.S.T.), the tax should be included in the maximum rate, i.e. the total payment including the G.S.T. should not exceed the maximum set rate.

## 8.16 Firearms Licence

### Policy

Under the federal *Firearms Act* children under 18 are excluded from obtaining firearms, although there are exceptions. Parents, guardians or caregivers of a child in care must consent to requests for a firearms licence if they retain the authority to consent. Caseworkers are to direct the child to the parent where applicable. The caseworker is also required to ensure that the regulations governing residential facilities specifically pertaining to a firearm is adhered to.

### Procedure

When the director has the authority to consent the caseworker will:

- Ensure the regulations governing residential facilities specifically pertaining to a firearm are adhered to.
- Ensure they discuss the request with the child and caregiver to determine the level of interest and to provide the child with access to information that details the requirements of a firearms licence. (This information may be accessed on the government of Canada website: <http://www.cfc-ccaf.gc.ca/>)
- Provide consent after consulting with and receiving approval from a supervisor who must consult with a manager.
- Document the consent and place on the child's file.

## 8.17 Immunizations

### Policy

Caseworkers are to ensure that children in care receive any scheduled immunizations. If the child is under an agreement or order, obtain the parent's consent or record the refusal to consent.

### Procedure

If the child has moved from a different health unit district, the unit requests the previous records.

If the child is in school, the school notifies the health unit of the child's move.

The caseworker is to:

- provide consent on behalf of the director;
- obtain written permission from the child's physician, if the child has cerebral damage.

If the child is not in school, the caseworker is to notify the health unit of:

- child's name and date of birth;
- parent's name;
- previous caregiver and address; and
- current caregiver and address.

Record the immunizations on the child's file.

Have the caregiver take as much responsibility as possible for arranging the immunizations.



## 8.18 Infant Formula

### Policy

If a child in care requires a special infant formula prescribed by a physician payment may be authorized under certain circumstances.

### Procedure

The caseworker will ensure that:

- The formula is ALIMENTUM, NUTRAINIGEN, PREJESTIMIL, PORTAGEN or LO FENALAC.
- The child is over 9 months of age and requires the use of any infant formula for medical purposes.
- Utilize regional procedures to pay for the formula.

## 8.19 Medic Alert

### Policy

Caseworkers are to ensure that a child in care receives a medic-alert bracelet as recommended by a physician.

### Procedure

Caseworkers can access an application for medic alert bracelets through <http://www.medicalert.ca/>.

Utilize regional procedures to pay for the medic alert bracelet.

## 8.20 Medical Care

### Summary

A parent who is able and willing should provide medical coverage for a child. However, when a child is in the care of a director, the director is responsible to obtain medical care for the child. The director must also ensure that the medical costs are paid.

### Policy

Caseworkers are to ensure that children entering care receive a medical examination by a qualified physician. The condition of the child will dictate the timeframes for completion of a medical examination.

### Procedure

The caseworker is to obtain a complete medical examination prior to placing a child if the child:

- has a physical injury;
- has an apparent medical condition;
- has evidence of having been physically or sexually abused.

If the child is being examined regarding abuse, injury or a medical condition, give the physician a written referral [[CS2825](#)], and request a written report as described in Differential Response, Investigation, Physical Injury and Investigation, Sexual Abuse.

If the condition of the child does not dictate a medical examination prior to placement the caseworker is to ensure medical examination is completed:

- within 10 working days of entering care;
- upon moving to Alberta from another jurisdiction;
- once a year; and
- as the child's health dictates.

Have the caregiver take as much responsibility as possible for arranging the examination.

If the child is being examined as part of regular health care or an annual check-up, have the caregiver obtain the results.

If further tests or treatment is recommended:

- obtain any needed consent;
- ensure that the caregiver obtains the services; and
- stay informed of all developments.

If the physician does not know the child, the caseworker will provide as much of the following as is available:

- medical history including any medical records on the child's file;
- significant illnesses (e.g. asthma, diabetes);
- hospitalizations (if so, reason and name of the hospital);
- development of speech, vision, hearing, sitting and walking;
- immunizations and any reactions;
- allergies and types of reactions;
- the mother's health during pregnancy including medications, alcohol and drug use;
- birth information including gestation period, weight, Apgars, general health and any problems, such as:
  - need for intensive care (if so, name of the hospital)
  - need for supplemental oxygen, ventilator care or blood transfusions
  - feeding problems
- family information including:
  - mother's and father's ages, health and occupations
  - maternal and paternal grandparents' health
  - any step parents
  - ages and health of any siblings

When a child enters into care use the Medical Report [[CS0006](#)] to provide and gather information from the physician.

## 8.21 Medical/Dental Consent

### Policy

If a child under guardianship needs medical or dental care other than ordinary care, consent must be obtained from a manager or C.E.O. of Child and Family Service Authorities (CFSAs) or Director of Delegated First Nation Agencies (DFNAs). Caseworkers will provide the information to the manager for consideration.

### Procedure

The manager considers:

- the present problem;
- what treatment is recommended;
- the qualifications of the service provider;
- the date and place of the proposed service;
- the risks, the expected benefits and the effect of withholding the service;
- any constraints of the child's religion or culture and any alternative suggested by a consultant. For example, a Jehovah's Witness child, if capable and willing, or parent might wish to consult with Hospital Liaison Committee of Jehovah's Witnesses;
- the opinions of the child, the parent and any other significant person; and
- any other consultation considered helpful.

If the service includes sterilization, abortion or cessation of life supports, have the supervisor forward the request for consent and all supporting information to the C.E.O. of a Child and Family Services Authority, or the Director of a Delegated First Nations Agency who decides whether to consent. The supervisor gives a copy of the request to the manager.

If the service includes a significant, sensitive, high risk, radical, research or innovative procedure, the manager consults with the C.E.O. or Director before deciding.

Unless otherwise requested, the manager supplies a decision within 5 days if not consulting with regional office and within 10 days if consulting.

If consent is given, the manager provides written consent and, if needed, verbal consent to the service provider.

## 8.22 Medical Services Payment

### Policy

Payment for medically authorized services may be made where medical services are not covered by:

- Alberta Health Care Insurance
- the Treatment Services Card
- Alberta Aids to Daily Living
- the parent, according to the terms of the case plan, custody agreement, maintenance agreement or maintenance order
- Health Canada. Health Canada pays all medical costs for a registered Indian.

And payment is necessary:

- if the child does not yet have coverage;
- if the costs exceed the fee schedule;
- if the hospital has an admission fee;
- if the service provider refuses the treatment services card;
- for authorized special infant formula;
- for any prosthetic equipment, appliances and wheelchairs not covered by Alberta Aids to Daily Living;
- for a third party medical. When a doctor completes a Medical Report [CS0006], a charge for filling out the form up to \$10 may be paid in addition to the charge for the examination; and
- for dental fees only if the child does not have a Treatment Services Card.

## Procedure

The caseworker will utilize regional procedures to pay for the medical services.

Without a Treatment Services Card, a child is eligible for only standard dental services as defined in the agreement between the department and the Alberta Dental Association.

If the child needs other dental services, issue a Treatment Services Card. When paying by Purchase Authorization and Invoice [CS0018C], do not enter an amount; enter the following phrase:

- "Standard dental services during the period     (insert date)     as per the agreement with the Alberta Dental Association".

When obtaining services for a registered Indian child, give the service provider the child's registration number and advise the service provider to bill Health Canada.

If a child leaves care during orthodontic treatment, completion of authorized treatment may be paid.

## 8.23 Mental Health Consent

### Policy

If a child in the guardianship of the director needs emotion, thought or behaviour-altering drugs or aversion therapy, the manager must provide consent to the case plan.

### Procedure

The caseworker will provide the manager with information to consider when making the decision.

The manager considers:

- the child's clinical status and why conventional therapy is not adequate;
- the specific therapy and duration recommended;
- the qualifications of the therapist;
- the therapist's assurance that no emotional or physical risk is involved;
- the opinions of the parent and any other significant person;
- if the child is under an agreement, whether the guardian delegated the authority or has given written consent; and
- any other consultation considered helpful.

If the service includes a significant, sensitive (such as ECT), high risk, radical, research or innovative procedure, the manager consults with the C.E.O. of a Child and Family Services Authority or a Director of a Delegated First Nations Agency before deciding.

The manager supplies a decision within 10 working days.

If approving, the manager indicates approval on the case plan and signs it. This approval expires with the case plan.



## 8.24 Obtaining a Passport

### Policy

If a child who is under a permanent guardianship order will be travelling where a passport is required the caseworker will ensure the requisite documentation is completed. If the director is not the legal guardian of the child the caseworker will request that the guardian obtain the passport.

### Procedure

The caseworker will:

- Obtain a passport application  
[http://www.ppt.gc.ca/passports/how\\_obtain\\_e.asp](http://www.ppt.gc.ca/passports/how_obtain_e.asp)
- If the child is over 16 and capable, have the child complete Passport Application
- If the child is under 16, complete Passport Application form
- Utilize regional procedures to pay for the passport

## 8.25 Obtaining Financing

### Policy

When a director assumes the care of a child, caseworkers are to ensure all financing options have been thoroughly examined, including parental child support or contributions in kind.

**See:**

[7.4 Child Support Agreements and Orders](#)

### Procedure

Upon taking a child into care, caseworkers are to apply for any of the following financing that might be available.

### Special Allowance

Under the *Children's Special Allowances Act*, a child in a director's care is eligible to have the benefits transferred from the Child Tax Benefit program to the Special Allowance Program. When a child enters care, the parent is no longer entitled to the Child Tax Benefit. The director must apply for Special Allowance. Payments begin the month after a child enters care and can be paid retroactively up to 11 months if an application is submitted later.

An application is automatically generated when the following criteria is entered into CYIM:

- one of these legal authorities: custody agreement, interim custody order/custody order, temporary guardianship, extension of temporary guardianship or permanent guardianship; and a placement type that is not: parental care or Young Offender facility.
- an enhancement agreement with youth if the placement type is supported independent living or independent living.

Before the automatic application is generated:

- The child must have been in care for at least one month;
- The child must have an active protection file and a child protection placement during the legal authority;
- The child is not yet 18; and

- The child's file is open in a CFSA.
- An application is not created for a file open in a Delegated First Nations Agency.

A notice to cancel the allowance is automatically generated when one of the following is entered into CYIM:

- a new legal authority that does not meet the criteria, unless the new authority is an apprehension immediately following a custody agreement or enhancement agreement with youth;
- no new legal authority after the current one expires;
- a transfer of the file to a Delegated First Nations Agency;
- closure of the file;
- death of the child;
- foster care outside of Alberta for over 60 days; or a placement type of parental care or Young Offender facility.

If the province's entitlement to the Children's Special Allowance ends, tell the parent or caretaker that the Child Tax Benefit will be reinstated only if it is applied for.

## Public Trustee

If a child under guardianship might have an estate, contact the Public Trustee. The Public Trustee might hold an estate if:

- the parents are deceased; or
- the child has an estate from some other source.

If the Public Trustee holds an estate with cash assets exceeding \$7,000, make a claim to recoup the department's costs.

## Pensions and Benefits

If a child in the care of a director has been receiving or might be entitled to a pension or other benefit, apply to have such a benefit paid to the department. Call the appropriate agency for information and application procedures. If a child receiving benefits leaves the director's care, notify the agency. The following describes public benefits and where to apply.

### **The Canada Pension Plan (CPP)**

The Canada Pension plan pays orphans and disabled contributor's child's benefits if the deceased or disabled parent paid into the plan:

- to the guardian until the child turns 18 or becomes independent on a monthly basis;
- in a lump sum if in arrears.

**See:**  
[Canada Pension Plan \(CPP\)](#)

### **The Department of Veteran's Affairs (DVA)**

The Department of Veteran Affairs pays benefits if the parent served overseas:

- to the guardian until the child turns 18;

**See:**  
[Veterans Services – Veterans Affairs Canada](#)

### **Workers' Compensation Board (WCB)**

The Workers' Compensation Board pays benefits if the worker dies because of a work-related cause:

- to the remaining parent for the care of all the family;
- to the guardian if the remaining parent dies;
- until the child turns 18; on a monthly basis.

**See:**  
[Workers' Compensation Board – Alberta](#)

## **8.26 Out of Region Medical Care**

### **Policy**

Caseworkers are to ensure children in care receive all required medical treatment as specified by a physician including out of region care.

### **Procedure**

If a child needs medical care in another region the caseworker is to obtain all the needed consents.

Have the local physician make the arrangements.

The child and family may be helped with any related expenses according to regional financial policies.

## **8.27 Rights and Privileges of Status Indian Children**

### **Registration as Status Indian**

All status Indian youth must apply for their status Indian card from:

Alberta Region  
Lands, Revenues & Trusts  
Head, Membership Entitlement  
Suite 630, Canada Place  
9700 Jasper Avenue  
Edmonton AB T5Y 4G2

This card is required in order to access all status Indian benefits funded by the federal government.

### **Trust Accounts**

Inquiries should also be made to Lands, Revenues and Trusts at the above address to see if any trust funds are being held for the youth awaiting his reaching the age of majority. For further information call 495-2873.

### **Health Care**

Medical Services Branch of Health Canada pays the Alberta Health Care premiums for status Indian adults and their families registered (see above) and living in Alberta. Coverage includes basic health care services of general practitioners and specialists paid under an approved schedule of fees, including office visits, x-rays, lab costs and insured hospital services.

As matters now stand, status Indian children are included under their family health care card unless they become the subject of permanent guardianship orders or agreements. At such time, health care is provided and funded by the province. For further information call 495-2694 in Edmonton.

### **Non-Insured Health Services Covered by First Nations & Inuit Health Branch (FNIHB)**

The following services may be paid by First Nations & Inuit Health Branch, depending upon circumstances, where no other insurance program provides coverage for that item:

- prescription drugs
- transportation to medical facilities (495-2708)
- hospital admission fees
- boarding homes, translators and escorts (495-2708)
- dental treatments (495-2694)
- eye glasses (495-2694)
- prosthesis and medical supplies (495-2694)
- medicals for entering alcohol treatment centers
- emergency air ambulance
- crisis intervention counselling
- referral services:
  - Treaty 8 Area (495-2708)
  - Treaty 6 Area (495-2708)
  - Treaty 7 Area (292-5284)  
(495-2708)

Caseworkers are advised that status Indian children may access all services (regardless of guardianship status) that are accessible to status Indian adults. Contact your Native Liaison Coordinators Indian and Northern Affairs Canada or Medical Services Branch when children are denied access to services because of their relationship with Children's Services.

For further information on non-insured see [http://www.hc-sc.gc.ca/fnih-spni/nihb-ssna/index\\_e.html](http://www.hc-sc.gc.ca/fnih-spni/nihb-ssna/index_e.html), Reports and Publications, NIHB information booklet.

## Educational Benefits

All status Indian children (regardless of guardianship status) who reside on a reserve are entitled to federally funded primary and secondary education (i.e. k-12).

Educational assistance (including tuition, training allowances, subsistence and books) for post-secondary education of various forms is also available for status Indian youth and adults.

Additional assistance may be available to status Indians requiring special education due to extenuating circumstances.

Educational assistance may be provided through individual bands and/or tribal councils.

For further information, contact:

Indian & Northern Affairs Canada  
Director  
Education  
Suite 630, Canada Place  
9700 Jasper Avenue  
Edmonton AB T5J 4G2

Phone: 495-2824 (for grade 1-12);  
495-3346 (for post secondary education)



## 8.28 Social, Cultural, Recreational Activities

### Policy

When it is appropriate, a parent who is able and willing should be involved in and take financial responsibility as much as possible for a child's social activities.

Caseworkers are required to discuss with the parents their ability to provide child support and contributions in kind. Caseworkers will enter into a Child Support Agreement with parents who are able to pay child support or contribute to the child. Refer to Child Support and Contributions in Kind for procedures and S.57.5 of the legislation.

If the caseplan includes Children's Services taking responsibility for a child's recreational, athletic and cultural activities, provide services according to the following procedures.

### Procedures

If a child, youth or caregiver expresses interest in a sport, creative art or other cultural or recreational activity the caseworker must:

- Discuss the activity with the child or youth to determine the level of interest.
- Determine the ability of the parent to financially support the activity once the child returns home.
- Determine whether a community resource will sponsor the activity.
- Decide whether to recommend paying for the activity.

If the caseworker is in agreement with paying for the activity:

- Determine the costs for all supplies, equipment and fees.
- Request approval from the supervisor.

Before approving payment for sports equipment, bicycles, musical instruments or other such items, the supervisor considers:

- The community standard for such items for a child that age;
- The availability of the item second-hand; and
- The trade-in value of previous items purchased for the child.

If the total of all sports, arts and recreation course costs will exceed \$525 for children age 0-11 and \$625 for children age 12-17 for the year, the supervisor approves and records the reason for the exception.

## 8.29 Suicidal Child

### Policy

If a child displays suicidal tendencies, caseworkers will take the necessary steps to ensure services are provided to alleviate the risk.

### Procedures

Caseworkers are to ensure the following:

Provide constant supervision while the risk is immediate.

Consult with a supervisor in determining:

- what action to take.
- what resource to use.
- whom to notify.
- whether to discuss the child at a case conference.
- whether to consult a multi-discipline team.

Follow regional protocols for obtaining immediate assistance with local mental health resources.

Summarize the decisions and actions on the child's file.

If you believe that the child is not at immediate risk consult with a supervisor in determining:

- potential for suicide
- whether to arrange a psychological or psychiatric assessment
- provision of appropriate treatment
- monitoring of the child's behaviour and emotional stability
- whether to discuss the child at a case conference and
- whether to consult a multi-discipline team.

Summarize the decisions and actions on the child's file.

Notify all significant persons.

## 8.30 Transporting Children

### Policy

When it is necessary to provide transportation for a child or family, caseworkers will arrange transportation that meets safety and insurance standards. When using child safety seats they must meet the Canadian Motor Vehicle Standard 213.

### Procedure

#### **Vehicle**

Ensure that the driver and vehicle are properly insured, i.e. minimum of \$1,000,000 liability, with endorsement to include permission to carry passengers for compensation. Ensure that the child is secured according to provincial seat belt and car seat legislation.

#### **Child Safety Seats**

Any child under 6 years of age and weighing less than 18 kg (40 pounds) must be transported in an approved car safety seat that is properly installed according to the manufacturer's instructions.

#### **Availability**

Managers are responsible for ensuring that:

- a child safety seat is available for workers required to transport children as part of their ongoing job responsibilities; and
- the child safety seat has an affixed label that certifies that the manufacturer has complied with all standards set form in the Canadian Motor Vehicle Safety Standards (Standard 213, CMVSS).

#### **Use**

When transporting a child in a forward facing (9 to 18 kg.) child safety seat, attach the tether strap to proper tether anchor located in the vehicle. For more information on the safe use of car safety seats see <http://www.saferoads.com/vehicles/childseats.html>

If a vehicle is equipped with a passenger front-seat airbag with no shut off switch, children under the age of 12 must be seated in the back.

### **Installation**

Each employee required to transport children in a personal vehicle as part of the ongoing job responsibilities must have a tether anchorage installed in their vehicle. A new employee may have the cost reimbursed one time only.

To obtain reimbursement, put the cost of the tether anchorage and installation on the Personal Expense Claim, the expenditure officer approves reimbursement.

If government leased vehicles are used to transport children on a regular basis, the manager ensures a tether anchor is installed in each vehicle.

### **Drivers**

Use only drivers who have been approved by a supervisor.

If the region or district office has a coordinator in charge of drivers, contact the coordinator for drivers. Otherwise, verbally negotiate a service agreement with the driver including the following terms:

- The location of pick up and drop off
- The responsible adult at each location
- The number of passengers
- Whether any waiting is needed and
- The rates as set out in Fee for Service Rates.

**See:**  
[8.15 Fee for Service Rates](#)

Tell the child or responsible adults about the travel arrangements.

If the child will need a series of similar drives, negotiate a written service agreement.

### **Taxi**

Transport a child by taxi only if the child is mature enough to travel alone and:

- no other means is available; or

- the benefit justifies the cost.

Payment can be made using CS0018C Purchase Authorization and Invoice.

### **Caregiver**

If the child is in the care of a foster parent or residential resource, the caregiver is normally responsible for transporting the child. Some residential resources have a variation in their contracts. If the child requires transportation to a series of appointments exceeding 100 kilometre per month:

- Ask the supervisor to approve reimbursement.
- Reimburse according to the provincial employee travel regulations.
- Payment can be made using Purchase Authorization and Invoice [CS0018C].

### **Common Carrier**

If a child travels on a bus, train or airliner, pay the fare of the child and of any needed escort by CS0018C Purchase Authorization and Invoice. If a department staff escorts a child out of Alberta:

- Obtain written approval from the C.E.O.

### **Escort**

If a child is transported or escorted by an escort who is not a department staff member or caregiver, ensure that the escort is approved by a supervisor and is capable of providing appropriate supervision.

A medical escort for a registered Indian child may be covered through the Non-Insured Health Benefits program of Health and Welfare Canada.

## 8.31 Retaining a Lawyer for a Child Under a Permanent Guardianship Order (Civil or Criminal Matters) – Child and Family Services Authorities

**These policies and procedures do not apply to Designated First Nations Agencies.**

**See:**

[8.32 Retaining a Lawyer for a Child Under a Permanent Guardianship Order \(Civil or Criminal Matters\) – Delegated First Nations Agencies](#)

### Policy

CFSA staff must use the following process when a child who is the subject of a permanent guardianship order (PGO) requires legal representation because the child has either been charged criminally or been sued in a civil lawsuit.

### Intent

From time to time, children subject to PGOs will be charged with committing criminal acts or sued in civil lawsuits. As guardian, the CFSA is responsible for ensuring that these children have appropriate legal representation.

**Note:**

This process does not apply in the following situations: where a PGO child has a claim and the child requires a lawyer to commence a lawsuit, or where a child requires a lawyer to represent the child in a proceeding under the *Child, Youth and Family Enhancement Act* or the *Protection of Children Involved in Prostitution Act*.

### Procedures

#### **Legal Aid Coverage**

Contact Alberta Legal Aid and assist the child in applying for legal aid coverage. Where coverage is GRANTED, Legal Aid will appoint a lawyer to act for the child and make all necessary retainer arrangements.

Any questions or concerns that arise regarding advice provided by the child's lawyer can be directed to Legal Services Branch, Children's Services or Family Law Branch, Alberta Justice for assistance.

Where Alberta Legal Aid DENIES coverage, the CFSA is responsible for retaining a lawyer to act on behalf of the child.

### **Private Retainer Process**

Prior to engaging a lawyer, consult with Legal Services Branch, Children's Services. Legal Services will assist by ensuring that conflict of interest and related issues are avoided when a lawyer is retained. Legal Services will advise the CFSA as to the appropriate hourly rate of pay for the lawyer.

Once the choice of lawyer has been agreed upon, the CFSA issues a retainer letter to the child's lawyer. Use the template provided.

**See:**  
[Retainer Template](#)

Any questions or concerns that arise regarding advice provided by the child's lawyer can be directed to Legal Services Branch, Children's Services or Family Law Branch, Alberta Justice for assistance.

### **Contacts**

#### **Legal Services Branch, Children's Services**

Susan Rankin, Director  
Legal Services Branch  
Strategy and Support Services  
12th Floor, Sterling Place  
9940 – 106 Street  
Edmonton, AB T5K 2N2  
[Susan.Rankin@gov.ab.ca](mailto:Susan.Rankin@gov.ab.ca)  
Phone: 780 427-7207  
Fax: 780 422-0912

#### **Family Law Branch (Edmonton), Alberta Justice**

Reeva Parker, Solicitor  
Family Law – Edmonton  
5th Floor, John E Brownlee Building  
10365 – 97 Street  
Edmonton, AB T5J 3W7  
[Reeva.Parker@gov.ab.ca](mailto:Reeva.Parker@gov.ab.ca)  
Phone: 780 422-3715  
Fax: 780 427-5914



**Family Law Branch (Calgary), Alberta Justice**

Jonathon Nicholson, Solicitor

Family Law – Calgary

16th Floor, Standard Life Building

639 – 5 Avenue SW

Calgary, AB T2P 0M9

[Jonathon.Nicholson@gov.ab.ca](mailto:Jonathon.Nicholson@gov.ab.ca)

Phone: 403 297-3360

Fax: 403 297-6381

## Template

Date

(Name of Lawyer)  
Barristers and Solicitors  
Address  
City, Alberta  
Postal Code

Dear (Name of Lawyer):

Re: \_\_\_\_\_ (Name of Child) \_\_\_\_\_ Action No. \_\_\_\_\_

Alberta Children's Services has agreed to pay your legal fees to represent (Name of Child), a defendant in this lawsuit. (Name of Child) is your client.

Government accountability standards require that all services paid for by government be monitored. Therefore, Children's Services may from time to time review the status of the lawsuit and any events or changes in circumstances that have occurred that may affect this retainer.

It is understood that no breach of the legal profession's conflict of interest rules arises in your firm's acceptance of this retainer and that you undertake to advise Children's Services if a conflict arises.

## Bills

1. (\$000.00) per hour for preparation and court time.
2. Interim billings of \$2000.00 intervals must be provided to (CFSA Contact) at (Address of CFSA Contact).
3. All billings must be accompanied by an itemized, detailed Statement of Account.

These services are being paid for by Alberta Children's Services which is a tax-free Alberta government agency and therefore is not subject to Goods and Services Taxes. In each of your accounts, please confirm that, to the best of your knowledge, no GST is included in fees or disbursements being charged to Alberta Children's Services. The Government of Alberta registration number is R124072513.

### Performance Parameters

Lawyers retained by Alberta Children’s Services must adhere to the following Performance Parameters:

- Demonstrate a clear understanding of the work required.
- Provide time estimates and initial cost estimates to Alberta Children’s Services upon request.
- Clearly explain issues, procedures and options to the client.
- Report to the client in a timely manner.
- Advice and communications should be clear, understandable and practical to the client.
- Follow instructions and provide services when needed by the client.
- Provide services within or under estimate of costs.
- Outcome of the case is to be appropriate in light of the circumstances.
- Overall services are to be satisfactory or better.
- Services are to be provided in a courteous manner.
- Counsel are encouraged to support the Canadian Bar Association Racial Equality Resolutions, found at [www.cba.org/CBA/Racial/Racial\\_Equality/](http://www.cba.org/CBA/Racial/Racial_Equality/).

\_\_\_\_\_  
Name of Lawyer

\_\_\_\_\_  
CFSA Contact

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## 8.32 Retaining a Lawyer for a Child Under a Permanent Guardianship Order (Civil or Criminal Matters) – Delegated First Nations Agencies

**These policies and procedures do not apply to Child and Family Services Authorities.**

**See:**

[8.31 Retaining a Lawyer for a Child Under a Permanent Guardianship Order \(Civil or Criminal Matters\) – Child and Family Services Authorities](#)

### Policy

DFNA staff must use the following process when a child who is the subject of a permanent guardianship order (PGO) requires legal representation because the child has either been charged criminally or been sued in a civil lawsuit.

### Intent

From time to time, children subject to PGOs will be charged with committing criminal acts or sued in civil lawsuits. As guardian, the DFNA director is responsible for ensuring that these children have appropriate legal representation.

**Note:**

This process does not apply in the following situations: where a PGO child has a claim and the child requires a lawyer to commence a lawsuit, or where a child requires a lawyer to represent the child in a proceeding under the *Child, Youth and Family Enhancement Act* or the *Protection of Children Involved in Prostitution Act*.

### Procedures

#### **Legal Aid Coverage**

Contact Alberta Legal Aid and assist the child in applying for legal aid coverage. Where coverage is GRANTED, Legal Aid will appoint a lawyer to act for the child and make all necessary retainer arrangements.

Any questions or concerns that arise regarding advice provided by the child's lawyer can be directed to the DFNA's legal advisors.

Where Alberta Legal Aid DENIES coverage, the DFNA is responsible for retaining a lawyer to act on behalf of the child.

### **Private Retainer Process**

Consult with the DFNA's legal advisors before retaining a lawyer.

Once the choice of lawyer has been agreed upon, the DFNA issues a retainer letter to the child's lawyer. Terms of the retainer agreement, including legal fees, are the responsibility of the DFNA.

Any questions or concerns that arise regarding advice provided by the child's lawyer should be directed to the DFNA's legal advisors.

## 9.1 Definition

### Policy

A kinship care home is a family that is approved to care for a specific child because they are related to the child and/or have a significant relationship to the child.

The *Matters to be Considered* in Section 2 of the Act supports the placement of children with extended family in S.2(h)(i):

*(h) any decision concerning the placement of a child outside of the child's family should take into account,*

*(i) the benefits to the child of a placement within the child's extended family;*

*(ii) the benefits to the child of a placement within that child's significant relationship network.*

Careful consideration should therefore be given to finding a placement within the child's extended family or significant relationship network when a child is brought into care.

### Intent

By providing an approved placement within the child's extended family network, Kinship care offers an alternative placement with extended family or significant other rather than placing a child in a licensed residential resource.

## 9.2 Referrals to Kinship Care Program

### Policy

Kinship Care should be considered if there is a person in the child's extended family network with whom the child has a significant relationship and that person would be an appropriate caregiver for the child.

The child's caseworker has a responsibility to explore the child's extended family network to determine if an appropriate caregiver is available to provide care to the child. When a prospective Kinship Care provider is identified the caseworker shall explore a Kinship Care placement with that person and make an initial judgement about the feasibility of a Kinship Care placement with that person. When the matter has been discussed with the prospective caregiver and indications are positive that a Kinship Care placement could occur, a referral for a Kinship Care Application shall be made.

### Intent

Kinship Care placements are to be considered as part of the range of placement options for a child in care. An initial judgement by the child's caseworker must be made before referring the matter for a Kinship Care Application and Home Assessment.

## 9.3 Approval of a Kinship Care Home

### Policy

Kinship Care homes must be approved by the procedures indicated in this policy.

Every effort must be made to approve a Kinship Care homes prior to the placement of a child. Where this is not possible, an approval process is outlined for approval after the placement has been made.

### Intent

The approval process for a Kinship Care home recognizes that the child and the caregiver have an existing relationship and the caregiver is part of the child's extended family network or significant person in the child's life. The approval process is designed to confirm the 'significant relationship' between the caregiver and the child and ensure that the home will provide a safe, nurturing and culturally appropriate placement for the child.

### Procedure

The Kinship Care approval process consists of the following activities:

- Complete an Application to Become a Kinship Care Provider [CS3600].
- Complete a Home Assessment for Adoption, Foster Care and Private Guardianship and Kinship Care [CS3461].
- Ensure the family is provided with Caregiver Orientation Training. Advise the family of where and how the orientation training will be made available. Caregiver Orientation Training shall be made available within each region and shall be structured in a manner that meets the needs in the region.
- Complete an Intervention Record Check [CS2687] for the applicants and any other adults living in the home.
- Advise the applicants that each adult (person 18 yrs +) in the home must provide the results of a Criminal Record Check [CS1800] before the home can be approved. Advise each adult that a criminal record does not necessarily prevent approval as the nature and circumstance of the offence will be considered.



- Obtain a completed a Criminal Records Check [CS1800] for the applicants and any other adults living in the home. Advise the applicant(s) that the cost of the criminal record check will be reimbursed through the child's file. If the payment of the criminal record check will cause a hardship for the family, the cost of the criminal record check may be reimbursed prior to the approval of the home.
- Complete a Home Assessment Report for Adoption, Foster Care, Private Guardianship and Kinship Care [CS3461]. The Home Assessment Question Guide [CS2637] is used in conjunction with the Home Assessment Report.
- Complete a Safety Environment Assessment for Foster Care [CS3606].
- Have the applicant(s) provide a current Medical Reference [CS0046].
- Obtain the names of three references from the applicants. One of the references must be from a non-relative. Mail a Personal Reference form [CS0013] to each reference. When the completed Personal Reference form is returned, two of the references must be interviewed in person or by phone.
- If, during the initial approval process and prior to placement, there are clear and early signs that the applicants will not be suitable kinship care providers, the applicants should be notified of this in writing as early as possible. This notice could be provided before the Home Assessment Report work has begun. Among others, early warning signs include:
  - The child disagrees with the placement plan;
  - The guardian(s) disagree with the placement plan;
  - The applicant refuses or does not agree with the need to obtain a criminal record check;
  - The applicant appears unwilling or unable to work as a team member;
  - There are recent indications the applicant has been violent; or
  - There are recent indications the applicant has substance abuse issues and/or is involved in illegal drug activity.
- When consideration is being given to refusing the application, consult with your supervisor.
- If the applicant disagrees with the caseworker and supervisor's decision, follow the process under Dispute Regarding the Approval of a Home or other alternative dispute resolution processes identified under legislation or policy.
- Review all of the completed documentation with a supervisor to determine if the home meets an acceptable standard of care for the child. If it does, the supervisor approves the home.

- If the home is recommended for approval, advise the caregivers of the following Ministry expectations:

**See:**

[10.10 Expectations of Foster Parents](#)

[10.11 Child Management](#)

[10.12 Child Safety](#)

[10.13 Medical Care](#)

- Complete the Kinship Care Agreement [CS3599] with the applicant(s).

## **Kinship Care Homes and Foster Care Homes**

As there are different expectations and requirements between the foster care program and the kinship care program, caregivers must be approved either as a kinship care home or as a foster home; they cannot be approved for both a kinship care home and as a foster home.

## **Dispute Regarding the Approval of a Home**

In instances where a dispute over the approval or rejection of a Kinship Care Home Study, such as between a child's caseworker and the Kinship Care worker, the supervisor(s) for the caseworkers shall convene a case conference to reach a decision on the status of the home.

## 9.4 Approval of a Kinship Care Home After Placement of a Child

### Policy

It is highly recommended that Kinship Care homes be approved prior to the placement of a child.

In instances when this is not possible, preliminary check of the caregivers and the home must be completed before or at the time of placement, with the understanding the final approval of the home will occur following the placement.

### Procedures

When the Kinship Care approval process cannot be complete prior to the placement of the child, complete the following procedures:

- Complete an Intervention Record Check [CS2687] **before placement**. Check the names of the applicants and any other adults living in the home. If the check indicates a prior involvement, review the information with a supervisor and determine its effect on the applicants' current ability to provide care.
- Complete the Safety Environment Assessment for Foster Care [CS3606] **before, or at the time of placement**.
- Advise the applicants that each adult in the home must provide the results of a Criminal Record Check [CS1800] before the home can be approved. Advise each adult that a criminal record does not necessarily prevent approval as the nature and circumstance of the offence will be considered.
- Obtain a completed a Criminal Records Check for the applicants and any other adults living in the home within a 30 day time period. This timeframe may be extended if a finger print check is required. Reimburse the applicant(s) for the cost of the criminal record check. If the payment of the criminal record check will cause a hardship for the family, the cost of the criminal record check may be reimbursed **prior to the approval of the home** and the costs charged to the child's file.
- Inform the family in writing that the placement is conditional until the home is approved.

- Complete the remaining activities of the Kinship Care approval process outlined in the section above, within **60 working days** of placement.
- If the home cannot be approved, the caseworker must make arrangements for another placement for the child and move the child.

## 9.5 File Documentation

An approved Kinship Care facility file must contain the following documentation:

- A completed Application to Become a Kinship Care Provider [CS3600].
- The results of a satisfactory Intervention Record Check [CS2687].
- A satisfactory Medical Reference for each applicant [CS0046].
- A satisfactory Home Assessment Report for Adoption, Foster Care, Private Guardianship and Kinship Care [CS3461].
- A completed Safety Environment Assessment for Foster Care [CS3606].
- A satisfactory Criminal Record Check [CS1800] for each person 18 years and over, in the home.
- Confirmation that each Kinship Care parent has completed **mandatory** orientation training.
- A signed copy of the Kinship Care Agreement [CS3599].
- A Kinship Care Annual Evaluation Report [CS3602].

## 9.6 Post-Approval of a Kinship Care Home

### Supervision

The foster care worker/kinship care worker will support the home and monitor the care provided, including:

- Minimum monthly contact documented with the home documented on the Kinship Care file.
- Face to face contact with the home at least once every three months, documented on the Kinship Care file.

### Caseworker Responsibilities for a Child in Kinship Care Home

The child's caseworker retains casework and permanency-planning responsibilities while a child is receiving intervention services and ensures that associated costs are charged to the child's file.

These responsibilities are described in the policy on Foster Care.

**See:**

[10.9 Caseworker Responsibilities for a Child in Foster Care](#)

### Annual Evaluation

Complete an annual evaluation of the Kinship Care home prior to the anniversary of the approval of the home, on the Kinship Care Annual Evaluation Report [CS3602].

### Financial Compensation

#### **Maintenance Payments to Kinship Care Homes**

Basic Maintenance, as defined in the Foster Care policy, will be paid to Kinship Care Homes.

**See:**

[10.18 Financial Compensation, Basic Maintenance](#)

Kinship Care homes will **not** be eligible for Skill Fees or Special Rates.

## Services to a Child in Kinship Care

A child in a Kinship Care home will be eligible for all services and supports that a child in foster care would receive and as described in policy. The Foster Care Placement Needs Scoring Chart [CS3603] may be used as a guide to support the services required for the child. The approval of expenditures for a child is also described in policy.

**See:**

[8. Services to Children](#)

[10.18 Financial Compensation](#)

## Day Care Services

In instances where a child is in a Kinship Care placement and receiving day care services, the caseworker must ensure that the home will access day care subsidy, if eligible.

## Placing Other Children in a Kinship Care Home

If the Kinship Care family wants to have another child placed (a foster care placement), refer the home to the foster care worker to have a reassessment of the home according to the criteria for foster home approval.

## Training

Kinship Care parents are required to participate in orientation training as part of the approval process.

Orientation for Kinship Care homes will consist of Caregiver Orientation Training.

Kinship Care parents should also be encouraged to access foster care training or other training that would benefit and support their ability to care for the child placed in their home. Training beyond orientation is not required of Kinship Care providers, however should they request or require specific training to meet the needs of a child in their care, the foster care training program shall be available to Kinship Care providers.

Kinship Care providers will be compensated for orientation training only if a child has been placed into their care. These and any additional training costs will be reimbursed through the child's file at the same rate that is paid to foster parents.

**See:**

[10.17 Compensation for Training Costs](#)

## Licensing

Kinship Care homes are exempt from licensing regulations and the requirement to be licensed.

## Complaints, Critical Incidents and Protection Concerns

When a report is received about the care of a child in a Kinship Care home the caseworker shall examine the nature of the concern and determine whether the concerns is a 'quality of care' concern or a 'protective services' concern.

If a caseworker determines that the report is a quality of care concern, the caseworker shall:

- discuss the concern directly with the Kinship Care parent,
- establish what remedial action may be required,
- advise the supervisor of the concern, and
- document on the file, the concerns and the action taken.

If a complaint concerns neglect or abuse:

- immediately make a report to the service centre office responsible for the home, and
- follow the procedures for addressing complaints as described in the policy on Investigation of a Complaint in a Residential Facility.

**See:**

[12.4 Residential Licensing Procedures, Investigation of a Complaint in a Residential Facility](#)

## Closure of a Home

When a kinship care placement (child) leaves a home, or when a child becomes the subject of an Adoption or Private Guardianship Order, the home is closed.

If the family is interested in fostering other children, refer the family to the foster care worker for approval as a foster home.



## 10.1 Overview

The Alberta Foster Care Program is based on the belief that a family unit and parent model is the most beneficial and desirable setting for raising a child. A foster family is a temporary family for a child whose birth family is unwilling or unable to assume full responsibility for the child. The supportive atmosphere of the foster home assists a child in developing healthy self-esteem, values and behaviours.

The Foster Care Program strives to:

- provide the children with a parented family unit,
- provide the children with care that supplements that which the biological family is able and willing to provide,
- provide temporary care to children while permanency planning is occurring,
- work cooperatively with all interested persons towards a case plan, and
- support the culture, ethnic heritage and societal values of the child's biological family.

The Alberta Foster Care Program was revised in September 2004 to reflect legislative changes of the *Enhancement Act* and recommendations following a review of the foster care delivery system.

Changes to the new model include:

1. the requirements to license all foster homes,
2. a new classification model and skill fee structure, and
3. new training requirements

The features of the new foster care program are described within this policy.

## 10.2 Foster Care Program Requirements

The activities and functions that are described below are part of the foster care program requirements and need to be coordinated with the requirements as described in the *Residential Facilities Licensing Regulations* and the *Licensing of Residential Facilities* section. Program requirements will support and build on the regulations to provide a more in-depth description of the foster care program.

The description of activities and functions need to be coordinated between the licensing officer and foster care worker roles.

The intent of the foster care program is to develop and support foster care resources in the community for children requiring out of home placements in their community.

### Recruitment of Homes

Conduct recruitment activities in the community to raise awareness and garner interest in the foster care program.

Identify foster care resource needs and target recruitment to respond to those needs.

Develop recruitment strategies to meet local needs.

### Application Process

The application process is described in the Licensing of Residential Facilities.

**See:**

[12.2 Licensing of Foster Homes, Application for Licence or Renewal of a Foster Home](#)

### Home Assessment

The Home Assessment is a regulated format and is described in the Licensing of Residential Facilities.

**See:**

[12.2 Licensing of Foster Homes, Conditions Precedent to Issuing a Licence – Home Assessment](#)

## Licensing of Foster Homes

The approval of a licensed home is a regulated activity and described in the Licensing of Residential Facilities.

**See:**  
[12.2 Licensing of Foster Homes](#)

## Foster Homes and Kinship Care Homes

As there are different expectations and requirements between the foster care program and the kinship care program, caregivers must be approved either as a kinship care home or as a foster home; they cannot be approved for both a kinship care home and as a foster home.

## Training for Foster Parents

The regulations require foster parents to complete training to operate a foster home. The training requirements are described in this policy.

**See:**  
[10.16 Training Requirements](#)

## Matching and Placement of Children

Matching and placement activities should:

- Respond to caseworker requests for a home and select the most appropriate home based on availability, classification, interest and suitability of the home. Ensure the matters to be considered are adhered to [S.2(i)].
- Ensure that the foster family is provided with all information about the child and the child's family that is relevant to that child's care (e.g. Information Consolidation, initial assessment, school reports).
- Arrange as many pre-placement visits as are reasonable between the foster family and the child. If the foster parent requests maintenance for such visits, authorize payment of the basic maintenance rate plus the appropriate skill fee.
- Provide supports to the family as may be required for special needs of children.

## Support to Foster Parents

Ongoing support to foster parents must be provided and include the following:

- Visit the home to review the placement progress, identify resources and provide support.
- Contact the foster parent at least once a month for the first three months after a placement and once every 4 months thereafter. Record each contact on Contact Notes [CS0072].
- Have face to face contact with the foster parent at least every 4 months.
- Keep all relevant child intervention staff informed about contacts between the child and others, and significant events in the home.
- Ensure foster parents receive all appropriate financial supports.
- Facilitate and encourage ongoing foster parent training as a requirement of regulations.
- Support the foster home if there is an investigation regarding child intervention of quality of care concerns.
- Participate with caseworker in developing and following through of Concurrent Plan or Transition to Independence Plan responsibilities of the foster parents.

## Education and Training Support

In addition to Training Requirements, outlined in this policy, additional training and educational opportunities will be provided. These include:

- Identify training needs for foster homes and assist in developing training plans for homes.
- Develop and provide resource information on identified needs.
- Train, update and provide information and educational material regarding current practices of foster care.
- Provide consultations and problem solving to varied and unique situations.
- Provide ongoing consultation to enhance the quality of care in a home.

## Community Awareness

- Promote community awareness and interest in fostering.
- Participate in community events to raise the profile of foster care needs in the community.
- Provide support to the provincial and local Alberta Foster Parent Associations.
- Identify service gaps and program strategies to management and program specialists.

## Investigation of Concerns

Investigation of concerns is described in the policy on Investigating Concerns in a Residential Facility.

**See:**

[12.4 Residential Licensing Procedures, Investigation of a Complaint in a Residential Facility](#)

## Critical Incident Response

The requirement of foster parents to report critical incidents is addressed in the Licensing of Residential Facilities.

**See:**

[12.2 Licensing of Foster Homes, Incident](#)

## Administrative

- Maintain a file system that will include a listing of all placements and removals from a home and any other recording required by the region.
- Respond to requests to reclassify a home.
- Track training completed by the foster home.

## **10.3 Application for a License or Renewal of a Foster Home Licence**

The issuing of a foster home licence is coordinated with the licensing and foster home approval processes. The licence is issued upon the approval of a home that has met regulations, standards and policy requirements.

**See:**

[12.2 Licensing of Foster Homes](#)

## 10.4 Classification of Homes

### Policy

All foster homes must be classified to reflect the level of training, skills and experience of the home. The classification also aids in matching children to the home.

Foster homes classifications are:

- Level 1,
- Level 2, and
- Specialized homes.

Foster parents previously classified at 'accepted', 'approved' and 'qualified' are classified at Level 1, as of September 1, 2004.

Foster parents previously classified at 'advanced' will be classified as Level 2, as of September 1, 2004.

Specialized homes will be classified according to the individual needs of the child which they can demonstrate they are able to meet.

Newly licensed homes will be classified at the time of licensing and approval. New homes will generally be classified as Level 1.

To qualify for a Level 2 classification, foster parents must:

- have completed all of the Core Training Program,
- be able to demonstrate the skill and knowledge and abilities described in the Foster Care Classification Expectations [[CS3604](#)], and
- be willing to accept children requiring placement at their classification level.

### Intent

The classification model provides a means to recognize the skills, knowledge and experience of foster parents. It also provides an incentive to foster parents to further develop their skill and be recognized and compensated for their increased ability.

## Re-classification of a Home

**To move from Level 1 to Level 2** the foster parents must have completed the core foster care training and be able to demonstrate the skill described for Level 2. If a foster parent requests a re-classification from Level 1 to Level 2, determine:

- that the foster parents have completed the all of the Core Training program,
- that the family has an awareness of the performance expectations at Level 2, and
- that the home has demonstrated the competency of the higher classification. Include information from the annual evaluations and placement feedback reports to make this determination.

A foster home may be classified at the **specialized level** at any time following licensing. To qualify for classification at the specialized level, foster parents must:

- have completed the required Pre-service/Parent Preparation Training,
- have an identified, demonstrated area of specialization or skill set which enables them to provide care to children with exceptional needs, and
- be willing to accept children requiring a 'specialized' home.

The foster care worker will provide the information and recommendation to the supervisor for approval. The decision and reasons will be recorded and a copy provided to the foster parents.

Any classification change is effective on the first day of the month after the home is reclassified.

When a foster home has been re-classified, complete a new Agreement to Foster [CS0044]. Enter the new classification on CYIM.

Pay the skill fees according to the classification of the home.

Level 1 and 2 homes that are providing care to a child classified as "specialized" are eligible to receive special rates. Specialized homes providing care to a child with a lower classification will receive Level 2 Skill fees.



## 10.5 Maximum Number of Children in a Home

### Policy

In order to effectively meet the needs of children in care, the number of children placed in a foster home should be consistent with the foster parent's training and skill level. Accordingly, the maximum number of child placements for each foster home classification is as follows:

- Two child placements for level 1 or equivalent foster home.
- Four child placements for level 2 or equivalent foster home.

When licensed capacity exceeds the maximum numbers of the home, the foster home is not entitled to the higher number.

### Intent

The maximum number policy is intended to ensure that foster parents have the necessary training and skills to provide quality care to the children in their home. When and if exemptions to the policy are made, a Foster Care Support Plan will be completed.

### Procedure to be Exempt for Maximum Numbers

It is recognized that there are certain circumstances where exemptions to the maximum numbers may be warranted. The following guidelines must be followed when increasing maximum numbers.

Exceptions to the maximum numbers may be considered when:

- placing a sibling group,
- considering ethnic or cultural practices,
- a child is returning into care,
- other exceptional instances (such as a teen with a child)

Management approval is required to exempt from the policy. In the case of Delegated First Nations they will determine who will approve the exemptions.

The license must be varied prior to the placement and must be done in accordance with all licensing requirements. Ensure the home has the skill, physical capacity and meets all necessary inspections.

A Foster Care Support Plan is completed to support the placement if exemption is approved.

## 10.6 Placement Matching

### Policy

The **Foster Care Placement Needs Scoring Chart** [CS3603] provides a guide to determining the classification of foster home that is required to best meet the needs of a child while in foster care.

### Procedure

The child's caseworker must complete the scoring chart prior to placement.

Check marks are entered in the classification column which best describes the child's needs and the column with most checks determines the classification of home required by the child. If there is an even number of checks in two columns the higher classification is selected. If there are 3 or more checks in the 'specialized' column, it will indicate that a specialized home is required.

When the required classification is determined, match the child to an appropriate home within that classification.

For a child that has newly entered intervention services, a review of the classification, usually involving the foster parent, caseworker and foster support worker shall be made after 30 days to ensure accuracy of the classification for the child.

### Recording

The placement matching is recorded on CS3603.

## 10.7 Placement of a Child

As per the *Enhancement Act*, matters to be considered, S.2(i) which describes the placement priorities for a child, the caseworker must ensure that any decisions concerning placement of a child take into account (please refer to S.2(i) for the actual legislation):

1. The benefits of a placement within the extended family, considering grandparents then aunts and uncles or adult siblings.
2. The benefits of a placement within or as close as possible to the child's home community, which may include a settlement, reserve or band.
3. The benefits of a placement within the same or that is respectful of the child's familial, cultural, social and religious background.
4. The benefits to the child of stability and continuity of care and relationships.
5. Within a placement that will support the mental, emotional and physical stage of development for the child.
6. That the placement is deemed to be suitable for the child.

Record on the file the reason for any deviation from this policy.

### Placement Planning

Once it is determined that a child requires a foster care placement, match the child to the most appropriate foster home. Ensure that the matters to be considered S.2(i) are complied with. Ensure that the expertise and experience of the foster home matches the needs and behaviours of the child.

To select the most appropriate foster home:

- Discuss the needs of the child with everyone involved in the case and ensure the foster parent understands the specific needs of the child by sharing detailed information about the child with the selected foster parent.
- Complete the Foster Care Placement Needs Scoring Chart [[CS3603](#)].
- If there is a local foster care worker, select the foster home with this worker.

- If there is no foster care worker, select the foster home with the supervisor.
- If the child needs a foster home qualified to care for a child with high needs, follow regional practices to access specialized foster care or other residential facility.

If no suitable foster home is available consider advertising for a home for the child.

## Consent to Advertise

Since advertising to find a foster home for a specific child might identify the child, obtain a written consent to advertise according to the following:

- If the child is under a Custody Agreement or a Family Support for Children with Disabilities Agreement obtain the parent's consent.
- If the child is under temporary guardianship, obtain the parent's consent if possible. If not possible, obtain the supervisor's consent.
- If the child is under permanent guardianship, obtain the supervisor's consent.
- If the child is over 12, obtain the child's consent.
- The advertisement should be non-identifying to the child.

## Placement Procedures

As close to the time of placement as possible hold a placement conference, including the child and others involved in the Concurrent Planning or Youth in Transition Plan. At this time, coordinate placement planning and negotiate the Concurrent Plan responsibilities or Transition to Independence Plan.

Place a child in the selected home only with the approval of the person(s) responsible for the home. If the placement must be made during an after-hours emergency, obtain this approval on the next workday or according to regional protocol.

Have face-to-face contact with the caregiver before placing. In an emergency, this contact may be by phone. Supply the caregiver with all information needed to care for the child.

At the time of placement provide the foster family with the following:

- Delegation of Powers and Duties to a Child Caregiver [CS1631] that describes the responsibilities and authorities that the foster parent has regarding each specific child.
- Foster Home Placement Package.
- All the information listed on the Placement Information Checklist [CS2591] and the Foster Parents' Record Checklist [CS2592]. Advise the caregiver that the information must be stored securely to ensure confidentiality.
- The Information Consolidation, with the reporter's name and any other unnecessary or sensitive information removed, and other assessment information from the file.
- The Concurrent Plan or Youth in Transition Plan showing the goals and tasks of each involved person, including the child, the parents/guardian, the foster parents and the foster care support worker.

Ensure that the foster parent has the following documents:

- the Personal Health Number;
- the Health Record [CS1639];
- if appropriate, the Treatment Services Card [CS1126] or Treaty authorization number; and
- the immunization record.

If the ministry is providing AHCIP coverage and the master file is transferred, send the AHCIP the new address.

Arrange to transfer or provide any needed clothing, personal belongings and adequate luggage according to the standards set by the region.

When placing, accompany the child to the home.

Discuss with the foster parent what child management techniques are appropriate for the child. Refer to the principles found in "Child Management – Discipline Principles" of this Policy.

Record any child-specific method of child management to be used by the foster parent.

If the child is under 6 or weighs less than 18 kilograms, ensure that the foster parent has an approved car seat. If the foster parent does not have the means to purchase a car seat, supply one according to the procedures set by the Regional Authority.

## Placement of a Medically Fragile Child

If a physician has determined that the child is medically fragile, prior to placing:

- Determine any need for a medical alert unit to summon immediate assistance based on the individual circumstances of the child and caregiver.
- If a medical alert unit is needed, determine whether there is a grant available to assist with the costs or if renting a unit is possible. If a unit is purchased with grant funds, it becomes the property of the child.
- If the unit is purchased by the region, it becomes the property of the region.
- Ensure that the caregiver is aware of emergency response methods including the use of 911 or Zenith 50,000.
- Ensure that the caregiver has all support needed to provide the level of care recommended by the physician. For example, if the child needs 24 hours supervision or positioning every 2 hours, you might need to provide a respite person to care for the child at least at night.

## Preparing a Child for Placement

To prepare to place a child in a foster home:

- Discuss the procedural rights with the child, pending their developmental level (obtain Children's Procedural Rights document).
- Ensure that the child, parent and caregiver understand the reason for placing. The parent should know what the caregiver is told about the family. Facilitate contact between the biological family and the foster family if appropriate.
- Give the child as much information as possible about the home. Have the child visit the home as many times as is appropriate before placing.
- Discuss with the child any questions the child may have such as:
  - Where will I live?
  - What school will I attend?
  - Will I see a counsellor?
  - May I bring my belongings?
  - May I see my friends?
  - May I phone home?

- May I visit my parent?
- When may I go home?

If the child must change schools:

- Ensure that the local school board can provide the needed education.
- If possible, notify both the current and new school in advance.
- Arrange to transfer or provide any needed textbooks and supplies.

## Child Entering Care

If the child being placed is entering care and custody:

- Have the child medically examined within 3 working days. Usually the foster parent will take the child to the medical appointment and forward the Medical Report to the caseworker. Use the child's own doctor if possible. Complete the front side of the Medical Report [CS0046] and have the physician complete the back. If the physician does not know the child, provide as much background as possible as described in Services to Children, Medical Care. Ask the parents to provide any missing information about the child's medical history.

**See:**  
[8.20 Medical Care](#)

- Apply for any allowance or financial benefit to which the director is entitled according to the procedures in Services to Children, Obtaining Financing.

**See:**  
[8.25 Obtaining Financing](#)

- Ensure that the child has Alberta Health Care Insurance. If the child is a registered Indian, obtain the coverage number from Indian and Northern Affairs Canada.



## 10.8 Out of Area Placements

### Out of District Placements

If a child requires placement outside of the local district, follow the regional protocols for securing the placement outside of the office's district.

Provide a skeleton file to the office supervising the placement.

The caseworker from the sending office maintains the master file responsibilities.

The sending office retains financial responsibility for the case unless other arrangements are agreed to.

Follow other file transfer procedures described in Enhancement Act Policies.

**See:**

[7.16 Administrative Requests from Other Regions or Jurisdictions](#)

### Out of Region Placements

To place a child into a foster home in another region, the caseworker follows the usual placement/transfer procedures and the following.

Obtain approval before placing a child into a placement resource in another region unless:

- the placement is for special temporary medical treatment not available in the local community;
- the current foster family is moving with the child; or
- the placement is with extended family.

To obtain approval for a foster home, contact the foster care worker directly or follow the protocol established by the region.

When approval for the placement has been provided by the receiving region, follow case transfer procedures.

## Child in Temporary Care

If the child is in temporary care:

- Send a skeleton file to the receiving office and add the skeleton file caseworker on CYIM.
- Retain all casework responsibilities in the district where the parent lives.
- Before applying for permanent guardianship, hold a case conference with the skeleton file worker to plan for placement and casework once permanent guardianship is granted.

If a young person with a support and financial assistance agreement moves to another region, retain all casework responsibilities in the region where the young person completed the agreement.

## Child in Permanent Care

If a child is in care under permanent guardianship, and placement is with extended family:

- Negotiate skeleton file responsibilities with the receiving office before placing. Upon placing, send a skeleton file to the receiving office and add the skeleton file worker on CYIM.
- Retain all casework responsibilities in the sending office including intervention in the event of a placement breakdown.

If the child is being placed in a permanent placement where adoption is not planned:

- Retain all casework responsibilities in the sending office for at least 4 months unless the receiving office agrees to a shorter period.
- Transfer the file to the receiving office only after the receiving supervisor agrees that the placement is stable.

## Placement Costs

If the child is in a foster home, the office that has the master file is responsible for all placement costs.

## 10.9 Caseworker Responsibilities for a Child in Foster Care

The child's caseworker retains casework and permanency planning responsibilities while a child is in foster care. The following describes the case work responsibilities of the caseworker for a child placed in foster care.

These responsibilities apply along with the directions provided in Casework Practice Guidelines.

**See:**

[7. Casework Practice Guidelines](#)

### Placement of a Child in a Foster Home

- Provide the foster parents with sufficient information on the child's family history, behavioural and developmental needs and significant relationships and connections to enable the foster parents to meet the child's needs.
- Ensure the foster parents have the Children's Procedural Rights document.
- Arrange pre-placement visits and contacts as appropriate.
- Review the Concurrent Plan or Transition to Independence Plan with the foster parents and clarify the goals and tasks for each involved person.

### Concurrent Planning and Transition to Independence Plan

A Concurrent Plan or Transition to Independence Plan is required for every child in care. See the appropriate sections in the manual for procedures in completing the Concurrent Plan or Transition to Independence Plan.

Involve the foster parents in the case conference when formulating or reviewing the Concurrent Plan or Transition to Independence Plan.

Notify the foster parent of the purpose, time and place of every case conference and invite the foster parent to attend. Provide any direct service that the foster parent might need to attend a case conference. These services include babysitting and transportation

Plan and coordinate all services relating to the Concurrent Plan or Transition to Independence Plan.

Review the Concurrent Plan or Transition to Independence at least every two months.

**See:**

[7.6.1 Developing the Concurrent Plan](#)

[16. Youth Transition Planning](#)

## Supervision of a Placement

During the placement **provide intensive support during the first 3 months** to prevent a removal request due to lack of attention to placement issues. **These activities need to be coordinated with the licensing officer to ensure compliance with the regulation and policy requirements for maintenance of a licence.** Base the type of support on the needs of the child, the skills of the foster parent and any other factors specific to the case.

Ensure that the foster parents participate in the development of the Concurrent Plan or Transition to Independence Plan and their responsibilities are identified in the plan.

Plan and coordinate the services relating to the Concurrent Plan or Transition to Independence Plan.

Ensure that the services are:

- meeting the needs of the child,
- meeting the terms of any applicable order,
- addressing the “matters to be considered”, and
- addressing requirements described in the Concurrent Plan or Transition to Independence Plan.

Invite the foster parents to share information regarding the placement at the case planning case conference. Release to the foster parent any information needed to provide care.

Exclude the foster parent from a case conference only with the supervisor’s approval.

Support the foster parent to complete any tasks assigned to them in the Concurrent Plan or Transition to Independence Plan.

Provide the foster parent a copy of the Concurrent Plan or Transition to Independence Plan. If the foster parent refuses a task or does not perform it, review the reason for the refusal and consider the alternatives.

Link the foster home to any needed resources.

Link the foster family with the biological family, taking into account the classification of the home and the classification expectations.

Exchange information with all involved child care staff, and foster care, adoptions, and intervention caseworkers working with other family members.

Keep all relevant caseworkers informed about case conferences, case plans and significant events.

Address the following topics during contacts with the child, the parent and the foster parent:

- the foster parent's success with a problem,
- the foster parent's discipline methods,
- plans for visits between the child and others,
- the child's feelings about the foster family, the child's family and the caseworker,
- the child's adjustment to the community including school, neighbourhood and peer group,
- the use of community resources,
- the child and family's reactions to service providers, and
- the plan for maintaining cultural connections.

Ensure the child receives all needed medical and dental treatment.

Ensure the child receives a medical examination each year, a dental examination as required plus a medical examination before returning home.

Ensure that at least one photograph of the child is placed on the file each year. Retain each of these photographs on the file.

## **Placing a Child in a Child Care Program While in Foster Care – Child Care Subsidy Eligibility**

Foster parents who income-qualify may be eligible for child care subsidy. Prior to applying for child care subsidy, the foster parent must discuss with the child's caseworker their intention to place the child in a child care program.

Prior to giving approval for a child in foster care to attend a child care program, the caseworker must consider the impact on the child of being introduced to another alternate care arrangement. If the caseworker agrees

that the child care program will be beneficial to the child, the caseworker will give consent for the foster parent to proceed to place the child in a child care program. The cost of the child care program is the responsibility of the foster parent. The caseworker will document the decision, rationale and child care arrangement on the child's file.

## Contact with the Child

While the child is in a foster home, the caseworker must:

- ensure that the child's procedural rights have been discussed and a copy of the Children's Procedural Rights document is provided to the child, pending their age and developmental level,

**See:**  
[Children's Procedural Rights](#)

- have at least 1 contact with the child every month, and
- have at least 1 face-to-face contact with the child every 3 months.
- have face-to-face contact alone with each school-aged child at least once every 3 months, this contact must be without the caregiver being present.

## Contact with the Foster Home

The following activities will need to be coordinated with the licensing officer where needed. While the child is in a foster home the caseworker will ensure the following:

- have at least 1 contact with the caregiver every month,
- have at least 1 face-to-face contact with the caregiver every 3 months,
- invite the caregiver to each case conference,
- hold a conference if the caregiver requests one, and
- if the child has been in care over 6 months, have the caregiver maintain a collection of the materials for a My Story Book.

## Exchanging Information

Notify the parent or guardian about any significant event regarding the child such as serious illness or injury.

## Providing Access

To facilitate contacts and visits between a child and any party to an access agreement or order:

- negotiate specific arrangements,
- record the arrangements and the role of each person,
- consider the convenience of every involved person when arranging a visit,
- encourage a contact between the child and any involved person unless the contact puts the child at risk. If necessary, provide transportation for family members,
- emphasize the importance of regular contact with the natural family,
- if the child is at risk during a visit, supply supervision, and
- consider the effect on the child of any person who is in the home during a visit.

## Children and Youth's Use of Off Highway Vehicles

Foster parents and caseworkers must discuss a child/youth's suitability to operate an off-highway vehicle before allowing a child/youth to operate the vehicle to reduce the risk of serious injury to children in care.

The operation of off-highway vehicles (including motorized vehicles such as ATVs, dirt-bikes, snowmobiles, etc.) results in numerous hospitalizations and emergency department visits in Alberta every year. Careful consideration must be given by the child's guardian and caregiver to the individual child or youth's ability to take on this activity.

The discussion between the caseworker and the foster parent must address:

- The child's ability to concentrate and follow rules
- The child's size and strength in relation to the size and power of the vehicle should be considered.

The foster parent must also ensure that the child/youth rides safely and responsibly and:

- Knows how to operate the vehicle
- Wears appropriate protective gear including helmets
- Does not ride on public land or property

- Does not carry passengers and is appropriately supervised
- Is not using drugs or alcohol while operating the vehicle
- Is respectful of the environment and other operators while operating the off-highway vehicles

The caseworker will document this discussion on a contact note and place this on the child's file.

## Permanency Planning

When the Concurrent Plan shifts from planning to return the child to the parent or guardian to determining an alternate permanency placement for the child, the caseworker must discuss the following with the foster parents:

- The child's immediate and long-term needs for care and development.
- Any potential placements with extended family or significant adult that are being explored by the caseworker.
- The foster parent's intention to make a permanent commitment to the child through adoption or private guardianship.
- Supports available to the foster parent if adoption or private guardianship is obtained.

Follow-up the meeting by:

- Writing a letter to the foster parents outlining the areas of discussion and decisions that were reached, send a copy to the foster parents.
- Place a copy of the letter on the child's file.

## Removal of a Child

Keep the foster parent informed of the case developments so that the plan for the child's removal is anticipated.

When planning to remove the child, notify the foster parent as early as possible so that the foster family can prepare themselves and the child for the move.

When removing a child from a home:

- Except in an emergency, hold a case conference before the move to assess the progress achieved toward the Concurrent Plan or Transition to Independence Plan goals and to plan how to achieve anything still



outstanding. Normally, this conference is the placement conference for the new facility or living arrangements.

- If the child is moving to another facility, follow the procedures described in **Placement of a Child**.

At the time of removal, retrieve from the foster family the child's belongings and all information about the child, including:

- the Foster Home Placement Package,
- photographs and school supplies,
- personal belongings

Upon removal, immediately supply the foster care worker with a completed Placement Resource Feedback Report [[CS2824](#)].

## Child Leaving Care

If the child being removed is leaving care and custody:

- Hold a placement conference to arrange any transition and after care services in the new living arrangement.
- If the child has not had a medical examination in the last year, have one completed.
- Ensure that any medical or dental treatment that is in progress will be completed.
- If the child is turning 18, ensure that all needed medical or dental treatment has been completed.
- If the treatment service card has not expired, retrieve it from the caregiver or child and cancel it on CYIM.
- Cancel AHC by submitting Group Commencement [[AHC199](#)].
- Cancel any financing being received on the child's behalf.

## 10.10 Expectations of Foster Parents

The foster care model establishes a set of **general expectations** of all foster parents in Alberta. The Residential Facilities Licensing Regulation and policy identify additional requirements. Foster parents need to be aware of all the requirements.

There are also **expectations for each level** described for each classification level. These are described in Foster Care Classification Expectations [[CS3604](#)].

At the time of the licence approval and classification changes, foster parents must be advised of, and have a clear understanding of their expectations.

### Procedure

Ensure that foster parents are aware of their expectations and are supported to meet these expectations.

### Recording

Provide recording on the file to indicate that the expectations have been discussed with the foster home and that the foster parents accept and understand these expectation.

## 10.11 Child Management

As per the *Residential Facilities Licensing Regulation* and policy, **the use of physical discipline is not allowed**, and foster parents must use a variety of skills to build a child's self-esteem and independence.

When developing an individual child management plan, the foster parent and caseworker must be guided by the following discipline principles that promote self-esteem and independence.

### Discipline Principles

All discipline must be:

- **goal focused** – focus discipline on moving the child from needing external controls to the more mature state of having self-control.
- **consistent** – do not threaten nor warn of actions on which you are unprepared to follow through.
- **current** – deal with the present and address issues as they occur.
- **behaviour focused** – criticize behaviours; do not attack the child's personality or self-concept.
- **immediate** – do not delay your response to misbehaviour.
- **followed up** – hold (as appropriate) and talk to the child following any discipline; make the child feel loved, wanted and secure.
- **weighed** – govern discipline according to whether the child intentionally misbehaved or had an accident.
- **related** – relate discipline to the misbehaviour; if withdrawing a privilege, do so immediately.
- **appropriate** – use discipline that is appropriate to the child's age, development and understanding and cultural background. Be aware of normal development and related usual behaviours.
- **reasonable** – ensure that all discipline is reasonable.
- **communicated** – ensure the child knows the limits and consequences.
- **positive** – emphasize positive reinforcement over negative.
- **encouraging** – reinforce positive behaviours.

Foster parents must inform each child in their care of the standard of behaviour expected and the consequences for not meeting that standard.

The consequences for not meeting that standard of behaviour must be applied sensitively and fairly, and adjusted according to each child's needs and level of development. The consequences need to be coordinated with the licensing officer as well.

In cases where the child's behaviour requires the development of additional discipline skills, the foster parent will contact the foster care worker for information on self-study courses, books, or other available training.

Foster parents should consult with the child's caseworker as quickly as possible if the child's behaviour is unmanageable.

## Prohibited Practices

The *Residential Facilities Licensing Regulation*, section 9 identifies prohibited practices.

**See:**

[12.2 Licensing of Foster Homes, Prohibitions](#)

The following is in addition to the licensing regulations. Further prohibitions are:

- Forcing a child to take an uncomfortable or degrading position.
- Deprivation of basic needs such as food, clothing, shelter, bedding, sleep and washroom facilities.
- Harsh or degrading responses or taunting or demeaning remarks.
- Seclusion or locked confinement.
- Exercise or work that may be excessive or harmful to a child.
- Using or threatening to use force to intimidate a child.
- The threat to remove the child from the foster family.
- The threat to deny visits, telephone contact or correspondence with family/guardian.
- Actions that ridicule the child's religious, cultural or personal beliefs.
- Being disciplined by another child who has not been designated as a temporary caregiver.

- Physical punishment. This includes: slapping, hitting, punching, shaking, shoving, pinching, strapping, spanking, poking, paddling, belting, hair pulling, ear pulling or any other pain causing behaviour.

## 10.12 Child Safety

### Weapons

All weapons in a foster home must be stored in a manner as described by regulations.

**See:**

Residential Facilities Licensing Regulation, Section 11(g) and (f)

Trigger locks are required for all weapons and foster parents may request written prior approval to be reimbursed for trigger locks using the CS0011. Foster parents need to ensure that the children do not know the location of the keys for the locks.

The foster parent must ensure that the child uses a weapon only within sight of and under the supervision of an adult. The child may own or receive a weapon only with written approval from the caseworker.

### Medications

All medication must be stored in a locked or secure space as required by *Residential Facilities Licensing Regulation*, section 11(d) and (e).

In addition to the regulatory requirements, if it is a non-prescription medication, and if the child's age, emotional state, behaviour, or lack of judgment indicates a possibility of misuse, all drugs need to be stored in a **locked** container.

A child may have access to, and self administer a drug only if the caseworker and foster parent agree that the child is capable and responsible to self administer the drug.

The foster parent may request a pharmacist to package the child's medication in bubble packs for better control and accountability of the medication.

All medication and vitamins must be kept and transported in an original container to school.

Herbal supplements including vitamin supplements should not be administered to the child without the approval of the caseworker and in consultation with the child's pharmacist or doctor.

## Air Bag Safety

Children under age 12 must be seated in the back seat of a vehicle that has an air bag (unless the air bag is deactivated with a cut-off switch). This includes children in car seats, including rear-facing car seats.

## Car Seat Safety

The law requires all children under six (6) years old or less than 18 kilograms (40 pounds) in weight must be secured in an approved and correctly installed child care safety seat. All infant, child and booster seats sold in Canada, regardless of their price, must meet Transport Canada's safety regulations. Have the foster parents contact their local fire department or health unit to determine if their car restraint is approved.

Advise foster parents that a child can only be transported if the child is appropriately restrained by a seat belt or car seat. If the child is under 6 or weighs less than 18 kg., the child must be transported in an approved car seat, which is properly installed with a tether belt.

If needed, the foster parent obtains a car seat from the caseworker according to the procedures set by the region. This seat is the property of the department and is reused by the region.

Inform the foster parent that booster seats are to be used for children 40-60 pounds. Booster seats raise the child up on the vehicle seat so that the seat can be positioned correctly on the child's body.

For more information contact:

**Transport Canada**  
1-800-333-0371 (Toll Free)  
<http://www.tc.gc.ca/roadsafety/childsafety/menu.htm>

## Bath Tub Safety

Drowning is the second most common cause of death from injury among Canadian children 1 to 4 years old. It is important that infants, toddlers and preschool aged children are supervised at all times while bathing. Other children may also require supervision including children with seizure disorders.

Children under four are at high risk of drowning because they can move quickly and may not be aware of dangers around them.

A baby or toddler can drown in less than **five centimetres** of water and most people do not appreciate the small amount of water depth required to compromise a child's airway.

Foster parents must ensure the following practices in the home:

- Provide close (arms length) supervision of infants, toddlers and pre-school children while bathing. Do not leave a baby or young child alone in a bath for even a moment. Keep toilet lids down.
- Empty water from wading pools, buckets and baths immediately after use.
- Be aware of any water hazards in and near the home and restrict access to small children.

## Trampoline Use

Trampolines can provide fun and exercise for children and youth, but they can also be the cause of serious injury. Injuries sustained from trampoline use continue to rise and injuries range from cuts, bruises, broken bones, concussion, and spinal cord injuries.

Typical causes of injury are:

- colliding with another person on the trampoline,
- landing improperly while landing or doing a stunt,
- falling or jumping off the trampoline,
- falling on the trampoline springs and frame.

Ensure that the following safety recommendations are applied:

- adult supervision at all times,
- only one person on a trampoline at a time,
- do not attempt or allow somersaults,
- ensure the trampoline has shock absorbing pads that completely cover the springs, hook, and frame,
- do not use a ladder as it allows unsupervised access by small children,
- no child under six should use a full size trampoline,
- place the trampoline away from structures or other play areas,
- do not walk under the trampoline while in use,



- always jump in the centre,
- never play on a wet trampoline,
- ensure there is no damage to the trampoline prior to each use,
- nets may help prevent injuries from falling off the trampoline but it can also provide a false sense of security giving the impression more tricks and stunts can be attempted because the risk of falling off is reduced.

## Universal Precautions

Foster parents shall take “universal precautions” that minimize the risk of transmitting an infectious disease. When a child is placed, the foster parent shall orientate the child to good health practices as part of daily routine.

Foster parents may contact their local health authority to learn practices of universal precautions.

## 10.13 Medical Care

The foster parent is normally delegated responsibility for the child's ordinary and emergency medical and dental care. The foster parent must record all medical care on the child's **Health Record** [CS1639]. The following describes the medical care responsibilities of the foster parent.

### Medical Record

The caseworker supplies the child's current Health Record [CS1639] when placing. The foster parent maintains the CS1639 and submits it to the caseworker when the child is removed or after the child's annual check-up. The foster parent records on the Health Record every illness, medical appointment and prescription.

### Appointments

The foster parent accompanies the child to any medical or dental appointment:

- unless the child's parent retained this responsibility; or
- unless the caseworker agrees with the foster parent and child that the child is capable of attending alone.

### Medical Examination

A medical examination is required within 10 working days of coming into care and at least annually thereafter.

The foster parent obtains any needed ordinary medical care, using the child's Alberta Health Care number for payment.

### Dental Care

If the child has a Treatment Services Card [CS1126], the foster parent obtains the service and pays with the card.

If the child does not have a Treatment Services Card, the foster parent requests written prior approval from the caseworker, obtains the service and pays with a CS0018C.

If the dentist recommends orthodontic work, the foster parent refers the dentist to the caseworker for approval.

## Optical Care

If the child needs glasses, the foster parent pays for them with the Treatment Services Card. If the child has no Treatment Services Card, the foster parent requests written prior approval from the caseworker.

## Medications

The licensing regulations section 11(d) and (e) also apply (storage of medications and toxic chemicals). Please refer to the licensing regulations for further clarification.

The foster parent purchases any needed non-prescription drugs using the basic maintenance. The foster parent purchases any needed prescription drugs using the Treatment Service Card. If the child has no such card, with prior approval, the foster parent provides receipts or the caseworker issues a CS0018C.

If a doctor prescribes medication, the foster parent or caseworker obtains the prescription and instructions unless the foster parent, caseworker and child agree that the child is capable of receiving them directly. The foster parent ensures that:

- the doctor describes any needed monitoring, special diet or side effects;
- other prescription or non-prescription drugs are used in combination only with the doctor's approval;
- if the child has a severe reaction or unexpected side effect, the doctor or pharmacist is consulted; and
- if control would be improved, the pharmacist is asked to supply bubble packs.

The administration of all medications must be supervised by the foster parent.

Allow the child access to a drug only if the caseworker and foster parent agree that the child is capable.

If the child will be self-administering a drug, the foster parent or caseworker must ensure that the child is trained by the appropriate professional. The foster parent should also receive such training.

If the child will need a drug while away from the foster home, the foster parent gives the drug and clear instructions to a responsible adult.

## Taking the Temperature of a Child

Foster parents are to be advised that it is necessary when taking a child's temperature that the child be seated, if holding a child in his or her arms. In the alternative, the child should be placed upon a secure flat surface such as a bed or changing table. Care should also be taken to ensure that the child does not roll from the bed or changing table.

## Hospitalization

If the child needs hospitalization, the foster parent may admit the child but may not authorize any treatment or tests unless delegated the authority to do so in an emergency.

If the child receives emergency treatment, the foster parent informs the caseworker as soon as possible. The foster parent pays for the care with the Alberta Health Care number.

## Ambulance Services

Except in an emergency, the foster parent must request prior-approval for ambulance services.

## Prosthesis

The foster parent requests written prior approval for the purchase of any needed prosthetic equipment or appliance.

## 10.14 AIDS

The following describes how to prevent and manage HIV infection and AIDS in a foster home placement. If a child in care is infected or is at risk to be infected, refer to the procedures described in Services to Children, AIDS.

**See:**  
8.3 AIDS

### Training

- Provide training to foster parents on universal precautions to minimize the transmission of infection.
- If a foster parent is caring for or wants to care for a child with HIV infection or AIDS, provide further training on:
  - the child's psychosocial and specific health care needs
  - daily care of a child with HIV infection or AIDS
  - confidentiality and the role of the multi-disciplinary team.

### Infected Caregiver

If it becomes known that a caregiver is infected, review that person's ability to continue caring for children. If the caregiver is a foster parent, discuss the risks to the caregiver of continued fostering and the decision whether to continue. Hold such a discussion with the foster parent, the caseworker, the foster care worker and the supervisor.

### Universal Precautions

Each foster parent is to take universal precautions that minimize the risk of infection transmission. When a child is placed, the caregiver orientates the child to good health practices and the daily routine.

If a child's behaviours are high risk for becoming infected, provide the child with information about HIV infection, transmission and prevention. Counsel the child about eliminating high-risk behaviours. This counselling may be provided by a physician, community health nurse, psychologist or caseworker. If the child continues high-risk behaviours, consult with the supervisor about further action.

## Placement Planning

Case planning for a child with HIV infection or AIDS requires extra care. Placement planning should consider the following:

- the child's behaviour and specific health care needs,
- whether the child might pose a risk to others,
- the caregiver's training in universal precautions and the care of children with HIV infection and AIDS, and
- the caregiver's abilities to provide optimal physical and medical care and emotional support while minimizing the social isolation.

Before giving any identifying information to a prospective caregiver, tell the caregiver about the child's infection. Once a prospective caregiver is chosen, with the physician, explain to the caregiver:

- the nature of the infection,
- how regular medical care and hospital care will be coordinated,
- how to control transmission of infection,
- symptoms that require immediate medical attention,
- the effect on the family routine and child care,
- the prognosis for the child, and
- the supports that will be provided.

## Post Placement Resource

Provide the following extra supports to a foster home caring for a child with HIV/AIDS:

- financial support for the extra care required by the child,
- information on minimizing risks to the child and others,
- information on community resources,
- referral to any needed education or training on AIDS,
- counselling to deal with stress, isolation and grief, and
- extra respite care, with a supervisors approval.

## 10.15 Record Keeping

Foster parents are expected to keep records for each child. Foster parents use this information to help write reports that summarize the child's progress. The foster parents submit these reports to the caseworker at agreed upon intervals. Foster parent records are kept in accordance with the Observing, Recording and Reporting Foster Parent Training.

Recorded information should include:

- all health appointments, accidents or injuries, medicines, immunizations,
- school progress, achievements,
- contacts with natural family,
- unusual behaviours of the child,
- achievements, successes, and celebrations, and
- any other information you think may be relevant.

The foster parents will maintain a **My Story Book** at the caseworker's direction. My Story Books are an important link to a child's past. The My Story Book can be a scrapbook or photo album or both to record the child's history while in care. It is important for foster parents to collect all relevant drawings, mementos, report cards, and pictures for children placed in their home.

All records or documentation kept by the foster parents must be kept in a locked location.

When the placement is terminated foster parents will provide the child's caseworker with all documentation and reports in the child's individual record, including all recording and the child's My Story Book.

## 10.16 Training Requirements

### Policy

Training is a regulated requirement to maintain a foster home license.

Foster parents are required to participate in ongoing training to maintain their license and to increase their knowledge, skill and enhanced ability to better respond to children who are placed in their care.

There are **four types of mandatory foster care training**:

- Caregiver Orientation Training
- Core Training
- Supplemental Training, and
- First Aid Training

### Caregiver Orientation Training

Caregiver Orientation Training is required for the application and licensing process. If there are two parents in the family, both must take this training. Training consists of 8 modules. Each module is approximately 3 hours in length. The 8 modules are as follows:

- Overview of Training
- Motivation, Values and Self-Esteem
- Where Do The Children Come From?
- Attachment, Separation and New Attachments
- Child Development and the Impact of Organic Brain Dysfunction
- The Challenge of the Journey: Parenting Plus
- Integration Information Family and Community
- Panel of Experienced Parents

Upon completion of Caregiver Orientation Training, foster parents may qualify for a Level One classification.



## Core Training

All foster parents must complete Core Training within four years of being approved. In a foster home with 2 parents, both parents are required to complete Core Training.

In Core Training, foster parents are taught 8 core competencies (A thru H). A number of different training modules are delivered for each core competency. Each module is approximately 3 hours in length. The 8 core competencies and the related training modules are as follows:

<b>Core Competency</b>	<b>Training Modules</b>
A) Working with Legislation, Policies and Procedures	A1 Fostering by CYFE Act A2 Your Role on the Fostering Team A3 How to Observe, Record and Report A4 Safeguarding Against Allegations of Abuse A5 Addressing Allegations
B) Facilitating Transitions	B1 Transition Processes and Impacts B2 Tools for Transitions B3 Resources to Support Transitions for Youth to Adulthood
C) Identifying Influences on Child Development	C1 Childhood Development: Baselines and Influences C2 Assessing and Reporting Developmental Issues/Concerns C3 Creating a Developmental Environment
D) Guiding Behaviour of Children and Youth	D1 Parenting Our Special Children D2 Building Relationships with Your New Child D3 Parenting Tool Box D4 Goals of Misbehaviour D5 Monitor, Evaluate and Report (after year 1)
E) Managing the Environment of Children	E1 Effect of Abuse and Neglect on Brain Development E2 Managing Attachment Issues E3 Working With ADHD, ODD, and CD E4 Understanding FASD E5 Managing FASD E6 Managing Substance Abuse E7 Suicide Awareness E8 Sexual Abuse

<b>Core Competency</b>	<b>Training Modules</b>
F) Maintaining a Child's Culture	F1 Making the Cultural Connection F2 The Aboriginal Experience: Severed Connections F3 Creating Connections
G) Working With the Child's Birth Family and Significant Others	G1 Keeping Family Connections G2 Our Role in Reducing Risks
H) Managing the Fostering Experience	H1 Communication Skills H2 Managing the Realities of the Fostering Experience (after year 1)

Upon completion of Core Training, foster parents may qualify for a Level Two classification.

### **Supplemental Training**

Foster parents are required to attend a minimum amount of supplemental training each year to maintain their foster home status and to meet annual licensing requirements. This training is intended to help foster parents stay up to date in their learning and to enable them to obtain knowledge in special areas of fostering they may have an interest in. The minimum amounts of supplemental training foster parents need to attend is as follows:

- Level 1 at least 9 hours per year;
- Level 2 at least 12 hours per year; and
- Specialized at least 12 hours per year.

### **First Aid Training**

All foster parents are also required to have and maintain First Aid Training provided by a recognized body such as St. John Ambulance Training. First Aid Training can be considered as Supplemental training. Authorities should coordinate First Aid Training with the Alberta Foster Parent Association (AFPA).

### **Specialized Training**

Foster parents, whose home is classified as Specialized, will obtain training that is individualized, based on the exceptional needs of the child in the home.

## Procedure

Advise foster parents of the training requirements and assist them in making their training plans for the year. Foster parents must be advised that not meeting the training requirements may result in the loss of their license to foster.

## Exemption from Training

Foster parents may be exempted from certain Core Training in the following cases:

- The foster parents have attended previous training that is clearly the same in topic, scope, and depth as compared to any one or more of the Core Training modules in question (The foster parents should provide some form of proof of completion of the previous training); or
- The foster parent's educational or work background already has required them to have extensive knowledge in the fundamentals or key areas of the training in question; or
- The foster parents are choosing to foster only children who have particular special needs and the training they are requesting exemption from is unrelated to these special needs; and
- Supervisory approval must be granted for all exemptions.

## Challenge Tool

In cases where it is not clear that foster parents can be exempted from certain Core Training modules, by meeting the above criteria, a Challenge Tool has been developed. Foster parents who are challenging a training module are asked a standard set of questions that are designed to determine if the foster parent has the applicable knowledge and demonstrated skill. The Challenge Tool also contains suggested responses the foster care caseworkers can refer to in order to consider whether foster parents have successfully challenged a Core Training module.

See the Challenge Tool to learn more about how it is applied.

The Challenge Tool is available in Worklinks. Under the Reference tab, click on *Foster Care* in the Handbooks and Manuals section and then click on the Challenge Tool.

## 10.17 Compensation for Training Costs

To support foster parent training, the following is provided:

- The regional training designate coordinates foster parent training and supports foster parents to take training.
- The Alberta Foster Parent Association (AFPA) administers the training budget.
- First Nations foster parent associations and other First Nations agencies may provide training specifically for First Nations foster parents and other foster parents caring for Aboriginal children.
- An annual training plan shall be developed with each foster home.

Foster parent training falls into 3 categories:

- Level 1 **(Core) Training**,
- **Training to meet individual need** to address the specialized needs of a child, and
- **Supplemental training** to maintain classification.

Reimburse a foster parent's costs according to the category.

If the foster parent was approved to take **core training** other than parent preparation training or attends a regional conference and completes at least 6 hours core training, reimburse the following costs:

- babysitting for the foster parent's children and the foster children:
  - up to \$4.00 per hour per child;
  - up to \$50.00 per day per child;
  - up to \$150.00 per day per home;
- any needed lodging if a receipt is provided; and
- required transportation and meals according to the AFPA agreement.

The trainer obtains the AFPA claim forms from the regional training designate and sends completed claims to the AFPA for processing.

If a foster parent takes approved **training to meet an individual** child's needs cover babysitting for the foster child:

- up to \$4.00 per hour per child;
- for up to 6 hours in a day.

The foster care worker provides prior approval for the training costs and forwards the AFPA claim form to the regional training designate for processing.

Approve **supplemental training** based on the areas of skill development needed by, and of interest to, the foster parent.

Registration fees for supplemental training to meet the need of a specific child may be paid through the child's file. (e.g. FASD training).

Cover babysitting for the foster child:

- up to \$4.00 per hour per child;
- for up to 6 hours in a day.

To maintain a home's classification, the foster parent must complete the following hours of supplemental training each year:

- Level 1                      9 hours
- Level 2                      12 hours
- Specialized Home      12 hours

## 10.18 Financial Compensation

### Basic Maintenance

**Basic Maintenance** is a per diem rate paid to foster parents to cover all of a child's day to day needs. Each foster parent receives the Financial Matters Guide that describes general responsibilities and the method of receiving payment for expenses. This guide includes the current amount of the basic maintenance rate.

Basic maintenance is paid for every day a child is in the home including the day of arrival and the day of removal.

Basic Maintenance rates are: (effective April 1, 2006)

Age (yrs)	Per Day
0 – 1	\$17.58
2 – 5	\$19.66
6 – 8	\$21.56
9 – 11	\$22.76
12 – 15	\$25.79
16 – 17	\$29.49

Included in the **basic maintenance** rate are: food, clothing, personal care items, general household costs and spending allowance as described below:

#### Food

- A basic nutritional diet appropriate to the age and needs of the child.

#### Clothing

- The foster parent ensures that the child has an adequate wardrobe when placed. Initial costs to bring the wardrobe to the standard set by the region are covered with prior approval. The costs are either covered by re-imbursment of foster parent's expenditures or by providing a **Purchase Authorization and Invoice** [CS0018C] to the foster parents to purchase wardrobe items.

- After the wardrobe is brought to standard, the foster parent maintains it using the basic maintenance allotment. The basic maintenance includes the following clothing allowance:

<b>Age (yrs)</b>	<b>Per month</b>
0 – 1	\$25.83
1 – 5	\$36.12
6 – 11	\$47.10
12 – 15	\$65.72
16 – 18	\$67.26

### **Personal care items**

- Personal care items such as toiletries and hair care products.

### **General household costs**

- General household costs such as; costs associated with wear and tear, cleaning, paper supplies, and insurance.

### **Spending Allowance**

- Spending money for expenses such as minor recreation, toys, magazines and records.
- The foster parent may also encourage an older child to earn money in other ways as long as school performance does not suffer.
- The basic maintenance allotment includes the following spending allowance:

<b>Age (yrs)</b>	<b>Per Week</b>
6 – 8	\$2.44
9 – 11	\$6.10
12 – 15	\$9.76
16 – 17	\$13.42

### **Miscellaneous**

- The foster parent uses the basic maintenance to cover usual miscellaneous expenses such as gifts to the foster child and gifts from the foster child to other family members.

## Skill Fees

**Skill fees** are provided to foster parents in acknowledgement of their skills and abilities, training and experience. In recognition of this skill base, skill fees will be provided to foster homes based on the classification of the home.

**The skill fees effective April 1, 2006 are:**

<b>Level 1 Skill Fee</b>	<b>\$12.50 per day</b>
<b>Level 2 Skill Fee</b>	<b>\$25.00 per day</b>

**Foster parents classified as specialized will continue to be reimbursed through special rates for children classified as “specialized”.**

Specialize foster parents caring for children classified at a lower level will be paid Level 2 Skill Fees.

If the number of children placed in the home **exceeds the maximum number**, pay skill fees as follows:

- for each child in a sibling group, pay according to the home’s classification; and
- for each unrelated child, pay according to the child’s needs as determined by the Placement Needs Scoring Chart [[CS3603](#)].

**First Nations foster families** have the option of compensation through either use of the skill fee system or special rates.

Skill fees will be provided for each child in the home and for each day the child is in the home, including the first and last day.

## Other Compensation to Support a Child in a Home

Other compensation available to support children in care includes:

### **Recreational Fund**

- Recreational funds are intended to cover costs of recreational activities such as sports, creative arts or music lessons as well as recreational equipment and supplies. Foster parents are encouraged to purchase used equipment whenever possible.

**See:**  
[8.28 Social Activities](#)



Rates for recreational funds as of April 1, 2006 are:

<b>Age (yrs)</b>	<b>Per Year</b>
0 – 11	\$525
12 – 18	\$625

### **Vacation Allowance/Camp Fees**

- Compensation of \$325 per year may be authorized for summer camp **OR** for the child to accompany the foster home on holidays or participate in holiday activities.
- Foster parents should be advised to discuss their camp/vacation plans with the caseworker.
- If travelling out of Alberta the caseworker must provide an authorization letter.
- If the foster parent goes on vacation without the child, advise the foster parent to arrange alternate care. While away, the foster parent may claim the basic maintenance and skill fee to pay the alternate caregiver.

### **Lunch Room Fees**

- Some school districts charge a lunch room fee for children who have their lunch at the school. The fee covers the cost of supervising students at the school during the lunch hour. The fee does not cover the cost of the lunch.
- Reimbursement for lunch room fees will be determined by each regional authority.

### **Layette**

- A new foster parent providing infant care is entitled to receive a layette.
- Thereafter, the foster parent may request another layette upon receiving placement of another infant.
- Each layette includes four dozen cloth diapers.
- Foster parents are expected to use cloth diapers.

## **Car Restraints**

- A newly-approved foster parent may request prior written approval to have the cost of one tether anchorage and installation covered one time only. The cost of a second tether anchorage and installation if a second child is being placed who needs a car seat will be covered.
- Inform the foster parent that a child can only be transported if the child is appropriately restrained by a seat belt or car seat. If the child is under 6 or weighs less than 18 kg., the child must be transported in an approved car seat, which is properly installed with a tether belt.
- If needed, the foster parent obtains a car seat from the caseworker according to the procedures set by the CEO/Director. This seat is the property of the department and is reused by the region.
- Inform the foster parent that booster seats are to be used for children 40-60 pounds. Booster seats raise the child up on the vehicle seat so that the seat belt can be positioned correctly on the child's body.

**See:**  
[10.12 Child Safety](#)

## **Education**

- Foster parents are required to support the formal education of the child and ensure that needed supplies are purchased and fees paid.
- The caseworker will approve payment for school supplies, books according to the school supply list. The foster parent is to be reimbursed with the provision of the school supply list and receipts for all purchases.
- Reimbursement will be provided for the cost of locker, student union fees, school pictures, yearbooks and bus passes.
- The foster parent requests written prior approval to have other education expenses covered such as:
  - Band/choir trips
  - Graduation costs for grades 9 and 12
  - School trips
  - Tutors
  - Correspondence school or summer school

### **Pre School Day Care**

Costs relating to play school or daycare to meet the child's needs may be authorized with the approval of a supervisor. **Cost will not be covered for daycare services because a foster parent is working.** This does not include kindergarten.

### **Driver Training**

- Driver training costs may be reimbursed.
- The foster parent must ensure that the child only operates a vehicle properly insured and licensed.

### **Mileage**

- Child – related transportation is compensated at the same mileage rate paid to government employees, which is effective October 1, 2005, currently 0.43 per kilometre.

### **Special Costs**

- If the foster parent believes the child needs an exceptional expenditure, the foster parent requests prior approval from the caseworker. This cost may be covered by CS0018C.

### **Reimbursement Methods**

Reimbursements can be claimed by using the **Child Maintenance Invoice** [CS0011]. This requires the caseworker's prior authorization to purchase any items not covered by the basic maintenance. A receipt must be submitted with the CS0011 for reimbursement.

The **Purchase Authorization and Invoice** [CS0018C] may be used. This is a voucher given to the vendor or service provider.

### **Approved Absence**

Foster parents are eligible to receive basic maintenance during a child's approved temporary absence from the foster home, excluding foster parent respite or holidays:

- the full basic maintenance and any skill fee for the first 7 days; and
- 50% of the basic maintenance and 50% of any skill fee for an additional 7 days. If the foster parent is actively involved with a child who is

hospitalized, or out of the home for an approved temporary absence, the manager may approve an extension of maintenance and/or skill fee payments.

Temporary absences may include; extended visits, assessment and treatment programs, secure treatment, or a youth justice placement.

### **AWOL**

If a child is AWOL and the plan is to return the child to that foster home, the foster parent is eligible to receive the basic maintenance rate and skill fee for a maximum of 5 days in any calendar month.

### **Death of a Child**

If the foster parent is involved in making funeral arrangements for a child, the manager may authorize payment of the skill fee up to, and including, the day of the funeral, to a maximum of 5 days.

### **Babysitting or Homemaking**

Except for foster parent training, babysitting or homemaking services can be authorized to a foster parent only if the situation meets all the following criteria:

- The foster parent must be away from home or unable to provide care because of:
  - personal illness;
  - sickness or death within the immediate family; or
  - respite needed from the demands of caring for severely handicapped or disturbed children.
  - no other suitable arrangements can be made for the children.
- The arrangements and costs must be pre-approved by the caseworker according to the guidelines set by the region.
- The home is not a receiving foster home.

Any exception to these criteria must be approved in writing by the manager.

If the foster parent's own child will also need the purchased care, the foster parent will pay that child's share of the cost.

If the foster parent receives babysitting or homemaking services advise the foster parent to give the temporary caregiver information on the child's care needs.

Suspend any skill fee or special rate during this period if the foster parent is not involved in the care of the child in any way.

### **Respite**

All foster parents are encouraged to use respite care as a necessary and healthy break from the day-to-day demands of fostering. Effective April 1, 2006, all CFSA and DFNA authority foster homes will receive \$2.60 per day to be used to purchase respite care.

If a placement does not require a Foster Care Support Plan, the foster parent utilizes their basic maintenance and skill fee to pay for respite services. The foster parent shall continue to be paid the basic maintenance and skill fee to pay the respite provider. This amount is not intended to pay for respite that would be negotiated in a Support Plan.

If the criteria for a Support Plan exists, additional respite care may be one of the supports funded through the Support Plan and paid by the regional authority.

### **Insurance**

The basic maintenance includes an amount to cover extra-household insurance. If you own your own home, you need to purchase a homeowners policy, which covers building and contents as well as personal liability insurance. If you rent a home or apartment, you need to purchase a tenants package, which covers contents and personal liability. If you live on a farm, you need to purchase a farm owners policy. If you own or lease a vehicle, you need to have an Alberta automobile policy (SPF #1).

As part of the licensing requirement, a copy of your insurance coverage will be required.

Where the foster parent's own insurance policy declines responsibility for a claim resulting from damage caused by a foster child, the AFPA has a rider policy to cover malicious damage caused to a foster parents home or property by a foster child.

The AFPA has engaged the services of Shumka, Craig & Moore Insurance Adjusters to respond to the assessment of foster parent insurance claims regardless of the amount.

Claims under \$10,000 will be forwarded to the CFSA or DFNA for consideration of reimbursement. Claims over \$10,000 will be processed through the AFPA rider policy.

Where an ex gratia payment is required, contact the child's caseworker. Ex-gratia payments are where claims for reimbursement are forwarded to the CFSA or DFNA.

### **Legal Costs**

The Legal Assistance program provides for financial assistance to foster parents and their adult children who are charged with a criminal offense (abuse) perpetrated against a foster child or former foster child.

Contact the AFPA for specific details on your entitlement under this program.

### **Ex-Gratia Payment**

If a foster parent requests an ex gratia payment, advise the person to send a written request to the regional CEO or Director with a certified copy of the disposition.

Refer to the Worklinks Website under reference-Ex-gratia payments for more detailed directions on the ex-gratia payment process.

Inform the foster parent that:

- a request may need approval of the Minister or Treasury Board, depending on the amount; and
- the approval process can take up to three months.

### **Verification of Payment to Foster Parents for Financial Institutions**

Payments to foster homes are not considered income therefore a case worker will not provide written or verbal verification of compensation to a financial institution.

If a financial institution is requesting verification direct the institution back to the foster parent and provide no information.

## 10.19 Foster Care Support Plan

### Policy

A **Foster Care Support Plan** is used to support the needs of a foster home to provide care to a child. A Support Plan must be developed in the following instances:

- The child is classified at Level 1 but has 1/3 of the check marks are in the Level 2 category.
- A Level 1 or 2 home has a child with 1 or 2 check marks in the specialized category.
- The child is classified at the Specialized Level.
- The foster family and the Regional Authority identify the need for support based on the needs of the child.
- The foster home is over maximum numbers as determined by the foster home classification.
- Other instances as agreed to by the caseworker and the home and with the approval of a supervisor.

### Procedure

When it is determined that a home requires a support plan, the support plan is negotiated by the foster support worker, child's caseworker and the foster parent.

Supports and services provided through the support plan must be in accordance with other policies of the foster care program and regional guidelines.

The regional authority will have financial responsibility for the services provided unless other arrangements are agreed to with the foster home.

### Recording

The Foster Care Support Plan [[CS3605](#)] is used to develop the support plan and indicate the supports that will be provided to the home.

## 10.20 Issue Resolution

If a Ministry or agency foster parent and caseworker have a disagreement that they cannot resolve, they are to use the **Protocols and Guidelines for Resolution of Issues in Foster Care** agreed to between the Ministry and the Alberta Foster Parent Association. A foster parent may also use this resolution process if concerned about a practice issue or about a child's Concurrent Plan.

The resolution process includes the following steps:

1. The supervisor meets with the foster parent and the caseworker or foster care worker. The supervisor hears the concern and attempts to mediate a resolution. The supervisor provides minutes of the meeting to each participant.
2. If a resolution cannot be reached, the supervisor sends the foster parent 2 copies of the decision and the reasons for it and refers the matter to the manager.
3. The manager meets with the foster parent. The manager may also include the supervisor and/or the caseworker or foster care worker. The foster parent may request help from the AFPA by sending a letter to the AFPA that includes:
  - the child's name and time in the home,
  - a description of the concern, and
  - permission for the AFPA to be involved

If the AFPA becomes involved, it follows the **Code of Ethics** while providing support to the foster parent.

If the foster parent believes that the AFPA has exhausted all means of obtaining a resolution without satisfaction, the foster parent may pursue the matter with any senior department official including the CEO/Director, the Assistant Deputy Minister, the Deputy Minister or the Minister.

If a foster parent is involved in this resolution process encourage the foster parent to bring along a support person such as:

- an agency representative;
- a member of the local foster parent association;
- another foster parent;



- the chair of the regional council; or
- the elected President/Executive Director or the appointed regional coordinator of the AFPA.

## **10.21 Alberta Foster Parent Association (AFPA)**

The Alberta Foster Parent Association (AFPA) is an association of foster parents that promotes the interests of foster parents and foster children. The following describes the objectives and activities of the AFPA. It also describes the foster care worker's responsibilities when working with the AFPA.

Refer foster parents to the AFPA for more information at 1-800-667-2372.

### **Support**

The AFPA promotes fellowship, cooperation and mutual helpfulness among foster parents. To do this, it uses:

- Support groups,
- Training,
- Monthly meetings,
- Library; and self-help resources such as furniture exchanges, clothing exchanges, and
- Social gatherings such as picnics and Christmas parties.

### **Code of Ethics**

The AFPA has a Code of Ethics that establishes principles of conduct for foster parents. The regional Foster Care Designate supplies the AFPA with a list of all new foster parents and their addresses every January, April, July and October. The AFPA sends each new foster family an introductory letter and a copy of the Code of Ethics.

### **Legal Assistance Fund**

Foster parents and their family member who are the subject of a criminal investigation arising out of their duties as a foster family are eligible to access the AFPA Legal Assistance Fund.

This fund provides funding for legal counselling prior to the resolution of a criminal trial. Legal fees are reimbursed up to \$74 per hour to a maximum of \$8,000, including all disbursements.

## Death of a Foster Parent

Notify the Alberta Foster Parent Association (AFPA) when a foster parent has died. The AFPA can be reached at (780) 429-9923 or 1-800-667-2372.

## Resolution of Issues

The AFPA and the Ministry have signed a Protocols and Guidelines for Resolution of Issues in Foster Care.

## Advocacy

The AFPA advocates for improved Child, Youth and Family Enhancement Act policies and standards.

## District Associations

The AFPA promotes and supports local district foster parent associations.

- The AFPA supplies sample bylaws and constitutions and executive expertise,
- The manager or designate assigns a foster care liaison worker to the district association. The assigned worker:
  - is given time to perform the liaison duties;
  - assists foster parents to form and operate the association;
  - assists the association to function as a participant in the AFPA;
  - promotes partnership and trust between the association and office; and
  - provides child intervention expertise and group consultation to the association.

## First Nation Communities

The regional authorities shall encourage First Nation communities to form First Nation foster parent associations or to participate in district and provincial associations.

## Training

The association works with the regional training coordinator and local foster care workers to support parent preparation training for foster parent applicants and ongoing training for foster parents.

The AFPA also offers an annual training conference.

## Citations

The district association works with the regional authority to hold annual foster parent recognition evenings. At these evenings, the ministry presents citations to foster parents. These citations take the form of Certificates of Merit recognizing each 5 years of active fostering. The AFPA also presents pins for 5 years and plaques for service beyond 5 years in 5 year increments thereafter. The liaison worker in partnership with the district association calculates eligibility and orders the citations and plaques.

To calculate eligibility for recognition, at the beginning of each calendar year:

- Count the total of years of active fostering by a family as of the end of the past calendar year;
- Deduct any planned break of more than 6 continuous months when the family was unavailable for a placement; and
- Consider as eligible, each family who's net total of active years is a multiple of 5.

To order plaques, contact the AFPA.

To order citations, once the number needed is calculated, contact the Service Support Branch. Give at least 4 weeks notice so that the citations can be sent out.

## 10.22 Existing Long Term Foster Care Agreements

### Policy

All existing Long Term Foster Care Agreements must be reviewed to explore new permanency options for children under Permanent Guardianship, as per S.34.1 of the legislation.

### Intent

Children under the permanent care of the director must be given the opportunity of having a permanent placement other than in the care of the director, whenever it is the child's best interest.

Overall, Foster Parents provide temporary care to children. The Enhancement Act has an increased emphasis on finding and obtaining a permanent home for the child, with reunification usually the first priority. Through concurrent planning, the caseworker is required to make every effort to find and obtain an alternate permanency placement for the child within the extended family or community. If these options are not available or appropriate, the caseworker and foster parents should discuss if the foster parents are willing to become permanent caregivers for the child.

### Procedures

Consult with the supervisor and the regional permanency planning specialist. Discuss the specifics of the individual case and the best way to engage the foster parents in a discussion about permanency planning, in terms of transitioning Long Term Foster Care Agreements (LTFCA). If either the supervisor or the permanency planning specialist has concerns, arrange a case conference with the Foster parents and others who are involved with the child.

Where First Nation children are involved, the First Nation designate or Aboriginal resource person must be involved in revisiting the concurrent plan and, permanency planning must address maintaining/reconnecting the child to his/her home community.

The caseworker must discuss the situation with the child and consider the child's opinion. Determine whether the child wants to continue to live long term in the foster home or wants to be adopted or have the foster parents obtain Private Guardianship.

Discuss with the foster parents a range of permanency planning options to determine the most appropriate plan for the child including:

- adoption,
- private guardianship or
- returning a child to their First Nation community

Also discuss with the foster parents the Supports for Permanency program and the Supports for Children with Disabilities Program. Determine whether the foster parent would be eligible and if the foster parent is willing to consider adoption or obtaining Private Guardianship with these available supports.

**Where no other permanency planning option is viable, the long term foster care agreement will be honoured.**

Record the following in detail on the Information Consolidation [[CS1874](#)]:

- Every alternative considered and why it was not chosen
- The reasons for the permanency plan on Part B of the Concurrent Plan
- The child's wishes

Record in Part B of the Concurrent Plan [[CS3501](#)] or the Transitions to Independence Plan [[CS3476](#)] the goals and tasks to maintain:

- The child's familial, cultural, and religious relationships
- If the child is aboriginal, plans for regular contact with the First Nation or Métis Settlement.

## **10.23 Post 18 Support and Financial Assistance**

For a young adult who has entered into a Support and Financial Assistance Agreement [[CS2041](#)] a Transition to Independence Plan is required for the young person to remain in a foster home beyond their 18<sup>th</sup> birth date.

**See:**

[16.8 Sixteen and Seventeen Year Old Youth](#)

## 10.24 Children and Exposure to Second Hand Smoke

### Policy

Every child in the care of the director will be provided with a safe, healthy, nurturing environment. Children in care of the director, subject to the timelines for implementation, will not be exposed to second hand smoke.

### Intent

- It has been clinically demonstrated that exposure to second-hand smoke and smoking related behaviour is detrimental to the health and development of an individual.
- This policy clarifies Alberta Children's Services direction regarding exposing children in care of the director to second hand-smoke through the use of tobacco products while providing services to children.
- At the timelines set out in this policy, foster parents will not expose children in care of the director to second hand smoke.
- **This policy is not intended to restrict in any way the spiritual use of tobacco or smoking related activities.**

### Procedure

Subject to the implementation schedule listed below, children in the care of the director will be placed in non-smoking environments.

- No smoking will be permitted in the residence where a child is placed.
- No smoking in vehicles when children are being transported.
- Caregivers who use tobacco related products should not do so in the presence of a child receiving services.
- Caregivers will not purchase tobacco products for children in care of the director.



## Timelines

- Effective January 1, 2006, all new foster parents will be required to provide a non-smoking environment.
- Effective February 1, 2006, children under two years of age will be in non-smoking environments.
- Effective July 1, 2006, all current foster parents will be required to provide a non-smoking environment.

## 11.1 Regional Placement Procedures

### Policy

Each regional authority is required to have an established **regional placement procedure** to manage the placement of children into child and youth facilities in the region.

Child and youth facilities (defined in the Licensing Regulation) and include:

- group care
- residential treatment
- supported independent living agency

The regional placement procedure shall:

- coordinate placements into child and youth facilities in the region,
- support case planning for children requiring a child and youth facility placement,
- monitor child and youth facility usage,
- conduct reviews of a child's placement in a child and youth facility and ensure discharge criteria are in place,
- coordinate cross region access to resources, and
- support development of resources to respond to demonstrated need.

A child is eligible for placement in a child and youth facility only when:

- the child is under the custody or guardianship of the director,
- other placements and service alternatives are considered not able to meet the needs of the child,
- the regional placement procedure has approved the placement.

All residential facilities (including foster homes and child and youth facilities) accepting children placed by a director must be **licensed** in accordance with the *Enhancement Act*, *Residential Facilities Licensing Regulation* and policy.

**See:**

[12. Licensing of Residential Facilities](#)

All child and youth facilities accepting children placed by a director must have **accreditation** from one of the accreditation bodies recognized by the Ministry.

## Intent

The Child and Youth Facilities Program strives to:

- ensure children have access to the types of child and youth facilities they require,
- provide coordinated access to child and youth facilities that are responsive to children based on their level of need,
- provide a fair and effective process for reaching placement decisions,
- coordinate cross region access to resources, and
- support the development of quality child and youth facilities within the region.

## Procedure

The CEO/Director is responsible to ensure that a regional placement procedure is established and meets the criteria of this policy.

The regional placement procedure may involve the use of a placement committee, service teams, or other types of structure that are part of the regional design.

The regional placement procedure must include the following components:

- the capacity to receive requests for placements from caseworkers in the region,
- the ability to examine placement requests and make placement decisions,
- coordinate placements into child and youth facilities,
- the capacity to deal with emergency placements,
- prioritize the needs of children, and manage wait lists for access to child and youth facilities,
- provide consultation and support to caseworkers in developing appropriate placement plans,
- coordinate the cross region access to child and youth facilities,

- provide a method for dealing with disputes regarding placement decisions, and
- provide reports on placement usage and related issues in the region.

The regional placement procedure will generally apply to the placement of children into child and youth facilities.

The placement procedures for placement into supported independent living placements, and Level 1 and Level 2 foster care placements may be a similar or different process, as determined by the region.

## 11.2 Placing a Child in a Child and Youth Facility

### Policy

The placement of a child in a child and youth facility must be carried out with care and with appropriate preparation of the child for the move. Follow the procedures set out in this policy in the placement of child in any residential facility.

### Intent

The placement of a child in a child and youth facility is an important event for a child and every effort must be made to ensure the move is carried out in a manner to support the success of the placement.

### Procedures

The caseworker is responsible for **determining the need for a child and youth facility placement**. To determine this need, consultation with the following must occur:

- parties to the concurrent plan or transition to independence plan,
- the supervisor, and
- other interested parties to the file.

If a child's need for a child and youth facility is determined, the matter must be discussed with the child and parent. Further consultations about resource options, alternative options and case planning must occur before considering a placement in a child and youth facility. Any placement request must have a supervisor's approval.

**A request for a placement through the regional placement procedure** should only be made if the case meets the following criteria:

- in-home supports cannot adequately support the child at home,
- extended family and community resources cannot meet the child's placement needs,
- Level 1 or Level 2 ministry foster homes cannot meet the child's placement needs.

To **make a request for a child and youth facility placement**:

- discuss all aspects of the placement with the child and parent including the reasons for placement,
- prepare a placement information package,
- encourage and facilitate the parent's participation in the placement procedure,
- encourage and facilitate the child's participation in the placement procedure, as appropriate, and
- follow the placement procedure as established by the region.

A **placement information package** must be prepared for the regional placement procedure.

Material for the information package shall include:

- initial assessment, extended assessment or investigation information from the file,
- case planning information, including the Concurrent Plan or Transition to Independence Plan, Genogram and Information Consolidation,
- the casework File Sheet , providing identifying information for the child,
- a CYIM printout of the child's legal authority and placement history,
- supporting documents such as a recent medical, psychological, educational and psychiatric reports, and
- progress reports from previous out-of-home placement resources.

When the placement procedure has confirmed a referral to a child and youth facility:

- immediately contact the facility to arrange an admission date,
- if the facility disagrees with the referral, return to the regional placement procedure to resolve the disagreement,
- discuss the specific nature of the approved facility with the child and parent,
- attend required pre-placement meetings at the facility,
- arrange pre-placement visits whenever possible,

- arrange transportation for the child and notify the facility of the placement plans.

Provide the child and youth facility with the following documentation:

- application for Admission to a Residential Resource (regional form),
- latest Concurrent Plan or Youth in Transition Plan,
- current Medical Report, immunization record and any other medical information about the child,
- current school record including the transfer from,
- Treatment Services Card and Alberta Health Card
- current assessment or treatment reports,
- reports from previous residential facilities, and
- any other relevant information requested by the facility.

At the time of admission:

- accompany the child to the facility,
- have personal contact with resource staff to discuss specific matters about the child,
- advise the staff of any upcoming appointments,
- authorize contacts with the child by any significant person,
- ensure the child has appropriate clothing according to ministry and resource policies,
- ensure the child's procedural rights has been discussed with them, and that they have a copy of the Procedural Rights document,

**See:**  
[Children's Procedural Rights](#)

- supply the facility with Delegation of Powers and Duties to a Child Caregiver [[CS1631](#)].

The **caseworker retains casework and discharge planning responsibilities** while the child is in the child and youth facility.

**During the placement** the caseworker must:

- attend conferences and meetings convened by the facility to set or review goals and plans,
- ensure that the facility convenes all necessary conferences,
- include information from the facility when developing the Concurrent Plan or Youth in Transition Plan,
- provide services to the family in conjunction with the facility,
- authorize contact between the child and any significant person in conjunction with the facility,
- have a least 1 contact with the child per month,
- have at least one face-to-face contact with the child every 3 months, school-aged child must be seen without the caregiver being present
- provide the facility with the case plan for the child, and
- contact with Child & Youth Facility Caregivers as required.

If a complaint or concern is received about a child in a child and youth facility, follow the procedures in the Licensing of Residential Facilities.

**See:**

[12.4 Residential Licensing Procedures, Investigation of a Complaint in a Residential Facility](#)

To **discharge or transfer** the child:

- arrange for a new placement or return home,
- update file documentation (i.e.; Concurrent Plan or Closure Summary) to reflect the plans for the new placement or return home,
- discuss the plans with all concerned,
- ensure the child is prepared for the change,
- arrange for the move.

Complete the Placement Resource Feedback Report [[CS2824](#)] and send it to the facility. The facility completes the comments section, and provides copies to the licensing officer and contract manager. If any issues are identified, the licensing officer and/or the contract manager will follow up with the facility.



## 11.3 Child and Youth Facility Responsibilities

A child and youth facility must comply with all requirements of the *Enhancement Act*, *Residential Facilities Licensing Regulation*, ACS policy, and other requirements described in the agency contract.

**See:**

Residential Facilities Licensing Regulation, Part 2  
[12.3 Licensing of Child and Youth Facilities](#)

Upon referral of a child to a facility, the facility shall also:

- review each referral as soon as possible to assess the child's appropriateness,
- if rejecting a referral, contact the caseworker to review the reasons for the refusal,
- admit children in the order referred unless otherwise directed by the regional placement procedure,
- arrange for an updated medical examination,
- when required, make presentation at court, case conferences or other meetings, and
- convene a case conference within a month of admission, and every three months thereafter, where the caseworker and other persons significant to the case review the plan of care for the child.

**Discharge plans** will be developed at the caseworker's request and in consultation with the facility and other significant persons involved in the case. The caseworker will obtain approval for the discharge at a case conference before discharging the child.

## 11.4 Residential Facility Responsibilities for a Child with AIDS

### Policy

A child and youth facility has increased responsibilities in caring for a child with HIV infection or AIDS. The procedures in this policy must be followed in addition to general health and safety practices.

### Intent

The following procedures are intended to provide safety to caregivers and other residents in a child and youth facility and preserve the privacy of information for a child with HIV infection or AIDS.

### Procedures

**All medical records** about a child must be kept in a secure file. The file must be accessible to only the facility director, the key worker and the facility medical staff.

All childcare staff must receive **ongoing in service training** about the policies and procedures for universal precautions. Each new childcare staff member must receive training on universal precautions and HIV infection within 1 week of starting work.

Each child and youth facility must have written policies and procedures on **universal precautions**. These precautions are the measures taken by all staff and residents to control infections and minimize transmission of infections. The facility must provide staff ongoing training in the precautions and make the policies easily accessible and readable. Since any child might have HIV infection, hepatitis B or other infection without showing symptoms, staff must take universal precautions with all body fluids.

Each facility must have **first aid information and supplies** readily available to the staff and residents.

Residents are **not allowed to share unsterilized objects** that might be contaminated with body fluids such as razors or toothbrushes. Cleaning supplies must be available to residents and residents must be encouraged to clean their living areas.

Procedures must be used to prevent drug use, tattooing or sexual activity in the facility.

Other than for minor scrapes, cuts and nosebleeds, gloves must be worn when **handling body fluids** such as blood, excretions, secretions, other body fluids and items soiled by these fluids. Body fluid spills must be immediately cleaned up with disposable towels and fresh bleach solution. Items soiled with body fluid must be immediately placed in a plastic bag marked "Blood and Body Fluid Precautions".

**Clothes and linens soiled with body fluids** are laundered separately. If a person's clothes are soiled by someone else's body fluid, that person must be given a change of clothes and the opportunity to wash. Even if a person handling soiled items wears gloves, that person must wash afterwards.

Each facility must have **special procedures** for a person significantly exposed to a resident's body fluid, such as by getting it into an eye, the mouth or an open lesion or by being punctured with a soiled item. Such an exposure must be reported to the unit supervisor immediately and the person referred for medical attention.

If a **resident reports to a staff member** that he or she has, or might have HIV infection, the staff member must advise the resident that this information will be reported to the facility director. The staff member report to the director must be within 24 hours and the director will discuss the matter with the caseworker.

If universal precautions are taken, no special procedures are needed if a child might be or is infected unless required by a particular medical or behavioural problem. If a child is infected, the facility provides the child with all usual recreation, work, visits, washroom access, food service and activities. The child's laundry is not separated unless heavily soiled with body fluid. The child receives routine security and transportation.

Particular **medical or behavioural problems** that require special procedures include:

- special precautions recommended by the physician because of the child's medical condition,
- isolation of a child too ill to maintain good hygiene or whose behaviour is significantly altered by central nervous system infection; and
- special security, transportation, supervision or segregation of a child who exhibits high-risk behaviours such as physical or sexual assault.

## 12.1 Overview

### Preamble

The goal of the new licensing provisions is to ensure quality of care and accountability for children in the custody or guardianship of the director. The licensing requirements are intended to be coordinated with the contracting process, accreditation/certification process, and approval and annual review process for foster homes. The director can only place children in residential facilities that are licensed under the *Enhancement Act*. However, there are some exceptions which will be discussed later in the document.

The goal of the licensing requirement is to ensure that children in the custody or guardianship of the director are provided for in a consistent manner, per legislated provincial standards (regulations and policy). For foster parents, the regulations and policy are based on the approval process that has always been part of the requirements to become a foster parent. The licensing process will be implemented in a way that balances the requirements to ensure quality of care while being respectful of the individual family systems of foster parents.

In applying the regulations and policy, the regions (meaning Child and Family Services Authorities or CFSAs and Delegated First Nation Agencies or DFNAs) will identify the most suitable role for implementation of the licensing requirements. Although there may be some variance in implementation among the regions, for the purposes of this document the role of licensing officer will be used. The **licensing officer** refers to those individuals who have delegated authority under the *Enhancement Act* to complete the required activities. It is acknowledged in some regions the foster care support worker will be the licensing officer for foster homes.

In implementing the licensing function within the regions, including the investigation activities that may occur within the residential facility, coordination will occur between the licensing officer, and key regional individuals including the foster care worker and caseworker for *foster homes*, and coordination between the licensing officer, contract manager and caseworker for all *child and youth facilities*. In either instance, coordination will also occur with the current licensing function in the region, including the transition of facilities from licensing through the *Social Care Facilities Licensing Act* to the *Child, Youth and Family Enhancement Act (Enhancement Act)* or vice versa.

The following forms apply to licensing:

- **CS3619**: Foster Care Application
- **CS3529**: Residential Facility Licence Application/Application Renewal

- **CS3461**: Home Assessment Report for Adoption, Foster Care, Kinship Care and Private Guardianship
- **CS2637E, CS2637AE & CS2637C**: Home Assessment Family Questionnaire, Home Assessment – Detailed Report, and Home Assessment Report Guide
- **CS0172**: Foster Care Annual Assessment
- **CS2605**: Foster Family Reassessment

## Definition of a Residential Facility

The *Enhancement Act*, S.105.2(1), states that anyone operating a residential facility requires a licence, which includes *foster homes* and all *child and youth facilities*. To obtain a licence, the definition of residential facility as per S.105.1 of the *Enhancement Act* requires that all residential facilities providing care to a child in the custody or guardianship of the director must be licensed. To meet the definition there must be a contractual agreement in place with the facility.

As per the legislation, S.105.1 defines *residential facility* as:

“... A facility that provides residential care to a child in the custody or under the guardianship of a director and includes a secure services facility, a foster home and a group home, but does not include a facility that primarily provides medical care, educational services or correctional services.”

Also included in the definition are facilities that provide care to a child through an Individual Service Plan and Emergency Shelters.

Living situations that are not captured by the definition of residential facility as per the *Enhancement Act* include:

- Supported Independent Living Situations
- Independent Living Situations
- Kinship Care placements

Kinship care homes are not captured by the definition of residential facility as the program is based on familial relationships where there is usually a pre-existing relationship with the child; therefore a licence is not required. However, adherence to provincial standards will continue to be required. These are currently under development.

## Residential Facilities Licensing Regulations, and Policy Requirements

### Interpretation Section of Regulations

#### Regulation – Section 1

- (1) In this Regulation,
  - (a) “Act” means the *Child, Youth and Family Enhancement Act*;
  - (b) “child and youth facility” means any residential facility as defined in section 105.1 of the Act, except a foster home;
  - (c) “child and youth facility licence” means a licence authorizing the holder to operate a child and youth facility;
  - (d) “foster child” means a child who is in the custody or under the guardianship of a director and is residing in a foster home;
  - (e) “foster home” means a residential facility as defined in section 105.1 of the Act
    - (i) that is the home of the holder of a foster home licence, and
    - (ii) in which care is provided to foster children in a family setting;
  - (f) “foster home licence” means a licence authorizing the holder to operate a foster home.
- (2) For the purposes of Part 3 of the Act, “residential facility licence” means
  - (a) a foster home licence, or
  - (b) a child and youth facility licence.

The following provides clarification on a number of areas.

### Contractual Agreements

The contracting process and the issuing of a licence is a coordinated process. The issuing of a licence and signing of the contractual agreement should occur at the same time. New facilities that commence operation on, or after proclamation must become licensed under the *Enhancement Act* prior to accepting placements.

Where a contractual agreement exists and the residential facility has obtained a licence, but no children are currently placed in the facility, the licence

continues to be applicable until the date of expiry or cancellation of the licence.

The licence for a residential facility is issued for a maximum of one year. The licensing officer may issue a residential facility license for less than one year.

## Facility Based Licensing

The licence is facility based, thus the following applies:

- In situations where a foster family moves, an assessment of the physical space of the new home will be required to ensure compliance with regulated standards. Following the assessment, the licence may have to be varied to reflect the circumstances of the new physical space (including at a minimum, the new location address).
- In situations where an agency has several different facilities, each facility (i.e. group home) would be licensed.
- In situations where the facilities are all on one site at one legal address, then one licence can be issued to include all the facilities.

## Coordination of Social Care Facilities Licensing Act and the Licensing Requirements under the Enhancement Act

- For facilities that are in operation at the time of proclamation, but are not licensed under *Social Care Facilities Licensing Act* (for example, foster homes caring for less than 4 children), the facility has up to 18 months from proclamation within which to become licensed (as per the *Enhancement Act* S.105.2).
- The *Social Care Facilities Licensing Act* will be amended so the licensing requirements under the *Enhancement Act* are no longer included in the *Social Care Facilities Licensing Act*. In other words, all residential facilities that meet the definition of a residential facility in the *Enhancement Act* will require a licence only from the *Enhancement Act*, and the *Social Care Facilities Licensing Act* will no longer apply.
- In situations where a residential facility has a licence under the *Social Care Facilities Licensing Act*, and they have applied for a licence under the *Enhancement Act*, then the new *Enhancement Act* licence takes effect upon it being issued. In other words, the licence under the *Social Care Facilities Licensing Act* is no longer in effect as there is no further jurisdiction under this act to continue to license and monitor the residential facility.

- For those facilities that have a licence under the *Social Care Facilities Licensing Act* and require a licence under the *Enhancement Act*, the licensee will have until the expiration of the *Social Care Facilities Licensing Act* licence to become licensed under the *Enhancement Act*.
- In situations where the applicant for a licence is providing care to a child in the custody or guardianship of the director under the *Enhancement Act* and is **also** providing care to a child that would normally require a licence under the *Social Care Facilities Licensing Act*, the following will apply:
  - A licence under the *Enhancement Act* is required, thus the applicant would need to meet the policy and regulation requirements. The facility is only required to have one license, which is obtained through the *Enhancement Act* as it takes precedence over the *Social Care Facilities Licensing Act*. However, the licensing officer may require that additional standards be met to ensure the adequate care of all children in the facility.
  - In instances where there is temporarily no child in the custody or guardianship of the director in the facility, the *Enhancement Act* license would continue to apply until the expiration or cancellation of the licence.
- The facility will need to initiate an application under the *Social Care Facilities Licensing Act* prior to the expiration of the *Enhancement Act* license in the following instances:
  - The facility is no longer providing care to children in the custody or guardianship of the director, the facility has **no intention** of accepting future placements of children under the custody or guardianship of the director, and the facility is continuing to provide care to a child that would require their facility to be licensed under the *Social Care Facilities Licensing Act*.

## Inter-Authority Protocols and Licensing Requirements

Each CFSA is responsible to licence those facilities in their region. Each DFNA is responsible to licence those facilities located in their reserve.

The current Inter-Authority Protocols apply to the recruitment, contracting and placements in a facility that is geographically located in that region. The protocols clarify the following:

*“Facilities include but are not limited to foster homes, treatment homes, secure treatment facilities, group homes, women’s shelters, day cares and “safe” houses.”*

*“The facility is normally under the Authority of the Responsible Authority in which it is geographically located unless other arrangements have been negotiated to the satisfaction of the*



*Authorities involved. A number of situations can arise which may result in Inter-Authority involvement of the facility:*

1. *Recruitment of facilities by non-resident Authorities.*
2. *Contracting with facilities by non-resident Authorities.*
3. *Placement in the facility of non-resident children, families or individuals.*

**If a facility has a contract with another CFSA/Delegated First Nation Agency other than the one in which the facility physically resides, the contracting Authority/Agency must provide a letter of support for the licensing process for the facility to submit along with their application for a licence.**

**Note:**

The Inter-Authority Protocols are currently being reviewed and re-drafted to provide direction on the licensing of residential facilities that are out of geographic boundaries. The review will also include the protocols between the CFSA's and the DFNA's.

The following provides an interim strategy pending the redraft of the protocols:

- For those facilities that are operating in a region, but are offering services to a different region, the region where the facility is located would issue and monitor the licence. However, coordination would need to occur with the region that is providing the contractual agreement.

**Rationale:** The process will assist the region (where the facility is located) in ensuring that the facility has met and is monitored to the standards. Due to distance, it may be time consuming and costly to ensure these requirements are met by a region that is providing the contractual agreement. This will ensure that the region the facility is operating in is aware of all placements of children within their region.

- For those facilities operating in a CFSA, but are offering services to a DFNA, the region where the facility is located would be responsible to process, issue and monitor the licence. The CFSA would need to coordinate with the DFNA that is providing the contract/fee for service/standing offer agreement.

## 12.2 Licensing of Foster Homes

### Overview

The approval and issuing of the foster home licence is coordinated with the application process to be a foster home. To further clarify, it is one process where the applicants submit their application for a licence and at the same time they are meeting the requirements to become a foster home. The standards that are identified through the regulations and policy are based on the current approval process to become a foster home.

The foster home licence is issued for a maximum of one year. The licensing officer may issue a foster home licence for less than one year.

The licence is required to be renewed on an annual basis, and is coordinated with the annual foster home review to ensure the process is streamlined for foster parents.

The following identifies the licensing regulations and policy that apply to the approval of a foster home licence, the renewal of a licence, as well as ongoing requirements to maintain the licence. **Again, these are based on the current requirements to become a foster parent.**

A licensed foster home indicates to the community that the home meets the Ministry's licensing requirements, standards, and criteria for providing care to a child in the custody or guardianship of the director.

The following section identifies a summary for:

- a) The application process to obtain an initial foster home licence.
- b) The renewal of a foster home licence, including foster parents that have a licence under the *Social Care Facilities Licensing Act*.
- c) The transitional requirements for foster homes that are currently approved to foster, and do not have a licence under the *Social Care Facilities Licensing Act*.
- d) Ongoing requirements for all foster homes to maintain their licence.

Following this section, the specifics of regulations and policy will be discussed in more detail.

#### **Application for an Initial Foster Home Licence**

An application for an initial licence must be in writing and include all of the requirements necessary for approval and issuing of the foster home licence.

This is unchanged from the current requirements to apply and obtain approval to become a foster parent.

All required information must be received before a licence is considered. Regulation section 3, 4 and 5 and the supporting policy must be complied with to obtain approval of a licence to foster.

The following describes the requirements under section 3 of the regulation, which includes the initial application process for new applicants to be approved as a licensed foster home.

- The Application Form
- Criminal Record Check
- Intervention Record Check
- Medical References
- Personal References
- Additional Information

Section 4 of the regulation outlines the requirements for the initial issuing of a licence, which includes:

- The foster home assessment report
- Up to date criminal record checks
- Compliance to any training, which is as per the current requirements, and
- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that will be part of the foster home assessment process and are required to obtain the licence to foster.

### **Renewal of a Foster Home Licence including Foster Parents that have a Licence under the *Social Care Facilities Licensing Act***

The renewal of the foster home licence is coordinated with the annual review of the foster home. As per the regulation, the applicant *does not need* to complete all the requirements that were involved in obtaining their initial license.

Section 3(4), 4 and 5 of the regulations apply specifically to obtaining a renewal of the foster home. This will be further discussed in the document.

Section 3(4) indicates that the application for renewal must be made at least 60 days prior to the *expiry* of the licence and include any required information.

Section 4 outlines the requirements for renewal which include:

- The annual review assessment
- Compliance to ongoing criminal record checks
- Compliance to any training, which is as per the current requirements, and
- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that will be part of the annual review process when foster parents obtain the renewal of their license.

**For Foster Parents who are Approved to Foster prior to November 1, 2004, and do not have a Licence under the *Social Care Facilities Licensing Act***

The following outlines the process to obtain a licence for approved foster parents who are currently providing care to children who are in the custody or guardianship of the director, or who have been approved to foster and may be on hold or currently do not have a placement in their home.

To obtain a licence the foster home will need to comply with the regulations and policy standards. Overall, these are reflective of current requirements to foster.

The licensing officer will complete a review of the foster home file prior to issuing the licence to ensure that the foster home is compliant with the requirements regarding regulations section 3, 4 and 5 and supporting policy. It should be noted that ongoing compliance is also required for the other sections of the regulations (this will be discussed further). Additional information or activities may be required to ensure compliance prior to issuing the licence.

Regulation section 3 requires the following:

- The results of a criminal record check dated up to three years prior to the date of application for a licence (regulation section 3(3)).
- Confirmation that the foster parents or any adult living in the home has not caused a child to be in need of intervention services in any jurisdiction outside Alberta. This is included in the initial home assessment process (see regulation section 3(2)(b) for more detailed information about this requirement).

To clarify, **consent** to an intervention record check is required for foster parents who have not lived in Alberta for the past 5 years. An additional

intervention record check through CYIM is not required for currently approved foster parents, as the check is done as part of the approval process. However if it is decided that an intervention record check is required, then the licensing officer should advise the foster parents that as part of the approval process, a further intervention check may be done.

- That the medical references are on the foster home file. Medical references are part of the current requirement to foster (regulation section 3(2)(c)).

The medical reference cannot be waived. If there is no medical reference on file, the foster parent(s) will have to provide one. The medical reference can come from a physician or a registered nurse.

- That the personal references are on the file as this was part of the initial application process (regulation section 3(2)(d)).

For foster parents that do not have 3 references on their file, the licensing officer will obtain consent to contact identified references. These references can be previous caseworkers or other individuals who have been involved in a placement.

- Compliance to any other requirements that are listed under regulation section 3(2)(e).

Regulation section 4 requires:

- The Foster Care Annual Assessment (form attached)
- Up to date criminal record checks as per the regulatory requirements
- Compliance to any training, which is as per the current requirements, and
- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that will be part of the annual review process when foster parents obtain their licence.

### **Ongoing Requirements**

Section 6, 7, 8, 9, 10, and 11 of the regulations and supporting policy are ongoing requirements for foster parents. These are part of the current duties and responsibilities of foster parents that will be discussed later in this document.

## Definition

### Regulation – Section 2

*In this Part, “licence holder” means the holder of a foster home licence.*

## Application for Licence or Renewal of a Foster Home

### Regulation – Section 3

#### Policy

An application for an initial licence must be in writing and include all of the requirements necessary for approval and issuing of the foster home licence.

All required information must be received before a licence is considered. The information from the application process is used to determine the applicant's suitability to foster children, to assess the applicant's eligibility criteria, and to determine that the applicant meets all regulatory and policy requirements for a licence. No child can be placed in the foster home prior to the foster home being licensed.

### Regulation – Section 3(1)

*An application under section 105.3 of the Act for a foster home licence or a renewal of a foster home licence may be made only by an adult individual.*

#### Policy

#### Coordination of Licensing Application Process

Regional internal processes will ensure that the licensing application process is clear and coordinated with other requirements for the applicant. The regional internal procedures will coordinate the licensing process to ensure that it is a single seamless process that encompasses the approval and annual review of foster parents, as well as the contracting process for agencies providing foster care.

The intent is for the applicant to make one submission to the region that would include requirements for both licensing and contracting, or approval / renewal of the foster home licence. Requirements for licensing and related contracting processes will be communicated to applicants by the licensing officer to ensure there is an understanding of the responsibilities of all parties.

### **Intake**

If an adult individual expresses interest in fostering, the licensing officer will complete the following:

- Either have the applicant or the licensing officer complete a Foster Home Intake Sheet or Foster Care Licensing Application Form [CS3619].
- Provide the applicant with information regarding the foster care awareness training.
- If the applicant does not proceed with the application within 2 years, destroy the Foster Home Intake Sheet and the Foster Care Licensing Application Form.

### **Application**

If an applicant has completed the intake process and wishes to apply to foster, then the licensing officer will complete the following:

- Have the applicants complete a Foster Care Licensing Application Form (this form is completed only upon the application for an initial licence – otherwise the Residential Facility Licensing Application/Application Renewal is used for an application for renewal of a licence),
- Provide the applicant with information about the required supporting documentation, and
- Advise the applicant that the foster home assessment will not be initiated until all the supporting documentation is provided and pre-service training has been completed or any other required training has been completed.

## **Criminal Record Check**

### **Regulation – Section 3(2)(a)**

*An application for an initial foster home licence must be accompanied with the following:*

*subject to subsection (3), the results of a criminal record check, dated not earlier than 6 months prior to the date of the application, with respect to the applicant and any other adult residing with the applicant;*

### **Regulation – Section 3(3) also applies.**

*Where a foster home is being operated immediately before the coming into force of this Regulation, the results of the criminal record check to be provided under subsection (2)(a) may be dated up to 3 years prior to the date of the application.*

## Policy

Annually, the licensing officer is required to ask the applicants if children who are between the ages of 12-17 years have had involvement with the criminal justice system, as well as the details of the incident.

An Application to Foster a Child must be accompanied by the completed criminal record check. To complete the criminal record check, the licensing officer will do the following:

- Advise the applicant(s) that all adults living in the home must provide the results of a criminal record check before the home study begins and every 3 years thereafter upon approval.
- Advise each adult that a criminal record does not necessarily prevent approval as the nature and circumstances of the offence are considered. Advise each applicant that the actual criminal record documentation will be reviewed, and only what is relevant to the approval decision will be recorded on the file. Also, this information is considered to be their confidential personal information and will be managed according to FOIP legislation.
- Provide each adult with a Criminal Record Check form. Request each applicant to take the form and personal identification to the local RCMP or city police station, and return the results of the criminal record check to the office along with the Application to Foster.
- Advise each person that if the police charge a fee to the applicant, their adult child or an extended family member, the department will reimburse the cost after the home has been approved as a foster home. A fee charged to an unrelated adult will not be reimbursed.
- Ask the applicant to notify the office if fingerprinting is required, as this will delay the check.
- Once a person returns a certificate that no record exists or a copy of the criminal history, record the contents and return the original. If there is a criminal history, request information pertaining to the specifics of the situation, and consider the following points prior to accepting or denying the application:
  - The number of offenses;
  - The nature of the offenses;
  - The circumstances of the offenses;
  - The appropriateness of the home given this information; and
  - The appropriateness of completing the home assessment.
- Direct any interpretation question to Family Law, not to the police.



- Record in the file the results of the criminal record check, and whether or not the check impacted the denial or approval of the application. Return the criminal record check documentation to the applicant.

## Intervention Record Check (completed through the Child and Youth Information Module – CYIM)

### Regulation – Section 3(2)(b)

*An application for an initial foster home licence must be accompanied with the following:*

*a written consent, in a form satisfactory to the Minister, from the applicant and any other adult residing with the applicant authorizing the Minister to obtain information from any jurisdiction in which that person has resided in the 5 years immediately preceding the date of the application for the purpose of determining if that person has caused a child to be in need of intervention in that jurisdiction;*

### Policy

The licensing officer will obtain written consent for each adult in the home to complete an intervention record check through the Child and Youth Information Module (CYIM) or through another jurisdiction's child welfare system by having the applicant complete form CS2687, to determine:

- Whether the person is recorded as having caused a child to be in need of intervention; or
- Whether the person's child has been found to be in need of intervention.

If the intervention record check reveals previous involvement, the licensing officer will complete the following:

- Thoroughly review all relevant information including the file documentation,
- Personally contact each previously involved caseworker,
- Record all contacts and findings,
- Consult with the supervisor.

Document the findings on the file and indicate whether the application must be denied or not. If the application is not denied, continue to proceed with the application process.

## Medical Reference

### Regulation – Section 3(2)(c)

*An application for an initial foster home license must be accompanied with the following:*

*a reference from a physician or registered nurse concerning the general physical and mental health of the applicant;*

### Policy

The applicant must supply a positive medical report confirming their capacity to foster. It is preferred that foster parents obtain the required information from a physician. To obtain a medical reference, the licensing officer will complete the following:

- Provide the applicant with a Medical Reference form and a stamped envelope addressed to the regional office. Advise the applicant to have a doctor who has known the patient for at least the past 2 years return the completed form directly to the office.
- Advise the applicant that the cost of one medical report for each applicant will be reimbursed once the home is approved.
- Place the report on the file.

## Personal References

### Regulation – Section 3(2)(d)

*An application for an initial foster home license must be accompanied with the following:*

*references from 3 individuals concerning the ability of the applicant to operate a foster home;*

### Policy

To obtain the 3 required references, the licensing officer will complete the following:

- Ensure that the referees named by the applicant meet the following criteria:
  - Each has known the applicant for at least the past 3 years,
  - One is a relative.

- Mail a Personal Reference form to each reference that has been identified on the Foster Care Licensing Application Form. Ask the reference to return the completed form directly to the office.
- Once the Personal Reference Forms are returned, personally interview at least two references using the Reference Interview Format. The interviews may be conducted by phone or in person. If the information provided on the initial references is inconclusive, request additional references to contact.
- Advise applicants with school age children that you will be contacting the children's school to obtain information pertaining the applicants desire to foster.
- Place the references on the file.

## Other Information

### **Regulation – Section 3(2)(e)**

*An application for an initial foster home license must be accompanied with the following:*

*any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to operate a foster home.*

### **Policy**

The applicants must provide information to confirm the following:

- The applicant is at least 18.
- Cohabiting applicants have had a stable relationship for at least the past 12 months.
- No major illness or trauma has occurred in the past 12 months.
- Both applicants have completed the entire "Orientation for Caregivers" training program or training as required by the region.
- The family is capable of representing a foster child, working and collaborating with Child and Family Service Authority/Delegated First Nation Agency staff and other professionals, working with the child's extended family, maintaining confidentiality and supporting the achievement of the child's permanency plan.
- The community resources usually needed by a foster child are available.

- The family manages within its current income and their income is stable.
- The home is structurally sound with adequate sleeping, eating and storage space to accommodate a foster child. The sleeping area is easily evacuated in an emergency. The foster child has a separate bed unless the caseworker or licensing officer approves sharing.
- Any crib or playpen meets the standards in the Cribs and Cradles Regulations of the Hazardous Products Act (Canada).
- The applicant must provide evidence of general liability insurance for the residence upon initial application and renewal.
  - The licence holder is required to contact the CFSA/DFNA of any changes in insurance, including cancellation of insurance.

## Renewal of a Licence

### **Regulation – Section 3(4)**

*An application for a renewal of a foster home licence must be made to the Minister at least 60 days before the expiry of the licence and must be accompanied with any information the Minister considers necessary to enable the Minister to assess the ability of the applicant to continue to operate a foster home.*

### **Policy**

To meet the requirements, the licensing officer will forward the request for documentation to the foster parents. The annual review will need to be coordinated with the renewal of the foster home licence. The licensing officer will complete the following:

- Notify the licensed foster home at least 60 days prior to the expiry of the license. Provide the application for renewal and any other required information, including the Foster Care Annual Assessment.
- Ensure that all renewal documentation is received and the application process is completed prior to the expiration of the licence.

## Conditions Precedent to Issuing Licence

### Home Assessment

#### Regulation – Section 4(a)

*Before issuing a foster home licence or a renewal of a foster home licence, the Minister may*

*conduct an assessment of the applicant and prepare a report in the form set out in the Schedule for the purpose of determining the applicant's ability to operate a foster home,*

#### Policy

Upon the licensing officer receiving the Foster Care Licensing Application [CS3619] and all required documentation as outlined in section 3 of the regulations and policy, and ensuring compliance with the requirements, a home study can be initiated and additional training provided.

A foster home assessment (as per the regulated format) of the applicant must be completed to determine personal suitability prior to a licence being issued. Completion of the Foster Care Annual Assessment [CS0172] is also required as it is part of the annual renewal process for the licence.

Complete a home assessment using the regulated Home Assessment Report [CS3461]. Through the home assessment activities, complete the following:

- Determine whether the prospective foster home meets the emotional, parenting, relationships, community, financial and physical criteria by visiting the home as many times as needed.
- During these visits, interview each resident of the home and meet with the entire family at least once. Evaluate and record the information and responses of each person.
- Obtain the applicant's consent to make as many other background inquiries as needed to determine whether the prospective foster home meets the criteria.
- Record all contacts and findings.
- Complete the Safety Checklist.
- Record that the weapons policy was discussed and how any weapons in the home are stored.

- Record that the medications policy was discussed and how medications are stored.
- During the home study, identify with the applicant the characteristics and needs of potential foster children who will be placed in their home.

Place the completed/signed Home Study on the file.

## Criminal Record Check

### **Regulation – Section 4(b)**

*... require the applicant to provide the results of a new criminal record check with respect to the applicant and any other adult residing with the applicant if the most recent criminal record check was carried out more than 3 years prior to the date of the application.*

### **Policy**

The licensing officer will explain to the applicant the requirement to report any criminal charges that occur following the completion of the original Criminal Records check and prior to the three year regulated requirement.

## Training Requirements

### **Regulation – Section 4(c)**

*... require the applicant to complete training with respect to the operation of a foster home.*

### **Policy**

The applicant is required to complete the training as per the foster care model or as requested by the licensing officer. The licensing officer will specify the date of which training must be completed and the content of the training.

## Health and Safety Requirements

### **Regulation – Section 4(d)**

*... require the applicant to provide evidence that the foster home to be operated is in compliance with applicable health and safety legislation.*

## Policy

To ensure residential facilities are informed of all requirements, the Regions should maintain current information or coordinate with the municipalities to ensure access to information about Municipal bylaws (land use and zoning) and the Safety Codes Act (includes building and fire prevention).

On First Nation communities under Federal jurisdiction, the regulations concerning the physical structure do not apply. Specifically, this includes municipal requirements (land use and zoning), safety codes (building code and fire prevention) and the *Public Health Act* regulations. The licensing officer shall request verification of compliance to the corresponding physical structure laws that apply on reserve, for example any areas relating to building code and fire prevention.

### Public Health Act

In coordination with the *Public Health Act* Institutions regulation and the *Enhancement Act* regulations, a health inspection is required for **four or more placements**.

The licensing officer will refer the applicant for a public health inspection when the foster home is in the process of being licensed to provide care to 4 or more children or youth.

An initial health inspection is required for 4 or more placements. The licensing officer will advise the foster parent if an additional inspection will be required upon renewal of your licence. The completion of health inspections and frequency will continue as per the current requirements for four or more children.

In exceptional circumstances when there is a health concern, the licensing officer may refer the applicant or holder of a licence for a public health inspection if the facility is being licensed to provide care to less than 4 children.

### Safety Codes Act and Municipal Bylaws

If applicable, compliance with the municipal bylaws governing land use and zoning may be required. The licensing officer will assist foster parents in ensuring their home is compliant with any municipal requirements.

If applicable, compliance with the *Safety Codes Act* may be required (includes building code and fire prevention). If applicable, the applicant must contact the local jurisdiction to obtain approval of the residence under the *Safety Codes Act*.

- For example, foster parents are required to have fire extinguishers and smoke detectors. Other related building codes apply such as obtaining a building permit when renovations are made to the foster home.

## **Transitional Directive**

For foster homes that have had inspections completed under the *Social Care Facilities Licensing Act*, the licensing officer will review the existing inspection reports and accept them as applicable to the licensing application under the *Enhancement Act*. The licensing officer has the discretion to request that a re-inspection be completed if there have been significant changes to the home since the original inspection or concerns exist.

## **Issuance of License**

### **Regulation – Section 5**

*The Minister may issue a foster home licence or a renewal of a foster home licence if the Minister is satisfied that regulations 5(a) to (d) are met.*

- (a) neither the applicant nor any other individual residing with the applicant poses a risk to children,*
- (b) the applicant is suitable to operate a foster home,*
- (c) the environment of the foster home is conducive to the health, safety and well-being of children, and*
- (d) the applicant will comply, or has complied, with the Act, this Regulation and any terms or conditions imposed by the Minister.*

### **Policy**

To issue the license, all regulatory and policy requirements must have been received and approved including adherence to the provincial safety checklist that is currently in use.

**See:**

[12.4 Residential Licensing Procedures, Procedures for Approval of a Licence](#)

## **Number of Children**

### **Regulation – Section 6**

*The maximum number of foster children that may reside in a licensed foster home*

- (a) includes children who are placed in the foster home by a child welfare authority outside Alberta, and*



*(b) does not include foster children placed in the foster home on a temporary basis, as determined by the Minister, where there is a need to provide temporary respite to the licence holder of the foster home where those foster children normally reside.*

## **Policy**

Based on the assessment of the home, the licensing officer will identify a maximum number of children that can be placed in the foster home. This information is required to be recorded on the licence. This is based on a number of factors including compliance to foster care policy that provides parameters for identification of the number of placements a foster home can accept.

When the foster home is assessed to have the capability to accept placement of sibling groups, the licensing officer will identify the additional supports that will be required to support the foster family in the care of the children. If the region supports the increase in numbers in the foster home, the licence will need to be varied accordingly. In addition, the licensing officer should be aware of the municipal requirements of fire, health and safety to support the home in maintaining compliance, especially as it relates to increasing the number of beds licensed.

The maximum numbers are not impacted when a foster home provides respite, which includes vacation coverage.

**Note:**

Respite is defined as short-term relief, such as for a weekend, 1-2 days or vacation coverage. A vacation is normally viewed as a 2-3 week period.

**Note:**

Respite is not an emergency placement following an apprehension.

**All placements, including emergency placements, cannot exceed the maximum number of placements identified in the license.**

**Note:**

Guidelines are being developed to determine the number of children to be licensed for the different classifications as per the foster care model.

## Licence Not Transferable

### Regulation – Section 7

*A foster home licence is not transferable.*

### Policy

The licence is issued to a specific person and cannot be given or sold to another individual.

## Notice of Changes

### Regulation – Section 8(1)

*A licence holder shall notify the Minister of the following:*

- (a) any significant change to the residence of the licence holder, including
  - (i) a change of location, and*
  - (ii) a change that alters the living space of the residence;**
- (b) any change in the residents of the foster home;*
- (c) any change in circumstances that may affect the ability of the licence holder to continue to operate a foster home.*

### Policy

To ensure compliance with the regulation and policy, the licensing officer will inspect the facility when a change has occurred prior to varying the license.

## Notify Change of Location

### Regulation – Section 8(2)

*A notification under subsection (1)(a) of a change in location of the licence holder's residence must be provided to the Minister within a reasonable time prior to the date of relocation.*

### Policy

As the licence is specific to a foster parent (licence holder) at a specific address, written notification of changes must be provided 30 days prior to the

move to ensure the foster care provider and facility will continue to meet the regulated and policy requirements, including the provision of quality of care for children.

## Update Health and Safety Standards

### Regulation – Section 8(3)

*If the Minister has been notified of a change under subsection (1)(a), the Minister may require the licence holder to provide to the Minister updated evidence that the foster home is in compliance with applicable health and safety legislation.*

### Policy

In instances where concerns have been identified in the residential facility, the licensing officer will request an inspection from the appropriate resource, such as through the *Safety Codes Act* or municipal bylaws. For additional information see section 4(d) of the regulation.

## Criminal Record Check for New Persons in the Home

### Regulation – Section 8(4)

*If the Minister has been notified of a change under subsection (1)(b), the Minister may require the licence holder to provide to the Minister the results of a criminal record check with respect to any new resident of the foster home.*

#### **Note:**

**Any new resident in the home will be required to provide a Criminal Record Check (Refer to Regulation 3(2)(a)). The criminal record check results will be reviewed by the licensing officer to determine if the information alters the status of the license.**

An intervention record check is also required for any adult living in the foster home.

## Prohibitions

### Regulation – Section 9

*A licence holder shall not, with respect to a foster child residing in the foster home,*

- (a) inflict or permit to be inflicted any form of physical punishment, verbal or physical degradation or emotional deprivation,*
- (b) deny any basic necessities, or*
- (c) practise or permit to be practised any disciplinary measure expressly prohibited by the Minister.*

### Policy

Children and youth need guidance to help them make appropriate behaviour choices. To support children and youth, foster parents complete training in approved guidance strategies that encourage self-control, self-respect and respect for others. Any behaviour that is intended to ridicule, humiliate, degrade, insult or undermine the dignity and self worth of a child is not allowed. In addition, the basic necessities such as medication, food, shelter and clothing must not be denied.

Visitation between children, youth and significant people in their lives such as family and extended family must not be denied as a form of discipline.

**Note:**

The existing policy requirements pertaining to foster care and residential policy and involving discipline also apply.

## Incident

### Regulation – Section 10(1)

*In this section, “incident”, in respect of a foster child residing in a foster home, means*

- (a) a serious illness of or injury to the child,*
- (b) a serious change in the child’s health,*
- (c) an error in the administration of prescribed medication to the child,*
- (d) an adverse reaction to medication by the child,*
- (e) the death of the child,*

- (f) *an unauthorized absence of the child from the foster home,*
- (g) *the commission by the child of an offence under an Act of Canada,*  
*or*
- (h) *any other occurrence that may seriously affect the health or safety*  
*of the child.*

(2) *A licence holder shall report each incident to the Minister in the manner required by the Minister.*

## **Policy**

When a critical incident occurs, the foster parents are required to contact the child's caseworker immediately as per the current requirements. The caseworker is required to contact the licensing officer.

Also, foster parents should document the information and may use the provincial form, which is the critical incident report. The information must be forwarded to the child's caseworker in the CFSA/DFNA by the following working day. In some situations it may not be possible for foster parents to have the means to forward the report the following day (i.e. no fax). In these situations, the information should be communicated to the child's caseworker by phone, followed by forwarding the written information through the mail to the caseworker. The dialogue between the caseworker and the foster parents will ensure that the foster parents have shared all the necessary information to assist them in managing the situation.

In the case of an extreme incident such as a death, serious injury or abuse, the foster parents are required to contact the CFSA/DFNA *immediately*. If the extreme incident occurs outside business hours, the foster parents are required to contact the on-call or crisis worker *immediately*.

- The supervisor is required to follow-up on all incidents of a serious nature to ensure compliance with additional requirements such as required activities following death of a child.

When an incident is reported, the licence holder will review the information to determine if any immediate action is required.

The person receiving the information will provide it to the required personnel for licensing and case management as per regional critical incident reporting policy.

- The Critical Incident reports or supporting documentation are to be filed in the facility file by the licensing officer and in the child's file by the caseworker.

**Clarification point: Section 10 (g)** of the regulation refers to a criminal act under federal law committed by **any child** residing in the foster home.

## Duties of Licence Holder

### Regulation – Section 11

*A licence holder shall ensure that section (a) to (i) are adhered to (regulation (a) to (i) are highlighted).*

### Policy

Children and youth need to be in an environment that is safe and supportive at all times. The licensing officer shall monitor the licence holder for compliance to the following regulations and policy:

- a) *The licence holder maintains first aid certification*

#### Policy

Foster parent(s) must complete first aid training. The licence holders must hold a valid First Aid Certificate (If the home is a two parent home, then both parents will need to ensure they have the required level of training in this area). A St. John certificate or equivalent is required. If not completed at the time of licensing, then the requirement becomes a term of the licence to be obtained within 6 months of obtaining the license.

- b) *The foster home and grounds are maintained in a manner that ensures the safety of children.*

#### Policy

The foster home and ground must be well maintained as specified in the Safety Environment Assessment for Foster Care [CS3606].

- c) *Meals and snacks are provided to foster children in accordance with the Canada Food Guide or a similar food guide, and are provided at appropriate times and in sufficient quantities in accordance with the needs of each child.*

#### Policy

Foster parents need to be aware of children who have food allergies and/or special diets.

Other similar food guides may include the Aboriginal Food Guide.

Food preparation must be developmentally appropriate. Foster parents need to ensure foods that present a risk of choking are not served or are modified before serving, when appropriate. For example, hot dogs and grapes should be sliced lengthwise.

- d) *Non-prescription medication and toxic chemicals are stored in a safe manner and are not readily accessible by children.*

**Policy**

Toxic chemicals are inaccessible to small children.

- e) *Prescription medication other than medication that is self-administered by a child is stored in a locked container that is inaccessible by children.*
- f) *All firearms are trigger locked.*

**Policy**

Any weapon is locked in a secure space and locked with a trigger lock.

**Note:**

**The ministry will pay for trigger locks.**

- g) *All ammunition is stored in a locked container separate from any firearm and that the container is inaccessible to children.*
- h) *Emergency evacuation procedures are practised regularly.*

**Policy**

As required by the regulations, all residents of the home must be familiar with the emergency evacuation procedures and practice the procedures on a monthly basis.

- i) *Fire extinguishers and smoke alarms are installed and maintained in the foster home in accordance with applicable legislation.*

**Policy**

Foster parents should ensure, on a monthly basis, that fire extinguishers and smoke detectors are in working condition.

Related to this area, the following policy also applies in the event of an emergency. Foster parents will have portable records for the purpose of emergency evacuation. The information must include:

- The full name of each child;
- The name, address and phone number of each parent or caseworker/guardian;
- The name and phone number of an emergency contact person as designated by the parent or caseworker/guardian; and

- Specific information regarding medical information, treaty number, health care number, any medication, health concerns and allergies of the child.

## Classification Expectations of Foster Families

Further to the requirements described above, foster parents are also expected to be familiar with and follow the expectations as described in the Foster Care Classification Expectations [[CS3603](#)].



## 12.3 Licensing of Child and Youth Facilities

Regional internal processes will ensure that the licensing application process is clear and coordinated with other requirements for the applicant. The regional internal procedures will coordinate the licensing process with the contracting process to ensure a seamless process for applicants.

The intent is for the applicant to make one submission to the regional Child and Family Service Authority (CFSA) or Delegated First Nation Agency (DFNA) in which the facility geographically resides, which would include requirements for both licensing and contracting. Requirements for licensing and related contracting processes will be communicated to applicants to ensure there is an understanding of the responsibilities of all parties.

The foster home licence is issued for a maximum of one year. The licensing officer may issue a foster home license for less than one year.

As per the *Enhancement Act*, the licence needs to identify the maximum number of children who may reside in the facility. The maximum number of children who may reside in a licensed child and youth facility includes the placement of all children who are placed in the facility by another agency or authority. These children may or may not be children in the custody or guardianship of the director; regardless the children will be included in the licence.

The following section identifies a summary for a number of areas:

- a) The application process to obtain an initial child and youth facility licence, which includes:
  - Facilities that are currently providing care to children in the custody or guardianship of the director, but do not have a licence through the *Social Care Facilities Licensing Act*.
- b) The renewal of a child and youth facility licence including those facilities that have a licence under the *Social Care Facilities Licensing Act*.
- c) Ongoing requirements for all child and youth facilities to maintain their licence.

### **Application Process to Obtain an Initial Child and Youth Facility Licence**

An application for an initial licence must be in writing and include all the requirements necessary for approval and issuing of the child and youth facility license. This section also applies to facilities that are currently providing care to children in the custody or guardianship of the director, but do not have a licence through the *Social Care Facilities Licensing Act*. The

application for a licence will be coordinated with the contracting process, including negotiation of a contractual agreement.

Regulation section 13(1) and (2), and section 14 and 15, along with supporting policy must be complied with prior to obtaining a licence.

The following provides a summary of the requirements under regulation section 13(1) and (2):

- Identifies those who can apply for a licence
- Criminal record check
- Intervention record check
- References
- A list of contract and staff positions, including job descriptions and qualifications
- A description of the facility's program and procedures.

Section 14 of the regulation outlines the conditions that are required to issue the licence:

- Evidence of the applicant's partnership or corporate status
- Compliance to applicable zoning, health and safety legislation.

Section 15 identifies a number of requirements that must be met prior to issuing the licence.

**Renewal of a licence, including those Child and Youth Facilities that have a licence under the *Social Care Facilities Licensing Act*.**

The following outlines the process to obtain a licence for child and youth facilities that require a renewal of their license, including those facilities that are currently licensed under the *Social Care Facilities Act* and require a licence under the *Enhancement Act*.

The licensing officer will complete a review of the contractual agreement to ensure the applicant is compliance with regulation section 13(1) and (3), and sections 14 and 15, as well as supporting policy.

The following provides a summary of the requirements under regulation section 13(1) and (3):

- Identifies those who can apply for a licence.

- Identifies that the renewal must be made at least 60 days prior to the expiration of the licence.
- Requires the report of any changes in the information already provided as per the regulation section 13(2)(d) or (e).
  - Section 13(2)(d) and (e) identifies the following:
    - ▶ A list of contract and staff positions, including job descriptions and qualifications
    - ▶ A description of the program and procedures.
- Report of any changes in the partners, board members or CEO.
- Any additional information requested.

Section 14 of the regulation outlines the conditions that are required to issue the licence:

- Evidence of the applicant's partnership or corporate status
- Compliance to applicable zoning, health and safety legislation.

Section 15 identifies a number of requirements that must be met prior to issuing the licence.

### **Ongoing Requirements**

Regulation sections 16 to 31 identify the ongoing requirements for child and youth facilities to maintain their licence. These are identified and discussed in this document.

## **Regulations and Policy**

The following identifies the requirements for licensing as per the regulations and policy.

## **Definition**

### **Regulation – Section 12**

*In this Part, "licence holder" means the holder of a child and youth facility licence.*

## Application

### Regulation – Section 13

*(1) An application under section 105.3 of the Act for a child and youth facility licence or a renewal of a child and youth facility licence may be made only by*

- (a) an adult individual,*
- (b) a partnership, or*
- (c) a body corporate.*

*(2) An application for an initial child and youth facility licence must be accompanied with the following:*

- (a) the results of a criminal record check, dated not earlier than 6 months prior to the date of the application, with respect to the following:
  - (i) if the applicant is an individual, the applicant;*
  - (ii) if the applicant is a partnership, the partners;*
  - (iii) if the applicant is a body corporate, the chief executive officer;**
- (b) if the applicant is a body corporate, confirmation that the results of a criminal record check with respect to each board member, dated not earlier than 6 months prior to the date of the application, have been obtained by the applicant;*
- (c) if the applicant is an individual,
  - (i) a written consent, in a form satisfactory to the Minister, from the applicant authorizing the Minister to obtain information from any jurisdiction in which the applicant has resided in the 5 years immediately preceding the date of the application for the purpose of determining if the applicant has caused a child to be in need of intervention in that jurisdiction, and*
  - (ii) references from 3 individuals concerning the ability of the applicant to operate a child and youth facility;**
- (d) a list of contract and staff positions, including a job description for each position and the qualifications and experience required for each position;*
- (e) a written description of the applicant's proposed program and procedures, including
  - (i) the goals and objectives of the program;*
  - (ii) the applicant's organizational structure;*
  - (iii) program, financial and personnel administration;*
  - (iv) recruitment and screening of employees and volunteers;*
  - (v) admission and discharge criteria;**

- (vi) planning, monitoring and evaluation of care to be provided to children;*
  - (vii) maintenance of records of children residing in the facility;*
  - (viii) any health or educational services available to children residing in the facility;*
  - (ix) supervision of children;*
  - (x) security of children and staff;*
  - (xi) disciplinary measures and use of restraints;*
  - (xii) use of isolation;*
  - (xiii) emergency procedures;*
  - (xiv) handling of allegations of abuse by staff and volunteers;*
  - (xv) administration of medication;*
  - (xvi) orientation process for children;*
- (f) any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to operate a child and youth facility.*
- (3) An application for a renewal of a child and youth facility licence must be made to the Minister at least 60 days before the expiry of the licence and must be accompanied with the following:*
- (a) if there has been a change in any of the information referred to in subsection (2)(d) or (e) since that information was last provided by the applicant, a statement of the changes;*
  - (b) if the applicant is a partnership or body corporate, any change in the partners, board members or chief executive officer since that information was last provided by the applicant;*
  - (c) any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to continue to operate a child and youth facility.*

## **Policy**

All required information must be received before a licence is considered. An application for an initial licence must be in writing and meet all of the policy and regulatory requirements. To avoid duplication for the applicant, the application should be coordinated with the contracting process.

Prior to a licence being issued and at renewal of the licence, a thorough review of the documentation must be completed to ensure compliance with the requirements. Child and youth facilities must be accredited from a Children's Services ministry approved accreditation body, as per the contractual agreement.

## Conditions Precedent to Issuing Licence

### Regulation – Section 14

*Before issuing a child and youth facility licence or a renewal of a child and youth facility licence, the Minister may require the applicant to provide*

- (a) if the applicant is a partnership or body corporate, evidence of the applicant's partnership or corporate status, and*
- (b) evidence that the child and youth facility to be operated is in compliance with applicable zoning, health and safety legislation.*

### Public Health Act, Safety Codes Act and Municipal Bylaws

To ensure residential facilities are informed of all requirements, the Regions should maintain current information or coordinate with the municipalities to ensure access to information about Municipal bylaws (land use and zoning), Safety Codes Act (includes building code and fire prevention) and Public Health Act.

On First Nation communities under Federal jurisdiction, the regulations concerning the physical structure do not apply. Specifically, this includes municipal requirements (land use and zoning), safety codes (building code and fire prevention) and the *Public Health Act* regulations. The licensing officer shall request verification of compliance to the corresponding physical structure laws that apply on reserve for example any areas relating to building code and fire prevention.

### Public Health Act

In coordination with the *Public Health Act* Institutions Regulation and the *Enhancement Act* regulations, a health inspection is required for **4 or more** placements.

The licensing officer will refer the applicant for a public health inspection when the facility is in the process of being licensed to provide care to 4 or more children or youth.

In exceptional circumstances when there is a health concern, the licensing officer may refer the applicant or holder of a licence for a public health inspection if the facility is being licensed to provide care to less than 4 children.

The licensing officer will advise the facility if an additional inspection will be required upon renewal of the licence. The completion and frequency of health inspections will continue as per the current requirements for four or more children.

### **Safety Codes Act and Municipal Bylaws**

If applicable, the applicant should contact the local jurisdiction to obtain approval of the residential facility under the municipal bylaws.

Where applicable compliance with the *Safety Codes Act* is also required (includes building code and fire prevention). The applicant should make a request to the local jurisdiction to obtain approval of the residential facility.

## **Issuance of Licence**

### **Regulation – Section 15**

*The Minister may issue a child and youth facility licence or a renewal of a child and youth facility licence if the Minister is satisfied that*

- (a) the applicant and the individuals who will be associated with the operation of the child and youth facility are suitable to operate a child and youth facility,*
- (b) the environment of the child and youth facility is conducive to the health, safety and well-being of children,*
- (c) the premises of the child and youth facility provide children with adequate space for activities of normal daily living, and*
- (d) the applicant will comply, or has complied, with the Act, this Regulation and any terms or conditions imposed by the Minister.*

### **Policy**

Children and youth need to receive care in an environment that is safe and ensures that at all times they will be well supervised, according to their developmental and treatment needs.

The environment must respect and support individuality and normal development. The facility and all furnishings must be clean and maintained to ensure health and safety.

## **Licence Not Transferable**

### **Regulation – Section 16**

*A child and youth facility licence is not transferable.*

## Notice of Changes

### Regulation – Section 17

- (1) *A licence holder shall notify the Minister forthwith of the following:*
- (a) *if the licence holder is a partnership or a body corporate, any change in the partners, board members or chief executive officer;*
  - (b) *any significant change in the licence holder's program and procedures.*
- (2) *If the Minister has been notified of a change under subsection (1)(a), the Minister may require the licence holder to provide to the Minister*
- (a) *the results of a criminal record check with respect to the new partner or chief executive officer, or*
  - (b) *confirmation that a criminal record check with respect to the new board member has been obtained by the licence holder.*

### Policy

A holder of a child and youth facility licence shall notify the Minister in writing of any significant changes in the program, including staffing changes that may impact the delivery of the program.

To assess the ongoing suitability of the program to meet the needs of children and youth, any significant program modifications must be approved prior to implementation.

## Conditions Relating to Staff

### Regulation – Section 18

- (1) *A licence holder shall ensure that each staff member who works directly with or has unsupervised access to children residing in the facility and each volunteer who has unsupervised access to children residing in the facility*
- (a) *is an adult,*
  - (b) *provides character references satisfactory to the licence holder,*
  - (c) *provides a criminal record check and an intervention record check to the licence holder, both dated not earlier than 6 months prior to commencing work at the facility, and every 3 years thereafter,*
  - (d) *has, within 3 months of commencing work at the facility, completed a first aid course that includes CPR training,*



- (e) maintains the first aid certification referred to in clause (d), and*
- (f) has received information with respect to safety precautions to be followed when working alone.*

*(2) In subsection (1)(c), "intervention record check" means a review of records by a director to determine if an individual has caused a child to be in need of intervention.*

## **Policy**

Individuals providing care to children and youth need to renew Intervention and Criminal Record Checks every 3 years, which is checked and documented by the facility supervisory staff.

If a criminal record exists, the information should be documented and consideration given to the nature and circumstances of the offenses.

In hiring staff or using volunteers, including practicum students, the licence holder is responsible to ensure implementing of written agency policies and procedures.

To ensure awareness of the facilities policies and procedures including confidentiality provisions, the facility director shall ensure that all employees and volunteers receive an orientation within 24 hours of commencement.

## **Records**

### **Regulation – Section 19**

*A licence holder shall, in a manner satisfactory to the Minister,*

- (a) maintain a record of admissions to the facility and discharges and absences from the facility, and*
- (b) maintain personnel records of all employees and volunteers.*

## **Other Records**

### **Regulation – Section 20**

*(1) A licence holder shall maintain a record for each child who is in the custody or under the guardianship of a director and residing in the facility for the period during which the child resides in the facility.*

- (2) *A record referred to in subsection (1) must include the following:*
- (a) *the name, birth date and gender of the child;*
  - (b) *the date of and reason for admission or discharge;*
  - (c) *the name, address and telephone number of a director's delegate who is responsible for the child;*
  - (d) *the facility's plan of care for the child;*
  - (e) *a record of all case conferences, including admission, planning, family and discharge conferences;*
  - (f) *records of any medical, dental, optical, physical, developmental or emotional conditions relevant to the care of the child;*
  - (g) *an immunization and health care history of the child, including appointment dates, reasons for referral, names of physicians and follow-up required;*
  - (h) *a record of any therapeutic diet prescribed for the child by a physician;*
  - (i) *a record of the child's school attendance, including the child's report cards and a contact name and phone number for the school the child is attending;*
  - (j) *daily observations and comments by employees and volunteers about the child;*
  - (k) *a record of any isolation of the child in accordance with section 24;*
  - (l) *a record of any physical restraint of the child;*
  - (m) *a list of approved contacts for the child;*
  - (n) *any other information relative to the child considered appropriate by the licence holder or provided or required by a director.*
- (3) *The Minister may exempt a licence holder from the requirements of subsection (1) in respect of a child who is placed in the child and youth facility on a temporary and short-term basis.*

## **Policy**

The caseworker is required to provide the holder of a child and youth facility with any information that may be necessary to provide care to the child or youth. This may include any historic information such as education and health records. Also, the caseworker must provide the facility with the plan of care for the child or youth (i.e. concurrent plan).

The facilities plan of care for the child should be coordinated with the ministry's plan of care, specifically the concurrent plan or the youth's transition to independence plan.

The facility must ensure the protection of records of the personal information of clients against risks such as unauthorized access, collection, use, disclosure, destruction or theft, as per the FOIP legislation.

Temporary or short-term residency as per section 20(3) of the regulation is defined as a maximum of three calendar days.

## Notice of Policies and Procedures

### Regulation – Section 21

*A licence holder shall keep a copy of facility policies and procedures on the premises of the facility, and shall make the policies and procedures available to employees, volunteers, residents, guardians of children and the Minister.*

## Providing Information About Facility

### Regulation – Section 22

*A licence holder shall ensure that on admission to a child and youth facility, a child receives information appropriate to the child's developmental age with respect to*

- (a) the rules of the facility, and*
- (b) the complaint process of the facility.*

### Policy

Children and youth shall receive an information package from the facility staff upon admission to ensure their awareness of the rules of the facility, the dispute resolution process, administrative and appeal procedural rights, and their right to contact the Child and Youth Advocate.

## Prohibitions

### Regulation – Section 23

*A licence holder shall not, with respect to a child residing in the facility,*

- (a) inflict or permit to be inflicted any form of physical punishment, verbal or physical degradation or emotional deprivation,*
- (b) deny any basic necessities,*

- (c) use or permit the use of face-down restraints,*
- (d) use or permit the use of any other form of physical restraint unless the purpose is to protect the child or others and, in that case, only to the degree and duration necessary,*
- (e) encourage or condone punishment of the child by any other child,*
- (f) exclude or permit the exclusion of the child from entry to the facility as a form of punishment, or*
- (g) practise or permit to be practised any disciplinary measure expressly prohibited by the Minister.*

## **Policy**

Children and youth need guidance to help them make appropriate behaviour choices. Facility staff have the responsibility to use guidance strategies that encourage self control, self-respect and respect for others. To achieve this the following applies:

- The facility director is responsible to ensure that front-line staff are trained in the use of appropriate and positive forms of behaviour management and discipline.
- The intervention utilized needs to be appropriate to the circumstances and the needs of the child, as well as consistently followed by all staff.

Visitation between children, youth and significant people in their lives such as family and extended family, must not be denied as a form of discipline.

## **Isolation of Child**

### **Regulation – Section 24**

*(1) A licence holder shall not establish a room for the purpose of isolating a child without the approval of the Minister.*

*(2) A licence holder shall ensure that*

- (a) a child is isolated only to ensure the child's safety or the safety of others,*
- (b) a child is not kept in an isolation room without adult supervision,*
- (c) the name of the child, the length of isolation and the reason for isolation are recorded and placed on the child's file, and*
- (d) procedures approved by the Minister for the isolation of children are followed.*

## Policy

If isolation or locked confinement is used, a critical incident report must be completed and forwarded to the child's caseworker in the CFSA/DFNA not later than the following day. The caseworker is required to contact the licensing officer and contract manager, or as required per regional policy.

## Isolation

Isolation is the removal of a child or youth from social interaction to a designated room as approved in the program submission of the licence holder.

If isolation to a designated room is in excess of twenty (20) minutes (unlocked confinement) the following procedures apply:

- record the name of the client, length of time and reason for confinement;
- document the supervision and assessment of the ability of the child or youth to resume self-control at a minimum of five (5) minute periods;
- approval of the agency director (or designate) for any period of confinement which extends beyond four (4) hours;
- approval by the Chief Executive Officer, Regional Child and Family Services Authority /Director of Delegated First Nations Agency for any confinement which extends beyond six (6) hours.

## Locked Confinement

Locked Confinement is the restriction and isolation of a child or youth to a locked room. This method of discipline is only permitted in Intensive Treatment programs, Secure Services Facilities and Protective Safe Houses, as approved by the Minister.

With approval of the facility director or designate, the following applies to the use of locked confinement:

- record the name of the client, length of time and reason for confinement;
- document the supervision and assessment of the ability of the child or youth to resume self-control at a minimum of five (5) minute periods;
- can only be used in a designated room (which is not their bedroom);
- can only be used until the child or youth has regained control and are no longer presenting a security risk or a danger to self or others;

- with the approval of the agency director (or designate) for any period of confinement beyond 45 (forty-five) minutes;
- in consultation with a clinician for any confinement which extends beyond 2 (two) hours;
- with approval of the agency Executive Director for any period of confinement which extends beyond four (4) hours;
- with approval by the Chief Executive Officer, Regional Child and Family Service Authority/Director of Delegated First Nation Agency for any confinement which extends beyond six (6) hours.

## Incident

### Regulation – Section 25

*(1) In this section, “incident”, in respect of a child who is in the custody or under the guardianship of a director and residing in a child and youth facility, means*

- (a) a serious illness of or injury to the child,*
- (b) a serious change in the child’s health,*
- (c) an error in the administration of prescribed medication to the child,*
- (d) an adverse reaction to medication by the child,*
- (e) the death of the child,*
- (f) an unauthorized absence of the child from the facility,*
- (g) the commission by the child of an offence under an Act of Canada, or*
- (h) any other occurrence that may seriously affect the health or safety of the child.*

*(2) A licence holder shall*

- (a) report each incident to the Minister forthwith in the manner required by the Minister, and*
- (b) institute any corrective measures that may be required to prevent a similar incident from occurring in the future.*

## Policy

To ensure consistent reporting practice, a critical incident report must be completed when an “incident” occurs as defined in the regulation, section 10(1).

- The licensing officer will advise the licence holder of the requirement to report incidents and will provide copies of the Critical Incident Report Form.

The licence holder is required to forward the critical incident report to the child’s caseworker in the CFSA/DFNA (Child and Family Service Authority/ Delegated First Nation Agency) by the following working day. The caseworker is required to contact the licensing officer and the contract manager, or as required as per regional processes.

- When an incident is reported, the licence holder will review the information to determine if any immediate action is required.

In the case of an extreme incident such as a death, serious injury or abuse, the licence holder is required to contact the CFSA/DFNA immediately. If the extreme incident occurs outside business hours, contact the on-call or crisis worker immediately.

- The supervisor is required to follow up on all incidents of a serious nature to ensure compliance with additional requirements such as required activities following death of a child.

The person receiving the information will provide it to the required personnel for licensing and case management as per regional critical incident reporting policy.

The Critical Incident reports are to be filed in the facility file by the licensing officer and in the child’s file by the caseworker.

## Emergency Procedures

### Regulation – Section 26

*A licence holder shall ensure that*

- (a) emergency telephone numbers and procedures are posted in a prominent place in the facility, and*
- (b) emergency evacuation procedures are made known to all employees, volunteers and children.*

## **Policy**

Staff need to be able to contact local resources for emergency assistance at all times to ensure the safety of residents. The facility director must ensure that current telephone numbers for all resources important to the operation and safety of the child and youth facility are readily available to staff at all times.

- All staff must know the location of emergency telephone numbers and have ready access to that information. All information must be updated on a regular basis.
- Emergency evacuation procedures must be practiced and documented on a monthly basis.

## **Safety of Facility**

### **Regulation – Section 27**

*A licence holder shall ensure that the facility and grounds are maintained in a manner that ensures the safety of children.*

## **Provision of Food**

### **Regulation – Section 28**

*A licence holder shall ensure that*

- (a) staff and volunteers are aware of any food allergies or special dietary requirements of the children residing in the facility;*
- (b) meals and snacks are provided to the children residing in the facility in accordance with the Canada Food Guide or a similar food guide, and are provided at appropriate times and in sufficient quantities in accordance with the needs of each child.*

## **Policy**

Children and youth need to be served sufficient quality, variety, and quantity of food at appropriate times to ensure their daily nutritional needs are met. The facility director must ensure that:

- Staff are aware of all allergies and food restrictions, as well as hazardous foods that can cause choking.



- Staff use approved nutritional guidelines such as the Canada Food Guide or Aboriginal Food Guide to establish a standard for achieving a balanced diet.
- Staff prepare meals and snacks that must include a variety of well-balanced, nutritious foods and take into account medical, cultural and/or religious restrictions.

## Medications

### Regulation – Section 29

(1) *A licence holder shall ensure that*

- (a) *a record is kept of all medications prescribed to a child by a physician,*
- (b) *subject to subsection (2), prescription medications are administered to a child only under the general supervision of a staff member, and in accordance with the prescription instructions, and*
- (c) *a record is kept of all medication administered to each child, other than self-administered medication, including*
  - (i) *the type of medication,*
  - (ii) *in the case of prescription medication, the period for which the medication is prescribed, and*
  - (iii) *the dosage to be administered, when each dosage is administered and the name of the staff member who administered the dosage.*

(2) *A licence holder may allow a child to assume responsibility for self-administration of medication if authorized by the child's guardian.*

### Policy

The facility director must ensure that all staff is trained in the proper and safe methods of administering medications. Staff designated to administer medication must have a valid first aid certificate.

- Prescribed medications are in the original container and are labeled with the resident's name, name of the physician, date of issue, and instructions for administration.
- Prescribed medications are in the original container with an intact label and the resident's name.
- There is a defined method of recording the administration of medication including; date, resident's name, name of medication, date and time

medication is to be administered, amount of medication to be administered, and signature of the staff member who administered the medication.

The program must have policies and procedures addressing exceptional circumstances related to the following:

- a resident's refusal to take medication;
- a medication error, adverse effects or other emergency situations; and
- the circumstances under which residents are allowed to manage and administer their own medications.

Upon meeting the minimal requirements, facilities can determine additional requirements for the administration of medication and other processes that may need to be followed i.e. obtain direction from a physician.

## **Storage of Medication**

### **Regulation – Section 30**

*A licence holder shall ensure that*

- (a) all prescription medication other than medication that is self-administered is stored in a locked container that is inaccessible by children,*
- (b) non-prescription medication and toxic substances are stored in a safe manner and are not readily accessible by children, and*
- (c) universal precautions are followed by staff and volunteers.*

### **Policy**

Medications must be stored in containers with functioning locking mechanisms for both refrigerated and non-refrigerated medications in the facility.

- Containers storing medications must be consistently locked.

## **Dangerous Items in Facility**

### **Regulation – Section 31**

*A licence holder shall ensure that firearms, weapons, ammunition and explosive substances are not permitted in the facility.*

## 12.4 Residential Licensing Procedures

All information will be entered in the Child and Youth Information Module (CYIM) through the Placement Resources Program. **Licence and concerns tabs** have been added to the program screen. The information contained in this document will primarily focus on the additional procedural requirements that will be involved in licensing.

Child and Family Service Authorities (CFSAs) and Delegated First Nation Agencies (DFNAs) will need to determine who will enter the required information into CYIM to ensure the residential facility is compliant to the licensing requirement in the *Enhancement Act*, regulations and policy. The **bolded words** in the document primarily indicate a field in CYIM where information can be entered.

The licensing officer is delegated responsibility to make recommendations regarding the licence, issue the license, monitor the residential facility and enter any required information into the Placement Resources Program in CYIM. The licensing officer is also delegated responsibility to recommend that the licence is varied, suspended or cancelled.

The information contained in this section applies to all residential facilities, which includes *child and youth facilities* and *foster homes*. The additional following information applies to the licensing of foster homes:

Pending the regional structure, for foster homes the key individuals include the licensing officer, foster care worker (if different than the licensing officer), and contract manager (if applicable) who are responsible to promote and ensure that high quality of care is provided to children and youth placed in foster homes. The coordinated functions of providing support to a foster home, and monitoring a foster home for compliance to regulations and policy are designed to ensure that homes provide quality care and that accountability for the level of care is maintained. The support function is augmented by a regulatory function to ensure that foster homes are compliant with the licensing regulations and policy.

The document includes the following sections which provide an explanation of the requirements for policy, procedures and data entry, including:

1. Licence status
2. Conditions on a licence
3. Process for approval of an initial licence including a licence with conditions
4. Licence status – renewal and renewal refused

5. Investigation of a complaint in a residential facility
6. The investigative process
7. Further action following an investigation

**Note:**  
CYIM Facility Information Screen – A Summary

## Licence Status

The licensing officer responsibilities include:

- Upon considering either an initial or renewal application for a licence from a residential resource, the licensing officer is responsible to ensure all required information is included, review all the necessary information to ensure compliance with the requirements and make a recommendation regarding the issuing of a licence.
- The licensing officer is responsible to recommend one of a number of options upon receiving an application for an initial or renewal of a licence:
  - Approve the licence
  - Approve the licence with conditions, or
  - Refuse the licence.
- Upon the approval of the recommendation regarding the licence, the licensing officer is responsible to enter the information into CYIM.

Details of the above will be further discussed in the document.

The following identifies the **licence status**, which may be entered into CYIM:

- **Licensed** – the facility has been approved to provide care to children in the custody or guardianship of the director.

**Note:**  
Custody refers to a custody order or a custody agreement for example, and guardianship includes custody which would include a temporary guardianship order for example – this will be used throughout the document.

- **Conditional** – Licence has been issued and conditions are attached. The facility may provide care during this time period.

- **Suspended** – The operator cannot provide care to children in the custody or guardianship of the director as the licence has been suspended. Further procedures on suspension of a licence are identified later in the document.
- **Cancelled** – the licence has been cancelled and the facility cannot provide care to children in the custody or guardianship of the director. Further procedures on cancellation of a licence are identified later in the document.
- **Renewal Refused** – the licence has not been renewed. Further procedures on renewal or refusal of a licence are identified later in the document.
- **Voluntary Closure** – the facility has requested or agreed to close their facility and the licence is cancelled.
- **Closure and Relocation** – the facility has moved and the licence has been cancelled.

**Note:**

The *Enhancement Act* section 105.7(1) describes cancelling a licence.

## Conditions on a Licence

A licensing officer may place conditions on a licence upon the initial application for a licence or application for renewal of a licence. As the *Enhancement Act* does not specify the kinds of conditions that can be placed on a residential licence, the director has some flexibility (as described in the example) to issue a licence with conditions that address the unique circumstances of the particular applicant or facility.

For example, section 3(2) of the Regulation requires that an application for a foster home licence be accompanied with a) the results of a criminal record check, b) consent to do an intervention record check in other provinces, c) medical references, d) general references. If the applicant does not provide this information, the Minister cannot accept the application. The director *does not* have the option of issuing a licence, and making it a condition of the licence that these items be provided at a later date. Section 4 of the Regulation provides that the Minister *may* require a home assessment, require that the applicant complete training, or require evidence of compliance with health and safety legislation. Because the Minister has discretion on these items, a licence could be issued with a condition that these requirements be met at a later date. To clarify, the home assessment report is a requirement and does need to be completed; however, it can become a condition of the licence.

Similarly, section 13 of the Regulation requires that an application for a child and youth facility licence be accompanied by a) results of a criminal record check, b) consent for out of province intervention record check, c) references, d) list of staff positions, and e) description of the program. Again, this information **must** accompany the application. A licence cannot be issued with a condition that this information be provided at a later date. Section 14 of the Regulation provides that the Minister **may** require evidence of the applicant's corporate status, and evidence of compliance with zoning, health and safety legislation. Because the Minister has the discretion to require this information, a licence could be issued with a condition that this information be provided at a later date.

To further clarify, the licensing officer may issue a licence with conditions in the following situations:

- Upon the application or renewal of a license, as per the *Enhancement Act* section 105.3(2). A condition may be placed upon the initial and renewal of the application in instances where the licensee needs time (within the maximum 90 days) to comply with a requirement, and non-compliance does not place a child at risk. The licensing officer can request adherence to a number of standards at any point in the licence period that do not have to be placed on as a condition of the licence.
- Upon application by the licensee as per section 105.31 which allows the terms or conditions of a licence to be varied.
  - In situations where the licensee wants to make a change to a term of the licence (for example maximum capacity), the following will apply:
    - ▶ The licensee shall request this in writing to the licensing officer; and
    - ▶ Upon obtaining the necessary approvals, the licensing officer will inform the licensee of the outcome of the request by letter.
    - ▶ If changes are approved, the licensing officer will issue a revised licence in the existing licence period.
- The licence may be varied and conditions attached as per *Enhancement Act* section 105.7(1) which applies to situations where concerns exist regarding the care a child is receiving in the residential facility. The section also applies to concerns regarding the premises or lack of compliance to the Act, regulations or policy requirements.

In imposing **conditions** on the licence, the licensing officer will ensure the following is completed:

- The conditions that must be met are identified on the licence. Examples of conditions may include training to be completed but will not be available for a specified period.

- Confirm that the nature of the non-compliance is such that it is reasonable to allow a period of time for the license holder to comply within a maximum specified period of 90 days.
- There is evidence that the licence holder is willing and able to comply with conditions.
- That the non-compliance(s) to the Act, Regulation or policy does not place a child at risk.

The **conditions** imposed must be entered on CYIM.

The Enhancement Act section 105.3(4) requires that a number of items must be stated on the license including the conditions. The timelines the conditions must be met should also be identified on the licence.

## **Process for Approval of an Initial Licence including a Licence with Conditions**

The licensing officer is responsible for licensing of all residential facilities in their region. The facility will submit their licence application to the licensing officer in their geographic region. The facility only makes one submission into the region in which it is geographically located. As the licence application includes some of the information required for a contract (where a contractual agreement is in place or in the process of being in place), the licensing officer is responsible to forward all the information contained in the application to the contract manager.

The contract manager and the licensing officer will need to coordinate their activities to ensure that the licence and the contract are approved at the same time. For residential facilities that are contracting with a CFSA or DFNA, the facility must always have a licence and a contract in place. The licence cannot be issued without the contract being in place and vice versa.

To make a recommendation regarding the licence, the licensing officer must complete the following:

- Ensure that all required documentation has been submitted. This includes a letter from the CFSA or DFNA in which the facility has a contractual agreement in place, which indicates that the CFSA or DFNA supports the facilities application for a licence.
- Review all information to ensure compliance with Act, regulations and policy.
- Make a recommendation regarding approval.



- Forward the recommendation to the supervisor and manager as per regional policy for approval.

The licence and the contract should be approved at the same time.

- If a licence is recommended, then the licensing officer will issue the licence, or issue the licence with conditions.

## Applications for Foster Homes

For foster home applicants, if the decision cannot be made regarding the application for an initial licence within 60 working days after the parent preparation training ends, send the applicant a written explanation and the timelines for when a decision will be made.

No child may be placed in the home before approval of the licence, including issuing of the licence.

If the licensing officer confirms that the application information meets all the requirements for fostering, then the licensing officer must ensure the following information is complete and on the file:

- Foster Care Licensing Application Form (for an initial licence) or the Residential Facility Licence Application /Application Renewal Form (applies to the application for a renewal of the licence)
- A record of the criminal record check and finger print information is on the file including documentation of the review of the criminal record (if applicable) is on contact notes
- Intervention record check
- Medical Reference and other medical reports (if applicable) for each applicant
- Personal reference information
- Genogram
- Foster Home Safety Checklist
- Foster Home Self Report Answer Booklet
- Worker's Home assessment guide
- Home Assessment Report, with appropriate signatures
- First aid certificate or issue the licence with the condition that it must be obtained within 90 days of issuing the licence

- Foster Home Agreement
- Confirmation of insurance
- Ensure the home has a CYIM I.D.
- Copy of the foster home licence

When the decision is reached to approve and licence a home:

- Record the information on the file.
- As terms of issuing the licence, identify the criteria that have not been fully met and the actions necessary to meet those criteria.
- Advise the applicants of the decision, and issue the licence.
- Place the approval on CYIM.

### **Classification of a Home**

When a home is approved, evaluate the applicant's training, skill and experience to determine the classification of the home.

Classification levels are:

Level 1 (formerly accepted, approved and qualified)

Level 2 (formerly advanced)

Specialized (new)

**Note:**

Refer to Foster Care Classification Expectations document for further description of classification criteria.

## **Emergency Situations**

If the residential facility has not provided proper notification of a move due to an emergency situation, the licensing officer may vary the licence by changing the location of the facility.

## **Approval of the Licence with Conditions**

If the licensing officer recommends that the licence has conditions, then the licensing officer will forward the recommendation regarding the conditional licence to the supervisor or manager (pending regional processes), who

reviews the documentation and decides whether a conditional licence will be issued and if so, the conditional licence period. The maximum time period for conditions to be met is 90 days.

The conditional licence period will be based on the time reasonably needed to meet the condition(s) and will also allow time for the licensing officer to inspect the facility prior to licence expiry. To issue a licence all conditions must be met prior to expiry of the conditional licence.

Where a number of steps are needed to rectify non-compliance(s), a **Compliance Action Plan** [CS2032] may also be developed. (This form is currently used by child care licensing officers to identify specific goals and tasks that must be adhered to).

## Licence Status – Renewal and Renewal Refused

An application for renewal for a *residential facility* licence may be refused in the following circumstances:

- Refusal to comply with section 4 or section 14 of the licensing regulation
- A history of non-compliance with the *Child Youth and Family Enhancement Act* or Residential Facilities Regulations or policy
- Incomplete or non-submission of a renewal application
- Failure to comply with a conditional licence, or
- Failure to comply with an Order After Inspection.

In making a recommendation regarding renewal or non-renewal of a *residential facility licence*, the licensing officer must conduct a facility file review (which is the file that the CFSA or DFNA has in their office), which includes reviewing and completing the following:

- History of inspection site visits
- History of conditions and non-compliance concerns
- History of enforcement actions
- Evidence of management, administration or other issues which contribute to or indicate the licence holder's inability or unwillingness to provide proper care and maintain adequate premises
- Other information that may be available through the licensing or contracting process, and

- The licensing officer may complete a site visit as per regional processes.

For *foster home* applicants, if denial of the home is being considered due to concerns about an applicant's psychological health, complete the following:

- Have the supervisor review the information to confirm your decision.
- Personally tell the applicant about the concerns.
- If the applicant wants to pursue approval, have the applicant undergo a psychological assessment by a mutually agreed upon psychologist.
- Advise the applicant that the region will cover the cost of the assessment.

If the licensing officer recommends that the renewal of an application for a *residential facilities licence* be refused, then the following steps are completed:

- The licensing officer forwards the recommendation for refusal to renew to the supervisor who reviews it, and approves it or forwards the recommendation or changes to the recommendation to the manager as per regional policy.
- The supervisor or manager discusses the refusal to renew with the CEO or Director of Delegated First Nation Agency and Family Law as per regional processes.
- Upon obtaining approval to refuse to renew the licence, the licensing officer prepares a letter to the license holder indicating the refusal to renew the licence. The Act does not require that the license holder receive prior notice of refusal to renew a licence. However, as a general rule 30 days notice should be given wherever possible. The refusal to renew needs to be coordinated with the contract manager and any requirements that are subject to the contract as well as the caseworkers that have children placed in the facility.

The letter that is issued by the licensing officer should include the following:

- outline the reasons for the refusal to renew; and
- advise the applicant of their right to appeal as per the Enhancement Act section 120(3) and (5).

The licensing officer:

- may consult with Family Law regarding wording of the letter, and
- mail the letter to the license holder by registered mail or personally delivers the letter through a meeting.

The licensing officer enters necessary information on CYIM in the appropriate fields that include **License Status, Action Status and Action Taken**.

When a decision is made to suspend the licence, refuse renewal of the licence or cancel the licence and discontinue use of the facility, the licensing officer in coordination with the contract manager must *immediately* advise all caseworkers so that alternative placement arrangements can be made for children placed in the facility prior to the expiry of the licence. A *safety plan* must be established and implemented to ensure the safety of children placed in the facility until they can be relocated. In addition, the contract manager must terminate the contract to provide residential facility services. Children who are in the custody or guardianship of the director of the Child, Youth and Family Enhancement Act *cannot* be placed in the facility upon the expiration or cancellation of the licence.

- The licensing officer must clearly explain the outcome of the reason for refusal to renew to the child (pending the situation), the caregiver, the caseworker and the licence holder.

## Investigation of a Complaint in a Residential Facility

### Policy

There are two types of investigations that may be completed which involve a residential facility. In implementing the licensing requirements, the concerns include in need of **intervention and quality of care**. The concerns and roles have been further specified below:

- Investigations of a *child alleged to be in need of intervention services* in a residential facility, which fall within the protection stream of differential response. The investigator responsible for child intervention services completes investigations concerning protection as per policy requirements.
- The licensing officer completes investigations concerning quality of care.

The specifics of the two different types of investigations, which will be referred to as a *child intervention investigation* or *licensing officer investigation*, will be discussed later in this document.

Complaints about a licensed residential facility that relate to quality of care or allegations of abuse (in need of intervention concerns) of a child in a residential facility, may be received by the screening unit for child intervention services or licensing unit in the Child and Family Service Authorities (CFSAs) or the Delegated First Nation Agencies (DFNAs).

Under the provisions of the *Child, Youth and Family Enhancement Act*, every allegation of abuse of a child is to be referred to the screening unit of child intervention services. Specifically this includes allegations of abuse/neglect as defined by the act that may have occurred by a person who is providing custody or guardianship to a child in the care of the director. Other complaints and concerns about matters related to quality of care are to be referred directly to the licensing officer for investigation. Regardless of the **concern type**, coordination will need to occur between the investigator of child intervention services or licensing officer and other personnel, including the contract manager and the caseworker.

## Intent of Policy

Regardless of the investigation type (i.e., in need of intervention or quality of care), the investigation and decision-making processes regarding complaints about a residential facility will be completed in a manner that is clear, consistent and fair to all involved. The process will ensure the safety and well being of children in the director's care and will help promote a high standard of care for all children in residential facilities. In addition, accountability will be increased through indicating that residential facilities are providing quality care and concerns are effectively dealt with.

## Principles of Practice

The following applies to all investigations, specifically child intervention investigations or licensing officer investigations:

- Investigative and decision-making processes will be as transparent and consistent as possible. This means following a clearly described process in decision-making and conducting the investigation in a manner open to review and examination.
- Investigators will treat all parties involved with respect and consideration.
- Investigators will be aware of and sensitive to issues of diversity and how these issues may relate to a residential facility investigation.
- Investigation will be conducted in a manner that is free from judgments, and without assumptions. The investigation process will be an unbiased information gathering process that will result in a clear determination.
- Investigators will ensure that all parties will be provided with the required information as quickly as possible considering the safety of the child to be paramount. This means that communication will be prompt, clear, and will include all parties involved, however, the timing of communication may be affected by the need to ensure the safety of the child(ren).

## Other Considerations When Completing Investigations

The investigator should have knowledge of the following:

- The history of the resource.
- The child's history in care, family history, disorders/disabilities (if any), previous behaviour and history of making false or partly false allegations.

The nature of residential facility investigations can be traumatic for the children involved and the caregivers. It is important for the investigator to remember that the children involved have already been removed from their families and caregivers may already have experienced an investigation.

The following sections identify key activities in the investigation process, with a primary focus on the role of the licensing officer.

The licensing officer is also required to enter the following information into the licensing information screen under the **concerns tab** on CYIM:

- **Concern Type**
- **Action Taken**
- **Action Status**
- **Licence Status** (if changes).

### **Concern Type: Determining the Nature of a Complaint or Allegation**

When a complaint or allegation is received about a child in a residential facility, a determination must be made regarding who will complete the investigation. This will be based on establishing whether the concern constitutes a report of a child in **need of intervention services** under the *Enhancement Act*, or a **quality of care** concern.

Four concern type categories have been identified for the purposes of tracking and monitoring concerns. The licensing officer is responsible to enter the required information into the **concerns tab** of CYIM.

Complaints regarding a residential facility may vary in nature and include the following categories as identified on the licensing field of CYIM:

- **Quality of care** alleged concerns, which may include instances where the license holder has not met the standards for the child in the residential facility who is under the custody or guardianship of the director: In identifying the initial concerns in this category, the licensing officer would identify the concern type as either:
  - A **quality of care** alleged concern (which includes any concern about the quality of care provided in a facility, such as curfew concerns, provision of allowance).
  - A **quality of care concern that is non compliant** to the regulations or policy (see regulations and policy for specifics).
  
- **In need of intervention** is an *initial* alleged concern as described in section 1(2) of the Enhancement Act for a child in a residential facility who is in the custody or guardianship of the director. Through coordination with the investigator, the licensing officer would identify the *initial* alleged concern type as either:
  - **In need of intervention** includes if the initial alleged concern is not related to the care the facility was providing. (Example may be if the child AWOLs and runs home where they are abused).
  - **In need of intervention that is non compliant** to the regulations or policy (see regulations and policy for specifics).

When a licensing officer receives a concern involving allegations of abuse involving a child in a facility, the licensing officer must refer the concern to the screening unit for child intervention services, which is responsible for the geographical area where the residential facility is located. If the licensing officer refers a concern to screening or is contacted by the screening unit, the licensing officer will provide all relevant information relating to the facility including a CYIM print off of the profile of the facility, which will identify any previous concerns.

**Note:**

All content that is in a text box relates primarily to the role of the child intervention investigator. The licensing officer needs to be aware of these activities to ensure coordination between the roles occur.



### **Child Intervention Investigations**

When a report is received through the screening unit in child intervention services, the following decision must be made in consultation with the supervisor:

- Whether the complaint constitutes a child intervention report under the *Enhancement Act*; if yes, the matter is to be referred to investigation. A copy of the screening should be provided to the licensing officer.
- If the concern does **not** meet the criteria of a report for child intervention services under the Act, but requires a quality of care investigation by the licensing officer then the supervisor will assign the matter to the appropriate licensing office for follow up. The licensing officer takes the lead in the quality of care investigation and coordinates all activities with the child's caseworker, contract manager, or foster care worker.

The assignment of investigation of a child protection concern will need to be coordinated with the caseworker completing the investigation and the licensing officer, as both have reporting requirements. The child's caseworker should also be informed of the activities. Additional coordination should also occur with the contract manager, foster care worker, supervisor or manager as well as the director of the residential facility.

If it is alleged that the child may have been emotionally, physically or sexually abused while in care, the caseworker is responsible to make a referral to the Child and Youth Advocate on "Mandatory Notification to the Child and Youth Advocate" [[CS2110](#)].

## **The Investigative Process**

### **Timelines for Completing Investigations**

#### **Child Intervention Investigations**

When a protection concern is received regarding a child in a residential facility, which meets the criteria of a child intervention report under the *Enhancement Act*, the procedures outlined in the Differential Response Policy for Screening and Investigation will apply.

Whenever possible, investigations will be completed within the normal guideline of 9 working days from receipt of screening for protection concerns or for quality of care concerns.

The licensing officer is responsible for the activities involving the residential facility including:

- the writing and distribution of a letter to the facility
- the follow-up meeting, and
- any other actions regarding the licence holder of the residential facility.

The activities identified above should occur within 20 working days from the start date of the investigation. Supervisory approval is required to exceed this timeline.

The child intervention investigator and licensing officer will ensure that all relevant parties are aware of any delay through telephone contact. It is important to note that activities such as coordinating an investigation with the police may result in time delays that are beyond the control of the child intervention investigator.

## The Investigation Process Involving Allegations of Abuse

### **Child Intervention Investigator**

In receiving an allegation of abuse regarding a child in the custody or guardianship of the director, the child intervention investigator will collect as much information as possible prior to starting the investigation to determine previous concerns, patterns and history of care. The child intervention investigator, whenever possible, must consult with *key individuals* such as:

- the licensing officer
- foster care worker
- contract manager
- all caseworkers with children placed in the facility.

Consultation should take the form of a joint meeting. When a meeting is not possible, telephone contact is to occur.

The child intervention investigator takes responsibility for coordinating the investigation in accordance with standard investigation practice and is to keep the key individuals informed at all stages of the investigation. As part of the safety plan, any determination of actions involving the facility need to be coordinated with the licensing officer, foster care worker, contract manager, and all caseworkers involved with each child in the facility.

In addition, contact is required with the agency director or designate. Careful consideration needs to be given to the disclosure of information so as to not impede the investigation.

If the allegation involves an agency staff member who caused a child to be in need of protective services, the investigator requests that the staff member have no contact with the children in any of the facilities that the agency may have pending the investigation outcome. Whenever possible, the caseworker should be present when the investigator interviews a child.

Upon completion of a child intervention investigation, a copy of the report must be forwarded to the licensing officer.

During or following the investigation involving a child who may be in need of intervention or a concern regarding quality of care, the licensing officer will follow up with the licence holder of the residential facility on any action that is required to ensure compliance to the requirements. This is further discussed in the following sections. The licensing officer is also required to ensure documentation is completed and entered onto the facility screen of the CYIM.

## Follow-up to the Investigation

Upon the initiation and completion of an investigation, the licensing officer is required to enter information into the appropriate fields in concerns tab of CYIM. This includes **action taken** and **action status**, which are discussed in the following sections.

### Action Taken (CYIM Field: Follow Up Information)

Non-compliance by a licence holder to the *Child Youth and Family Enhancement Act* regulations or policy requirements may result in enforcement actions being initiated by the licensing officer to obtain compliance.

Actions taken need to be coordinated between the licensing officer and the appropriate CFSA or DFNA staff, which may include the following roles:

- Investigator pending the concern type
- Contract Manager, pending if a contract exists
- Foster Care worker if that person is not the licensing officer
- Caseworker.

In addition, coordination needs to occur with the residential facility director and the foster parent.

Responding to a non-compliance concern will require the licensing officer to:

- schedule a 'site visit' (which may be announced or unannounced)
- determine if the concern is substantiated
- determine if enforcement action is required.

Upon completion of the investigation (either child intervention or quality of care), the licensing officer will issue a letter to the licence holder providing information regarding the outcome of the investigation, and may include any non-compliance concerns and follow up.

The written letter specifies:

- the non-compliance(s);
- measure(s) that must be taken; and
- timelines for compliance.

In the investigation phase (either child intervention or quality of care investigation), the licensing officer may enforce a number of **action taken** options, which include:

- **Referral to Investigation**
  - Applies when the licensing officer receives a concern regarding quality of care or child intervention concerns.
- **Site Visit**
  - A **site visit summary** is a record of the visit to the facility by the licensing officer. It includes a record of any activities taking place at the facility, who was present at the time of the visit, the length of the visit and any non-compliance concerns identified during the visit.
  - The site visit summary must also identify any compliance due date(s).
- **Foster Care Training**
  - Applies to any additional training that is required for foster parents.
- **Referral to Community**
  - Applies to Foster Parents where follow up in a community resource is required.

- **Facility closed**
  - Includes the cancellation of the licence and termination of the contract or voluntary closure.
- **Facility put on Hold**
  - Applies only to foster homes as the foster parents are not accepting any more placements at this time. The foster parents may or may not have children in their home. This may be initiated by the foster parents or by the director.

**Note:**

The applicability of this term is unchanged from the current policy.

- **Probation**
  - Applies to the issuing of a licence with conditions.
- **Removal of children**

### Action Status (CYIM Field: Follow Up Information)

Through the investigative process (either child intervention or quality of care investigation), there will be a determination if the concerns are substantiated. The licensing officer will then enter the required information following the **Action Taken** into CYIM as applicable. This includes the following:

- **any comments** including non-compliance concerns and enforcement actions
- **action status** (unsubstantiated, substantiated or unfounded).

Below is an explanation of the above terms:

- **Unsubstantiated** –The licensing officer is unable to substantiate or find grounds to vary, suspend or cancel the licence. There is no strong evidence to support the allegation or concern. Follow up and monitoring may be required.
- **Substantiated** – Evidence is conclusive and confirms the allegation or concern. Further action may be required.
- **Unfounded** –The concern is not substantiated and it is determined that there is no substance to the complaint. No further action is required.

## Further Action Following an Investigation

The following outlines further actions that the licensing officer may take with the residential facility, specifically involving varying the licence and adding **conditions, suspending, cancelling**, or obtaining **an order after inspection** of the facility. The *Enhancement Act* section 105.7 applies to the licensing officers ability to vary, suspend or cancel the licence.

105.7(1) When the Minister is of the opinion that

- (a) a residential facility licence holder is not providing proper care to a child who resides in the licence holder's residential facility,
- (b) the premises described in the residential facility licence have become unfit or unsuitable for a residential facility,
- (c) a residential facility licence holder has not complied with
  - (i) this Act, the regulations or a condition of the residential facility licence,
  - (ii) an order made under section 105.6, or
  - (iii) any other enactment that applies to a residential facility,

the Minister may, by notice in writing to the residential facility licence holder, vary, suspend or cancel the residential facility licence and terminate the licensee's contract with the Crown to provide residential facility services.

(2) Every contract between the Crown and the owner or operator of a residential facility is deemed to contain a provision that the Crown may terminate the contract without notice and without damages payable by the Crown to the owner or operator if the owner or operator fails to comply with an order issued under section 105.6 or if the residential facility licence is suspended, cancelled or expired.

## Varying the Licence with Conditions

As previously discussed, a licence can be varied and conditions placed on the licence. If it is determined that the licence will be varied, then the licensing officer will vary the licence, add the conditions and update any required fields in CYIM, and issue a new licence to the facility.

## Licence Suspension or Cancellation

**Licence suspension** may be considered when:

- other measures have failed (e.g., Order After Inspection, licence with conditions);

- the facility cannot continue to operate without risk to children or youth in its care;
- there is evidence the licence holder is willing and able to comply; and
- non-compliances can be corrected during the suspension period which is a maximum period of 90 days.

**Licence cancellation** may be considered when:

- other measures have failed (e.g., Order After Inspection, Conditional License);
- the facility cannot continue to operate without risk to children or youth in its care; and
- there is evidence the licence holder is unable or *unwilling* to comply.

When the licensing officer considers a licence **suspension or cancellation**, the licensing officer may complete a site visit as per regional processes and will conduct a file review of the facility that includes:

- history of inspection site visits
- history of conditions and non-compliance concerns
- history of enforcement actions
- evidence of management, administration or other issues which contribute to or indicate the licence holder's inability or unwillingness to provide proper care and maintain adequate premises, and
- other information that may be available through the licensing or contracting process.

## Process for Varying, Suspending or Cancelling the Licence

Where the file review indicates that a licence needs to be varied, suspended, or cancelled, the licensing officer will forward the recommendation and pertinent information to the supervisor or manager (pending regional processes). The supervisor or manager will notify and discuss the recommendation with the CEO, Child and Family Services Authority or Director, Delegated First Nation Agency and Family Law.

Upon receiving approval to proceed, the licensing officer will complete a letter to be signed by the supervisor, manager or CEO/Director (pending regional processes) and forwarded to the licence holder.

The letter will:

- outline the reasons for the licence being varied, suspended or cancelled, and
- inform the facility licence holder of their right to appeal the conditions, suspension or cancellation of appeal under the *Child Youth and Family Enhancement Act*, section 120 (5);

The licensing officer:

- may consult with Family Law regarding wording of the letter, and
- either mail the letter and to licence holder by registered mail or deliver through a meeting.

For varying or suspension of a licence, the licensing officer will schedule meetings to monitor compliance to the Act, regulations or policy, and inspect the facility on the scheduled date(s) or unannounced to monitor ongoing compliance to Act, regulation and policy during the suspension period.

- The licensing officer enters the required information into CYIM.

If the facility is in compliance before the end of the term of which the conditions need to be met or the suspension period, the licensing officer may notify and make the recommendation to the supervisor or manager and obtain written authorization to remove the **Conditions** or **Notice of Suspension**.

- The licensing officer enters the required information into CYIM.

If the facility does not comply by the end of the time period, then discussions need to occur with the appropriate *key individuals* (who were previously defined in this document) to determine and recommend further action including cancellation and termination of the licence. Appropriate regional approvals will need to be adhered to.

- The licensing officer enters the required information into CYIM.

Contract payments do not continue once the licence status is changed on CYIM to **Suspended or Cancelled**. The licensing officer will need to coordinate these activities with the contract manager.

If a facility licence is cancelled or a decision is made to discontinue use of the facility, the licensing officer in coordination with the contract manager must *immediately advise* all caseworkers so that alternative placement arrangements may be made for children placed in the facility. A safety plan must be established and implemented to ensure the safety of children placed



in the facility until they can be relocated. In addition, the contract manager must terminate the contract to provide residential facility services.

Record the investigation on CYIM and advise all caseworkers, program and contract managers.

## Inspection and Order After Inspection

Enhancement Act section 105.5(4) describes the process to enter the residential facility if refused.

Enhancement Act section 105.6 describes the ability to issue a court order after inspection where the licensing officer is concerned about non-compliance after a visit to the facility. This is not a court process, but it can be court process if entry is refused. Section 105.6(4) describes the court process.

The licensing officer may contact Family Law to obtain assistance in applying these sections of the act.

### **Enhancement Act**

#### **Inspection**

105.5(1) Subject to subsection (2), for the purposes of ensuring compliance with this Act, the regulations and any conditions to which a residential facility licence is subject, the Minister or a person authorized by the Minister may

- (a) at any reasonable hour enter a residential facility other than a private dwelling place and inspect it,
- (b) enter a residential facility that is a private dwelling place and inspect it with the consent of the owner or operator of the private dwelling place,
- (c) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,
- (d) inspect and take samples of any material, food, medication or equipment being used in a residential facility, and
- (e) perform tests, take photographs or make recordings in respect of a residential facility.

(2) When a person removes any books, records or other documents under subsection (1)(c), the person must

- (a) give to the person from whom those items were taken a receipt for those items, and

- (b) forthwith make copies of, take photographs of or otherwise record those items and forthwith return those items to the person to whom the receipt was given.
- (3) When a person takes samples of any material, food, medication or equipment under subsection (1)(d), the person must
  - (a) give to the person from whom those items were taken a receipt for those items, and
  - (b) on that person's request, return those items to that person when those items have served the purposes for which they were taken.
- (4) If entry is refused or cannot be reasonably obtained under subsection (1) or a person interferes with the Minister or a person authorized by the Minister in exercising rights and performing duties under this section, an application may be made to the Court of Queen's Bench by way of originating notice for an order that the Minister or a person authorized by the Minister may,
  - (a) at any reasonable hour enter the residential facility and inspect it,
  - (b) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,
  - (c) inspect and take samples of any material, food, medication or equipment being used in the residential facility; and
  - (d) perform tests, take photographs or make recordings in respect of the residential facility,and the Court may, on being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.
- (5) An application under subsection (4) may be made ex parte, if the Court considers it proper.

### **Order after inspection**

105.6 If a residential facility has been inspected under section 105.5 and the Minister is of the opinion that

- (a) this Act, the regulations or a condition of a residential facility licence is not being complied with, or
- (b) the residential facility is not providing proper care,

the Minister may in writing order the person operating that residential facility to take measures as specified in the order within the time limits specified in the order.

## 12.5 Forms

### **CS3619: Foster Care Application**

This form is used for the initial foster care licensing application.

### **CS3529: Residential Facility Licence Application/Application Renewal**

This form is used for the initial child and youth facility licence application, as well as the foster home licence renewal application.

### **CS3461: Home Assessment Report for Adoption, Foster Care and Private Guardianship**

The foster home assessment is regulated and required by the regulations. The annual assessment is based on this form.

### **CS2637, CS2637a & CS2637c: Home Assessment Question Guide, Home Assessment Self-Report Answer Booklet, and Worker's Home Assessment Report Guide**

These are additional forms that are used to assist with the completion of the home assessment. These forms are based on the regulated home assessment form.

### **CS0172: Foster Care Annual Assessment**

This is a requirement as per the regulations and is used to complete the annual assessment.

### **CS2605: Foster Family Reassessment**

This is completed if changes occur during the licensing period as identified on the document

## 12.6 CYIM Facility Information Screen – A Summary

This section clarifies all the codes on CYIM.

### Licence Status

The following identifies the licence status, which may be entered into CYIM:

- **Licensed** – The facility has been approved to provide care to children in the custody or guardianship of the director.  
  
**Note:**  
Custody refers to a custody order or a custody agreement for example, and guardianship includes custody which would include a temporary guardianship order for example – this is used throughout the document.
- **Conditional** – Licence has been issued and conditions are attached. The facility may continue to provide care during this time period.
- **Suspended** – The operator cannot provide care to children in the custody or guardianship of the director as the licence has been suspended. Further procedures on suspension of a licence are identified later in the document.
- **Cancelled** – The licence has been cancelled and the facility cannot provide care to children in the custody or guardianship of the director. Further procedures on cancellation of a licence are identified in the document.
- **Renewal Refused** – The licence has not been renewed. Further procedures on renewal or refusal of a licence are identified in the document.
- **Voluntary Closure** – The facility has requested or agreed to close their facility and the licence is cancelled.
- **Closure and Relocation** – The facility has moved and the licence has been cancelled.

**Note:**

The *Enhancement Act* section 105.7(1) describes cancelling a licence.

## Concern Type

There are four categories of **concerns**:

- **Quality of care** alleged concerns, which may include instances where the license holder has not met the standards for the child in the residential facility who is under the custody or guardianship of the director: In identifying the initial concerns in this category, the licensing officer would identify the concern type as either:
  - A **quality of care** alleged concern (which includes any concern about the quality of care provided in a facility, such as curfew concerns, provision of allowance).
  - A **quality of care concern that is non compliant** to the regulations or policy (see regulations and policy for specifics).
- **In need of intervention** is an *initial* alleged concern as described in section 1(2) of the Enhancement Act for a child in a residential facility who is in the custody or guardianship of the director. Through coordination with the investigator, the licensing officer would identify the *initial* alleged concern type as either:
  - **In need of intervention** includes if the initial alleged concern is not related to the care the facility was providing. (Example may be if the child AWOLs and runs home where they are abused).
  - **In need of intervention that is non compliant** to the regulations or policy (see regulations and policy for specifics).

## Action Status

Through the investigative process, it will be determined if the concerns are substantiated. The licensing officer will then enter the required information following the **Action Taken** into CYIM as applicable. This includes the following:

- **any comments** including non-compliance concerns and enforcement actions
- **action status** (unsubstantiated, substantiated or unfounded).

Below is an explanation of the above terms:

- **Unsubstantiated** – If the investigator is unable to substantiate or find grounds to vary, suspend or cancel the licence. The evidence does not **strongly** support the allegation or concern. No follow up is required.
- **Substantiated** – Evidence is conclusive and confirms the allegation or concern. Further action may be required.

- **Unfounded** –The concern is not substantiated and it is determined that there is no substance to the complaint. No further action is required.

## Action Taken

In the investigation phase, the licensing officer may enforce a number of **action taken** options, which include:

- **Referral to Investigation**
  - Applies when the licensing officer receives a concern regarding quality of care or child intervention concerns.
- **Site Visit**
  - A site visit summary is a record of the visit to the facility by the licensing officer. It includes a record of any activities taking place at the facility, who was present at the time of the visit, the length of the visit and any non-compliance concerns identified during the visit.
  - The site visit summary must also identify any compliance due date(s).
- **Foster Care Training**
  - Applies to any additional training that is required for foster parents.
- **Referral to Community**
  - Applies to Foster Parents where follow up in a community resource is required.
- **Facility Closed**
  - Includes the cancellation of the licence and termination of the contract or voluntary closure.
- **Facility put on Hold**
  - Applies only to foster homes as the foster parents are not accepting any more placements at this time. The licence may or may not be suspended during this time period.
- **Probation**
  - Applies to the issuing of a licence with conditions.
- **Removal of Children**
- **Ongoing Monitoring – Contact Notes**

Ongoing monitoring of the residential facility and the licence holder to ensure compliance to the requirements is one of the responsibilities of the licensing officer. On the Placement Resources Program in CYIM, licensing officers can enter any information resulting from regular contact or visits through the **contact note** tab. The information will then be tracked and accessible.

## 13.1 Overview

### Summary

This section discusses adoption including the various programs in Adoption Services. All child adoption services are provided in accordance with Part 2 of the *Child, Youth and Family Enhancement Act*.

Adoption is intended to provide a lifelong commitment of permanence and stability for children. It can provide a sense of place and belonging to children and youth who may not otherwise be able to have this experience.

### Matters to be Considered

Section 58.1 of the *Act* discusses the specific matters that must be considered by any person who exercises any authority or makes a decision relating to the adoption of a child. These matters are a reflection of the statements contained within the overall Matters to be Considered in S.2 and are intended to guide how adoptions should be carried out.

All relevant matters including the following must be considered:

- the importance of a positive relationship with a parent and the security of family membership to the child's development
- the benefits of stability and continuity of care and relationships
- the mental, emotional and physical needs of the child and the child's state of development
- the benefits of maintaining the child's familial, cultural, social and religious heritage
- the child's views and wishes
- the effects on the child of a delay in decision-making
- for aboriginal children, the uniqueness of their culture, heritage and traditions and the importance of preserving them.

This introduction relates to all child adoptions. Subsequent sections describe:

- Birth parent services
- Private adoptions
- Adoption home approvals



- Matching children under permanent guardianship with approved adoptive parents
- Post-placement services
- Supports for Permanency
- International adoptions
- The Post Adoption Registry

## Adoption Services

Adoption Services, Edmonton, is responsible for:

- developing policies and procedures for all adoption programs
- managing the bank of approved adoptive homes
- developing and managing media recruitment
- matching children with approved adoptive parents
- providing consultation to regional Child and Family Service Authorities
- providing training on adoption as requested by the regions
- licensing and monitoring of private adoption agencies
- managing the international adoption program
- managing the Post Adoption Registry
- compiling provincial statistics

## Adoption Specialists

Most regions have staff with special knowledge regarding adoption to provide consultation to staff in the region on all adoption matters. Determine who this person is for your region.

## Consent Designates

Each region names consent designates for the purpose of taking adoption consents. Only these designates are authorized to witness the consent of a child of 12 or over, or the consent for a direct placement or licensed agency

adoption if the relinquishing parent chooses to complete the consent using Ministry services. Alternatively, the parent or the child of 12 years or over may choose to use the services of a lawyer.

## Birth Registration

Once an adoption order is granted in Alberta, a revised birth registration may usually be obtained from the jurisdiction where the birth is registered. To obtain an amended birth record from Quebec, the adoptive parent must have a solicitor present the adoption order to the Quebec Youth Court. The court may order that the record be amended.

## Interprovincial Request

As a courtesy, the Ministry responds to requests from other provinces or territories. These requests include completing a home assessment report, witnessing a consent to adoption, and completing a family and social history. When a request is received, an adoption caseworker responds. The regional inter-provincial coordinator can assist with any issues.

## Intermediary Placements

S.84 prohibits placement by a third party intermediary. If you become aware of such involvement, contact your worksite manager or regional adoption specialist who contacts Adoption Services.

## Adult Adoptions

The *Adult Adoption Act* contains procedures for adopting an adult. The adopting person must reside in Alberta and the adoptee must be a Canadian citizen or landed immigrant.

An adult person 18 years of age or older may petition the court for an adoption order. A Self-Help Kit for Adult Adoptions is published by the Queen's Printer and is distributed by:

Alberta Queen's Printer  
Main Floor Park Plaza  
10611 – 98 Avenue  
Edmonton, Alberta T5K 2P7  
Telephone: 427-4952

Alberta Queen's Printer  
Main Floor, McDougall Centre  
455 – 6 Street SW  
Calgary, Alberta T2P 4E8  
Telephone: 297-6251

If you receive an inquiry about adult adoption, refer the caller to The Manager, Post Adoption Registry who handles these inquiries.

## Sealed Records

Once an adoption order is granted for a child, the court and Alberta Children's Services seal the adoption records according to S.74.1(1) and 74.1(2). These records may be viewed only by court order or by Ministerial consent except as described in Post Adoption Registry.

## 13.2 Adoption Order

### Summary

The following generally describes the process for obtaining an adoption order and the effects of an adoption order. The detailed procedures are described in the subsequent sections.

### Consent

Under S.59, an order will be granted only with the consent of each guardian and the child, if 12 or over. Under S.68(4), the court may dispense with the consent of anyone except a director. Use the Consent by a Director or Authorized Delegate [[CS2047](#)] to document the consent.

### Criteria

Under S.62, to petition the court for an adoption order, a prospective adoptive parent must:

- be at least 18;
- maintain their usual residence in Alberta or must have resided in Alberta when the child was placed in the home; and
- provide information that satisfies the Court that the child is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

### Petition

The request to the court for an adoption order is called a petition. The prospective adoptive parent is the petitioner. S.63 describes the supporting documentation that must accompany a petition.

### Notice

The petitioner must serve notice of the adoption to the involved parties according to S.64. According to S.64(2), the petitioner does not have to serve a guardian who asked not to be served. The court may require service on a previous guardian in circumstances where the previous guardian has continued to exercise access to the child by an order or agreement.

A child age 12 and over is not served with the home assessment report or the results of the criminal record check or the intervention record check, but they are served with a Notice of Objection to Adoption [[CS3475](#)].

## Consideration of the Petition

Under S.64(5) if no one is objecting to the adoption, the petition will be reviewed by a Court of Queen's Bench Justice in chambers.

## Adoption Hearing

According to S.64(6) a hearing will be held if a person who was served with the adoption petition files a notice objecting to the adoption or the court orders a hearing. In this case, the petitioner, their lawyer, or the licensed adoption agency will present the petition to the court. The petitioner and the child, if 12 or over, are entitled to be heard.

## Order

If satisfied that the adoption is appropriate, the judge grants an adoption order under S.70. The clerk of the court distributes the orders according to S.74. The order includes the child's full birth name and the name by which the child will now be known.

## Dismissed Petition

If the court dismisses a petition, according to S.71(1) the petitioner may not file another petition for at least 2 years.

However, S.71(2) allows the petitioner to obtain the court's leave to file another petition earlier if the reason for the dismissal no longer exists. In such a case, the petitioner and counsel must satisfy the court and obtain the leave before presenting another petition.

## Effect

S.72 describes the effects of an adoption order. The adoption terminates the birth parents' guardianship rights, except in a step-parent adoption. The adopted child gains the same legal status as a child born to the adoptive parent.

Adoption does not alter the child's citizenship, status as a registered Indian, nor Métis or Inuit rights.

## Adoption Granted Outside of Alberta

Under S.73, an adoption order granted in another jurisdiction has the same effect as one granted in Alberta as long as the effect of the foreign order is to create a permanent parent-child relationship.

## Appeal

Under S.58(2), an appeal of an order made under Part 2 may be made to the Court of Appeal within 30 days after the order is made. When calculating the number of days, exclude the day the order was made; include Saturdays, Sundays and holidays.

## Setting Aside

Under S.73.1, certain involved people may apply to the court to have an adoption order set aside. The court would set aside the order only if it is in the child's best interests. Such an application must be made within 1 year after the order is granted, unless fraud is alleged.

**It is important for the adoptive parent to understand that even though the order has been granted, challenges may be made for up to one year.**

## 13.3 Birth Parent Services

### 13.3.1 Overview

#### Summary

Birth Parent Counselling Services are available to any relinquishing parent or guardian who wishes to consider or has decided to relinquish a child for adoption. The services provided by Alberta Children's Services are:

- providing birth parents with information on the options available to assist them in making a decision whether to keep or relinquish their child
- completing a permanent guardianship agreement for an infant being relinquished to Alberta Children's Services
- witnessing the guardian's consent for a child being placed directly with the adopting family or through a licensed adoption agency. (The consent may also be witnessed by a lawyer.)

#### Eligibility

Provide birth parent services to any expectant or new parent who:

- self-refers
- is referred by a licensed adoption agency
- is referred from a community agency
- is referred by an intervention caseworker

#### Guardianship

Pursuant to S.20 of the *Family Law Act*, the following are identified as guardians:

The mother and the father where:

- a) the mother and the father were married to each other at the time of the birth of the child,

- b) the mother and the father were married to each other and the marriage was terminated by
  - i. a decree of nullity of marriage granted less than 300 days before the birth of the child, or
  - ii. a judgement of divorce granted less than 300 days before the birth of the child,
- c) the mother and the father married each other after the birth of the child,
- d) the mother and the father cohabitated with each other for 12 consecutive months during which time the child was born, or
- e) the mother and the father were each other's adult interdependent partners after the birth of the child.

Where the relationship between the mother and the father differs from the relationships in (a) to (e) above, both the mother and father are guardians of the child until such time as the child's usual residence is established to be with one parent exclusively, at which time the parent with whom the child resides becomes the sole guardian. Both the mother and father are guardians in cases where the child's usual relationship is with both parents together, or with each parent separately but for substantially equivalent periods of time.

Despite the above, a parent with whom the child has usually resided for one year is a guardian even if the child no longer resides with that parent.

Despite the above, if both parents so agree in writing, both parents continue to be the guardians of the child even after the child begins to usually reside with only one of them.

## Under 14

If the birth mother conceived before reaching the age of 14, a criminal offence may have been committed. In such a situation, inform the mother and her parent in writing that, under the Criminal Code of Canada, an offence might have been committed and refer the matter to the police.

## Child at Risk

If at anytime the parent or the child appears to be a child in need of intervention services, refer the matter to the local Child and Family Services office.



## Procuring

Under S.83(1), it is illegal to directly or indirectly give, receive, agree to give, or agree to receive any payment for arranging an adoption. Record any information received regarding suspected payment for an adoption placement. Contact your worksite manager or regional adoption specialist who contacts Adoption Services.

## Adoption Facilitators

Under S.84, only the following may facilitate the placement of a child for adoption:

- a parent of the child
- a director
- a licensed adoption agency
- the Minister

## File Administration

Open an Unmarried Parent Services file on CYIM.

The paper file contains:

- Contact Notes [[CS0072](#)]
- Custody Agreement with a Guardian [[CS1642](#)] if the child is taken into care
- Consent to Release Information [[CS0470](#)] to have contact with a referring licensed adoption agency or the hospital
- copies of all relinquishing documents if the parent signs a permanent guardianship agreement or a consent to adoption.

## 13.3.2 Before Relinquishment

### Summary

If a parent inquires about relinquishing a child for adoption, provide the following services before completing the relinquishing documents.

### Counselling

Provide counselling to the parent about:

- the available options and the possible consequences of each
- the parent's rights and responsibilities
- who else may be considered a guardian and what rights such a person has
- the birth father's rights and responsibilities
- resources available in the community.

**Note:**

In cases where the birth father is not a guardian, he should be included as a party to a Permanent Guardianship Agreement, as if he is a guardian. Where his whereabouts are unknown or there are compelling reasons to not involve the birth father, such as rape, document this information on the file.

### Referring

If the parent requests a referral to a licensed adoption agency, tell the parent about all the agencies without showing a bias for any one. Each Child and Family Services office has a list of licensed adoption agencies.

### Custody Agreement

If the parent is undecided whether to keep or relinquish the child, the parent may enter a custody agreement. Such an agreement:

- provides care for the child while the parent makes plans
- includes a concurrent plan stating the goals and timelines

- may only exceed one month duration in an exceptional situation such as when a child has undetermined medical needs.

## Decision to Relinquish

If the parent decides to relinquish a child for adoption, make sure the parent knows the ways to relinquish:

- by entering a permanent guardianship agreement (PGA) with a director, if the child has been in the care of the parent for less than six(6) months;
- by privately placing the child directly with a family known to them, for purposes of adoption, and consenting to the adoption;
- by placing the child through a licensed adoption agency and consenting to the adoption.

Tell the parent that a director must process a permanent guardianship agreement. A consent to a private adoption or a licensed agency adoption can be taken by a director or a lawyer.

Before completing the relinquishing documents, perform the following.

## Prepare

Make sure that the parent:

- has the opportunity and capacity to make an informed decision
- is encouraged to participate in the child's planning by:
  - providing background information, particularly medical information, about both birth parents for the adopting family;
  - indicating the type of adopting family preferred; and
  - deciding what contact and information exchange may be appropriate.

### See:

#### [13.3.4 Following-up a PGA](#)

- understands that when the child reaches 18, the adoptee may contact the Post Adoption Registry to receive identifying information about their birth parents and other family members.
- understands that they may register a Contact Preference [[CS3575](#)] with the Post Adoption Registry when the adoption is finalized.

- understands that completing a contact preference does not prevent the release of their identifying information.
- understands that they may receive identifying information about the child, when the child has reached the age of 18 years and six months.

## Children's Services Involvement

Ask the parent whether she has had any involvement with Children's Services and do an intervention record check to determine whether the parent or the child is receiving or has received services.

## Birth Parent Under 18

Birth parents under the age of 18 years may consent to an adoption or enter a PGA without parental involvement.

If the mother is single and under 18, with her consent, consult with her parent to obtain the parent's views and to determine how supportive the parent is of the mother's decision. Record the results of the consultation or the reason for not consulting:

- if entering a PGA, on the Child's Social and Family History [[CS2379](#)]; or
- if consenting to adoption, on Contact Notes [[CS0072](#)].

## Marital Status of Parent

If the mother lived with the birth father for one year immediately before the date of the birth, he is a legal guardian. Accept the relinquishing document (PGA or consent to adoption) only if the birth father also signs a relinquishing document.

In cases where the birth father is not a guardian, he should be included as a party to a Permanent Guardianship Agreement or a consent to adoption, as if he is a guardian. Where it is inappropriate to involve the birth father, or his whereabouts are unknown, document this information on the file.

### **Married**

If the parent is married, obtain a notarized copy of the marriage certificate to include with the relinquishing document. Accept the relinquishing document only if the legal spouse also signs a relinquishing document.

### **Separated**

If the parent is separated, obtain proof of marriage to include with the relinquishing document. Accept the relinquishing document only if the legal spouse also signs a relinquishing document.

### **Divorced**

If the mother is divorced, obtain a certified or notarized copy of the Certificate of Divorce. If the child was born more than 300 days after the finalization of the divorce, include a copy of the divorce document with the relinquishing document.

If the child was born less than 300 days after the certificate was issued and the mother is entering a PGA, accept the PGA only if the former husband also signs it.

If the mother is relinquishing the child for private adoption, obtain a certified or notarized copy of the Divorce Judgement. Advise the mother that her former husband is required to consent to the adoption. If he refuses to sign or cannot be located, follow the procedures set out in policy outlined.

### **Widowed**

If the parent is widowed, obtain a certified or notarized copy of the death certificate to include with the relinquishing document.

## **Intervention Services Status**

If the parent is receiving intervention services under an agreement or order, ensure that the parent receives counselling from a birth parent counselling caseworker. If a birth parent counselling caseworker is not available, refer the parent to a qualified person outside the ministry. If the mother is making a direct placement, the ministry is not responsible for the counselling costs.

## **Considerations**

Consider each of the following before accepting a relinquishing document:

- Is the parent capable of deciding?
- Is the decision voluntary?
- Is the parent certain?

## Child's Citizenship

Accept a relinquishing document only if the child is a Canadian citizen or has been lawfully admitted into Canada for permanent residence. If you are unsure whether the child qualifies, contact Adoption Services.

## Out of Province Private Adoption

If a parent lives outside of Alberta and wants to place the child privately with an Alberta family, accept either of the following consents:

- the consent documents that are accepted in the birth parent's jurisdiction;  
**or**
- the consent documents that are used in Alberta.

**Note:**

Some provinces require that the consent of their Minister be obtained to allow a child who is resident in their province to be adopted in Alberta.

The choice of consent is the decision of the consenting guardian. In addition, have the birth parent complete an affidavit that includes:

- confirmation of marital status;
- a statement about whether the parents are of North American Indian descent.

## Child in Care

If a parent wants to relinquish an infant who is under a custody agreement:

- If the parent wants to sign a consent to adoption, terminate the custody agreement.
- If the parent wants to sign a Permanent Guardianship Agreement (PGA), explain that the PGA will automatically terminate the custody agreement and have the parent state in their affidavit that this fact is understood.

If a parent wants to relinquish an infant who has been apprehended or who is under a temporary guardianship order and this plan is acceptable to the caseworker:

- Apply to withdraw the apprehension or to terminate the order; or
- Apply for a permanent guardianship order.

## Birth Father

In cases where the birth father is not considered a legal guardian according to S.50 of the *Domestic Relations Act*, the birth father should be included as a party to the permanent guardianship agreement or the adoption consent, as if he is a guardian.

If the birth father is willing to sign a permanent guardianship agreement or an adoption consent, follow the procedures outlined.

**See:**  
[13.3.2 Before Relinquishment](#)

Where his whereabouts are unknown, or there are compelling reasons to not involve the birth father, (such as rape) document all the information on the birth parent file.

If the birth father is not a party to the consent or the permanent guardianship agreement, ensure that he is informed that he may take legal action to oppose the adoption. If the birth father applies, the court may:

- declare him to be a parent;
- appoint him as a guardian; or
- order that the child be placed in the custody of the applicant or another guardian.

If a birth father who was not named by the mother inquires about a child:

- Tell him that if he lived with the mother for one year immediately before the date of the child's birth, he is a guardian and that the relinquishing document needs his signature.
- If he is not a guardian:
  - ask him to submit a letter claiming that he is the father and stating his interest in the child or
  - if he agrees with the plan of adoption, he may consent to the adoption.
- Tell him about his rights under the Act. If the child is under a permanent guardianship agreement, tell him about S.13, application for an order to terminate (a permanent guardianship) agreement. Confirm this information in writing to him.
- If the mother has already signed a relinquishing document, tell him the signing date and the child's birth date. Advise him to contact a lawyer if he wants to take action.

- If the mother has discussed relinquishing, advise him to contact a lawyer about his options. Immediately interview the mother to tell her about the birth father's interest. Depending on the circumstances, the relinquishing document may still be accepted.

Record in handwriting on Contact Notes [[CS0072](#)] every effort to contact and every discussion held with a birth father. Place these notes on the birth parent's file.



## 13.3.3 Entering a Permanent Guardianship Agreement (PGA)

### Summary

S.11(1) allows a director to enter a permanent guardianship agreement with all guardians of a child. Such an agreement makes a director the sole guardian of the child until:

- a director or a court terminates the agreement;
- a private guardianship order is granted;
- a court makes an adoption order;
- the child reaches 18.

### Criteria

When considering a permanent guardianship agreement, determine that the situation meets all the following criteria:

- The child has been in the custody of at least one guardian for a cumulative period of less than 6 months.
- The parent wants to relinquish guardianship of the child.
- All guardians are capable and willing to enter the agreement.

### Before Signing

Before entering a permanent guardianship agreement:

- Be satisfied that each guardian understands that the agreement terminates all guardianship rights.
- Tell the mother that another person claiming to be a parent may apply to the court to terminate the agreement within 10 days after it has been signed. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.

- Inform each guardian in writing that:
  - a guardian may ask a director to terminate the agreement within 10 days after signing it; and
  - the Act provides no means to voluntarily terminate the agreement after 10 days if the child is placed for adoption. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.
- Determine whether the child has or is eligible for registered Indian status.

## Indian Child

The Ministry recognizes and encourages the importance of maintaining an aboriginal child's heritage.

If the child has or is eligible for registered Indian status, tell the parent that once the child is under permanent guardianship status, the First Nations designate will be involved in planning for the child according to S.107(1) and the Matters to be Considered in S.58.1.

## Métis Settlement Child

If either birth parent ordinarily resides on a Métis settlement, advise the relinquishing parent to consider possible adoption placements in the home community. Encourage the relinquishing parent to contact the Métis Settlement about an adoption placement for the child.

## Birth Father Named

If the mother names the birth father, make every reasonable effort to locate him as soon as possible. If you locate him, tell him that:

- he has been named as the father.
- a permanent guardianship agreement is pending.
- if he is a legal guardian, his signature on the permanent guardianship agreement is required.
- if he is not a legal guardian, his signature on the permanent guardianship agreement will expedite the relinquishment process.
- under S.13(1), he has the right to apply to the court to terminate the agreement.

- the child may receive identifying information on the birth father and his family when the child reaches the age of 18 years.
- he, or any family member named in the social and family history, may register a Contact Preference [CS3575] with the Post Adoption Registry when the adoption is finalized.
- completing a contact preference does not prevent the release of his identifying information.
- he may receive identifying information about the child, when the child has reached the age of 18 years and six months, by contacting the Post Adoption Registry.

Send the birth father a letter confirming this information.

**Note:**

If the mother names more than one possible birth father, provide this information to each one.

## Birth Father Not Named

If the mother can not or will not name the birth father:

- explain that most adoptees feel it is very important to know as much as possible about their familial history.
- determine why she will not name him and record her stated reasons.
- explain that if the birth father becomes aware of the permanent guardianship agreement or a pending adoption, he may be successful in challenging the agreement or adoption.

If the mother will not name a birth father who is a guardian, apply for a permanent guardianship order.

If the mother cannot or will not name the birth father who is not a guardian, proceed with a permanent guardianship agreement only after consulting with the supervisor. Document the reasons the birth father is not named.

## Completing the PGA

Fully complete the following documents with the relinquishing parent and every other guardian of the child. If possible, complete a permanent guardianship agreement with a birth father who is not a legal guardian.

To complete the Permanent Guardianship Agreement [[CS1618](#)]:

- Use the child's full legal name as it appears on the birth registration. Tell the parent that the adoption order includes the child's full birth name. Encourage the parent to name the child. If the parent does not name the child, the registration is completed indicating the child's sex (e.g. Baby Girl Brown).
- Correct any error by putting one (1) line through it, initialling the change, and having the parent initial the change.
- If possible, have each guardian or parent sign the same original document.
- Ask the manager to review and sign the agreement within one working day.

## History

The only background information available to the adoptive family and the child is the Child's Social and Family History [[CS2379](#)]. They depend on it being accurate and complete.

When completing the Child's Social and Family History [[CS2379](#)], enter information in every space. If the information is unavailable, enter the reason.

Because of its relevance to HIV infection, include drug use and sexual history.

Race and ethnic origins are required for court. The court does not accept Canadian as an ethnic origin.

Include the following on the Social and Family History [[CS2379](#)]:

- The period of involvement and number of interviews with the parent.
- Other counselling resources used by the parent.
- How supportive the birth grandparents are of the decision to relinquish.
- How aware and involved the birth father is.
- The period covered by any custody agreement.
- The process, reasons, and timing of the birth parent's decision to relinquish.
- An assessment of how appropriate the agreement is considering the parent's level of understanding and independence from influence.

## Parents Preference

If the parent wants to participate in selecting the adopting family, inform Adoption Services who will send you home assessments of prospective adoptive parents to summarize and discuss with the parent.

## Health Care

If the child is a newborn, tell the mother not to apply for Alberta Health Care coverage as Children's Services' registration is effective the date of the agreement.

## 13.3.4 Following-Up a PGA

### Summary

Once the parent has relinquished a child, it is important to obtain an adoption placement as quickly as possible. When the manager returns a signed Permanent Guardianship Agreement [CS1618], follow these procedures.

### CYIM

Immediately end the screening and open the child's file on CYIM.

### Services

Apply for health care coverage and provide all other appropriate services.

**See:**  
5.8.3 Services

### Medical

Obtain a Medical Report [CS0006] completed by a physician. If possible, have a paediatrician complete the assessment. If the child is already discharged from hospital, assist the physician by obtaining and supplying all previous medical reports. For a newborn, such reports include the hospital pre-natal record, delivery record, and newborn discharge record.

### Documents

Distribute the documents as follows:

- Send each guardian or parent who signed it, a copy of the Permanent Guardianship Agreement [CS1618]
- Send each birth parent who signed the Child's Social and Family History [CS2379], a copy of their personal completed information.
- Place on the child's file:
  - the Permanent Guardianship Agreement [CS1618] with original signatures.

- if completed, the adoptive placement preference statement.
- a copy of the Child's Social and Family History [CS2379].
- Send to Adoption Services to begin the matching process:
  - a copy of the Permanent Guardianship Agreement [CS1618].
  - a copy of the child's Medical Report [CS0006].
  - a typed copy of the Child's Social and Family History [CS2379].
  - the name of the adoptive parent if the birth parent selected.

## Indian Child

If the child is a registered Indian, or entitled to be registered, and a member of a band, send the First Nations designate a copy of the agreement within 20 days of it being signed. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.

## Guardianship

Since the director becomes the sole guardian of the child upon entering the permanent guardianship agreement, assume the following responsibilities:

- If a newborn remains in the hospital after being cleared for release, pay any charges from the hospital by issuing a Purchase Authorization and Invoice [CS0018C].
- If an adoption placement is not available immediately, place the child in an approved placement resource.
- If an unnamed child is not placed for adoption before reaching 3 months, register the child's given name.

## Indian Child

Once a permanent guardianship agreement has been entered for a child with or eligible for registered Indian status:

- If the child is not registered, apply for registration.

**See:**  
[7.2 Registered Indian](#)

- Involve the First Nations designate from the child's band to develop the permanency plan.
- If the child is being referred for adoption matching.

**See:**

[13.6.4 Registered Indian or Métis Child](#)

## Keepsakes

If a parent who entered a permanent guardianship agreement wants to provide a keepsake for the child or adoptive parent:

- Accept a gift or letter up until the adoption order is made. If the letter contains identifying information, delete such information. If possible, obtain the keepsake when the agreement is signed.
- Pass the keepsake to the adoptive parent at the time of placement if possible. If the adoptive parent refuses the item, immediately return it.
- Record on the file what is done with each item. Retain a copy of all written material on file.

If an adoptive parent wants to provide a letter or picture of the child to the birth parent, accept and pass on the letter and picture until the adoption order is granted.

The court reviewing the adoption petition must be made aware what items have been passed on to the adoptive parents, in the special affidavit. Accepting keepsakes may entitle the previous guardian to service of notice of the adoption proceedings.

Non-identifying information may be exchanged once a year through the Post Adoption Registry after the adoption has been granted.

## Provide Information

If a former parent expresses interest in receiving further information about the adoption, follow these procedures.

## Adoption Information

If the former parent asks whether the child has been placed for adoption:

- Provide non-identifying information about the adoptive parent.



- Do not contact the adoptive parent to request pictures or specific information, as this may result in the court requiring that the previous guardian be notified of the adoption proceedings.
- Tell the former parent about any medical problem that could affect the parent or siblings.
- Tell the former parent they may complete a Contact Preference [CS3575] and file it with the Registry when the child is adopted. A Contact Preference does not prevent the release of identifying information. Any family member named by the birth parent on the Social and Family History may also complete a Contact Preference [CS3575].
- Tell the former parent about other services of the Post Adoption Registry and how to apply.
- Explain that upon reaching the age of 18 years, the adoptee may request and receive identifying information about their birth family members from the Post Adoption Registry.
- The former parent might be contacted when the adoptee is an adult.
- Tell the former parent about the process for exchanging non-identifying information and pictures annually through the Post Adoption Registry after the adoption.

## Ongoing Information Exchange

This service offered by the Post Adoption Registry is intended to allow the former parent and adoptive parent, on behalf of their adopted child, to receive updated information about the other party once a year.

If the former parent and adoptive parent express an interest in exchanging non-identifying information and pictures after the adoption, make the following arrangements before the adoption order is granted:

- Obtain the agreement of both the former parent and adoptive parents.
- Have each parent complete an Ongoing Information Exchange [CS3578].
- Tell the parents how to submit letters and pictures to the Post Adoption Registry once a year after the adoption.
- Set a date for this annual exchange. The usual date is the child's birthday.
- Tell the parents that registry staff will review all information submitted to make sure they contain no identifying information. The registry then forwards the information to the other parent.

- Tell the parents that the registry keeps on file any information that is not forwarded to the other party.
- If the registry is unable to forward the information for 3 consecutive years, the registry contacts the sender and asks that no more information be sent in.

Forward the signed Ongoing Information Exchange [[CS3578](#)] to the Post Adoption Registry.

## Concluding

After completing any needed follow-up counselling, close the birth parent counselling file.

## 13.3.5 Terminating a PGA

### Summary

S.12 allows a relinquishing parent to ask a director to terminate the permanent guardianship agreement. S.13 allows any other person claiming to be a parent to apply for a court order terminating the agreement. Such a request or application must be made within 10 days after the agreement was signed. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.

### Relinquishing Parent

If a parent who entered a permanent guardianship agreement asks to terminate the agreement within 10 days after signing it:

- Inform the manager.
- Tell the parent they must put their request to terminate the permanent guardianship agreement in writing, according to S.12(1).
- Notify any other former guardian.
- If the former guardians agree:
  - terminate the agreement; and
  - place the child with the requesting parent within 48 hours or at another time negotiated with the requesting parent.
- If the former guardians agree about termination but not about placement, place the child with the requesting parent and advise the guardians to seek custody dispute resolution.
- If the former guardians disagree about termination:
  - Assess what is in the child’s best interest.
  - Consult with the manager or designate.
  - Implement the plan made with the manager or designate.
- Notify the manager or designate of the placement change.

## Person Claiming To Be a Parent

If a person claiming to be a parent asks to terminate a permanent guardianship agreement within 10 days after it was signed, advise that person to apply to court under S.13. Supply Notice and Application to Terminate a Permanent Guardianship Agreement [[CS1593](#)].

If a Notice and Application to Terminate a Permanent Guardianship Agreement is received, ensure that it is served on the manager or designate.

## Late Request

If a parent who entered a permanent guardianship agreement asks to terminate the agreement more than 10 days after signing it:

- Consider the request only if the child has not been proposed to adoptive applicants and consider:
  - why the parent is making the request
  - why the parent entered the agreement
  - how stable and suitable the parent is.
- In consultation with the supervisor, decide whether termination would endanger the child's survival, security, or development.
- If the child will not be endangered, apply for an order terminating permanent guardianship.

**See:**  
[5.8.4 Terminating an Order](#)

## 13.3.6 Direct Placement Consent

### Summary

A parent may place a child directly into the custody of another person who intends to adopt the child. Under S.59(1), a prospective adoptive parent may petition the court for an adoption order only with the consent of the guardian and the child, if 12 years of age or over. Under S.68(4), the court may waive this requirement.

The role of Alberta Children's Services in a private direct adoption is to:

- Accept notice of the application to the court for an adoption order and file a report with the court as per S.66 of the Act and;
- Take consent to the adoption by the relinquishing guardians and any child 12 years of age or older if they choose to use the services of the ministry. Consents may also be taken by a lawyer.

### Parent Placing

If a parent wants to make a direct placement or has already placed the child for adoption, follow these procedures.

If the parent contacts you to complete a consent to adoption, do not accept a consent before a child is born or after a child turns 18.

Accept a consent only if the child is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

### Preparing

Before accepting a consent:

- Follow the procedures described in Before Relinquishment.

**See:**  
[13.3.2 Before Relinquishment](#)

- Ensure the birth parent knows about other placement options, such as:
  - using the services of Alberta Children's Services; or
  - using the services of a licensed adoption agency.

- Ask the parent to sign a Consent to Release Information [CS0470] so you may, if necessary, give information to a licensed agency and, if needed, to the hospital.
- Tell the parent that:
  - before signing a consent to adoption, the parent may ask to review the following information on the prospective adoptive parents:
    - ▶ a home assessment report
    - ▶ the results of an intervention record check
    - ▶ the results of a criminal record check

It is the responsibility of the adoptive parent to obtain and provide this information to the birth parent, when requested.

- the parent may revoke the consent within 10 days after signing it by giving written notice to a director.
- upon receipt of such notice, the director immediately notifies the prospective adoptive parent and any other guardian who signed the consent. The prospective adoptive parent must then return the child to the parent immediately or at an agreed time.
- once the parent signs the consent, the prospective adoptive parent automatically has joint guardianship status with the parent until the adoption order is granted. Joint guardianship terminates on revocation of consent or on court order.
- after 10 days, the consent may be set aside only by a court order. When calculating the number of days, exclude the day the consent was signed; include Saturdays, Sundays and holidays.
- the adoption may be processed by the adoptive parents themselves or they may request the assistance of a licensed adoption agency or a lawyer. The adoptive parents are responsible for all costs.
- the parent is entitled to receive notice of the adoption application and all supporting documents unless the court waives this requirement or the parent declines this right.
- the birth father is entitled to receive notice of the adoption application and all supporting documents unless the court waives this requirement.
- most adoptions proceed without a court hearing, but a hearing will be held if the judge orders a hearing or a person who was served files a notice of objection to the adoption.
- the birth mother and father are entitled to receive notice of the date, time and place of the adoption hearing, if one is required, unless they decline this right.

- Tell the parent that if they have not received notification that the adoption is proceeding in a reasonable time they may contact a lawyer to review their options.
- Tell the parent that once an adoption order is granted:
  - the former parent has no rights or responsibilities regarding the child.
  - at any time, the parent who signed a consent to the adoption may obtain a certified copy of the Adoption Order from the clerk of the court or the Post Adoption Registry.
  - the parent may register with the Post Adoption Registry and may file a Contact Preference [CS3575] with the registry that indicates their preference as to the manner in which they prefer to be contacted by the adult adoptee.
  - any person named by the birth parent on the Child's Social and Family History [CS2379] may file a Contact Preference [CS3575] with the Post Adoption Registry.
  - a Contact Preference is not binding and does not prevent the release of identifying information.
  - the parent may obtain identifying information about the adoptee when the adoptee is 18 years and six months of age.
  - the adoptee may obtain a copy of their adoption order when they are 18 years of age.
  - the adult adoptee may also obtain identifying information about the birth parents and other family members.

## Consent

Assist the parent to complete Consent by a Guardian to Adoption [CS3598] fully and accurately. Remind the parent that the prospective adoptive parent will have joint guardianship of the child with the relinquishing parent until the adoption is granted or a court order terminates the joint guardianship.

Ensure that all names appear exactly as on the birth documents. Never offer the parent the option to disregard the adopting parent's name.

Remind the parent they have a right to see a home assessment report and the results of an intervention record check and the criminal record check, prior to signing the consent.

Make certain the parent understands the implications of indicating on the consent form whether or not they wish to be advised of the adoption application and/or the adoption hearing.

Witness the parent's signature and complete the affidavit of execution.

## History

When accepting a consent, have the parent complete the Family and Medical History [CS0005].

**Note:**

The Family and Medical History [CS0005] is a regulated form that must be used for direct placement adoptions and differs from the Social and Family History [CS2379].

Explain to the parent how important accurate and complete background information is to the adopting family, the child, and the adoption record. Provide each birth parent who signed the Family and Medical History [CS0005] with a copy of their personal completed information.

## Child of 12 Or Over

If the child is 12 years of age or over, tell the child that the adoption will proceed only with the child's consent. Before accepting a consent:

- Be satisfied that:
  - the child is capable of understanding the consent and its consequence; and
  - the consent is informed and made without duress.
- Tell the child:
  - that if they are uncertain about allowing the adoption to proceed, they may obtain counselling.
  - that the child is entitled to receive notice of the adoption application;
  - the adoption will proceed without a hearing unless someone files a notice of objection to the adoption or a judge orders a hearing;
  - that the order ends all the parent's rights and responsibilities regarding the child, unless it is a step-parent adoption; and
  - about the services of the Post Adoption Registry

Assist the child to complete Consent by a Child to Adoption [CS2007] fully and accurately. Witness the child's signature and complete the Affidavit of Execution.

Provide the original signed consent to the petitioner.



## Birth Parent's Affidavit

When accepting a consent, have the parent complete an affidavit regarding the placement. Include the affidavit with the consent package that is forwarded to the adopting parent.

The affidavit describes the placement and includes:

- the child's full name and birth date
- the parent's full name, address and occupation
- how the prospective adoptive parent was selected
- when, where and between whom the placement occurred
- any verbal or written agreements made with the prospective adoptive parent
- the details of any payment or reward either directly or indirectly received by anyone involved
- whether the birth mother was married when the child was born
- who the birth father is
- if the birth parents cohabited, for how long
- if the mother declines to name the birth father, what her reasons are
- whether the parent is aware of the birth father's rights
- whether either birth parent is of North American Indian descent

## Birth Father

When accepting a consent, tell the parent about the importance of notifying the birth father of the adoption plan. If he is a legal guardian, his consent to the adoption is required. In cases where the birth father is not a guardian it is recommended he be involved and sign a consent to the adoption. This will assist the adoption process.

If the birth father's whereabouts are unknown, or if there are compelling reasons to not involve him, document the information on the birth parent file.

If a birth father who is not a guardian wishes to consent to the adoption, follow the procedures outlined.

**See:**

[13.3.2 Before Relinquishment](#)  
[13.4 Private Adoptions](#)

If the birth father contacts you tell him that:

- He has been named as the father.
- An adoption has been proposed.
- His consent to the adoption will assist the adoption process.
- Under S.64(1) he has a right to receive notice of the adoption application and all supporting documents unless the court waives this requirement.
- If he opposes the adoption, he may file a Notice of Objection to Adoption with the clerk of the Court of Queen's Bench. This notice must be filed within 10 days of being served.
- If he files a notice of objection, a hearing about the adoption will be held. He and the birth mother will receive notice of the date, time and place of the adoption hearing.

If the mother cannot or refuses to name the birth father, record the reasons on the file.

## Caseworker's Affidavit

Complete an affidavit that describes the nature and outcome of any contact with the birth father. Include the affidavit in the consent package forwarded to the adoptive parents.

## Follow-Up

After accepting a consent, tell the parent that:

- The adoptive parents may file the adoption petition with the court themselves, or they may request the assistance of a licensed adoption agency or a lawyer.
- The petitioner must serve the parent with notice of the adoption application and all supporting documents, unless the parent has declined service.
- If someone objects to the adoption or a judge orders a hearing, the petitioner must serve notice of the date, time and place of the hearing on the parent, unless they have declined service.

- The prospective adoptive parent now has joint guardianship of the child with the parent. Joint guardianship ends if the birth parent revokes consent or on granting of the adoption order.
- If the prospective adoptive parent does not contact the caseworker to obtain the consent package within 90 days, the caseworker will make every effort to contact the parent to inform the parent that the adoption does not appear to be proceeding. The parent can then take appropriate action.
- If the child is placed with another prospective adoptive family, new consents will be required.

## Supply Documents

Upon completing the Consent by a Guardian to Adoption, supply the following documents to the guardian:

- A copy of the Consent by a Guardian to Adoption [[CS3598](#)].
- A copy of their information on the Family and Medical History that they signed [[CS0005](#)].
- A copy of their affidavit.

Upon receiving a request from the prospective adoptive parents, supply the following documents from the relinquishing parent's file:

- the original and a copy of the Consent by a Guardian to Adoption [[CS3598](#)];
- birth parent's divorce documents (if applicable);
- the birth parent's affidavit regarding the placement;
- the caseworker's affidavit about birth father contacts;
- Family and Medical History [[CS0005](#)];
- if consent is not obtained, the affidavit describing efforts to complete the consent.

## Consent Not Requested

If the prospective adoptive parent does not request a consent package within 90 days of the consent being signed, contact the relinquishing parent to inform them that the consent has not yet been requested by the prospective

adoptive parents. The parent is responsible for follow-up with the adopting family.

## Concluding

After completing any needed follow-up counselling, close the birth parent counselling file.

## 13.3.7 Licensed Agency Consent

### Summary

A parent may choose to place a child for adoption using the services of a licensed adoption agency.

The role of Alberta Children's Services in a licensed agency placement is:

- to provide birth parent counselling about placement options;
- to take consent to the adoption by the relinquishing guardians and any child of 12 or over, if they choose to use the ministry's services;
- to receive notice of the adoption application.

**Note:**

An agency must ensure that consent to adoption is obtained prior to placement. If the consent cannot be obtained, the agency must notify Adoption Services of the date the placement will be made and the reason a consent could not be obtained.

The licensed adoption agency's role is to refer the birth parent to a Birth Parent Counselling Services caseworker for counselling and consent taking if the birth parent chooses to use the ministry's services. The written referral is to include a summary of contacts with the parent. The referral, when possible, should occur before the child's birth.

When a parent is referred by an agency, follow these procedures.

### Preparing

Upon receiving a referral:

- If not yet open, open an Unmarried Parent Counselling Services file by completing a birth parent intake on CYIM.
- Acknowledge the referral.
- Contact the parent to arrange an interview. Do not accept a consent before a child is born.

Before accepting a consent:

- Follow the procedures described in Before Relinquishment.

**See:**

[13.3.2 Before Relinquishment](#)

- Ask the parent to sign a Consent to Release Information [[CS0470](#)] so you may give information to the licensed agency and, if needed, to the hospital.
- Ensure the parent has received adequate counselling to make an informed decision.
- Tell the parent that:
  - The parent may revoke the consent within 10 days after signing it by giving written notice to a director. Upon receipt of such notice, the director immediately notifies an officer of the agency. The agency notifies any other guardian who signed the consent. The agency arranges to return the child to the parent immediately or at an agreed time. The joint guardianship of the prospective adoptive parent is terminated.
  - After 10 days, the consent may not be voluntarily withdrawn. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.
  - According to S.60(1), the prospective adoptive parent has joint guardianship with the parent once the consent is signed.
  - The adoption will proceed without a hearing unless the judge orders one or a notice of objection to the adoption is filed with the court.
  - The parent has a right to receive notice of the adoption application and all supporting documents, unless this right is declined.
  - The parent has a right to receive notice of the date, time and place of an adoption hearing if one is required, unless this right is declined.
  - If a hearing is held, it is recommended the parent attend
  - If the birth father is a guardian, his consent to the adoption is required. In cases where he is not a guardian, it is recommended that his consent be obtained.
  - The birth father is entitled to receive notice that the child is being placed with a prospective adoptive parent.
  - The birth father is entitled to receive notice of the adoption application and all supporting documents unless the court waives this requirement.

- If the birth father opposes the adoption he may file a notice of objection to the adoption. If a notice of objection is filed, a hearing will be held.
- The birth father has a right to receive notice of the date, time and place of the adoption hearing, if one is required.
- Tell the parent that once an adoption order is granted:
  - The former parent has no rights or responsibilities regarding the child.
  - Within 35 days after the order is granted, an officer of the agency notifies the former parent unless that person asks not to be notified.
  - At any time, a parent who consented to the adoption may obtain a certified copy of the adoption order from the clerk of the court or the Post Adoption Registry.
  - **That even though the order has been granted, challenges may be made for up to a year.**

## Post Adoption Registry

Tell the parent about the services of the Post Adoption Registry.

Advise the parent that:

- Upon turning 18, the adoptee may obtain identifying information about the birth parents and other family members named in the Family and Medical History.
- The adult adoptee may obtain a copy of their adoption order.
- The birth parent may receive identifying information about the adoptee when the adoptee reaches 18 years and 6 months of age.
- After the adoption has been granted, the birth parent, or any family member named in the Family and Medical History [CS0005] may file a Contact Preference [CS3575 ] with the Post Adoption Registry advising the manner in which they prefer to be contacted by the adoptee.
- A Contact Preference does not prevent the release of identifying information and is not binding.

## Consent Interview

Upon being notified that the child has been born, interview the parent to take consent. Unless the parent asks to have another person present, interview the parent in private. At this interview, decide whether it is appropriate to accept a consent to adoption.

## Refusing a Consent

Refuse to accept a consent if the parent does not appear to understand the consequences or appears to be under duress. Inform the agency in writing of the concerns. Offer the parent alternative services.

## Accepting a Consent

If it is appropriate to accept the consent, assist the parent to complete Consent by a Guardian to Adoption [CS2005] fully and accurately. Ensure that all names appear exactly as on the birth documents.

Inform the parent that the prospective adoptive parent now has joint guardianship of the child, and the birth parent's guardianship rights end when the adoption order is granted.

Joint guardianship ends if the birth parent revokes consent or on court order.

Witness the parent's signature and complete the affidavit of execution.

## Birth Father Guardian

**See:**  
[13.3.1 Overview, Guardianship](#)

## Birth Father Not a Guardian

When accepting a consent, tell the parent about the importance of notifying the birth father. In cases where the birth father is not a guardian, it is recommended that his consent to the adoption be obtained.

If a birth father who is not a guardian wishes to consent to the adoption, follow the procedures outlined.

**See:**  
[13.3.7 Licensed Agency Consent, Before Accepting a Consent](#)



Within 21 days after placing the child, the licensed agency supplies Adoption Services with a summary of its efforts to notify the birth father according to Adoption Regulation S.13(6). If the agency locates the birth father, it informs him that:

- He has been named as the father.
- Placement with a prospective adoptive parent is proposed.
- His consent to the adoption will expedite the adoption process.
- Under S.64(1), he has a right to receive notice of the adoption application and all supporting documents, unless the court waives this requirement.
- If he opposes the adoption, he may file a Notice of Objection to Adoption [CS3475] with the court.
- If the birth father files a notice of objection, an adoption hearing will be held. The birth mother should attend the hearing.

## Follow-Up

After accepting a guardian's consent, place a photocopy on the birth parent counselling file and send the original and all copies of the consent to the licensed agency with a covering memo.

## Notice of Adoption Application

The petitioner must serve notice of the adoption application on:

- the birth mother
- the child, if 12 or over
- a director
- the birth father.

If this notice is received at the regional Child and Family Services office, immediately forward it to Adoption Services. Adoption Services is responsible for completing the intervention record check for all licensed agency adoptions.

According to S.64(2), notice is not given to a guardian who has indicated a desire not to be notified of the adoption application.

## Concluding

After completing any needed follow-up counselling, close the birth parent counselling file.

## 13.4 Private Adoptions

### 13.4.1 Direct Adoption

#### Summary

A private adoption is the adoption of any child who is not under permanent guardianship. Such a child may be placed in the prospective adoptive parent's home directly by the birth parent (private direct adoption) or through the services of a licensed adoption agency (licensed agency adoption). A step-parent adoption is also a private adoption.

All private adoptions are processed at the applicant's expense.

The director may be requested to take the consent of the guardian or the child of 12 or over. Lawyers can also take these consents.

The director always receives notice of the adoption proceedings for any private adoption [S.64(1)].

#### Self Help Kit

Step parent adoptions and private direct adoptions, including relative adoptions, can be processed by the petitioner themselves, using a Private Adoption self Help Kit.

Self help kits are published by Queen's Printer and are available from:

Alberta Queen's Printer  
Main Floor Park Plaza  
10611 – 98 Avenue  
Edmonton, Alberta T5K 2P7  
Telephone: 427-4952

Alberta Queen's Printer  
Main Floor, McDougall Centre  
455 – 6 Street SW  
Calgary, Alberta T2P 4E8  
Telephone: 297-6251

The petitioners may request the services of a licensed adoption agency or a lawyer to assist them in completing the adoption.

This section describes the procedures for handling:

- licensed agency adoptions
- direct placement adoptions
- step parent adoptions.

## Licensed Agency Placement

Alberta Children's Services is responsible for taking consent for licensed agency arranged adoptions if the birth parent chooses to use the ministry's services. A licensed agency may make a referral for the birth mother to receive birth parent counselling and sign consent. A lawyer also may take the consent. The adoptive parent is responsible for the lawyer's fees.

A director receives notice of the adoption application, conducts an intervention record check and forwards a report to the court. Adoption Services receive notice of all licensed agency adoption applications.

## Private Direct Placement

A director takes the consent of the birth parent if the birth parent chooses to use the ministry's services and may assist the birth parent in completing an affidavit regarding the circumstances of placement and the Family and Medical History. Lawyers may also take the consent.

A director also receives notice of the adoption application, conducts an intervention record check and forwards a report to the court.

Home assessment reports are not required unless the birth parent requests to see a report prior to signing the consent to adoption or the court orders a home assessment report be completed. If the court orders a home assessment report, it must be prepared by a qualified person, according to the regulated format. Licensed adoption agencies have qualified persons who may complete these reports.

## Step Parent Adoptions

A director takes the consent of a child of 12 or over, if requested to do so. Lawyers may also take the consent of a child. Any person can witness the consent of the guardian in a step-parent adoption. The witness must then swear they saw the guardian sign the consent before a Commissioner for Oaths.

A director also receives notice of the step parent adoption application, conducts an intervention record check and forwards a report to the court.

Home assessment reports are not required for step parent adoptions, unless the court orders one be completed. If the court orders a home assessment report, it must be prepared by a qualified person, according to the regulated format. Licensed adoption agencies have qualified persons who can complete these reports.

## Financial Responsibility

The adoptive applicant is financially responsible for all costs related to processing the adoption, either themselves or through the services of a licensed adoption agency or lawyer of their choice.

## Procedure

The adoptive applicant:

- prepares and files the petition and supporting documents directly with the court under S.63(3), or uses the services of a licensed adoption agency or lawyer and;
- serves notice of the adoption application and supporting documents according to S.64(1).

## Service of Notice

The adoptive applicant, a licensed agency or a lawyer may serve notice of the adoption application on a director. Upon receiving service of notice of an adoption application follow the procedures outlined.

**See:**  
[13.4.3 Step-Parent Adoption](#)

## 13.4.2 Licensed Agency Adoption

### Summary

Adoption agencies are licensed according to the *Child, Family and Youth Enhancement Act* and have the authority to facilitate adoption placements and file adoption petitions. A parent may place a child for adoption using the services of a licensed adoption agency.

### Licensed Agency

A licensed agency is a non-profit agency licensed by Adoption Services, Edmonton.

### Applicant

An adoption applicant may be registered with the department and any number of licensed agencies.

### Financial Responsibility

The adoptive applicant is financially responsible for all costs related to processing a private adoption.

### Child and Youth Information Module Check

When an applicant registers with an agency, the agency supplies a Request for Intervention Record Check [CS0003]. The applicant signs the form and sends it to Adoption Services, Edmonton.

Adoption Services checks CYIM and sends the results to the applicant. The applicant is responsible for providing the results to the agency.

### Petition

The agency is responsible for completing the petition and all supporting documents and filing them with the clerk of the Court of Queen's Bench. The petitioner or agency must serve notice of the adoption application on a

director according to S.64(1). Any appointed Children's Services caseworker may accept service.

**If served notice of an adoption, immediately forward the documentation to Adoption Services.**

## Follow-Up

Once an adoption order is granted, the agency sends Adoption Services all copies of the documents filed with the court. Adoption Services microfilms the documents for the Post Adoption Registry.

## 13.4.3 Step-Parent Adoption

### Summary

A person may directly petition the court to adopt the child of the petitioner's spouse or interdependent relationship partner according to S.63(3).

A person may also retain the services of a licensed adoption agency or a lawyer to process or assist in processing the adoption.

If the court orders a home assessment report, one may be obtained through a licensed adoption agency.

The petitioner is responsible for all costs associated with the adoption.

Adoption is unnecessary if an unmarried mother marries the biological father of her child. Such a child's birth may be legitimized under the *Legitimacy Act* through Alberta Registries. Through this procedure, the child's birth is registered as if the parents were married at the time of the birth.

### Procedure

To adopt the child of a spouse or interdependent relationship partner, the petitioner:

- prepares and files the petition directly with the court under S.63(3) through the use of the Private Adoption Self Help Kit available from Queen's Printer, or uses the services of a licensed adoption agency or lawyer and;
- serves notice of the adoption application and supporting documents according to S.64(1).

### Service of Notice

The petitioner, a licensed agency or a lawyer may serve notice of an adoption application on a director. When served:

- ensure that service is accepted only by an appointed caseworker,
- complete an intervention record check according to S.66(1) and (2), and
- send the notice and supporting documents and a copy of the letter forwarded to the court to Adoption Services.



## Intervention Record Check

Upon being served with notice of an adoption application:

- Check the Child and Youth Information Module System (CYIM) to determine if the petitioner(s) have ever caused a child to be in need of intervention.

If no concerns are identified:

- immediately forward a letter to the Court of Queen's Bench on white bond paper advising that the director's position will be one of no involvement,
- forward a copy of the letter to the petitioner, and
- forward the complete file and a copy of the letter to Adoption Services.

If concerns that could impact the adoption are identified:

- immediately forward a letter to the court on white bond, advising them that a further report will be forwarded within 30 calendar days;
- advise the petitioners of the delay;
- contact the office in which the file was closed and request a report be prepared on white bond and forwarded to your office, within 21 calendar days, and;
- upon receipt of the report, review the report with the supervisor and determine if the report will be filed with the court.

**Note:**

The purpose of the report is to ensure the court has full information regarding the petitioners, in order to make a decision about the adoption.

## Filing a Report with the Court

If filing the report:

- ensure the report is filed within 30 days of receiving service of the notice;
- personally provide a copy of the filed report to the petitioner as soon as it is prepared or received and;
- forward the complete file and a copy of the report prepared for the court to Adoption Services.

**Note:**

Even if concerns are identified, the director will not file a Notice of Objection to Adoption [CS3475] with the court.

## Preparing a Report

If you are asked to prepare a report:

- review the file and include at least:
  - the history of concerns and outcomes; and
  - whether the family continues to receive intervention services.
- prepare the report on white bond paper.

If a report is filed with the court, the court may order a hearing be held. At the hearing the petitioners may personally address the concerns or issues identified in the report or obtain the services of a lawyer. Caseworkers do not attend the hearing.

## 13.5 Adoption Home Approval

### 13.5.1 Application

#### Summary

This section discusses registration for adoption, home assessment requests and post registration.

#### Information Session

If a person expresses an interest in adopting, invite the person to an information session. At the session:

- Give the person enough information about adopting so that the person can decide whether to register to apply. Review the photo-listing profiles to determine whether the person is interested in children with special needs.
- If the person intends to apply for a special needs child, tell the person that parent preparation training must be completed as part of the approval process.
- Tell the person that approval as a prospective adoptive parent does not guarantee placement and explain why.
- Tell the person that the ministry examines what legal, social, cultural and identity ties a child has and attempts to resolve any issues before the adoption placement. However, the ministry cannot guarantee that new issues will not arise nor that some person will not make a legal challenge. These events could have an effect on the petition for adoption.

#### Criteria

If the interested person decides to register, determine that the person:

- resides in Alberta;
- is at least 18 years old; and
- appears to be physically and mentally capable of parenting an adoptive child.

A person who has 2 or more children living in the home may not register to adopt a healthy infant unless:

- they are registering to adopt a sibling of a previously-adopted child; or
- the person has no biological children and has adopted special needs children through the ministry.

## Register

If the interested person meets the criteria for registering:

- Have the person complete Application to Adopt a Child [CS0059]. Enter the information on CYIM by completing an Adoption Facility intake. If the applicant has previously adopted and is reapplying, simply reopen the facility.
- Tell the registered person that a criminal record check on each person over the age of 18 years living in the home will be needed to approve the home assessment report.
- Tell the person that a record does not necessarily prevent approval as the nature and circumstances of the offence are considered. Ask whether they or any person living in the home age 12 or over has a criminal record or an outstanding charge.
- Immediately send a copy of the completed Application to Adopt [CS0059] to Adoption Services.
- Have the applicant sign a Request for an Intervention Record Check [CS2687].
- Complete an intervention record check to determine whether the registered person is recorded as having caused a child to need intervention services. If so, decide what action to take in consultation with the supervisor.
- If the intervention record check is unsatisfactory, terminate the registration and tell the person about the right to and procedures for an Administrative Review and Appeal.

## Immediate Home Assessment

Complete a home assessment report immediately if the applicant has registered to adopt and:

- will accept a child with major physical, emotional, medical or mental handicaps (e.g. paraplegic, psychiatric diagnosis, Down's Syndrome, Fetal Alcohol Syndrome, Fetal Alcohol Effect, Spina Bifida, Seizure Disorder);
- will accept a child 7 or over;
- will accept a sibling group of 3 or more children;
- is a member of an Indian band or Métis Settlement;
- will accept a child who has been featured in the media;
- wants to adopt a foster child who has been in the home at least 6 months and whose complete matching referral has been forwarded to Adoption Services.

## Inform Adoption Services

When forwarding a copy of the Application to Adopt [CS0059], inform Adoption Services if the home assessment report is being started immediately. If the application is on behalf of a specific child, provide the child's name.

## Adoption Services

Adoption Services reviews the applications regularly and requests home assessment reports when needed for those families whose home assessments were not started immediately. The request is sent to the caseworker with a copy to the regional adoption specialist and the child's caseworker, if the family is responding to a child featured in the media. No further reminders are issued.

If the assessment has not been received within 2 years of the request date, Adoption Services closes its file.

## Informing

Inform the applicant as soon as the home assessment report has been requested, according to procedures set by the worksite.

## Waiting List – Other Province

An applicant who has been on a waiting list in another province is recognized as having waited for the same period in Alberta.

## Small Number of Infants

Tell the applicant that very few healthy infants are available for adoption through the ministry. The applicant may want to consider a special needs child or placement through a licensed adoption agency. Adopting a child internationally may also be an option for some families.

## Post Registration

Advise the applicant to notify the caseworker of any significant change in circumstances during the waiting period. Such a change includes residence, marital status, family membership, employment, child desired, and pregnancy.

During the waiting period:

- Provide the applicant with statistical and matching information on adoptions of PGO/PGA children every 6 months.
- Inform Adoption Services about any change in the applicant's circumstances that affects the registration.
- If the applicant has a baby or receives placement of a child for the purpose of adoption, cancel the registration. Tell the applicant that a new registration with a new date may be completed immediately if the criteria are met.
- If the applicant receives placement of a child for the purpose of adoption or has a baby, inform Adoption Services if the applicant still wants to adopt a child with significant special needs. Adoption Services will use the original registration date but will not consider matching the applicant until:
  - one year after the birth or placement to allow the family time to adjust to the new child.
  - a thorough update is completed and provided to Adoption Services.

## 13.5.2 Home Assessment

### Summary

To process a home assessment report, follow these procedures.

### Parent Preparation Training

If the applicant is applying to adopt a special needs child, provide parent preparation training. Tell the applicant that the training must be completed before the application will be approved. If the applicant responded to a specific child featured in the media, the training may be condensed or accelerated to speed up the approval process.

### Medical

Give the applicant a Medical Reference [CS0046]. Tell the applicant to have a doctor complete and return the CS0046. If needed, request further medical, psychiatric, or psychological reports. Costs are the responsibility of the applicant.

### Criminal Record and CYIM Checks

A criminal record check must be done on every person in the home age 18 years or over. Give the applicant a Criminal Record Check [CS1800]. Tell the applicant to take the CS1800 and personal identification to the local RCMP or city police station. Ask the applicant to return the criminal record check to the caseworker. Costs are the responsibility of the applicant.

Although you cannot request a Criminal Record Check on a person under 18 years of age living in the home, during the home assessment process you may enquire whether youths aged 12–18 have had any involvement with the legal system.

Record any information provided by the family.

Once the applicant returns a certificate that no criminal record exists or a copy of the criminal history, record the contents and return the original to the applicant.

If the applicant, or a youth living in the home, have a criminal history, proceed with the home assessment only if the healthy development of an adopted child would not be placed at risk.

Complete a check of CYIM to determine whether the applicant is recorded as having caused a child to need intervention services.

If the CYIM check or criminal history is unsatisfactory or the applicant or other person living in the home age 18 years or over refuses to supply a criminal check, do not proceed with the home assessment report. Tell the person about the right to and procedures for an Administrative Review and Appeal.

## Update Criminal Record and CYIM Checks

Update the criminal record check and intervention record check every 2 years during the waiting period, and enter the dates on the Adoption Facility Registration screen on CYIM.

The Criminal Record Check must be current within 6 months when the adoption petition is filed in the court.

## References

Mail a Personal Reference [CS0013] to each referee. Ask the reference to return the completed CS0013 directly to the caseworker. Interview each referee. If the information or the process causes concern, have a face-to-face interview. Use the information from at least 3 references for each applicant to complete the home assessment report. The same referee may provide a reference for each applicant, if they know each applicant. Do not include any information that might identify the referee to the adopting parent. One referee must be a relative. Contact with the school is expected if the applicant has school-age children. Ask the applicant to inform the school of this pending contact.

## Report

Complete a Home Assessment Report [CS3461].

During the assessment process, provide the applicant with information about adoption. Tell the applicant that one parent is encouraged to remain at home for at least 3 months after placement to promote bonding. If the applicant is applying for a special needs child, confirm in the report that the applicant attended parent preparation training.



## Documents

In addition to the medical and personal references, include the following original or notarized documents with the home assessment report, as applicable:

- marriage certificate or the equivalent (a certificate completed by the person performing the marriage ceremony is not sufficient)
- divorce documents if the applicant has not remarried
- death certificate of a former spouse if the applicant has not remarried
- change of name certificate, if applicable;

**Note:**

These documents become part of the court file and are not returned to the applicant.

The following are also included with the home assessment report:

- photographs of the applicant unless applying to adopt a foster child already in the home;
- any written statements, photographs, or videos that the applicant provides.
- photocopy of birth certificate if there is any question about the legal name.

## 13.5.3 Concluding

### Summary

To conclude a home assessment, follow these procedures.

### Decision

Once the Home Assessment Report [CS3461] is complete and all required documents are attached, sign and date the report. Have the applicant sign and date the report. Give the report to the supervisor for approval.

The supervisor decides whether to approve the applicant based on the applicant's:

- motivation
- ability to acknowledge and accept a child's history
- ability to provide praise, positive reinforcement and unconditional love to a child
- patience and flexibility
- having completed parent preparation training if applying for a special needs child
- willingness to obtain needed services
- ability to financially support an adopted child
- ability to advocate for a child
- personal health and healthy self-esteem
- ability to accept and deal with a variety of behaviours
- support system.

### Approve

To approve the applicant, the supervisor and caseworker review the report. If approved, the supervisor, caseworker and applicant sign and date the report.

Give the applicant a copy of the report and record on file the date the copy was provided.

## Not Approve

If the applicant is not approved, consult with the supervisor before notifying the applicant. Personally tell the applicant about the decision and about the right to and procedures for an Administrative Review and Appeal. Send the applicant a letter confirming this information and provide a copy of the report.

## Administrative Review

If an applicant who is not approved requests an Administrative Review, complete the Administrative Review as per policy.

**See:**  
[1.8.1 Administrative Review](#)

## Follow-Up

Once an adoption home is approved:

- Copy the home assessment report and all attached documents. Send a copy of the home assessment report and the original pictures or videos provided by the applicants to Adoption Services.
- Retain the original report and all attached original documents, such as marriage or divorce documents, on file.
- Update the Adoption Facility Status on CYIM to “approved” and enter the status date on the Adoption Facility Registration screen.

## 13.5.4 Post-Approval Services

### Summary

Provide the following services to an approved adoption home that is waiting for a placement.

### Applicant's Responsibility

Advise the applicant to notify the caseworker of any significant change in circumstances. Such a change includes type of child desired. Also ask the applicant for day-time and vacation telephone numbers.

### Update

If the applicant notifies the caseworker of a change, inform Adoption Services.

### Annual Update

An update is required annually or any time significant changes have occurred in the family or the "child desired" has changed. The update may be completed by the applicant according to the Home Assessment Update Report [CS0004]. Forward a copy of the update to Adoption Services.

Face to face contact is required if the caseworker needs to follow-up on information provided by the update. If there are significant changes reported by the applicants, the caseworker will complete an Addendum to the Home Assessment Report [CS3461-2] and forward to Adoption Services.

Have each applicant and any other person 18 years of age or older, living in the home, complete a Criminal Record Check every two years while waiting for placement. Provide information from the Criminal Record Check in the Home Assessment Update or Addendum and forward to Adoption Services.

Adoption Services does not consider an applicant for matching if an update has not been completed within 18 months.

## Outdated Assessments

Adoption Services informs the caseworker when the adoptive family is no longer being considered for matching. Adoption Services closes its file and returns any pictures/video's after 2 years if no updated information is received.

## Inform

Inform the applicant immediately if the file is no longer considered for matching, according to the procedures set by the region.

## Defer

If the applicant is unavailable for placement for some period, defer the home until available again. Such a situation includes pregnancy, short absence from Alberta, poor health, financial problems, and marital problems. To defer a home, send a written request with the reason to Adoption Services.

To reactivate the home, provide an addendum according to the Home Assessment Addendum Report [[CS3461-2](#)]. Send this addendum to Adoption Services.

## Marital Change

If an approved prospective adoptive parent changes marital status while waiting for a placement, complete a new home assessment report once the change is stable. Although the applicant may remain on the waiting list, a placement will be considered only after a new home assessment indicates stability. Stability can usually be established only after at least 12 months.

## Close

Close an approved home:

- at the applicant's request.
- if the applicant has a baby or receives an adoption placement, unless the applicant wants to adopt a child with significant special needs. If so:
  - place the application on hold until the family has adjusted to the new member. Adjustment usually takes about 12 months unless the child has been in the home on a foster care basis prior to the adoption.

- to reactivate the application, send an addendum to Adoption Services. Being on hold does not affect the approval date.
- if some other information indicates that approval should be cancelled. Close the home only after consulting the supervisor.

To close a home:

- Notify the applicant and return all documents and photographs by registered mail.
- Send Adoption Services written notice, with a copy to the regional adoption specialist.
- Complete an Adoption Facility Closure on CYIM.

## 13.6 Matching

### 13.6.1 Overview

#### Summary

This section describes the process of matching a child under permanent guardianship with an approved adoption home including:

- referring a child
- selecting a home
- matching a child who has registered Indian status
- foster parent adoption
- inter-regional matching
- inter-provincial matching
- preparing for placement

#### Legal Risk

A child is usually not placed for adoption with a family until the permanent guardianship order appeal period or permanent guardianship agreement termination period has expired and access issues have been resolved. However, the placement caseworker may place a child before the period expires, or during an appeal according to the following procedures:

- Determine what the risks are in the particular case and fully describe the risks to the adopting parent. Encourage the adopting parent to discuss these risks with a lawyer.
- Have the adopting parent indicate understanding and acceptance of the legal risks in writing.
- Obtain written approval from the supervisor.

A legal risk placement should not be considered if the mother or birth father:

- was ambivalent about the agreement; or
- is planning to seek termination of permanent guardianship.

## Aboriginal Child

Permanency for an aboriginal child is enhanced by lifetime relationships with the extended family and other community members. In this way, a child may live with various family and community members while maintaining a sense of permanence. Within this context, a parent or guardian assumes the primary role of seeking the child's best interest. Given this tradition, consider private guardianship as an alternative to adoption.

**See:**

[14. Private Guardianship](#)

If the child has or is eligible for registered Indian status, or is Métis and is from an identified Métis Settlement, follow the procedures outlined.

**See:**

[13.6.4 Registered Indian or Métis Child](#)

When seeking an adoption home for an aboriginal child, Adoption Services selects one from as high on the following list as possible:

1. the extended family
2. the same cultural and linguistic background
3. another aboriginal family
4. a family who has already adopted an aboriginal child and is willing and able to establish contact with people from the child's cultural background
5. any family who is willing and able to establish and maintain contact with people from the child's cultural background.

## Access

If a child under permanent guardianship status has access with the birth parent, determine whether continued access is in the best interest of the child. The decision must be made in consultation with the supervisor and other involved professionals. However, once an adoption order is granted, the adoptive parent determines access. As the adoptive parent becomes parent of the child for all purposes, continued access cannot be guaranteed.

If it is determined that access should continue after the adoption, include the details in the matching referral and in the court documentation. Media recruitment will generally be required to obtain an adoptive home. The ministry has no mandate to arrange access after the adoption order has been granted. Visits must be arranged between the adoptive parents and the persons who have access. These persons must be served with notice of the adoption application, which includes a copy of all documents filed in the



court, except for the Home Assessment Report, but includes a Notice of Objection to Adoption [[CS3475](#)].

If it is determined that continued access is not in the best interests of the child, and if that access is pursuant to a court order, an application must be made in Provincial Court to terminate the access order before making the matching referral.

If there has been access during permanent guardianship such as telephone calls, inquiries, goodbye visits or informal visits and access will not continue after placement, conclude this informal access before making the matching referral. Include a copy of the concluding letter in the court documentation.

Information regarding telephone calls, inquiries, goodbye visits or informal visits must be disclosed in the court documentation so the court can determine whether notice to the former guardian or other person should be given.

If the permanent guardianship order is silent about access and there has been no access, include a statement confirming this in the matching referral.

## 13.6.2 Referring a Child

### Summary

If adoption is the permanency plan, Adoption Services requires a referral. The following describes the procedures for referring a child for adoption matching.

### Referring

Immediately after signing a permanent guardianship agreement or after obtaining a permanent guardianship order and determining that adoption is the permanency plan, send Adoption Services a matching referral. The following information and documentation is required:

- a copy of the Live Birth Registration.
- a copy of either the Permanent Guardianship Agreement [CS1618] or the permanent guardianship order.
- a copy of any access agreement or order that is part of, or attached to, the permanent guardianship order.
- a copy of the Child's Social and Family History [CS2379]. This is a casework requirement once "alternate care" is the permanent placement for the child.
- if other siblings (including half-siblings) are in care of Children's Services, identify the status of these children.
- a copy of the Medical Report [CS0006] with the physician's signature. Complete the front side of the form and have the physician complete the back. If the physician does not know the child, provide as much background as possible.
- specific information on the ethnic origin of both birth parents (e.g. Irish/Cree), if this is not on the Social and Family History. The court does not accept Canadian or Caucasian.
- if specific ethnic origins are unknown or unavailable, or if there is a background including any possible Aboriginal heritage, you must complete an Indian Status Check by forwarding a letter to the Department of Indian and Northern Affairs, Alberta Region. A copy of the response must be included in the Adoption Referral package.

- if the child is entitled to be, or is, registered as an Indian, confirmation of this entitlement from Indian and Northern Affairs Canada. This is part of casework as soon as a file is opened.
- If the child is entitled to be registered or has Registered Indian status, detailed documentation regarding involvement of the First Nations designate in adoption planning as required in Section 1 of the Information Consolidation and S.107 of the Act.
- If the child is Métis:
  - a statement regarding the residency of the birth parent as required in Section 1 of the Information Consolidation.
  - if the child is under a permanent guardianship order and from an identified Métis Settlement, the results of consultation with Region 10 CSFA as required by Standard 13 of the Safety Standards.
- Additional information as required:
  - Consent to Appear in the Media [[CS3442a](#)].
  - Media Recruitment Information [[CS3442](#)].
  - A statement that the parent wishes to participate in the selection of the home for a healthy infant.
  - Additional information regarding a child's special needs and/or placement needs.
  - Results of HIV tests.
  - A statement that the parent is interested in an on-going information exchange through the Post Adoption Registry.
  - Authorization from the Manager to separate siblings.

## Healthy Infant

If the child is a healthy infant, a statement indicating whether the relinquishing parent wants to participate in selecting the home. If yes, Adoption Services will send home assessments for the caseworker to summarize and discuss with the birth parent. If not, state the birth parent's preferences for an adoptive home.

## Special Needs

A description of any special needs, recorded in Sections 3 and 4 of the Information Consolidation.

Recommendations for matching.

One or more recent original or electronic photographs of the child if media recruitment is required.

Comments on the foster parent's understanding of and support for the plan of adoption for the child.

## Exchanging Information

Notice that the former parent expressed interest in exchanging non-identifying information and pictures annually through the Post Adoption Registry after the child is adopted. Any arrangements will have to be made before the adoption order is granted.

**See:**  
[13.3.4 Following-Up a PGA](#)

## HIV Risk

Have a child tested for HIV infection if the child's history indicates risk factors.

Include the test results in the matching referral.

## Siblings

The ministry supports the philosophy that siblings should be placed together whenever possible.

If a group of siblings is referred for adoption at the same time, Adoption Services makes every effort to propose matches where the children are placed in the same adoptive home.

## Approval to Separate Siblings

Obtain approval from the regional designate if the plan is to not place siblings in the same adoptive home. Contact with siblings is encouraged and must be considered in the matching process and arranged prior to the granting of the adoption order.

## Sibling Registry

If a sibling to the child being referred was placed for adoption, contact the Post Adoption Registry to determine whether the adoptive parents are registered on the Sibling Registry.

If the adoptive parents are registered, the Registry sends a copy of the registration card.

## Adoptive Parents Registered

If the adoptive parents are registered, review the information on the Sibling Registry Card. If the adoptive parents have indicated their interest in fostering or adopting a sibling to their child, the caseworker will:

- contact the family to determine their interest in adopting the sibling of their adopted child, and
- record their interest on the child's file.

If the family wishes to proceed and they may be a potential resource for the child, request a copy of the previous home assessment report from the Post Adoption Registry.

If the adoptive parents are registered, but are not interested in adopting the sibling to their child or if it is determined that the family is not able to meet the needs of the child:

- determine if the adoptive parents will consider contact between the siblings
- record the information on the child's file
- return all information to the registry.

**Note:**

If the adoptive parents are registered, the caseworker must contact them to enquire about sibling contact, even if the family is not considered for placement of the child.

## Adoptive Parents Not Registered

If the adoptive parents are not registered with the Sibling Registry, the Manager of the Post Adoption Registry will advise the caseworker.

**Note:**

With Ministerial permission, the previous adoptive parent may be approached even if not registered.

If the caseworker wishes to consider the family, advise the Post Adoption Registry who requests Ministerial consent to release information from the sealed adoption record of the previously adopted sibling.

If the Minister consents, the registry sends a copy of the consent and the name and address of the adoptive family.

If after contacting the family, the caseworker determines they wish to pursue the family as a resource for the child, advise the registry who will request Ministerial consent to release the home assessment report to the caseworker. The caseworker reviews the information with their supervisor according to procedures set by the region.

If the family wants to proceed with adoption, record this information on the child's file. Return all the family's information to the registry.

If the caseworker determines the family is not able to meet the child's needs or the family chooses not to proceed with adoption, record this decision on the child's file without identifying the family. Return the family's information to the registry.

**Note:**

If the family have not registered it is not necessary to:

- contact them regarding sibling contact
- obtain approval to separate siblings.

**You must return all information provided by the registry within 60 days unless you obtain special permission to retain it for a longer period of time.**

## 13.6.3 Selecting a Home

### Summary

Children are referred to Adoption Services for matching, however, the caseworker makes the final adoption home selection for the child. The following describes the selection procedures.

### Adoption Services

Upon receiving an adoption referral, Adoption Services sends the caseworker prospective adoptive homes within 5 days, or immediately informs the caseworker what additional information or documentation is required to start the matching process.

The child's age, gender, health, religion, racial origin, special needs, and family history are considered by Adoption Services when proposing matches.

Adoption Services attempts to select adoptive parents of the same race who are willing and able to meet the child's needs.

If racial compatibility is not possible, Adoption Services selects parents who are willing and able to respect and encourage the child's cultural heritage.

The primary consideration is to find a home that will meet the child's needs.

### Matters to be Considered in Matching a Child for Adoption

When reviewing possible adoption matches, take the following into account:

- Have all placement options for the child been considered, including:
  - Extended family.
  - Placement with a previously adopted sibling, foster parents, and approved families from across the province.
  - Has the child been featured in the media to recruit an adoptive family?
- Is there an existing relationship between the child and the prospective adoptive family?
- The age, gender, cultural and special needs of the child.

- The position of the Band/Métis Settlement if the child is of Aboriginal descent.
- If a cross-cultural placement is being explored, how will the prospective adoptive parents maintain the child's culture?
- The ability of the prospective family and the community to meet the child's needs.
- The opinion of the child about the prospective family, if old enough to understand.
- The impact of the placement on the child.
- The impact of the placement on the family.
- The family's social support network.
- The child's ability to have contact with role models of the opposite sex, in single parent or same-gendered families.
- The potential concerns of the child's biological family when contact will be maintained with the child.

## Media Recruitment

If there is no possible adoptive home available, Adoption Services immediately recommends media recruitment to the caseworker. A child-specific Consent to Appear in the Media [[CS3442a](#)] is needed from the worksite manager before featuring a child on the Wednesday's Child Program, the Adoption Website, in newsletters or any other television program or newspaper.

Upon receiving consent from the worksite manager, obtain a photograph of the child (four photographs are preferable). Either original or digital photographs of the child are acceptable.

Send the Consent to Appear in the Media [[CS3442a](#)] and the photographs along with the Media Recruitment Information [[CS3442](#)] to Adoption Services, who will arrange for media recruitment. Adoption Services completes the profile on the child, which is then forwarded to FOIP and Quality Assurance for approval. The approved copy is sent to the caseworker for review before proceeding with publication through the media.



## Healthy Infant

If the child is a healthy infant under 2 and the relinquishing parent is not participating in selecting, Adoption Services selects several prospective adoptive families (unofficial matches) for review by the caseworker. Upon being notified of the caseworker's decision, Adoption Services provides confirmation of the official match and sends written follow-up.

## Participating Parent

If the child is a healthy infant under 2 and the relinquishing parent is participating in selecting, Adoption Services sends several home assessments for the caseworker to summarize and discuss with the birth parent. The caseworker informs Adoption Services of the parent's selection. Adoption Services informs the caseworker of the official match and sends written follow-up.

## Special Needs Child

If the child has special needs, Adoption Services selects several prospective adoptive families (unofficial matches). Adoption Services sends the home assessment reports on these families to the caseworker who selects one family in consultation with the supervisor. Regional adoption specialists are available for consultation throughout the matching process. To select an adoption home:

- Contact the caseworker for each home to discuss the family's ability to parent the child.

**Note:**

The adoptive family's caseworker contacts the child's caseworker to discuss the potential match every time the family is sent on an unofficial match. The family's caseworker advises the family why they were not selected for the child.

- Select the home that can best meet the child's needs.

If a home is not selected, state why on the response sheet from Adoption Services and return the copies of the home assessment reports and photographs.

If none of the homes are appropriate, request further homes from Adoption Services. If other possible homes are available, Adoption Services sends more unofficial matches. If there are no additional homes, media recruitment should be considered.

Upon being informed of the selection, Adoption Services sends the placement caseworker an official match, if the selected home is in another region.

**See:**  
[13.6.6 Inter-Regional](#)

## Placement Caseworker

The placement caseworker contacts the prospective adoptive family only after receiving the adoption placement authority (official match) from Adoption Services and ensures that the appeal period has expired, unless a legal risk placement is planned.

## Placement – Healthy Infant

If the child is an infant:

- confirm that the child is ready for placing, and if so:
  - Telephone the prospective adoptive parent. Inquire whether there are circumstances in the family that might prevent placement, e.g. pregnancy, birth of biological child, private placement, separation, divorce. If placement is appropriate, tell the parent about the proposed match and provide non-identifying background information.
  - Allow the adopting family to consider the non-identifying information about the child before accepting placement.

If possible, the placement caseworker contacts the family's caseworker prior to contacting the family.

## Placement – Special Needs Child

If the child has special needs:

- Contact the family's caseworker to confirm that the prospective adoptive family is ready to be approached about the placement. If the family lives in another region.

**See:**  
[13.6.6 Inter-Regional](#)

- Contact the prospective adoptive parent to discuss the proposed match.
- If the family is interested, arrange a meeting to discuss the child's background, behaviour, school issues, access, cultural and identity issues,

and anticipated needs. Include the family's caseworker if possible. Provide details about the Supports for Permanency program.

- If the child is HIV positive or has a high risk background, discuss the emotional and psychological effect on all family members.
- So that the family can make an informed decision, arrange contacts with the child's care giver and involved professionals such as teachers, psychologists and medical personnel.

## Family Not Accepting Match

If the selected adoptive parent chooses not to accept the proposed child, the placement caseworker:

- immediately informs Adoption Services;
- returns the copy of the home assessment report and photographs; and
- provides reasons why the match was rejected.

Although deciding not to accept a proposed child does not change the prospective family's position on the waiting list, the adoption caseworker must clarify the family's child desired information before another match is proposed.

## Concluding

Once the selected family agrees to proceed, begin preparing for the placement.

**See:**  
[13.6.8 Preparing for Placement](#)

## Filing

Upon receiving confirmation from Adoption Services, Edmonton that the adoption has been granted, collect the following documents, which will complete the sealed adoption record and Post Adoption Registry file:

- Copy of the Court File (which will comprise the sealed adoption file)
- Family & Medical History [[CS0005](#)]

- Most Recent Medical Report [[CS0006](#)] and all other medical information regarding the child
- Sibling Registry Card [[CS2814](#)]
- On-Going Information Exchange [[CS3578](#)]

Send this documentation to:

Post Adoption Registry  
Alberta Children's Services  
11<sup>th</sup> Floor, 9940 – 106 Street  
Edmonton, Alberta T5K 2N2

It is recommended that you use Registered Courier in order to track the package and ensure it arrives at the destination.

Update CYIM at the time of sending the documents to indicate file closure and termination of Permanent Guardianship status. Specify the reason for closure as Adoption. All information on CYIM must be accurate and complete according to the child's birth registration and the family's Home Assessment Report.

All other documentation that is accumulated after the adoption placement remains on the file. The remainder of the file should be closed according to your regional records management guidelines.

If there was a maintenance order or agreement, notify the Maintenance Enforcement Program that maintenance has been terminated.

If the family qualifies for assistance under the Supports for Permanency Program, negotiate a Supports for Permanency Agreement [[CS3652](#)].

**See:**

Child, Youth and Family Enhancement Regulation S.10  
[15.2 Negotiating an Agreement](#)

Provide the maintenance and/or services the family requires to support the adoption placement.

Follow the procedures outlined in Supports for Permanency Program.

**See:**

[15.1 Supports for Permanency Program](#)

## 13.6.4 Registered Indian or Métis Child

### Summary

An adoption order does not affect a child's registered Indian status. However, if the adoptive parent is also a registered Indian, that parent may apply to their band to have the child's membership transferred.

If a registered Indian adopts a non-Indian child, the child may be eligible for registration.

The following describes the procedures for processing an adoption for a child who has, or is eligible for, registered Indian status, or a Métis child from an identified Métis Settlement.

### Registering

Obtain confirmation from Indian and Northern Affairs Canada that the child is entitled to be registered as an Indian.

### First Nations Designate

S.107 requires that a First Nations designate from the child's band must be involved in planning services for an Indian child who is the subject of a Permanent Guardianship Order or Permanent Guardianship Agreement.

Involve the First Nations designate in making a permanency plan for an Indian child. Keep detailed records of the involvement of the First Nations designate as these are needed for the special affidavit. Have the worksite manager review the involvement of the First Nations designate.

Involvement of the First Nations designate must be concluded prior to referring the child for adoption matching. Refer a child with registered Indian status only with the band's consent. The consent may be a Band Council Resolution or written consent of the Chief and Council. A letter from the person designated by the band to consult on adoption matters will also be accepted as confirmation of consent.

## Métis Child

If a Métis child under a permanent guardianship order is from an identified Métis Settlement, consult with Region 10 CFSA prior to referring the child for adoption.

## Family Proposed

If the band or Métis Settlement proposes a permanent family, inform Adoption Services whether the family is proposed for private guardianship or adoption. If the plan is adoption, immediately register the applicant and proceed with the Parent Preparation Training and Home Assessment Report.

## Confirming Child's Status to Adoptive Parent

When a child with registered Indian status is placed for adoption, the caseworker will confirm the child's status to the adopting parent in writing and recommend they contact Indian and Northern Affairs for information regarding registration and any benefits the child may be eligible for.

If a Métis child is from an identified Métis Settlement, the caseworker will confirm this to the adoptive parents to enable them to exercise any benefits the child may have.

## Registrar, Indian and Northern Affairs

Once an adoption order is granted, the clerk of the court sends a copy of the order to Adoption Services and to the Registrar, Indian and Northern Affairs. The Registrar sends the adoptive parent a letter confirming that the child is registered on the "A", or adoptive list, under the new name.

Upon receiving the order, the Registrar:

- removes the child from the biological parent's registration;
- registers the child separately in the new adoptive name; and
- removes the child's name from the published band list.

If the child is adopted by a registered Indian, the child may be registered under the adoptive parent's registration. The parent may apply for band membership of the child.

Upon reaching 18, the adopted person may obtain the registration number and band name from the Registrar by submitting a written request.

## Benefits

Advise the adoptive parent to consult with Indian and Northern Affairs to determine what benefits are available to the registered Indian child. These benefits may include:

- Education benefits at the post-secondary or university level.
- Non-insured health services benefits.

## Obtaining Health Benefits

Tell the adoptive parent about the process for obtaining medical coverage for a registered Indian child. To obtain coverage, the parent establishes a file with Health and Welfare Canada (HWC) by sending a request to approve services. This request must include the child's birth date and a copy of the letter confirming that the child is on the "A" list. A treaty or band number is not needed.

The parent sends the letter to:

Health and Welfare Canada  
Medical Services Branch  
730 Canada Place  
9700 Jasper Avenue  
Edmonton, Alberta T5J 4C3

When requesting services, the parent:

- gives the service provider a copy of the letter confirming that the child is on the "A" list;
- except for prescriptions, provides HWC a medical assessment that confirms the need for the service;
- obtains prior approval from the HWC for orthodontic work; and
- if moving to another province, establishes a file with the local branch of HWC.

Service providers contact HWC for approval to provide services. HWC pays the service providers directly.

## 13.6.5 Foster Parent

### Summary

Foster parents may apply to adopt a foster child under permanent guardianship who has been in their care for at least 6 months.

If foster parents ask to adopt a child in their home, follow these procedures.

### Aboriginal Child

If the child is aboriginal, the caseworker:

- reviews the results of the required band or Métis settlement involvement;
- records the outcome of the involvement; and
- upon confirmation that there are no barriers to adoption, assesses the foster parent's suitability to adopt.

### Caseworker

To assess the appropriateness of the plan of foster parent adoption, consider:

- Have members of the child's extended family been considered for a permanent placement?
- Does the child have a sibling who was adopted?

If the sibling was adopted in Alberta, contact the Post Adoption Registry to determine if the adoptive parents are registered with the sibling registry.

- How strong is the attachment between the child and the foster parent?
- What does the child want? Obtain written consent to the adoption from a child over 12.

To assess the foster parent's suitability to adopt, consider:

- Is the foster parent able to meet the child's physical, emotional, and social needs until the age of majority? Address the foster parent's age, health, parenting skills, nurturing, and financial security.
- Is the foster parent accepting and supportive of the child's heritage?



- Is the foster parent accepting of the biological family and willing to preserve significant relationships through ongoing access if appropriate?

## Submit Adoption Referral

If the foster parent appears to be suitable, submit a complete adoption referral package to Adoption Services, identifying the permanency plan is adoption by the current foster parents.

Submit a copy of the Foster Home Assessment Report [[CS3461](#)] and an update completed within the past year along with the referral package to Adoption Services.

## Concerns

If there are concerns about the foster parent adoption plan, consult with the supervisor and decide what other permanency option to pursue.

## Home Assessment Report

Review the family's Foster Home Assessment Report [[CS3461](#)]. Update the Assessment to ensure compliance with the regulated format. Provide information on the child, including the child's name as well as progress and adjustment in the foster home.

## Supports for Permanency

Prior to establishing the permanency placement date, the caseworker will:

- Assess what supports and services are required to maintain the child in the home.
- Determine if the family will be eligible for maintenance under the Supports for Permanency program once the Adoption Order has been granted.

The foster family will continue to receive the basic foster care rates and any special rate they are receiving up to and including the date of the Adoption Order.

Have the family complete a Permanency Placements for Supports for Permanency Program form in the child's birth name. Prior to the granting of

the Adoption Order, maintenance will be paid from the regional budget, Program code 0042.

Forward a copy of the Permanency Placements for Supports for Permanency form to the Accounts Payable System.

If the child has a disability, contact the Family Support for Children with Disabilities (FSCD) caseworker. The FSCD caseworker will complete a preliminary assessment as to the child's eligibility to access benefits under the FSCD program. Services through FSCD are only available following the granting of the adoption order.

**See:**

[15.1 Supports for Permanency Program, Determining Eligibility for FSCD Services](#)

## Establish Permanency Placement Date

Establish a permanency placement date when the referral package including a copy of the home assessment and update has been sent to Adoption Services, all required documentation has been obtained from the foster parents, and all outstanding legal, access and cultural issues have been resolved. Inform Adoption Services and the regional office of the permanency placement date and the child's chosen name, according to procedures set by the region.

## CYIM

When the permanency placement date has been established, create an adoption facility on CYIM. Remove the child from the foster home facility and place in the adoption facility as a permanency placement. Record the permanency placement date on CYIM.

## Adoption Order Granted

If the family is eligible for Supports for Permanency, as per the regulations, complete a Supports for Permanency Agreement [[CS3652](#)] with the adoptive parents. This agreement will be effective for up to one year from the day following the granting of the Adoption Order.

If the family qualifies for maintenance according to the established guidelines, they will begin receiving the basic foster care rate from the day following the granting of the Adoption Order.

**See:**

[15.1 Supports for Permanency Program, Eligibility for Maintenance](#)

## 13.6.6 Inter-Regional

### Summary

Inter-regional matching of a healthy infant requires no special procedures since the placement should be made as soon as possible. However, inter-regional matching of a special needs child requires procedures that the caseworker:

- ensures that the child's needs can be met by the prospective family and community; and
- facilitates an effective transition during pre-placement and post-placement.

When arranging an inter-regional match of a special needs child, complete the following procedures and in addition

**See:**

[13.6.3 Selecting a Home](#)

[13.6.8 Preparing for Placement](#)

### Consult

If the selected prospective family is in another region, consult with the receiving region before contacting the family. Give priority to this consultation so that placement is not delayed. Worksite managers establish the inter-regional conference protocol, including those involved in the matching process. Give enough information to the manager so that an informed decision can be made about accepting the child.

### Consent

If the match is appropriate, proceed only with the written consent of the originating and receiving managers.

### Costs

The originating region covers all the pre-placement and placement costs until the child's master file is transferred. The receiving region is then responsible for all costs.

## File Transfer

Transfer the master file to the receiving worksite within 2 weeks of the placement.

## 13.6.7 Inter-Provincial

### Summary

Most children who are referred for adoption are placed with adoptive parents in Alberta. The *Child Youth and Family Enhancement Act* requires that applicants be residents in Alberta at the time of placement in order for the adoption to be granted in Alberta.

Occasionally a child's needs can best be met by placement in another province. An example is placement with a child's aboriginal community or relatives.

In any inter-provincial placement, the sending and receiving provinces must coordinate the placement before the child moves. The following describes the procedures for processing an inter-provincial adoption.

### Consultation with Director of Child, Youth and Family Enhancement

Inform the regional manager if a child in permanent care is being placed with someone other than a relative or an aboriginal community. The regional manager consults with the Director of Child Youth and Family Enhancement prior to providing written consent to the placement of the child outside of Alberta.

### Placing a Child Outside Alberta

If a prospective adoptive home with a relative or an aboriginal community outside Alberta is proposed for a child under permanent guardianship, obtain permission from the district manager to place the child outside of Alberta.

If permission is given, ensure a complete matching referral has been forwarded to Adoption Services.

**See:**  
[13.6.2 Referring a Child](#)

Refer the request to the regional inter-provincial coordinator who:

- informs Adoption Services in writing about the proposed adoption and sends copies of all inter-provincial correspondence;

- forwards pertinent information about the child to the receiving province and requests a home assessment report be completed on behalf of the identified family;
- provides the home assessment to the caseworker who, along with the supervisor, decides whether to pursue placement;
- the coordinator informs the other province of the decision of the caseworker; and
- negotiates the placement process including pre-placement planning and related costs, supervision during the permanency placement period; and
- determines the documentation needed to petition the court in the receiving province.

Once the child has been placed into the adoptive home, the coordinator:

- sends the receiving province all documentation and file information needed to supervise the placement; and
- sends all the original documents from the child's file, the consent of a director and any other documentation required by the receiving province to enable them to petition the court for an adoption order.

The caseworker:

- advises Adoption Services of the date of placement and any new chosen names for the child.
- forwards the child's background and medical information to the receiving province.

Upon receiving confirmation the adoption order has been granted, the coordinator:

- informs the caseworker the order has been granted; and
- determines what other documentation the receiving province requires for their sealed adoption record and forwards it.

The caseworker:

- informs adoption Services of the date of the Adoption Order and the location of the court that issued the order.
- closes the child's file according to procedures established by Record Management.

A sealed adoption record is not maintained in Alberta.

## Out of Province Request for Adoptive Home

If another province is seeking an approved adoptive home in Alberta for a child, refer the request to Adoption Services.

If another province proposes to place a child for adoption with an identified family in Alberta who is not approved for adoption, refer the request to your regional inter-provincial coordinator.



## 13.6.8 Preparing for Placement

### Summary

Once the selected adopting family decides to accept placement of a child, pre-placement preparation begins. It is essential that the child and adoptive parent are well prepared for placement.

### Prior to Identifying the Home as a Permanency Placement

Before the placement date:

- Provide the adoptive parent with all the non-identifying information available to enable her/him to parent the child.
- Ensure that all the child's legal, cultural and social ties are resolved. **Pay particular attention to aboriginal issues. Do not guarantee that there will be no challenge to the placement.**
- If the former parent expressed interest in exchanging non-identifying information and pictures annually through the Post Adoption Registry after the child is adopted, determine whether the adopting parent is willing to exchange materials. Any arrangements must be made before the adoption order is granted.

#### See:

#### [13.3.4 Following-Up a PGA](#)

- Assess the emotional and behavioural needs of the child to determine what resources and supports the family will require in order to meet the needs of the child.
- Assess the eligibility of the adoptive parents to receive financial support under the Supports for Permanency Program.
- If the child has behavioural or emotional problems, advise the adoptive parents of the services and supports offered under the Supports for Permanency Program.
- If the child has a disability, arrange for a caseworker from Family Support for Children with Disabilities (FSCD) to do a preliminary assessment of the child to determine if the child may be eligible for services under the FSCD Act. These services will be available to the adoptive parents following granting of the adoption order.

- Adoptive parents are eligible for support services under the child's file until the adoption order is granted.
- If the adoptive parents meet the eligibility requirements as per the regulations for the Supports for Permanency Program, they may also receive basic maintenance payments from the date the child is placed until the Adoption Order is granted.

**See:**

[15.1 Supports for Permanency Program](#)

- Plan post-placement services.

## **13.7 Post-Placement**

### **13.7.1 Overview**

#### **Summary**

This section describes the procedures to follow after a child under permanent guardianship has been placed with caregivers who intend to adopt or obtain private guardianship or children under permanent guardianship status.

Subjects in this section include:

- the permanency placement period
- procedures for special situations
- obtaining the adoption order.

**See:**

[14. Private Guardianship, Obtaining a Private Guardianship Order](#)

## 13.7.2 Permanency Placement Period

### Summary

The following describes the responsibilities of each involved person during the Permanency Placement Period.

This period begins on the day that a child under permanent guardianship officially moves into a prospective adoptive home or private guardianship and ends when an adoption order or private guardianship order is granted.

From the date of placement, the applicant assumes the parental responsibilities of the child according to the Delegation of Powers and Duties to a Child Care Giver [CS1631]. However, the director continues to be the child's guardian and needs to be informed of any issues that affect the best interests of the child.

### Duration

Determine the Permanency Placement period according to how long the child and family need to adjust to each other. Ensure supports are in place and obtain the adoption order or private guardianship order without delay. The recommended Permanency Placement time period is six months.

### Placement Caseworker

Once a child is placed in the home, the caseworker:

- ensures that the applicants have the necessary information to parent the child;
- gives the applicants a completed Delegation of Powers and Duties to a Child Care Giver [CS1631];
- informs Adoption Services of the placement date and the child's chosen names;
- provides a copy of the background and medical history to the applicants of the child according to regional procedures; and
- informs the applicant's caseworker of the permanency placement date.

## Caseworker

Once the child is placed, the caseworker enters the permanency placement date on CYIM, then transfers the child's file, within 3 working days for an infant and 2 weeks for a special needs child, to the worksite where the applicant family lives. Record the reason for any exception.

## Adoption Caseworker (This also applies for private guardianship applicants)

Upon being informed of the placement, the adoption caseworker:

- immediately notifies the local community health unit so services are offered to the family;
- contacts the adoptive family within one week of placement;
- visits the adoptive home within 2 weeks;
- has the required contact with the child;

**See:**

[5.8.3 Services](#)

- supports the adoptive home and ensures that required resources are in place; and
- informs the adoptive parent if any issue arises that could affect the granting of an adoption order.
- contacts the Family Support for Children with Disabilities (FSCD) caseworker to assess the child's eligibility for services under the FSCD program, unless the child is a healthy infant.

**Note:**

Services under the Family Support for Children with Disabilities (FSCD) program can not commence until the adoption order has been granted.

- determines if the family is eligible for maintenance according to the regulations under the Supports for Permanency program.

**See:**

Child, Youth and Family Enhancement Regulation S.10

Upon placement:

- encourage the adopting parent to remain at home for at least 3 months to promote attachment;
- advise the adoptive parent to notify the adoption worker if:
  - the child’s survival, security, or development is endangered;
  - the family’s circumstances change;
  - the family moves; or
  - the parent experiences difficulty parenting the child.

## Permanency Placements – Adoption and Private Guardianship

The adoptive parent/private guardian:

- if wanting to adopt again, may complete the Application to Adopt [CS0059].
- assumes financial responsibility for the child. The parent:
  - registers the child for an Alberta Personal Health Card;
  - may apply for the Child Tax Benefit;
  - may claim the child as a dependent on income tax;
  - may obtain life insurance in the child’s name.

## Maintenance

For maintenance and support services prior to and upon the adoption or private guardianship order being granted see the Supports for Permanency Program section.

**See:**

[15.1 Supports for Permanency Program](#)

## 13.7.3 Special Situations

### Summary

The following describes the procedures for special situations that occasionally arise prior to the granting of the adoption order.

### Move from Alberta

If a child is placed with an adoptive family that is planning to move out of Alberta, arrange to obtain the adoption order before the move. If the order cannot be obtained before the move, transfer placement supervision to the other province but obtain the adoption order in Alberta.

### Placement Disruption

If an adopting parent wants a child removed, assess the risks of not removing the child immediately. In consultation with the supervisor and professionals involved in the case, determine the appropriate plan for the child.

If there is reason to believe that a child is in need of intervention services, refer the matter to the local child intervention intake. The initial assessment must be done by a child intervention caseworker, however, the adoption caseworker may be present to provide support to the adoptive family.

If a child is removed from an adoption home prior to the adoption order being granted:

- immediately notify Adoption Services, the worksite manager and regional adoption specialist or designate. Provide reasons for the disruption.
- tell the adopting parent about the right to and procedures for an Administrative Review and Appeal.
- provide support to the family including a counselling referral if needed.
- update the child's placement information on CYIM.

## Parents Separate

If an adopting couple separates prior to the granting of the adoption order, immediately assess the situation. If one of the parents wants to proceed with adopting:

- Determine the person's ability and resources to meet the child's needs as a single parent.
- With the supervisor, decide whether to remove the child or to proceed with the adoption.
- Inform Adoption Services.
- If proceeding with adoption, provide a thorough update.

## Parent Dies

If an adopting parent dies prior to the adoption order being granted, assess the surviving parent's ability and resources to adopt the child. Under S.70(3), the surviving parent may ask to have the deceased person's name remain on the documents as an adopting parent if that person signed the petition prior to death. If the child is over 12, the child's consent is needed to have the deceased person named as an adoptive parent.

## Child Dies

If a child dies prior to the granting of the adoption order;

**See:**  
[8.10 Death of a Child](#)

In addition:

- If the adopting parent wants to provide the funeral and headstone, allow the headstone to be in the name chosen by the parent.
- To ensure that the death certificate is completed in the child's legal name, provide the birth registration information including the biological parent's name to the funeral home.
- Notify the birth parent if possible. If the cause of death could affect a sibling, make every effort to inform the birth parent.



- Complete the follow-up procedures.

**See:**

[5.8.4 Terminating an Order](#)

- Close the child's file on CYIM. Include "Reason for Death" and "Date of Death" on the child-in-need details screen.

## 13.7.4 Adoption Order

### Summary

The following describes the procedures for obtaining an adoption order for a child under permanent guardianship.

Each region is responsible for filing the adoption petition and supporting documents with the Clerk of the Court of Queen's Bench, in their region, according to the procedures set by the region.

### Special Affidavit

Prepare an affidavit that describes any involvement by the birth family, an Indian band or a Métis Settlement.

Include the following:

- the child's birth date and birth place.
- details about the child's legal status while in care and the involvement of the birth parents or extended family in any court proceedings.
- details about any access or attempted access to the child by or on behalf of the birth family or other people who had significant involvement in the child's life.
- name of birth father, if identified. If unknown, state this fact and the reasons.
- if the child is a registered Indian, details about the involvement of the First Nations designate in adoption planning for the child.
- if a Métis child is under a permanent guardianship order and is from an identified Métis Settlement, details about the consultation with Region 10 CFSA.
- a recommendation about serving the adoption documents on the birth parents, only if the birth parents have had access. If there has been no access, there is no need to dispense with service on birth parents, as all of their rights have been terminated by the granting of the permanent guardianship order.

## Criminal Record Check

The Criminal Record Check must be current within 6 months of filing the adoption petition with the Court of Queen's Bench.

If the Criminal Record Checks are more than 6 months old, have the adoptive family obtain another Criminal Record Check. Record the results in the Post Placement assessment.

**See:**

[13.5.2 Home Assessment, Criminal Record Check](#)

## Adoption Caseworker

The adoption caseworker makes final preparations with the adoptive family and negotiates the time for completion of the adoption petition package. Adoptive parents should be encouraged to complete the adoption within 6 months of placement. A longer time may be negotiated if the family experiences extenuating circumstances.

Complete the petition package as soon as appropriate after the child has been placed and all support services are in place.

No hearing will be held, unless the justice orders one.

Include the following in the petition package:

- Petition [[CS0075](#)]
- Affidavit of Petitioner [[CS0091](#)]
- Special affidavit regarding birth family, Indian band or Métis Settlement involvement (if required)
- Affidavit of Reference [[CS0050](#)] from 2 references. One reference may be a relative of the petitioner. No two references may be spouses of each other
- Affidavit regarding access if relevant
- Post-Placement Assessment [[CS0007](#)]
- if the child was born in Alberta:
  - Registration of a Birth [[REG3123P](#)]
  - Adoption Information [[REG3104](#)]

- if the child was not born in Alberta, 2 copies of Adoption Information [REG3104]
- if the child is over 12, in addition to the above:
  - Consent by a Child to Adoption [CS2007]
  - Notice of Objection to Adoption [CS3475]

## Previous Guardian

If the child has on-going access, or for some other reason it is necessary to serve a previous guardian, a Notice of Objection to Adoption [CS3475] must be included in the petition package.

## Sibling Registry

Ask the adoptive parent to complete the Sibling Registry Card [CS2814]. The parent indicates on the card if he/she would consider:

- adopting a sibling, if the child has permanent guardianship status and is legally available for adoption.
- fostering a sibling, if the child is in care of Children's Services and Part B of the Concurrent Case Plan is permanent guardianship and adoption.
- contact between siblings, but not adopting or
- if they are not interested in being contacted.

Send the Sibling Registry Card to the Post Adoption Registry.

Give the completed petition package to the worksite manager for approval.

## Worksite Manager

Upon receiving a petition package, the manager or delegate:

- reviews the package to determine whether the adoption home meets the child's needs and is in the child's best interest;
- decides whether to consent to the adoption and informs the adoption caseworker; and

- if in approval:
  - completes Consent by a Guardian to Adoption [CS2659] according to S.59;
  - completes Affidavit of a Director [CS0597] with exhibit documents according to S.59(1)(a); and
  - forwards the petition package according to regional procedures

## Preparation of Petition Package

Upon receiving the petition and supporting documents the regional designated person:

- prepares the petition package for court; and
- files the original petition package and a duplicate with the clerk of the court.

### **Note:**

If a child of 12 or over or any other person (usually a former guardian) needs to be served, a Notice of Objection to Adoption [CS3475] must be included in the petition package forwarded to the court.

## Clerk

If no one is being served, the clerk of the court presents the petition to a judge in chambers.

If a child of 12 or any other person needs to be served, the clerk of the court will file the petition and supporting documents and return a certified copy of the petition package and the Notice of Objection to Adoption to the caseworker.

## Child of 12 Or Over

The caseworker serves a photocopy of the adoption petition package and the Notice of Objection to Adoption [CS3475] on a child of 12 or over. **The child does not receive a copy of the home assessment report or the criminal record check.**

The caseworker completes an Affidavit of Service and files it with the clerk of the court.

## Former Guardian Requires Service

If the former guardians have had access to the child, it will be necessary to serve the guardian(s) with a photocopy of the petition, the supporting documents and a Notice of Objection to Adoption [CS3475], unless the court has dispensed with service on them. **The former guardian does not receive a copy of the home assessment report.**

The caseworker completes an Affidavit of Service and files it with the clerk of the court.

## Adoption Applications

Tell the adopting parent and a child of 12 or over that most adoptions will proceed without a hearing, unless the child, or another guardian who was served, files a Notice of Objection to Adoption [CS3475] or the judge orders a hearing.

## Adoption Hearing

If a notice of objection is filed or the judge orders a hearing:

- The clerk of the court will advise the caseworker of the date, time and place of the adoption hearing.
- The caseworker will:
  - prepare a Notice of Adoption Hearing [CS3515],
  - file the original Notice of Adoption Hearing with the court,
  - serve a photocopy of the Notice of Adoption Hearing on the petitioner, a child of 12 or over and a guardian (if necessary) at least 10 days before the date of the hearing, and
  - complete the Affidavit of Service and file with the court at least 7 days before the date of the hearing.

Advise the petitioner and a child of 12 or over that they are expected to attend the hearing and they have the right to be heard in person or by counsel at the hearing.

## Granted Adoption

Upon receiving confirmation that the adoption has been granted, remove all documentation related to the adoption; i.e. all information/documents above the Child Matched for Adoption [CS2036] and any other contact notes, forms etc. that identify the adoptive parents, from the child's file and send to the Post Adoption Registry.

Ensure the child's medical information and Family and Social History [CS2379] are forwarded to the Post Adoption Registry. This information will be sealed with the adoption file. This is the information that will be made available to the child when they reach adulthood.

Send the remainder of the file information to:

Records Services  
Historical Unit  
4th Floor, Centre West Building  
10035 – 108 Street  
Edmonton

Records Services microfilms the adoption documentation.

Update CYIM to indicate file closure and termination of permanent guardianship status and specify the reason for closure as adoption. Close the child's file.

If there was a maintenance order or agreement, notify the Maintenance Enforcement Program that maintenance has been terminated.

If the family qualifies for assistance under the Supports for Permanency Program, negotiate a Supports for Permanency Agreement [CS3652].

**See:**

Child, Youth and Family Enhancement Regulation S.10  
[15.2 Negotiating a Supports for Permanency Agreement](#)

Provide the maintenance and/or services the family requires to support the adoption placement.

Follow the procedures outlined in Supports for Permanency Program.

**See:**

[15.1 Supports for Permanency Program](#)

## 13.8 International Adoptions

### Summary

Most children are cared for within their country of origin. However, occasionally a country is unable to provide for a child within their home country and will allow the child to be adopted through an international adoption.

Alberta does not place children for adoption outside of Canada. An exception may be made in extenuating circumstances or if the child is being adopted by a relative.

International adoptions are extremely complex and difficult to arrange as they must meet the legal requirements of Alberta's *Child, Youth and Family Enhancement Act*, Canada's federal *Immigration and Citizenship Act* and the Hague Convention on Inter-country Adoption.

All international adoptions must be considered special needs adoptions. Adoptive applicants must understand that all medical, developmental, behavioural or emotional problems will not be known at the time of the adoption match.

An international adoption can be costly. Adoptive parents can expect to pay between \$10,000 to \$25,000 US to complete an international adoption.

Due to the complex nature of international adoptions, Adoption Services, Edmonton is responsible for managing all aspects of the international adoption program.

### Caseworker

A Guidebook for persons interested in international adoption is available to prospective adoptive parents. They may obtain a copy of the Guidebook by contacting:

- the Adoption Services Web site at [www.child.gov.ab.ca](http://www.child.gov.ab.ca)
- Adoption Services, (780) 422-0178
- A licensed adoption agency



## Licensed Adoption Agencies

Licensed agencies are delegated the responsibility to:

- provide parent preparation training
- complete home assessment reports
- supervise the child in the home (if required)
- sign and file the adoption petition if the adoption will be finalized in Alberta
- complete post placement reports (as required)

Licensed agencies are also able to assist applicants with preparation of their dossier that is required for an International Adoption.

## 13.9 Post Adoption Registry

### 13.9.1 Overview

#### Summary

S.75(3) of the *Child, You and Family Enhancement Act* requires the Minister to maintain a post adoption registry that contains the sealed records of all adoptions granted in the Province of Alberta. The Minister delegates responsibility to operate all functions of the registry to the Post Adoption Registry, Edmonton.

#### Functions of the Registry

The Post Adoption Registry:

- Maintains all the sealed records of any adoption occurring in Alberta.
- Upon request:
  - provides a summary of non-identifying information to adoptees, birth parents, adoptive parents, adult siblings or a descendant of a deceased adoptee according to the Act
  - provides identifying information to adoptees and birth parents about each other, unless one of the parties has files a veto
  - arranges for a reunion when two parties to an adoption voluntarily register for contact
  - manages a yearly information exchange between birth parents and adoptive parents on behalf of their minor child
  - provides information from the sealed adoption record to assist caseworkers in providing intervention services to an adoptee
- Obtains Adoption Orders from the Court of Queen’s Bench for clients of the registry.
- Maintains the sibling registry card system.
- Assists adoptive parents or adoptees to determine the adoptees eligibility for Registered Indian Status, or Métis or Inuit rights.
- If there are compelling circumstances, usually medical, arranges for information from the sealed adoption record to be disclosed as necessary.

- With Ministerial consent, confirms the date of adoption to:
  - The Director of Maintenance and Recovery, or
  - Litigation Services for use in a Court proceeding, if the government is a party to the proceeding.

## Definitions

According to the *Child, Youth and Family Enhancement Act*:

An interested person is:

A blood relative of the adopted person or a member of the same Indian band or Métis Settlement.

A sibling is:

a person with the same biological mother or father or a sibling by adoption.

A descendant of an adoptee is:

a child or grand-child of an adoptee.

## Eligibility

The following persons may register for voluntary disclosure and/or to receive information from the sealed adoption record:

- a person 18 or over who was adopted in Alberta
- a 16 or 17 year old adoptee who can demonstrate they are living independent of their adoptive parent
- the biological mother of an adoptee
- the biological father of an adoptee
- an adoptive parent on behalf of their minor adopted child
- the adoptive parent of a deceased adoptee
- an adult sibling of an adoptee
- an adult who is a blood relative of an adoptee or who is a member of the same Indian band or Métis settlement if:

- the biological parent consents in writing; or
  - the Minister is satisfied that the biological parent is deceased, cannot be located, or is mentally incapable of consenting
- an adult descendant of a deceased adoptee
  - an adoptive parent under a previous adoption order.

## 13.9.2 Registering

### Summary

The following describes how a person registers with or withdraws from the registry.

### Register

If a person wishes to register, give the person a Post Adoption Registry Application [CS3624 or CS3625]. The form is also available from the Post Adoption Web Site at [www.child.gov.ab.ca](http://www.child.gov.ab.ca).

Advise the person to submit the completed application to the Post Adoption Registry, Edmonton, along with a photocopy of two (2) pieces of proof of identity. One piece must be a photo ID.

Copies of documents such as a:

- birth certificate
- Alberta Personal Health Card
- driver's license
- passport

### Processing

When the Post Adoption Registry receives an application, the Manager:

- determines that the applicant is eligible to register,
- confirms that the adoption was granted in Alberta,
- verifies the applicant's identity,
- if satisfied that the applicant is entitled, enters the applicant's name on the registry; and
- informs the applicant in writing:
  - that the applicant is registered; or
  - why the applicant was not registered.

- provides the information requested by the applicant according to the legislation
- arranges a reunion if the other party is registered

## Veto

If the adoption occurred before January 1, 2005, an adult adoptee, birth parent or adoptive parent under a previous adoption order may register a veto with the Post Adoption Registry. Registration of a Veto will prevent the registry from releasing that person's identifying information to the applicant.

If a person wishes to register a Veto, give them a Veto Form [[CS2455v](#)] and advise them to mail it to the Post Adoption Registry. This form is also available from the Post Adoption registry web site at [www.child.gov.ab.ca](http://www.child.gov.ab.ca).

## Deemed Veto

S.74.2(9) allows the Minister to "deem" a veto if the adult adoptee is not aware of the adoption and the adoptive parent can satisfy the Minister that releasing the adoptee's information would be extremely detrimental to the adoptee.

If adoptive parents wish to request that the Minister "deem" a veto, tell them to write a letter to the Post Adoption Registry, outlining the reason for their request and provide information as to why releasing the adopted person's information would be extremely detrimental to the adopted person.

The Manager will review the information and forward the request to the Minister along with a recommendation.

The "deemed" veto is revoked if the adult adoptee contacts the Post Adoption Registry.

## Withdraw

A registered person may withdraw their application for voluntary disclosure by sending a written request to:

Alberta Post Adoption Registry  
Adoption Services  
11th Floor, Sterling Place  
9940 – 106 Street  
Edmonton, Alberta T5K 2N2

A person who has registered a veto may withdraw their veto at any time by completing an Application to Cancel a Disclosure Veto [CS3576]. This form is also available on the Post Adoption Registry web site at [www.child.gov.ab.ca](http://www.child.gov.ab.ca).

When the Registry receives the request, the Manager removes the registered name and sends the person written confirmation.

## 13.9.3 Non-Identifying Information

### Summary

S.74.4 allows the Minister to disclose non-identifying information to the parties to an adoption. The parties to an adoption include the adoptee, an adult descendant of a deceased adoptee, the biological mother and father, any adult sibling, the adoptive parent, or a previous adoptive parent. A 16 or 17 year old adoptee living independently may also obtain non-identifying information.

### Receiving

If a person wishes to provide information about a party to an adoption, advise the person to contact The Post Adoption Registry.

The Manager:

- records information such as medical or background information; and
- provides the information to an interested party upon request, according to the legislation, unless it is about a medical condition that a doctor confirms could seriously threaten another person.

### Death

If the registry is informed that any party to an adoption has died, the Manager:

- enters the name and fact of death on the registry; and
- informs any person who is registered. Such information is given personally whenever possible.

### Releasing

If a party to an adoption wants non-identifying information, advise the person to complete an application form [[CS3624](#) or [CS3625](#)] and forward to the Post Adoption Registry.



When the registry receives a request, the Manager:

- provides the requested information according to the legislation.
- provides an adult adopted person, an adult descendant of a deceased adoptee, a previous adoptive parent and/or an adoptive parent on behalf of their minor adoptive child or deceased adoptee, with a history of the biological parents and, if requested, with a certified copy of the adoption order.
- provides a biological parent or adult sibling of the adoptee with a general profile of the adoptive family.
- provides a 16 or 17 year old living independently with a history of the biological parents.
- assists an adopted person of any age who is unsure about registered Indian status or Métis or Inuit rights by providing information to Indian and Northern Affairs Canada or the appropriate Métis or Inuit authority.
- provides an adoptive parent with medical information gathered in addition to the original social history.
- provides an adoptive parent under a previous adoption order with a general profile of the adoptive parents.

## Case Worker

If an Adoption Order has not been granted and the a biological parent who entered a permanent guardianship agreement asks whether the child has been placed for adoption, the caseworker may:

- provide non-identifying information about the adoptive family;
- advise the biological parent and adoptive parent that non identifying information such as letters and pictures can be exchanged through the registry. This arrangement must be agreed to prior to the adoption being granted. This exchange of information will be carried out by the registry on an annual basis;

**See:**

[13.3.4 Following-Up a PGA](#)

- inform the biological parent of any medical concerns that could affect the parent or siblings;
- advise the biological parent of the services of the Post Adoption Registry.

If an adoptee asks for assistance to determine their eligibility for Registered Indian status, or Métis or Inuit rights, advise the adoptee to contact the Post Adoption Registry for assistance.

If an adopted child of 16 or 17 years of age is living independently of their adoptive parents, advise them they may:

- apply to the registry to receive non-identifying information about their birth parents and,
- register for voluntary contact with their birth parents or other adult interested persons.

## 13.9.4 Identifying Information

### Voluntary Disclosure

S.75 allows the Minister to release identifying information about a party to an adoption if both parties have registered for contact.

The following describes the activities of the registry's reunion consultant when two parties to an adoption are entered on the registry.

The consultant contacts each party to obtain updated information. This non-identifying information is then shared with the other party.

If the parties wish to proceed, the reunion consultant arranges an agreeable way of releasing their identities.

When contacting the parties, the reunion consultant:

- makes personal contact to allow the person to discuss any concerns or implications;
- suggests possible ways of initiating contact and assists the person to choose; and
- suggests counselling resources in the community should such a service be needed.

The consultant will advise an applicant if the party they are searching for is deceased, if that is known.

## **13.9.5 Identifying Information – Right to Disclosure – Pre 2005 Application**

### **Summary**

For all adoption granted prior to January 1, 2005, S.74.2 allows the Post Adoption Registry to release identifying information in the documents, registrations or orders contained in the sealed adoption records to an adult adoptee, an adult descendant of a deceased adoptee or a parent of an adoptee. The adult adoptee, adult descendant or parent must make the request in writing to the Post Adoption Registry. Only information about the adult adoptee or the parent can be released to the person making the request. In this section, a parent includes an adoptive parent under a previous adoption order. No third party information can be released, therefore no identifying information about the adoptive parents will be released.

### **Veto**

No identifying information can be released about a person who has filed a veto with the Registry. A veto can be filed or withdrawn at any time, by completing the appropriate form and forwarding it to the Post Adoption Registry.

A veto is considered revoked when the person who registered the veto is deceased. The Registry requires proof of the death of the person who filed the veto.

An adopted person 18 years of age or older or a birth parent or previous adoptive parent may register a veto. The veto will prevent the release of their identifying information from the sealed record.

### **Releasing**

The adoptee must be 18 years and 6 months of age before identifying information will be released to a birth parent, to allow the adult adoptee time to register a veto.

If an adult adoptee, or the adult descendant of a deceased adoptee can provide proof that both birth parents or both previous adoptive parents are deceased, the personal information in the sealed record about family members can be released.

An adult adoptee, an adult descendant of a deceased adoptee or a 16 year old living independently may receive the birth surname **if the name is not on the adoption order.**

## **13.9.6 Identifying Information – Right to Disclosure – Adoption on or After January 1, 2005**

### **Summary**

For all adoptions granted after January 1, 2005, S.74.3 allows the Post Adoption Registry to release all the personal information in the orders, registrations and documents in the sealed adoption record, to the adult adoptee, a descendant of a deceased adoptee, a birth parent or previous adoptive parent, upon receiving a written request.

Information on the adoptive parents gathered during the approval process, such as the home assessment report, results of a criminal record check, or intervention record check, medical reports etc., will not be released.

### **Veto**

There is no ability to veto the release of information.

### **Contact Preference**

Any person whose personal information may be in the sealed adoption record may register a Contact Preference [CS3575] with the Post Adoption Registry. This Contact Preference advises the person requesting information as to how the person wishes to be contacted initially. A Contact Preference does not prohibit the release of personal information and is not binding.

### **Releasing**

The adoptee can request personal information about their birth family upon reaching the age of 18 years.

The adoptee must be 18 years and 6 months of age or older before the parent will be given personal information about the adoptee, in order to allow time for the adult adoptee to register a Contact Preference with the Post Adoption Registry.

## Caseworker

Advise any persons planning to relinquish their child, or adoptive parents of a child who was under permanent guardianship, of the above provisions of the *Child, Youth and Family Enhancement Act*.

## 13.9.7 General Release of Information

### Summary

The Act allows for information from a sealed adoption record to be released to various persons for various purposes.

The Registry may:

- Release information from the sealed adoption file to a caseworker providing intervention services to an adopted child.
- Provide information from the Sibling Registry Card and, with Ministerial consent, a copy of the Home Assessment Report to a caseworker.
- Release information to the appropriate authorities to establish an adopted child's rights to Indian status, Métis or Inuit rights.
- Provide an adoption order at any time to all those persons named in S.74.4(2) and 74(1) of the Act.
- Provide confirmation of an adoption to the Director of Maintenance and Enforcement or to Litigation Services.

### Child in Need of Intervention Services

S.74.4(7) allows the Post Adoption Registry to release information from the sealed adoption record if an adopted child is in need of intervention services.

If an adopted child requires intervention services and if information from the sealed adoption record may assist with casework practise, contact the Manager of the Post Adoption Registry to obtain information from the adoption record.

The sealed adoption record contains information from the time the child was placed into the adoptive home, background information on the birth family as well as all of the documents that are filed with the court in support of the adoption. Medical/psychological information about the child may be contained in the record, but is more likely found in the child intervention record.



## 13.9.8 Sibling Registry

If a sibling to a child being referred for adoption matching was placed for adoption, contact the Post Adoption registry to determine if the adoptive parents of that child are registered on the Sibling Registry.

### Adoptive Parents Registered

If the parents are registered, the Registry sends a copy of the registration card.

If the parents have indicated interest in fostering or adopting a sibling, and the caseworker has determined they wish to consider the family, the Post Adoption Registry will, upon request, forward a copy of the previous home assessment to the caseworker.

### Adoptive Parents Not Registered

If the adoptive parents have not registered, the Manager of the Registry will advise the caseworker accordingly. If the caseworker wishes to consider the family, advise the Registry who requests Ministerial consent to release information from the sealed adoption record of the previously adopted sibling.

If the Minister provides consent, the registry sends a copy of the consent and the name and address of the adoptive family.

If after contacting the family, the caseworker wishes to pursue the family as a resource for the child, advise the registry who will request Ministerial consent to release the home assessment report.

All information provided by the Registry to the caseworker must be returned to the Registry within 60 days, unless special permission has been given by the Registry to retain the information for a longer period.

## Compelling Circumstances

The registry may also release information in extenuating circumstances. For example:

If an adult adoptee, a birth parent or adoptive parents on behalf of a minor adoptee, supplies confirmation from a physician that they have a life-threatening disease, contact the Manager of the Post Adoption Registry to determine how the person may be assisted. In these cases, the Manager may release only the required medical information or may release identifying information.

# 14. Private Guardianship

## Summary

Division 5 of the *Child, Youth and Family Enhancement Act*, allows a court to grant a private guardianship order for a child to a caregiver who has continuous care of the child for at least three months prior to the order being granted.

## Inquiry

If a person asks for information about private guardianship or requests assistance with an application for private guardianship assist the person only if the child is **in the care or custody and/or guardianship of the director as per S.52(1) of the *Child, Youth and Family Enhancement Act***. Otherwise, refer the person to family court or to the person's lawyer to apply for private guardianship under the *Family Law Act*.

When the caseworker is assisting with a private guardianship application, the applicant should receive information on how private guardianship differs from adoption; the process involved in a private guardianship application and the supports that may be available to the applicant once an order has been granted.

## Kinship Care Placements with a View to Permanency

It is critical that caseworkers complete a thorough search of all potential caregivers early in the concurrent planning process. Parents are critical in the identification of potential caregivers, but it remains the caseworkers responsibility to select the kinship caregiver. A full and fair exploration of all family members must be done before a permanency placement decision is made as part of the concurrent planning process. Permanency for the child should always be the basis upon which caregivers are selected.

When the child is able to voice an opinion, caseworkers should talk to the child about the relationships they have with potential caregivers to ensure that the child has an opportunity to discuss any reservations he or she may have with the proposed permanency plan.

Many applications for Private Guardianship come from current kinship care providers and foster parents who have had the child in their care.

## Intent

Caseworkers must feel confident about the selected caregiver's ability to meet the child's immediate and long-term needs and the caregiver's willingness to make a long-term commitment to the child. The legislated requirement that the caregiver must have at least one month continuous care of the child before applying for private guardianship under the Enhancement Act make this placement decision critical to child's the permanency plan.

## Casework Considerations for Private Guardianship

Once the decision has been made that the reunification of a child with his or her parent is not possible, the alternate permanency plan needs to be activated (Part B of the Concurrent Plan).

In some situations, an application for Private Guardianship will be appropriate for children who are subject of a Custody Agreement or Temporary Guardianship Order; in other situations it will be more appropriate to seek Permanent Guardianship prior to the Private Guardianship application. In making the decision of when to support a private guardianship application, caseworkers are encouraged to work with the applicant in this decision-making process.

Caseworkers should consider:

- The ability of the parties (biological parents, caregivers, other family members) to co-operatively develop and implement a plan for the care and safety of the child. Families may be offered counselling services, mediation services or a Family Group Decision Making conference to assist with this planning.
- The family and community resources to meet any special needs of the child.
- The financial resources of the applicant, family income, Child Tax Benefit, Child Disability Benefit, Child and Youth Support Program, Child Support Order, Supports for Permanency and any support the biological parent may be able to provide should be considered.
- The family's willingness and ability to access community resources.
- Caregivers ability to understand and acknowledge the child's needs.
- Case history of the caregiver's ability to meet the child's needs during the time the child has been in the home.

The importance of the applicant being enabled to make an informed decision about private guardianship is essential. Applicants need time in which to make a decision with sufficient knowledge of private guardianship and the child's needs. This may include discussion from a balanced perspective on

private guardianship versus adoption and the child's immediate and future needs.

When the applicant has questions on legal issues, the caseworker may suggest that the applicant obtain legal advice. Free legal advice is available through the Law Society of Alberta at 1-800-661-1095.

## Home Assessment Process

The home assessment process must be explained to the caregivers prior to placement. The caregivers must be willing to follow through with the requirements of the home assessment process in a timely way. A thorough, regulated home assessment completed by a qualified person as defined in the Child, Youth and Family Enhancement Regulation, Definitions 1(2), ideally, should be conducted prior to placing the child with the kinship caregiver in support of the application for private guardianship.

When the home assessment report is not done before the child is placed and the caregivers (potential guardians) are accepting placement of a child with the intent to apply for private guardianship, caseworkers will designate the placement under the Kinship Care program pending completion of the home assessment report. The home assessment report should be completed within 60 working days of the child being placed with the prospective private guardian(s).

When a child is placed before a Home Assessment is done, the minimum requirement is to complete the following:

- An Intervention Record Check [CS2687]
- The Safety Environment Assessment for Foster Care [CS3606]
- A Criminal Record Check [CS1800] for each adult in the home within a 30 day time period

**See:**

[9.4 Approval of a Kinship Care Home After Placement of a Child](#)

Use the regulated Home Assessment Report for Adoption, Foster Care, Private Guardianship and Kinship Care [CS3461] to complete the Private Guardianship Report.

**See:**

[13.5 Adoption Home Approval](#)

### **Using a Kinship Care/Foster Care Home Assessment**

When the person applying for private guardianship has undergone a home assessment as a Kinship Care/Foster Care provider using the CS3461, the

information from that report can be used as the basis for the home assessment for the Private Guardianship application. The caseworker will update the report and assess from the perspective of the applicants' ability and willingness to care for the child permanently.

**Note:**

The person cannot have a Private Guardianship Order granted until the child has been in that person's care for a minimum of three months as per the legislation, S.56(1)(c). During the three months the child is in the care of the prospective applicant, the caseworker will have an opportunity to assess the capability and willingness of the applicant to provide a permanent home and provide any necessary supports to ensure the success of this permanency option. The 3-month care option will enhance the protection of the child and help to ensure that the best interests of the child are being addressed.

### **Applicant Resides in Another Province**

Where the prospective applicant is resident in another province, the director will arrange for an assessment to be completed by a qualified person in that jurisdiction using the regulated form [CS3461]. The director will monitor the prospective applicant through courtesy supervision arrangements with the child welfare authority of that province.

## **Private Guardianship Applications**

A Private Guardianship application under the Enhancement Act must meet the following conditions prior to beginning the application process:

- The person applying has had the child in their care for one month\* under one of the following statuses:
  - Custody Agreement with Guardian
  - Custody Agreement with a Youth
  - Apprehension
  - Custody Order
  - Interim Custody
  - Temporary Guardianship Order
  - Permanent Guardianship Order
  - Permanent Guardianship Agreement
- The consent of the child if aged 12 or older has been obtained (although when the consent is not obtained, the Court can dispense with this requirement thus enabling the application for Private Guardianship to be heard).\*

- The consent of the guardian(s), other than the Director, has been obtained (although the Court can dispense with this requirement thus enabling the application for Private Guardianship to be heard).
- The consent of the Director has been obtained. Where the Director is **not** a guardian of the child i.e. Custody Agreement, the Court can dispense with the Director's consent. Where the Director is a guardian, the Director's consent cannot be dispensed.
- The applicant is willing to undergo an assessment using the regulated Home Assessment Report [[CS3461](#)] (If this has not yet been completed).

\*The consent of a child 12 years of age or older must be taken by a person who is specifically delegated to take the consent of the child for the purposes of private guardianship. This person must ensure that the child understands the legal meaning of Private Guardianship and that he or she has the right to be represented by a lawyer at the hearing.

## Assisting Applicants

Caseworkers will assist applicants with the private guardianship process when the director supports the application and the applicant resides in the province. The caseworker and the applicant can determine to what extent the applicant requires assistance.

If the child is under Permanent Guardianship the caseworker is responsible for the preparation of the home assessment.

**See:**

[1.3 Delegation of Authority](#)

For a child under TGO or Custody Agreement, where the Director supports the Private Guardianship application and the caregiver states they cannot afford to pay, the director may prepare or hire a qualified person to complete the Home Assessment Report.

## Out of Province Applicants

In cases where the applicant resides out of province, the caseworker may make an application for Private Guardianship on the caregiver's behalf.

If applying on behalf of an applicant:

- Determine that the application is in the child's best interests.
- Complete, file and serve Notice and Application by a Director for a Private Guardianship Order [[CS2050](#)] according to S.52(2).

- When a parent of a child who is the subject of a Permanent Guardianship Order or Permanent Guardianship Agreement is exercising access, it is prudent to serve the parent with a copy of the Notice and Application by a Director for a Private Guardianship Order
- Obtain the written consent of a child aged 12 years or older
- Obtain the completed Home Assessment Report [[CS3461](#)]

### **In Province Applicants**

Advise the applicant that when a parent of a child who is the subject of a Permanent Guardianship Order or Permanent Guardianship Agreement is exercising access, it is prudent to serve the parent with a copy of the Notice and Application for a Private Guardianship Order.

- Advise the applicant to complete the approval package, which includes:
- Notice and Application for a Private Guardianship Order [[CS0458](#)]
- The written consent of a child aged 12 years or older
- Written consent of the Guardian (if applicable)
- The Home Assessment Report [[CS3461](#)]

The applicant gives the approval package to the caseworker.

### **Approval Process for all Applications**

Within 10 working days of receiving the approval package, the director's delegate:

- Reviews the approval package
- Ensures that the caseworker has had a face-to-face meeting with the child and that the child has an age appropriate understanding of Private Guardianship
- Ensures First Nation involvement has occurred as per the legislation.
- Provides the Consent by a Director or Authorized Delegate [[CS2047](#)]; **or** advises the caseworker that he or she does not agree with the application.

If director consents, change the child's placement code to Permanent Placement/Private Guardianship on CYIM (035 – Child placed on a private guardianship basis with an approved private guardian. Private guardianship not yet granted). Once the application has been filed, the secondary legal authority is coded as 122 – Application for Private Guardianship re: PGO/PGA has been filed per the Enhancement Act S.52.



## **Service of Home Assessment Report**

Legislative requirements for service S.53(1) include the expectation that all parties served with the application for private guardianship receive a copy of the completed home assessment report. In situations where it has been determined that it is not in the person's best interest to be served with the home assessment report, the applicant can apply to the court to waive this requirement.

## **Custody and Access**

Upon the court granting the Private Guardianship Order, the Court can also make decisions affecting terms of the custody and access to the child as per S.56(1.1). Applicants must be advised to consider speaking to custody and access as part of their application. Where there are issues regarding custody and access it is advisable to facilitate a referral to mediation or another alternative dispute resolution process to help resolve the issues.

## **Termination of Guardianship and the Private Guardianship Order**

Under the *Enhancement Act*, S.40 provides that a Private Guardianship Order automatically terminates the guardianship of a director.

## **Intent**

As a permanency option, private guardianship is intended to eliminate the involvement of the director. An automatic termination of the director's guardianship status is consistent with the focus on permanency, and eliminates the necessity of bringing a separate court application to terminate the director's guardianship.

## **Casework Supports through application process**

Prior to the Private Guardianship application, the caregivers may require information, support and services in the following areas:

**Support Services for Children's Special Needs** – Children may have challenging behavioural, emotional, developmental or medical needs. Caseworkers should review the child's needs with the caregiver and provide information about and referrals to services available to assist in meeting those needs (i.e. Family Support for Children with Disabilities program, Supports for Permanency Program or community based agencies). Children may have additional needs as they adjust to permanency (i.e. hope of reunification with natural family, loss of caseworker, concerns for the future). Caseworkers need to ensure that children and caregivers are supported through this transition.

**See:**

[15.1 Supports for Permanency Program](#)

**Loss and Grief Issues** – In contemplating the permanent commitment to the child, the caregivers may experience emotional reactions to their own loss and grief issues according to their life stage and their relationship with the child’s natural parents. Caseworkers can assist the caregivers in recognizing the symptoms of loss and grief and support them in seeking ways to take care of their own needs.

**Supports after the Private Guardianship Order is Granted**

- When the child is under a Custody Agreement or Temporary Guardianship Order prior to the Private Guardianship Order being granted, refer the caregiver to the Child and Youth Support Program as per S.105.8 of the *Enhancement Act*.
- When the child is under a Permanent Guardianship Order prior to the Private Guardianship Order being granted, refer the caregiver to the Supports for Permanency Program.

**See:**

[15.1 Supports for Permanency Program](#)

- Advise all applicants the child and family may be eligible for additional supports under the Family Support for Children with Disabilities Program.

## Court Order for Private Guardianship

When the court forwards the Private Guardianship Order, place the order on file.

If the court forwards an order regarding a child who does not have a file, return the order to the clerk of the court. Tell the clerk that the department has no reason or authority to receive this information.

## Closure

It is important that Private Guardianship Order applications, placements and closures are coded correctly on CYIM to accurately reflect the permanency planning process.

Close the file using the appropriate closure code:

- 009 – Private Guardianship Order – Child’s Intervention Needs can be met by a guardian appointed by a Private Guardianship Order

- 021 – Private Guardianship – SFP: Post Adoption Services are provided under Supports for Permanency Program upon the Private Guardianship Order being granted:
  - Advise the guardian to register for Alberta Health Care and apply for the Child Tax Benefit.

### Summary of CYIM code requirements

- **122 – secondary legal authority** “Application for Private Guardianship re: PGO/PGA has been filed per the Enhancement Act S.52” needs to be entered once the application has been filed.
- **035 – placement code** “Permanency Placement/Private Guardianship – Child placed on a private guardianship basis with an approved private guardian. Private guardianship not yet granted” needs to be entered once the director consents to the application.
- **009 – closure code** “Private Guardianship Order – Child’s Intervention Needs can be met by a guardian appointed by a Private Guardianship Order” needs to be entered once an order has been granted.

**or**

- **021 – closure code** “Private Guardianship – SFP: Post Adoption Services are provided under Supports for Permanency Program upon the Private Guardianship Order being granted” needs to be entered once an order has been granted where the family will be receiving Supports for Permanency.

## 15.1 Supports for Permanency Program

### Program Statement

Children's Services offers support services through the Supports for Permanency Program, in accordance with the *Child, Youth and Family Enhancement Act* and Regulations, to eligible caregivers who have obtained an Adoption Order or a Private Guardianship Order with respect to a child with permanent guardianship status. In addition, for children who are eligible, these services will be coordinated through the Family Support for Children with Disabilities (FSCD) Program operated under the *Family Support for Children with Disabilities Act*.

Children's Services ensures an integrated delivery of services under the two programs to children and families.

The policy described below reflects the *Child, Youth and Family Enhancement Act*, Section 56.1(1) and Section 81(1) and Adoption Regulation, Section 10 Supports for Permanency that are effective September 1, 2006.

### Intent

In order to secure permanent homes for children in care the Ministry will provide additional financial and service supports to families after they have obtained an adoption or private guardianship order.

### Principles

The following principles apply to the Supports for Permanency Program.

- Financial assistance in accordance with the Regulations will be provided when the adoption or private guardianship would place an undue financial burden on the resources of the family.
- The adoptive parent or private guardian assumes all financial responsibility for the child. The Supports for Permanency Program assists the family in their financial responsibility.
- All family, community and government resources must be explored before financial assistance under the Supports for Permanency Program is provided.
- Prior to placement, prospective adoptive parents/private guardians must receive information that the Ministry has about the child's needs and must receive a Supports for Permanency Program Information Letter.

**See:**  
[13.6.8 Preparing for Placement](#)

- The financial circumstances of the family must be reviewed to determine whether the adoption/private guardianship will place an undue financial burden on the family finances.
- Financial assistance provided under the Supports for Permanency Program must not exceed the costs of services provided to a child in the Ministry's care. Families may provide an enhanced service at their own expense.

## Services Under Supports for Permanency

The following services are offered to eligible adoptive parents and private guardians under the Supports for Permanency Program:

- Basic maintenance in accordance with the Foster Care maintenance rates;
- Financial assistance for the purchase of services as described in Adoption Regulation, Section 10 Supports for Permanency; and
- Casework supports.

## Program Eligibility

Under Sections 56(1) and 81 of the *Child, Youth and Family Enhancement Act*, a director may enter into a Supports for Permanency agreement with eligible adoptive parents or private guardians, in accordance with Section 10 of the *Child, Youth and Family Enhancement Regulation*.

The following are eligible for assistance under the Supports for Permanency Program:

- Adoptive parents or private guardians who currently have a Supports for Permanency Agreement;
- Families who adopted/obtained Private Guardianship of a child with Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status on or after November 1, 2004; and
- Families who adopted a child with Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status between April 1, 1990 and November 1, 2004 and have an Acknowledgement of Special Needs or a letter confirming the child they adopted had special needs.

## Ineligibility

The following are ineligible for the Supports for Permanency Program:

- Families who adopted/obtained Private Guardianship of children who did not have Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status at the time the order was granted.
- Families who adopted prior to November 1, 2004 and who **do not** have an Acknowledgement of Special Needs or a letter confirming that the child had special needs.
- Families who obtained **private guardianship** of a child with Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status prior to November 1, 2004.
- Biological parents who assume private guardianship subsequent to a Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO).

## Eligibility Criteria

Eligibility for the Supports for Permanency Program is based on financial need. Therefore, families must demonstrate that adopting or obtaining private guardianship of a child with Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status would create an undue financial burden on the family.

To determine financial hardship the family must provide a letter which:

- declares that the family would experience financial hardship by adopting or obtaining private guardianship of a child with Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) status; and
- states the gross family income.

If the family does not want or need services immediately after the court order is granted:

- provide the family with a Supports for Permanency Program Information Letter; and
- advise the family of the types of support they may access.

Maintenance and financial assistance for purchasing services may be provided to eligible families at any time after the adoption/private guardianship order has been granted and up until the child's 18<sup>th</sup> birthday. Maintenance or payment for services can only be negotiated on a go forward and non-retroactive basis.

Basic maintenance will be provided to eligible families at 100% of foster care rates when the child resides with the adoptive parents or private guardians. Maintenance is intended to cover daily living costs such as food, clothing and shelter.

Maintenance payments will be provided to eligible adoptive parents or private guardians from the date that an agreement is made. There will be no retroactive payments.

## Payment for Services

Prior to the Adoption or Private Guardianship Order being granted, any services required by a child in an identified Permanency Placement will be managed through the child's intervention file.

After the Private Guardianship/Adoption Order has been granted, financial assistance can be provided through a Supports for Permanency Agreement [CS3652] for the purchase of services as per the regulations, based on the needs of the child. This agreement is renewed annually.

**See:**

[15.2 Negotiating a Supports for Permanency Agreement](#)

Financial assistance is available for:

- Child care to provide parental relief to a maximum of 576 hours per year per family (at the regionally approved rates), and
- Reimbursement for the cost of transportation (at the regionally approved rates) to maintain an Indian child's cultural ties with their band of origin.

To obtain the following services, the caseworker must ensure that the services purchased are required due to the emotional or behavioural problems of the child. If the child has emotional or behavioural problems, financial assistance is available for:

- Counselling to a maximum of 10 sessions a year.
- Treatment in an Alberta residential facility that is approved by a director if a director believes the placement will break down if such treatment is not provided.

Private guardians/adoptive parents will present receipts for reimbursement of the cost incurred for:

- Parental relief
- In the case of a child who is an Indian, the cost of transportation of the child to the child's band for the purpose of maintaining cultural ties

- Counselling

Financial assistance provided under the Supports for Permanency Program must not exceed the costs of services provided to a child in the Ministry's care. Families may provide an enhanced service at their own expense.

**See:**  
[8.15 Fee for Service Rates](#)

## Taxability

Parents may make inquiries with Revenue Canada about taxability and the Child Tax Benefit.

## Additional Needs Funding

The caseworker and the adoptive parents or private guardians will review the child's present functioning and determine that the child has emotional or behavioural problems that are above the normal parental expectations and require the Additional Needs Funding of up to \$70 per week to purchase services that are not covered under any other support services.

**See:**  
[15.2 Negotiating a Supports for Permanency Agreement](#)

## Intent

By providing guidelines on how the money can be used rather than having specific rules, the adoptive parent or private guardian can independently decide what services will best meet the unique needs of their child and then propose to the caseworker the plan of how to provide those services. The caseworker will ensure that the proposed plan for services is directly related to the child's emotional and behavioural needs.

Examples of purchased services are:

- day care for remedial purposes
- athletic, musical or artistic activities, including equipment
- specialized educational support/tutoring and equipment, including computer equipment
- transportation and subsistence for treatment purposes
- speech therapy, occupational therapy, orthodontics
- other services necessary to maintain the placement (i.e. family counselling, in home assistance)



Services that are **not eligible** under the Additional Needs Funding are:

- Drugs not covered by Alberta Health and Wellness Benefit List
- Educational or trust funds
- Private school tuition

## **Supports for Permanency Program Description and Procedures**

### **Casework Supports**

Casework support is any service provided directly by the Supports for Permanency caseworker to an adoptive or private guardianship family.

Casework support includes:

- Assessment of needs and identification of required services to meet the needs of the child and family.
- Providing information about adoption, guardianship issues and supports for permanency services.
- Consulting with or linking families to other Ministry or government programs, such as Family Support for Children with Disabilities, Child Intervention Services or Aids to Daily Living, to ensure seamless accessibility to appropriate services.
- Providing information to other service providers regarding the unique dynamics in adoptive or private guardianship families.
- Identification of and linkage to community supports.
- Counselling by the caseworker to support the adoption or private guardianship, or to support the family after a disruption.

Record any inquiry about, or request for, casework support on CYIM under Supports for Permanency Program Intake/Assessment, using the child's adoptive name.

Do not open a Supports for Permanency file if responding to an occasional inquiry or making a referral.

Open a Supports for Permanency file if providing more extensive services. The paper file will include the:

- Supports for Permanency Agreement [[CS3652](#)]
- Contact Notes [[CS0072](#)]

Enter the legal authority and placement information on CYIM under the child's adoptive name.

## Supervisor

The supervisor reviews each open case every 6 months to verify the validity of services provided and to determine if the file should remain open.

## Determining Eligibility for FSCD Services

If the child appears to be eligible for services through Family Supports for Children with Disabilities Program and a permanency placement is being considered:

- Contact the FSCD caseworker to begin the collaborative process on behalf of the family. This process can begin during the Permanency Placement period.
- Provide information to the FSCD caseworker about the child's condition and about any current treatment of services being provided.
- Supply a copy or any documentation that would confirm the child's condition.
- Involve the FSCD caseworker in any discussions with prospective private guardians/adoptive parents prior to or at the time of placement.

The FSCD caseworker can provide a preliminary assessment of the child, and advise of any services that the FSCD program is able to provide to the child and family.

## Services Through FSCD

Services from Family Support for Children with Disabilities (FSCD) cannot commence until the Private Guardianship/Adoption Order has been granted.

Some services, such as respite and counselling, are provided under both the Supports for Permanency Program and FSCD.

If the child is eligible for services through FSCD and the family wishes to apply, the services of that program must be accessed first. Once the services

of the FSCD program have been fully utilized, the similar service offered under Supports for Permanency can be utilized.

## Caseworker Responsibilities

Caseworkers from the Supports for Permanency Program and the FSCD Program will coordinate services to ensure there is no overlap of services provided to the child and family.

Following the granting of the Private Guardianship/Adoption Order:

- The Supports for Permanency Program caseworker will determine that the child had Permanent Guardianship status prior to the Adoption or Private Guardianship Order being granted by contacting the Post Adoption Registry. The Supports for Permanency Program caseworker will determine the family's eligibility for the program.

**See:**

[15.1 Supports for Permanency Program, Program Eligibility](#)

- The Supports for Permanency caseworker will negotiate a Supports for Permanency Agreement with the private guardian or adoptive parent.
- The FSCD caseworker will determine the range of services to be provided to the child and family and enter into an agreement when the eligibility criteria are met.
- One caseworker from the Supports for Permanency Program or the FSCD Program will be assigned primary responsibility for working with the family, according to regional policies.
- The Supports for Permanency caseworker and the FSCD caseworker will work closely to ensure the family has the necessary services and supports.

## Maintenance Payments

### **Maintenance for Current Foster Parents/Kinship Care Providers**

Child with Permanent Guardianship Order (PGO) status:

- Provide foster care (basic maintenance and skill fees or special rates) or kinship care rates, up to and including the day the court order (private guardianship or adoption) is granted.

**Note:**

**Current foster parents or kinship care providers are not required to meet the eligibility criteria to receive maintenance prior to granting of the court order.**

- Following the Adoption Order or Private Guardianship Order being granted, if the family meets the eligibility criteria, negotiate a Supports for Permanency Agreement [CS3652], in the child's adoptive name, in the case of adoption. This Agreement will be effective for up to one year, beginning the day after the order was granted as per the legislation.

**See:**

[15.2 Negotiating a Supports for Permanency Agreement](#)

Child with Permanent Guardianship Agreement (PGA) status:

- PGA children who were adopted or where a private guardianship order was granted on or after November 1, 2004 are eligible for the Supports for Permanency program. PGA children who were adopted prior to November 1, 2004 require an Acknowledgement of Special Needs or a letter confirming that the child had special needs. PGA children who were subject of a private guardianship order prior to November 1, 2004 are not eligible because financial assistance was not available prior to November 1, 2004.
- Determine if the family meets the eligibility criteria for the FSCD Program.
- If the child will be eligible for services through FSCD when the Adoption or Private Guardianship Order is granted and the family meets the eligibility criteria for the FSCD Program, provide basic maintenance.
- Negotiate a Supports for Permanency Agreement [CS3652] in the child's adoptive name, following the granting of the court order. This Agreement will to be effective for up to one year, beginning the day after the order was granted.

### **Maintenance for Other Caregivers During the Permanency Placement Period**

Child with PGO status:

- Prospective adoptive parents/private guardians who meet the eligibility criteria for the Supports for Permanency Program and who receive placement of a child with PGO status may receive the foster care basic maintenance from the date the home was identified as a permanency placement for the child up to and including the day the court order was granted.
- Prior to the granting of the Adoption or Private Guardianship order, maintenance will be paid from the regional budget, Program Code 00042, using the child's birth name.
- Complete a Permanency Placement, Application for Maintenance Pending Adoption/Private Guardianship Order [CS3687] form in the child's birth name. If they choose, caseworkers can obtain at this time the letter from prospective adoptive parents/private guardians that declares adoption or

private guardianship will result in undue financial burden and identifies the gross family income, which will be required when negotiating a Supports for Permanency agreement on or after the adoption or private guardianship order is granted.

**See:**

[15.2 Negotiating a Supports for Permanency Agreement, File Administration](#)

- When completing the CS3687, include the estimated time the agreement will be in effect before the Adoption or Private Guardianship is granted. If the order is granted after the estimated end date, change the form to reflect the actual date that the order was granted. The expected time period to finalization (granting the order) is 6 months after the child has been placed.
- When the Adoption Order or Private Guardianship Order has been granted, negotiate a Supports for Permanency Agreement [[CS3652](#)] in the child's adoptive name. This Agreement will be effective for one year, beginning the day after the order was granted.
- If basic maintenance has been paid prior to granting of an Adoption/Private Guardianship order, advise Accounts Payable to cancel such payments when the Order is granted.

Child with PGA status:

- Follow the procedures outlined in Current Foster Parents/Kinship Care providers; Child with PGA status.

**See:**

[15.1 Supports for Permanency Program, Maintenance for Current Foster Parents/Kinship Care Providers](#)

## 15.2 Negotiating a Supports for Permanency Agreement

### Summary

The following describes how to negotiate a Supports for Permanency Agreement [CS3652]. The Agreement may be for maintenance or financial assistance to purchase services, or both.

Eligibility for each type of benefit is established independently, and negotiating the benefits is done separately. One Agreement may include both maintenance and financial assistance for the purchase of services.

A Supports for Permanency Agreement can be completed with respect to an eligible child

- immediately upon the Private Guardianship/Adoption Order being granted;  
**or**
- at any time after the Private Guardianship/Adoption order is granted up to the child's 18<sup>th</sup> birthday.

### Procedures

#### Supports for Permanency Agreements

When an adoptive parent or private guardian applies for a Supports for Permanency Agreement for an eligible child, the caseworker, in consultation with the family, determines what benefits are needed. The supports must be provided to eligible adoptive parents or private guardians in accordance with Section 10 of the *Child, Youth and Family Enhancement Regulation*.

Based on discussions with the adoptive parent or private guardian, negotiate the agreement by following these procedures.

- Request a copy of the Private Guardianship/Adoption Order to confirm the child's adoptive name and any previous legal names.
- A child who was placed for adoption between April 1, 1990 and November 1, 2004 must have an Acknowledgement of Special Needs or a letter confirming that the child has special needs that was filed with the Post Adoption Registry.

- If families have lost their Acknowledgement of Special Needs or a letter confirming that the child has special needs, their case worker should contact the Post Adoption Registry with the following information:
  - Child's Birth Name, if known
  - Child's Adoptive Name
  - Birthdate
  - Adoptive Parents' Full Names

Once located, a copy of the letter can be forwarded to the Supports for Permanency worker. If they are unable to locate a copy of this document, the child will not be eligible for benefits under the Supports for Permanency Program.

When more than one child is adopted or private guardianship is obtained, prepare a separate agreement for each child in their adoptive name.

- Draft a Supports for Permanency Agreement [[CS3652](#)] based on discussions with the adoptive parent about which of the regulated services will meet their needs.

## Terms of the Agreement

Review the following standard terms with the adoptive parent/private guardian:

- The adoptive parent/private guardian will notify the Supports for Permanency caseworker if the child is no longer living in the home or if the family moves.
- The adoptive parent/private guardian will notify the Supports for Permanency caseworker if the child's needs change.
- As per the regulations, the adoptive parent/private guardian will pay for those services listed below required by the child that are not included in the additional needs funding of up to \$70 per week, and submit proof of payment for reimbursement by the Ministry.

Services that require receipts for reimbursement of the cost incurred are:

- Parental relief
- Transportation to maintain an Indian child's cultural ties
- Counselling

Financial assistance provided under the Supports for Permanency Program must not exceed the costs of services provided to a child in the Ministry's care. Families may provide an enhanced service at their own expense.

- The adoptive parent/private guardian agrees to obtain medical insurance coverage and utilize the services available under the insurance program.
- The adoptive parent/private guardian agrees to utilize any programs available through employment or other resources available to them, prior to accessing the regulated services available through the Supports for Permanency Program.
- The adoptive parent/private guardian will ensure the child receives the indicated services and is responsible for ensuring the services are satisfactory.
- The agreement will not exceed one year.
- The Supports for Permanency caseworker will re-negotiate the agreement annually or earlier if notified of a change in the child's needs.
- The adoptive parent/private guardian will write a brief proposal outlining the estimated amount of Additional Needs Funding (up to a maximum of \$70/week) and how the funds will be utilized.
- The adoptive parent/private guardian will keep receipts regarding the Additional Needs Funding for the duration of the agreement and for six months after the agreement expires.

### Supports for Permanency Agreement: Maintenance Rates

If the director is satisfied that the adoptive parents or private guardians will experience financial hardship without receiving basic maintenance, and the adoptive parents thereby qualify for this support:

- Determine if the child's age will require an increase in the maintenance rate during the term of the agreement.
- Calculate the number of days at each daily rate, based on the child's birth date.

The sum of the two amounts is averaged to provide the monthly maintenance rate.

### Child with Emotional/Behavioural Problems – Additional Needs Funding

In determining the emotional and behavioural needs of the child, the Supports for Permanency caseworker will confirm with the adoptive parents the child's current situation, which may include their history. The child's emotional or behavioural problems may include a medical, physical or emotional condition or history that could impede their normal development.



A maximum of up to \$70 per week is regulated; policy clarifies the guidelines for the purchase of services. The services purchased should address the emotional or behavioural problems of the child.

**See:**

[5.1 Supports for Permanency Program, Additional Needs Funding](#)

When Additional Needs Funding is required, the caseworker will:

- Request that the adoptive parents or private guardians provide a brief proposal identifying:
  - the estimated amount of funding that will be required (up to a maximum of \$70 per week) and
  - how the funds will be utilized.
- Request that receipts be kept for the duration of the agreement and six months after the agreement expires.
- Complete the Supports for Permanency Agreement [[CS3652](#)] with the adoptive parent or private guardian. The Additional Needs funding amount is identified on the form as a weekly amount and this is calculated and paid on a monthly basis.
- Review the child's file and discuss the child's needs with the supervisor to determine that the child's emotional and behavioural needs as outlined in the proposal written by the adoptive parents or private guardians warrant the additional up to \$70 per week.

When the adoptive parents/private guardians receive the up to \$70 per week, they must keep documents/receipts as evidence that the expenditures were made to meet the emotional/behavioural needs of the child. The caseworker will request to see the documents/receipts only if there are concerns that the child is not receiving the services as outlined in the proposal.

When obtaining a service, a child who is subject of a *Supports for Permanency Agreement* is subject to the same fee schedule as a child in care under intervention services.

## Agreement Approval

Prior to signing the agreement with the adoptive parent/private guardian, provide the following documentation for approval through the supervisor to the expenditure officer (if the expenditure officer is not the supervisor):

- an Intake/Assessment Sheet [[CS2094](#)];
- the Supports for Permanency Agreement [[CS3652](#)]; and

- information regarding the child's emotional or behavioural needs, including any appropriate supporting documentation.
- the adoptive parents/private guardians' proposal for the amount of Additional Needs Funding required and how the funds will be used to meet the child's emotional and behavioural needs.

If the agreement includes treatment in a residential treatment facility, include all information that will be provided to the regional placement committee.

When the Supports for Permanency Agreement has been approved by the supervisor and expenditure officer:

- Obtain the signature of the parent(s)/private guardians
- Open a Supports for Permanency file
- Provide a copy of the Agreement to:
  - the adoptive parent/private guardian
  - the Accounts Payable system
  - Family Support for Children with Disabilities Program (if involved)
  - Child Intervention Services (if involved)
- Clarify to the adoptive parent or guardian that the agreement is for a maximum of one year, and it is reviewed annually.

## Agreement Not Approved

If the agreement is not approved, send the parents written notice including information on their right to an administrative review and the appeal process.

**See:**

[1.8 Administrative Reviews and Appeals](#)

## File Administration

### **Process to enter the Supports for Permanency (SFP) Agreements on CYIM**

- Complete intake/agreement on CYIM, print and have supervisor and parents sign the agreement.
- A handwritten hard copy of the agreement can be completed first at the adoptive parent's or private guardian's home and signed later by the supervisor. Ensure that the CYIM agreement entered afterward contains the same information as the handwritten copy.

- Enter agreement information on CMAS for financial processing
- File the agreement and other related documents on the child's file.

## Placement in a Residential Facility

When a child has behavioural or psychological problems that cannot be alleviated by in-home services, placement in an approved Alberta residential treatment facility may be considered. If the placement is no more than 12 months in duration, guardianship remains with the adoptive parent/private guardian. The adoptive parent/private guardian may be required to delegate certain authorities to the facility for the child's care and treatment.

To be considered for this service:

- The family must reside in Alberta.
- The adoption/private guardianship placement is likely to disrupt if residential treatment is not provided.
- The residential treatment placement will not exceed 12 months in duration.
- The parent/guardian is willing to work with the treatment facility to have the child return home.
- There is no evidence of neglect or abuse by the parents/private guardians.

If the above criteria are established, assess the family's circumstances. In consultation with the supervisor, refer the child directly to the regional placement committee to have a residential placement considered.

To refer a child to a residential treatment facility, provide the regional placement committee with the following:

- a description of the child's history, behaviour and conditions that necessitate residential care
- all pertinent medical, psychological, psychiatric assessments of the child supporting the need for residential treatment
- an outline of interventions utilized to date
- the proposed resource, goals and anticipated length of treatment

Negotiate payment for the treatment facility with the treatment facility. There is no cost to the adoptive parents/private guardians.

**See:**

[11. Child and Youth Facilities Program](#)

## Suspending Payments

If the child is absent from the home for treatment in a residential treatment centre:

- update the child's placement information on the CYIM system and
- suspend support payments to the adoptive parent/private guardian.

It may be appropriate to reimburse the adoptive parent/private guardian for transportation and subsistence costs, if they are required by the residential facility to travel to another location for purposes of therapy, training to assist them in caring for the child or for re-integrating the child back into the family.

## Terminating an Agreement

Terminate the agreement and close the file if:

- the child no longer lives with the family;
- guardianship is transferred to a director;
- the child reaches 18;
- the family cannot be located;
- the family requests termination;
- the family no longer qualifies; or
- a review indicates no further need for support.

To terminate the agreement, send 30 days written notice to the adoptive parent/private guardian with a copy to the Accounts Payable system. All financial benefits cease as of the date a child no longer resides with the adoptive parent/private guardian, the child turns 18 or on the date guardianship of the child is transferred to the director; otherwise, benefits continue for 30 days after sending the written notice.

An adoptive parent/private guardian may request an Administrative Review regarding the refusal of a director to enter an agreement, the terms of an agreement, or the termination of an agreement.

If the adoptive parent/private guardian indicates they wish to have an Administrative Review of a decision of the director, inform them of the legislated right to request an Administrative Review and suggest that the adoptive parent/private guardian enter into a regional alternative dispute resolution process first to try to resolve the situation through a collaborative approach.

If the adoptive parent/private guardian wants to file an Administrative Review, supply the forms and explain their use and the timelines.

If the adoptive parent/private guardian is not in agreement with the director's decision of an Administrative Review, they may file an appeal as per Section 120(2)(f.1) of the *Child Youth and Family Enhancement Act*.

If the adoptive parent/private guardian wants to file an appeal, supply the form and explain the use and timelines.

**See:**  
[1.8 Administrative Reviews and Appeals](#)

Complete a Supports for Permanency closure on CYIM.

Retain the closed file according to Ministry policy.

## Agreement Reviews

Review each agreement:

- annually, 30 days prior to the expiry date
- meet with adoptive parent/private guardian and review the child's emotional and behavioural progress and review how the previous proposal was implemented. Request that the adoptive parent/private guardian provide another brief proposal outlining the amount of funding that will be required and how the funds will be utilized if a new Supports for Permanency Agreement is signed.
- within 30 days of receiving a request from the adoptive parent/private guardian for a revision or termination
- at any time circumstances indicate the needs of the child have changed
- if the family moves outside of Alberta

If a Family Support for Children with Disabilities caseworker is involved and services are to continue, arrange to complete the agreements for both programs together.

Negotiate a new agreement following the procedures described.

## Moving from Alberta

If the family moves to another part of Canada or another country, the adoptive parents/private guardians continue to qualify for the program, if they advise the caseworker of their new address. Each of these agreements, however, needs to be managed on a case by case basis as there can be differences in the types and levels of services available in different

jurisdictions. All funds will be provided in Canadian dollars. As well, in the case of placement of a child in a residential facility, the family must reside in Alberta and the children can only be placed in an approved facility located in Alberta, according to the regulations.

Responsibility for management of the file remains with the region where the family last resided in Alberta, according to regional protocol.

Complete an annual review or earlier if needed by following these procedures:

- When the family is receiving only basic maintenance, the Supports for Permanency caseworker may directly negotiate a new Supports for Permanency Agreement by telephone and mail with the family.
- When the family is receiving basic maintenance and Additional Needs Funding, the Supports for Permanency caseworker will send a request for a review through the regional designate to the jurisdiction where the family resides and request the receiving jurisdiction to:
  - Review the circumstances of the child and family and ensure that the family prior to using services through the Supports for Permanency Program is utilizing all available services in that jurisdiction.
  - Confirm the parents/private guardians continued need for maintenance and/or financial assistance to purchase services.
  - Advise the Supports for Permanency caseworker of the need for continued or adjusted supports.

The Supports for Permanency caseworker will:

- prepare a new agreement, according to the confirmed needs of the child and family,
- submit the Agreement and supporting documentation to the supervisor and expenditure officer for approval, and
- if approved, forward the Agreement through the regional designate to the parent(s) jurisdiction for signature.

When the signed agreement is returned, the caseworker will update CYIM and CMAS, place the original signed Agreement on file and distribute the Agreement.

**See:**  
[15.2 Negotiating a Support for Permanency Agreement, Agreement Approval](#)

## Reopening a File

If a parent reapplies for support, follow the procedures in Negotiating an Agreement.

Reopen the file by completing a Supports for Permanency Intake/Assessment [CS2094] and follow the procedures in File Administration.

**See:**

[15.2 Negotiating a Support for Permanency Agreement, File Administration](#)

## 16.1 Custody Agreement With a Youth

The director may sign a Custody Agreement with a Youth [CS1641] as per S.57.2(2) of the *Enhancement Act*. Include in the agreement:

- a period of not more than six months at a time. The director may sign a number of custody agreements with youth for up to 9 months.
- the Transition to Independence Plan [CS3476].

If the youth continues to require the same level of support at the end of the 9 months, the director must apply for a guardianship order under S.17 or S.18.

If the youth is capable of living independently with a lesser degree of supervision and support at the end of 9 months, the director may enter into an Enhancement Agreement with Youth when a Custody Agreement with a Youth is terminated.

A Transition to Independence Plan is required at the time of signing the Custody Agreement with a Youth and it is reviewed every three months. To complete the plan review the procedures under Development of the Transition to Independence Plan.

**See:**

[16.2 Development of the Transition to Independence Plan](#)

When considering a Custody Agreement with a Youth, in consultation with the supervisor, determine that the situation meets all the following criteria:

- The youth is in need of intervention services.
- Less intrusive measures cannot adequately protect the youth. Do not sign a custody agreement if the youth only requires financial assistance.
- The youth is 16 years of age or over.
- The youth is living independent from the parent and the parent is currently not providing care, custody or supervision.
- The youth's safety, security and development will be adequately protected while the youth continues to live independently of the youth's guardian.
- The youth is capable of making decisions and of assuming responsibility, but requires supervision and monitoring in a placement to receive intervention services.
- The youth is capable of understanding and meeting the terms of a custody agreement.



And:

- It is not in the youth's best interest to return to the parent, the parent cannot or will not protect the youth; or
- The youth is willing and able to sign over temporary custody to a director and to meet the terms of a custody agreement.

And:

- The youth is not the subject of a Family Support to Children with Disabilities (FCSD) Agreement; or
- The Family Support to Children with Disabilities (FCSD) Agreement will be terminated once a Custody Agreement with a Youth is entered.

Under a Custody Agreement with a Youth, a director has only custodial responsibilities. The parent retains guardianship.

S.57.2 (3) of the *Enhancement Act* governs the terms that must be included in the custody agreement.

## Negotiating a Custody Agreement with a Youth

Determine that the youth is eligible for a Custody Agreement with a Youth as per the previous section of this document.

Make every effort to discuss the planning with the parent. If such a discussion is not possible or appropriate, consult with the supervisor. Record on the file the reason for not discussing the plan with the parent.

As per S.107 of the *Enhancement Act*, if the youth is First Nation, include the First Nation Designate if required by S.107 to obtain information and advice regarding permanency planning.

Review assessment information with the youth to ensure accuracy and agreement with the information gathered.

With the youth, complete the Custody Agreement with a Youth [[CS1641](#)].

Under this agreement, a youth is eligible for the services available to any youth in care. When a service requires consent, obtain from:

- the youth, if accepted by the service provider such as a hospital; or
- the parent.

## Financing

If the youth does not have Alberta Health Care coverage from the parent and is not a registered Indian, register the youth for insurance by submitting registration form AHC102 and enter the number on CYIM.

If the youth is a registered Indian, obtain the AHC number from Indian and Northern Affairs, Canada.

If the youth does not have full dental and extended health care coverage from another source, issue a Treatment Services Card [CS1126] according to the procedures described in Services to Children, Purchased Services Payment. Enter the treatment services card on CYIM. Note that a registered Indian youth is not eligible.

Apply for special allowance and any other available financing according to the procedures in Services to Children, Obtaining Financing.

## Consent

If consent is required for a service, ensure that the appropriate authority gives it. Apply for an apprehension or temporary guardianship order only if all the following criteria are met:

- the service is necessary;
- the service provider will not accept the youth's consent;
- the parent has not delegated the authority to consent; and
- the parent will not consent.

## Emergency

Any time the youth's survival or well-being is in jeopardy, make every effort to notify the parent and document on a contact note.

## Terms of the Custody Agreement with a Youth

Either party may terminate a Custody Agreement with a Youth at any time. It may be varied, extended, replaced or allowed to expire. Enter a subsequent agreement only with a youth who has demonstrated the willingness and ability to benefit from one.

If the youth is committed to custody under the *Youth Criminal Justice Act*, services are normally continued. Vary or terminate the agreement only to better meet the goals of the Transition to Independence Plan.

## Variance of the Custody Agreement with a Youth

When the terms of the existing agreement need to be varied:

- Review the agreement with the youth.
- If possible, negotiate a revised Custody Agreement with a Youth.
- If an appropriate agreement cannot be negotiated, consult with a supervisor to determine the most appropriate intervention.

## Extension of a Custody Agreement with a Youth

When the Transition to Independence Plan goals will not be reached during the term of the existing agreement:

- Review the agreement with the youth.
- Determine that the cumulative time in temporary care will not exceed 9 months as per S.33.
- If appropriate and possible, negotiate another Custody Agreement with a Youth up to a maximum 9 months as per S.33.
- If an appropriate agreement cannot be negotiated, replace it with a more intrusive intervention status.

## Determining a Placement for the Youth

Place the youth in an approved placement resource according to the procedures described in the Placement Resources chapter. The caseworker must not delegate any duties and powers to the caregiver because the director has no guardianship authority. The caseworker may help the caregiver and youth negotiate an agreement that sets out rules, discipline and routines.

Ensure that the youth has a complete medical examination within one week.

## Caseworker Contact

Have at least one contact with the youth each month and one face-to-face contact every 3 months.

## Determining a Change in Intervention

When a Custody Agreement with a Youth is no longer adequate to protect the youth, apply for a guardianship order under S.17 or S.18.

When a Custody Agreement with a Youth is no longer necessary to protect the youth but intervention services are still needed, negotiate an Enhancement Agreement with a Youth.

## 16.2 Development of the Transition to Independence Plan

### Elements of the Transition to Independence Plan

#### **Youth's Dreams, Goals & Ambitions**

- Expression of a vision for the future.

#### **Education and Employment Development**

- Key education and training needs, and career options.

#### **Life Skills Development**

- Youth's needs in order to live independently such as budgeting, cooking, hygiene. Basic and practical needs must not be overlooked.
- Skills for coping with stress, from sources such as social anxiety, emotional challenges, interpersonal relationship.
- Assistance and training on how to obtain a Social Insurance Number, birth certificate, Alberta Health Care number, picture ID, etc.
- Training for entering the workforce with a focus on topics such as interview skills and workplace etiquette.

#### **Placement Objectives**

- Development of the specific goals and tasks to work towards the youth living independently.
- Determination of whether the current placement can offer permanency and stability on a long-term basis. If another placement is required to meet the long-term needs, identification of location, type of living situation, timing, etc.

#### **Service (Program) Supports**

- Development of youth's awareness of how to access available community services. When appropriate, the transition to services beyond Children's Services. A key factor in decision-making should be the readiness and acceptance of the youth to access these services.
- Special considerations should be made in planning where youth will require specialized supports as an adult. This will apply to a range of youth who live with challenges such as a developmental disability, Fetal

Alcohol Spectrum Disorder, mental illness, physical disability, or other needs that require high levels of program supports.

**See:**

[16.7 Transition Planning for Youth with Disabilities](#)

**Connections**

- Specific goals and tasks to facilitate cultural, spiritual, familial, community, and other identified connections. There must be an emphasis on connection with immediate and extended family who are willing to become re-involved with the youth in a positive way. Where appropriate, involve family members in transition planning.

## Procedures to Develop the Transition to Independence Plan

### 1. Assessment

Review file information/documentation available to gain a comprehensive understanding of the youth's history (cultural, spiritual, familial, community).

Complete the Information Consolidation prior to starting the planning process.

Ensure the Information Consolidation describes:

- Physical/mental health
- Intellectual/academic
- Behavioural/social functioning
- Identity/self-esteem/culture
- Strengths that contribute to independence goals
- Informal support networks
- Types of services (e.g., accommodation, health benefits, support services, financial assistance) that will establish the young person
- Any resources or alternatives that may be able to provide necessary services
- Supplementary services needed that cannot be obtained elsewhere
- How services provided contribute to attaining goals outlined in the Transition to Independence Plan

- Developmental needs that require further clarification. Meet with the youth to explore a course of action that meets those needs.

## **2. Expectations**

Clarify the expectations on the youth such as:

- Financial contributions
- Attendance – school or employment
- Use of other resources
- Any other terms that the caseworker needs in order to provide services. Such terms might include:
  - A schedule of contacts
  - Medical updates
  - Rent receipts
  - Consent to contact the school
  - Consent to contact the landlord or foster parent

Tell the youth what he or she can expect, such as:

- Level of supervision
- Documentation of the 3 month reviews

## **3. Identification of Needs**

Work with the youth to identify the formal and informal supports he/she needs and determine the steps required to involve individuals in the support team.

## **4. Support Team**

Invite the selected individuals to participate in the transition planning process.

Clarify the roles and responsibilities of each member of the support team.

## **5. Work through the sections of the Transition to Independence Plan with the youth and the support team.**

- Complete the Identifying Information section.
- Help the youth develop a general description of his/her vision of his/her future, as it relates to overall dreams, goals and ambitions.

- Include related education, training needs and career options.
- Describe life skills the youth needs to develop, explain how each task contributes to the end goal and specify targeted milestones (e.g., signs of achievement, date of completion) and responsibilities. The youth may require assistance with life skills, such as:
  - Basic and practical needs (e.g., budgeting, cooking and hygiene).
  - Coping with stress (e.g., emotional challenges, social anxiety).
  - Learning how to obtain identification (e.g., Social Insurance Number, birth certificate, picture identification).
  - Interview skills and workplace etiquette.
- Outline the youth's key education and training goals, explain how each task contributes to the end goal and specify targeted milestones (e.g., signs of achievement, date of completion) and responsibilities.
- Develop specific placement objectives that build towards the youth living independently. Explain how each task contributes to the end goal and specify targeted milestones (e.g., signs of achievement, date of completion) and responsibilities.
  - Ensure the youth has a positive adult role model, mentor or significant relationship to support him/her in transition.
  - Use input from all sources to determine whether the youth's current placement can offer stability on a long-term basis.
  - If another placement is required to meet the youth's long-term needs, identify potential locations, type of living situation, timing, etc.
- Specify goals and tasks to facilitate cultural, spiritual, familial, community and other connections. Explain how each task contributes to the end goal and specify targeted milestones (e.g., signs of achievement, date of completion) and responsibilities.
  - Emphasize connection with immediate and extended family members willing to become re-involved with the youth in a positive way.
  - Involve immediate and extended family members in transition planning, where appropriate.
- Increase the youth's awareness of how to access available community service supports.
  - Consider the youth's readiness and acceptance to access these services.
  - Develop specific goals and tasks to develop awareness, explain how each task contributes to the end goal and specify targeted milestones (e.g., signs of achievement, date of completion) and responsibilities.



- Specify how the youth can access services and programs in the community.
- Provide specific contacts (e.g., people to coordinate or collect and send relevant information) for the youth.
- Ensure that each youth who is the beneficiary of a Registered Education Savings Plan established by Alberta Children’s Services is made aware of the existence of the funds, the amount they are eligible for, and how to access the funds. This should be a consideration for planning training and post-secondary education.
- Ensure that each youth who will benefit from either inherited assets or a trust fund is aware of the funds, of the amount available to them and under what circumstances, and how to access the funds. These youth need to be coached in budgeting, investment, estate planning and preparing a will.
- Transition to services beyond Children’s Services, when appropriate.

## **6. Monitoring the Transition to Independence Plan**

Review the Transition to Independence Plan with the youth and support team **every three months** or more frequently, if requested by the youth or if a critical event occurs to ensure the plan is relevant to current circumstances.

Every support team member reports on progress made towards goals and tasks.

Review the Transition to Independence Plan when the youth turns 17 and establish targets for when to end intervention services. If it appears likely that a youth who is receiving intervention services will become a dependant adult, planning specific to guardianship, trusteeship, and program supports should begin once the youth turns 16.

**See:**

[16.7 Transition Planning for Youth with Disabilities](#)

When a youth turns 18, the Transition to Independence Plan is reviewed and revised, if the young person will receive Supports and Financial Assistance, as appropriate.

## 16.3 Enhancement Agreement With a Youth

When a youth is living independently from their guardians, and requires intervention to meet the youth's needs with a limited degree of supervision and support, the director may enter into an Enhancement Agreement with a Youth [CS1617] as per S.57.2(1). The agreement can be for 9 months at a time to facilitate service provision, **which may include placement in a residential facility, primarily a foster home, as a transitional step to a supported independent living placement.**

Enter the residential facility placement as a Supported Independent Living Placement on CYIM.

The caseworker will work with the youth and residential facility caregiver to develop the tasks in the Transition to Independence Plan to progress towards the goal of independent living.

The caseworker must not delegate any duties and powers to the caregiver because the director has no guardianship authority. The caseworker may help the caregiver and youth negotiate an agreement that sets out rules, discipline and routines.

A Transition to Independence Plan is required at the time of signing an Enhancement Agreement with Youth and it is reviewed every 3 months.

**See:**

[16.2 Development of the Transition to Independence Plan](#)

Either party may terminate an Enhancement Agreement with a Youth at any time. It may be varied, extended, replaced, terminated or allowed to expire.

The director may continue to sign Enhancement Agreements with Youth until the youth reaches his/her 18<sup>th</sup> birthday.

Enter a subsequent agreement when a youth continues to require the same level of intervention.

### Negotiating an Enhancement Agreement with a Youth

Determine that the youth is eligible for an Enhancement Agreement with a Youth [CS1617].

Make every effort to discuss the planning with the parent. If such a discussion is not possible or appropriate, consult with the supervisor. Record on the file the reason for not discussing the plan with the parent.

If the youth is First Nations and a member of a band, then follow S.107 of the legislation for involvement of the First Nation designate.

Review assessment information with the youth to ensure accuracy and agreement with the information gathered.

With the youth, complete an Enhancement Agreement with a Youth [CS1617].

If the youth or family arranges for or pays for a service, have the youth sign Consent to Release of Information [CS0470] so information may be obtained from the service provider.

Include in the Enhancement Agreement with a Youth:

- a duration of up to 9 months;
- the Transition to Independence Plan [CS3476]; and
- a schedule of at least one contact a month and one face-to-face contact with the youth every 3 months.

## Follow-Up

If the youth does not have Alberta Health Care coverage from the parent and is not a registered Indian, register the youth for insurance by submitting registration form AHC102.

If the youth is a registered Indian, obtain the AHC number from Indian and Northern Affairs Canada.

## Vary or Extend the Enhancement Agreement with a Youth

When the terms of the existing agreement are inadequate to protect the youth; or when the Transition to Independence Plan goals will not be reached during the term of the existing agreement.

Review the agreement with the youth.

If possible, negotiate a revised Enhancement Agreement with a Youth of up to 9 months. If an appropriate agreement cannot be negotiated, consider other statuses.

## Determining a Change in Intervention

When an Enhancement Agreement with a Youth is no longer adequate to protect the youth:

- Negotiate a Custody Agreement with a Youth;
- Negotiate an Custody Agreement with Guardian; or
- Apply for a court order.

## 16.4 Policy and Legislation

The regulated Transition to Independence Plan [CS3476] identifies current and future planning goals for the youth and is used in conjunction with the following legal statuses:

- Custody Agreement with a Youth
- Enhancement Agreement with Youth
- Support and Financial Assistance Agreement
- Permanent Guardianship Order (with youth over 16 years)
- Permanent Guardianship Agreement (with youth over 16 years).

The plan must be developed prior to the youth's 16<sup>th</sup> birthday. It addresses the youth's need to prepare for the transition to independence and adulthood. The plan is in effect **from the time the youth is 16 years of age until the youth leaves the care of the director.**

For youth who enter care after their 16<sup>th</sup> birthday, the Transition to Independence Plan must be completed at the time of signing an agreement or when an application for a Permanent Guardianship Order is filed.

Caseworkers, youth and the support team share accountability for the Transition to Independence Plan.

### Exception

When a youth is apprehended, and there is an application for Permanent Guardianship Order or Temporary Guardianship Order, S.21.1(6) of the legislation requires that a **Concurrent Plan** [CS3511] be completed, as the goal is family reunification under a TGO and identification of any alternate permanency placement options is necessary under a TGO and application PGO. A Transition to Independence Plan is **not** required until PGO is obtained.

### Intent

Caseworkers and members of the support team work with youth to identify clear goals and tasks that enable youth to develop the knowledge, skills, attitudes and abilities they need to make a successful transition to adulthood.

## 16.5 Support and Financial Assistance Agreement

The director can provide services to young adults beyond the age of 18 under S.57.3 of the *Enhancement Act* by entering into a Support and Financial Assistance Agreement [CS2041] for up to 9 months at a time. The *Child, Youth and Family Enhancement Regulation* identifies the services provided.

When considering a Support and Financial Assistance Agreement with a young person attaining 18 years of age, determine that the situation meets all the following criteria:

- The young person is under 22 years.
- On the 18<sup>th</sup> birthday, the youth will be or was the subject of:
  - Permanent Guardianship Order;
  - Permanent Guardianship Agreement;
  - Temporary Guardianship Order;
  - Custody Agreement with a Youth; or
  - Enhancement Agreement with a Youth.

The goals of the current Transition to Independence Plan will not be reached by the youth's 18<sup>th</sup> birthday; or the youth is incapable of living independently; or there is more to be done to build the youth's support network and future planning.

The *Child, Youth and Family Enhancement Regulation* S.6 specifies the services that can be provided from ages 18 to 22 years:

- Living accommodation.
- Financial assistance to meet the necessities of life.
- Any other services required to assist the person to achieve independence.

A young adult who has entered into a Support and Financial Assistance Agreement is not a foster child. If the young adult arranges to remain in a foster home, the caseworker must negotiate the terms of that arrangement in a three-party agreement among the young adult, the family and Children's Services.

The caseworker needs to ensure that the young adult has the resources to honour the agreement and the finances for room and board, clothing and incidental expenses.

If you negotiate for the former foster parent to provide any service besides room and board, describe the service and rate in the agreement. Pay like you would for any other fee-for-service. Do not pay skill fees once a youth turns 18.

The regulation further stipulates that certain services may **only** be accessed between the ages of 18 and 20:

- Financial assistance related to training and education.
- Health benefits.

Advise and provide the youth with an overview of the Support and Financial Assistance Agreement and other available services such as the Bursary Program, when a youth meets the eligibility criteria for an extension of services.

The Transition to Independence Plan is used to identify current and future-planning goals for the young adult and it is reviewed every 3 months. Refer to Development of the Transition to Independence Plan for procedures.

**See:**

[16.2 Development of the Transition to Independence Plan](#)

When entering into the Support and Financial Assistance Agreement, the relationship with a young person is adult-to-adult unlike child intervention services relationships, which are guardian-to-child. Therefore, all components of the service must be negotiated.

## Procedures to Negotiate a Support and Financial Assistance Agreement

Three months before a youth who is receiving intervention services turns 18 or whenever a young person under 22 years of age requests services, determine whether the young person is eligible for a Support and Financial Assistance Agreement.

Ensure that the Information Consolidation describes:

- The young person's independence goals;
- The young person's informal support networks and strengths that contribute to the independence goals;
- What type of service or combination of services will establish the youth, such as:
  - Accommodations;
  - Health benefits;
  - Support services to attain Transition to Independence Plan goals; or

- Financial assistance for basic necessities or to attain Transition to Independence Plan goals;
- The results of exploring all resources and alternatives that could possibly provide the services that the youth needs;
- What supplementary services, unavailable elsewhere, are needed from intervention services; and
- How services provided by intervention services contribute to attaining the Transition to Independence Plan goals.

Complete the Support and Financial Assistance Agreement [[CS2041](#)] with the youth, support team and in consultation with the caseworker supervisor.



## 16.6 Terminating Services to Youth and Young Adults

When considering terminating services to a youth, the youth's readiness for the end of intervention services is a significant factor.

Either party may conclude a Support and Financial Assistance Agreement **with 30 days notice** at any time in writing. It may be varied, extended or terminated. In the event the young adult disagrees with the terms of the agreement or with the decision to terminate, the director must advise the young person of his/her right to an administrative review and appeal.

Terminate a Custody Agreement with a Youth, Enhancement Agreement with Youth or a Support and Financial Assistance Agreement when:

- The youth returns to the guardian.
- It is no longer necessary to protect the youth.
- The youth marries.
- The youth requests termination.
- The youth persistently fails to comply with the terms.

Procedures to terminate an agreement:

- Set up a meeting with the support team and young person.
- Provide the youth with any of the following that they do not already have:
  - family background, except for information that could be harmful or an invasion of another person's privacy;

**See:**

[1.6.2 Releasing Information, For Providing Intervention Services](#)

- developmental history with significant milestones;
- school history with names of schools and for what grades;
- medical history with details of procedures, childhood diseases and immunizations;
- memory book; and
- all personal items on the file such as:
  - ▶ birth certificate
  - ▶ report cards

- ▶ pictures
- ▶ baptismal certificate
  
- Work with the young person and support team to review the young person's future plans to increase his/her opportunity for success.
- Determine the need for another legal status if the youth requires a high level of care and supervision.
- Plan an appropriate termination date.
- Provide the young person with written notice of the termination and or expiry date at least one month in advance.
- In the case of a Support and Financial Assistance Agreement, advise the young person that re-application is permitted any time prior to his/her 22<sup>nd</sup> birthday.
- Close the file.

## Re-application

If a young person re-applies and continues to meet the eligibility criteria, complete a Support and Financial Assistance Agreement and develop a Transition to Independence Plan.

## 16.7 Youth with Disabilities and Transition Planning

### Planning For Age of Majority for Youth With Disabilities

#### Summary

Children over the age of 16 require support to assist them in planning for independence. The Transition to Independence Plan must be consistent with and promote independence objectives.

Each youth attains independence at a different age. Some attain it before turning 18 and others, sometime after turning 18. However, every youth attains the age of majority at 18. The following describes how to plan **for a youth who will have special needs as an adult**.

#### Dependent Adults Act

Under the *Dependent Adults Act*, the court can grant an order that gives a person the power and authority to make or assist in making decisions about the personal affairs of a dependent adult.

If a youth receiving intervention services will likely become a dependent adult, up to 1 year before their 18<sup>th</sup> birthday, consult relatives and significant others of the youth on their willingness to make a guardianship application. If the youth is an Indian and a member of a band, consult the First Nations Designate as per S.107 for possible guardian options. The responsibilities expected of a director are different from those responsibilities expected of a guardian of a dependent adult. Consequently, parents of a youth who was the subject of a permanent guardianship order, may be appropriate guardians for their adult dependent youth. Self-help kits are available at Offices of the Public Guardian to assist in applying for guardianship.

A dependent adult guardianship order addresses:

- what degree of decision-making the adult retains; and
- in what decision-making areas the guardian has responsibility.

If all possible guardianship options have been explored and they are unwilling or unable to apply for guardianship, send letters to these individuals confirming this. If there aren't any guardianship options for the dependent adult, refer the matter to the Public Guardian's Office.

If the dependent adult will have any income or assets, consider referring to the Public Trustee as well.

## Referral to Public Guardian

Follow these procedures to refer a youth to the Public Guardian:

1. Refer the youth to the Public Guardian's Office 6 months before the youth's 18<sup>th</sup> birthday. The Public Guardian representative will meet with the youth prior to their 18<sup>th</sup> birthdate to determine the appropriateness of the referral.
2. Provide the Public Guardian's Office with copies of the letters sent to the guardian options that were explored confirming their unwillingness or inability to act as a guardian.
3. Meet with the Public Guardian Representative to discuss the proposed dependent adult's needs, wishes, etc.
4. After the youth's 18<sup>th</sup> birthday, obtain the following application forms from the Public Guardian's Office and have them completed as soon as possible.
  - Form 1 – Report of a Physician or Psychologist
  - Functional Assessment (assessment of decision-making ability)
5. Have the present caregiver assist in completing the Functional Assessment.
6. Provide to the Public Guardian's Office the completed forms and any reports describing:
  - behaviours
  - diagnosis
  - placement needs
  - management needs

The Public Guardian will make the application to court if appropriate.

## AISH

If a youth receiving protective services is severely handicapped, when the youth approaches adulthood, consider whether that youth might be entitled to Assured Income for the Severely Handicapped (AISH). If a youth could possibly qualify for AISH benefits, 3 months before the 18<sup>th</sup> birthday, refer the youth to the AISH social worker in the local Income Security unit.

## Services to Persons With Disabilities

At the same time as the referral to AISH, discuss the case with the local Services to Persons with Disabilities worker without identifying the youth. If the youth could possibly benefit from the services of that program, make the referral and provide the necessary identifying information.

## 16.8 Sixteen and Seventeen Year Old Youth

### Summary

If a 16 or 17 year old youth requests financial assistance from Alberta Human Resources & Employment (AHRE), the AHRE staff refers the youth to Children's Services. If the youth accepts the referral and attends an interview, follow these procedures.

### Procedures

Determine whether the youth believes it is unsafe to return home. If the youth does not describe a need for intervention under the Act, advise the youth to return home.

If the youth describes a need for intervention, follow these procedures:

#### **Within Worksite Area**

If the youth's parent lives in the region's worksite area:

- Have face-to-face contact with the parent to determine the risk to the youth of remaining at, or returning home. If the problem is disagreement over rules but the youth is not at risk, encourage the family to seek a resolution through counselling, mediation or by making its own alternate living arrangements for the youth.
- If the parent cannot be located immediately and the youth appears destitute, provide one week of financial assistance according to the AHRE rates (usually food only) to allow time to contact the parent. Ensure the youth's living arrangements are suitable and that any accommodation costs are within the AHRE limits.

If the risk to the youth cannot be determined within a week, ask the manager for approval to provide further financial assistance to allow time to complete the initial assessment. The manager may approve up to 2 more weeks of assistance.

#### **Outside Worksite Area**

If the youth's parent lives in another worksite area, immediately contact the worksite where the parent lives and ask that worksite to determine the risk to the youth of returning home. If the youth requires financial assistance from Children's Services while you determine the need for protective services,

arrange to return the youth to the parent's community for assistance. Inform the local worksite that the youth is returning and about the need for financial assistance during the investigation.

### **Outside Alberta**

If the youth's parent lives outside Alberta:

- Phone the parent to determine whether the parent can care for the youth or make alternate living arrangements for the youth.
- Consider repatriating the youth. If the youth can be repatriated, ask the parent to make travel arrangements. If the parent cannot afford the transportation costs, arrange to send the youth by the most economical means.

### **Outcome**

If you determine that the youth needs intervention under the Enhancement Act, provide the appropriate intervention services.

If it is determined that the youth does not need intervention, but the family and youth believe that the youth cannot return home, ask the family to make private arrangements for the youth to live with another adult. If the parent cannot or will not provide financial support but approves of the adult caregiver, advise the adult caregiver or apply for Child and Youth Support benefits.

### **Timeframe**

Start the initial assessment or investigation immediately if the youth might be in imminent danger.

## 16.9 “Advancing Futures” Bursary for Youth

### Policy

All eligible youth must be advised of their opportunity to apply for the *Advancing Futures* Bursary Program in order to assist them in upgrading their education, earning a degree or diploma, learning a trade, or earning a licence or certificate. The application procedures must also be reviewed with eligible youth.

### Intent

The *Advancing Futures* Bursary Program was established to assist those who have been, or continue to be, under the care of Alberta Children's Services, by helping them to realize their dreams and ambitions, providing them with the opportunities, and equipping them with the resources needed to succeed.

### Procedures

The caseworker will:

Determine eligibility for all youth on his/her caseload who meet the following minimum eligibility criteria:

- Must be a permanent resident/citizen of Canada and Alberta
- Is between the ages of 16 and 22
- Demonstrates financial need
- Meets one of the following Child Intervention status criteria:
  - Permanent Guardianship Status (PGO);
  - Temporary Guardianship Status (TGO);
  - Enhancement Agreement with a Youth (or Support Agreement with Child prior to November 2004);
  - Custody Agreement with a Youth (or Custody Agreement with Child prior to November 2004);
  - Have been in care for at least **18 months** between the ages of 13 and 18 years of age; or
  - Had Permanent Guardianship Order status, Temporary Guardianship status, Enhancement Agreement with a Youth (or Support Agreement



with Child prior to November 2004), Custody Agreement with a Youth (or Custody with Child prior to November 2004) and had been in care for at least 18 months between the ages of 13 and 18 years on their 18<sup>th</sup> birthday.

- Ensure that either the Concurrent Plan or the Transition to Independence Plan (whichever is applicable) identifies that the caseworker will review the Bursary Program information with the eligible youth and, where appropriate, with the youth's caregivers.
- Arrange with the youth to review in person the Bursary Program information. An *Advancing Futures* information brochure is available at all worksites and available on-line on the Children's Services web site.
- For a child exiting care before their 16th birthday and who will, after their 16<sup>th</sup> birthday be eligible to apply, advise the child and guardian of the opportunity to apply for the bursary program anytime between the ages of 16 and 22. Ensure that it is documented on the file before closure that the child and guardian or parent was advised of this opportunity.
- For eligible youth exiting care between their 16<sup>th</sup> and 18<sup>th</sup> birthday, remind the youth of the opportunity to apply for the bursary program and document that this was done.

# 17. Domestic Violence

## Purpose

National incidence studies indicate that approximately 50 – 80 % of child intervention cases have a connection to domestic violence.

The Domestic Violence Section is intended to provide Caseworkers and Supervisors with information, resources and tools to:

- Assist in greater understanding of domestic violence leading to earlier intervention, enhanced assessment and appropriate safety planning
- Increased understanding of the impacts of repeated exposure and accumulation of harm
- Provide guidance when intervening with families where domestic violence may be present
- Enhance safety of both the abused family members and the caseworker
- Provide guidance when intervening with families where there is a co-occurrence of child maltreatment and domestic violence

**Note:**

The terms Domestic Violence and Family Violence are used interchangeably in the following document based on the terminology in the literature used. Domestic Violence and Domestic Disharmony are the terms used in the *Child, Youth and Family Enhancement Act*.

## Supporting Legislation

The *Child, Youth and Family Enhancement Act* identifies “exposure to domestic violence or severe domestic disharmony” as a factor in assessing emotional injury S.1(3)C. The Act, states that whenever possible “intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member” S.2(f).

The *Protection Against Family Violence Act* is Alberta legislation that came into effect in 1999. Its purpose is to protect all family members from family violence. This legislation compliments the *Enhancement Act* – Matters to be Considered by supporting the abused family members to remain together with the assistance of a Protection Order, and by affording them protection from the abusive family member. Under this Act, an application for an Emergency Protection Order can be made by:

- The person who claims to be a victim of violence by a family member, **or**
- A designated person, on behalf of the person who claims to be a victim of violence by a family member – with that person’s consent, **or**

**Note:**

Designated persons in the Province of Alberta are police officers or delegated Children’s Services caseworkers. Designated persons are the only persons that can make application by telephone.

- A person, on behalf of the person who claims to be a victim of violence by a family member – without that person’s consent upon approval by a judge.

Queen’s Bench Protection Orders require the victim to directly make an application to the court – this step can only be taken personally by the victim. Caseworkers should consult with Alberta Justice for guidance where a victim is not taking or able to take the step of making an application for a Queen’s Bench Protection Order.

## Definitions

**Family violence** is the abuse of power within relationships of family, trust or dependency that endangers the survival, security or well-being of another person. It can include many forms of abuse including spouse abuse, elder abuse and neglect, child abuse and neglect, child sexual abuse, parent abuse, and witnessing abuse of others in the family. Family violence may include some or all of the following behaviours: physical abuse, psychological abuse, criminal harassment/stalking, verbal abuse, sexual abuse, financial abuse and spiritual abuse (*edited from the Alberta Roundtable on Family Violence and Bullying – Finding Solutions Together, 2004*).

For our purposes, the target group is **any relationship involving children**.

**Bullying** is a conscious, willful, deliberate and repeated hostile activity marked by an imbalance of power, intent to harm and/or threat of aggression (*edited from the Alberta Roundtable on Family violence and Bullying – Finding Solutions Together, 2004*).

## Associated Research

### A. Bullying

The requirements for intervention regarding bullying are similar to those of domestic violence with some exceptions. Research recommends the following:

- Focus on resolution/mediation rather than punishment
- Establish consequences for bystanders who do not intervene in bullying
- A safety plan should be completed with the victim
- Social skill development should occur for both the victim and the perpetrator
- Ongoing monitoring is required
- Community collaboration and involvement is a critical part of the intervention and should include family, teachers, mentors, community agencies, etc.

**Note:**

- Bullying is seldom witnessed by teachers or other adults.
- The younger the child, the more likely there is an attempt to intervene by an adult.
- The younger the child, the higher the probability of a successful intervention.

### B. Co-occurrence of Exposure to Family Violence and Other Forms of Child Maltreatment

(Edited from, M. Dong et al./Child Abuse & Neglect 28 (2004) 771-784)

- Studies have provided evidence that adverse childhood experiences are interrelated rather than occurring independently
- Long term effects of abuse can be complicated by other pathological elements such as psychological abuse, neglect and family disorganization
- Assessment by the caseworker is required to understand the factors and the cumulative influence of multiple categories of adverse childhood experiences
- In Dong et al's recent study, 85.5% of participants with any single exposure reported at least one additional adverse childhood experience, with 50% reporting at least three adverse experiences

- Research indicates that children exposed to an extreme parental marital conflict are more likely to be neglected and to witness domestic violence
- The impact of exposure to adverse childhood experiences has been shown to be cumulative

### **C. Animal Abuse and the Link to Family Violence**

(Edited from Calgary SPCA National Crime Prevention Strategy, 2003 and from F.R. Ascione, Cruelty to Animals and Interpersonal Violence: Reading in Research and Application, 1998.)

A correlation between animal abuse, domestic violence and other forms of community violence has been established.

- Cruelty to animals may be an abuser's way to control, intimidate and retaliate against family members
- When animals in a home are abused or neglected, it is a warning to caseworkers that others in the household may not be safe
- Children who witness abuse of family members or pets are at greater risk of mimicking the abusive behaviour
- Many people who are living in abusive situations delay leaving because they are afraid to leave their animal companions with the abuser

### **D. Resiliency in Children Exposed to Family Violence**

(Edited from Jaffe et al (1990) Children of Battered Women and (2003) Child Support Handbook Dunbar Wild)

Studies found that the protective factors of children could be divided into three categories:

- Child's ability to adjust to new situations
- Support within the family system (good relationship with one parent)
- Support figures outside the family system (peers, relatives)

The strongest predictor of the child's social adjustment is:

- The quality of the custodial parent's positive relationship with the child (defined as the absence of severe criticism and presence of high warmth)

The strongest predictor of child maladjustment is:

- Exposure to verbal violence

Children's coping reactions vary as a function of their developmental stage:

- Young children are generally less adjusted as a result of their dependency on their caregivers
- A young child's caregiver is the child's only source of reference in their world
- Older children may cope better because of their use of peers and schools as sources of information, satisfaction and support

Linda Baker and Alison Cunnigham (Helping Children Thrive, 2004) provide the following hopeful information about children who have lived with violence:

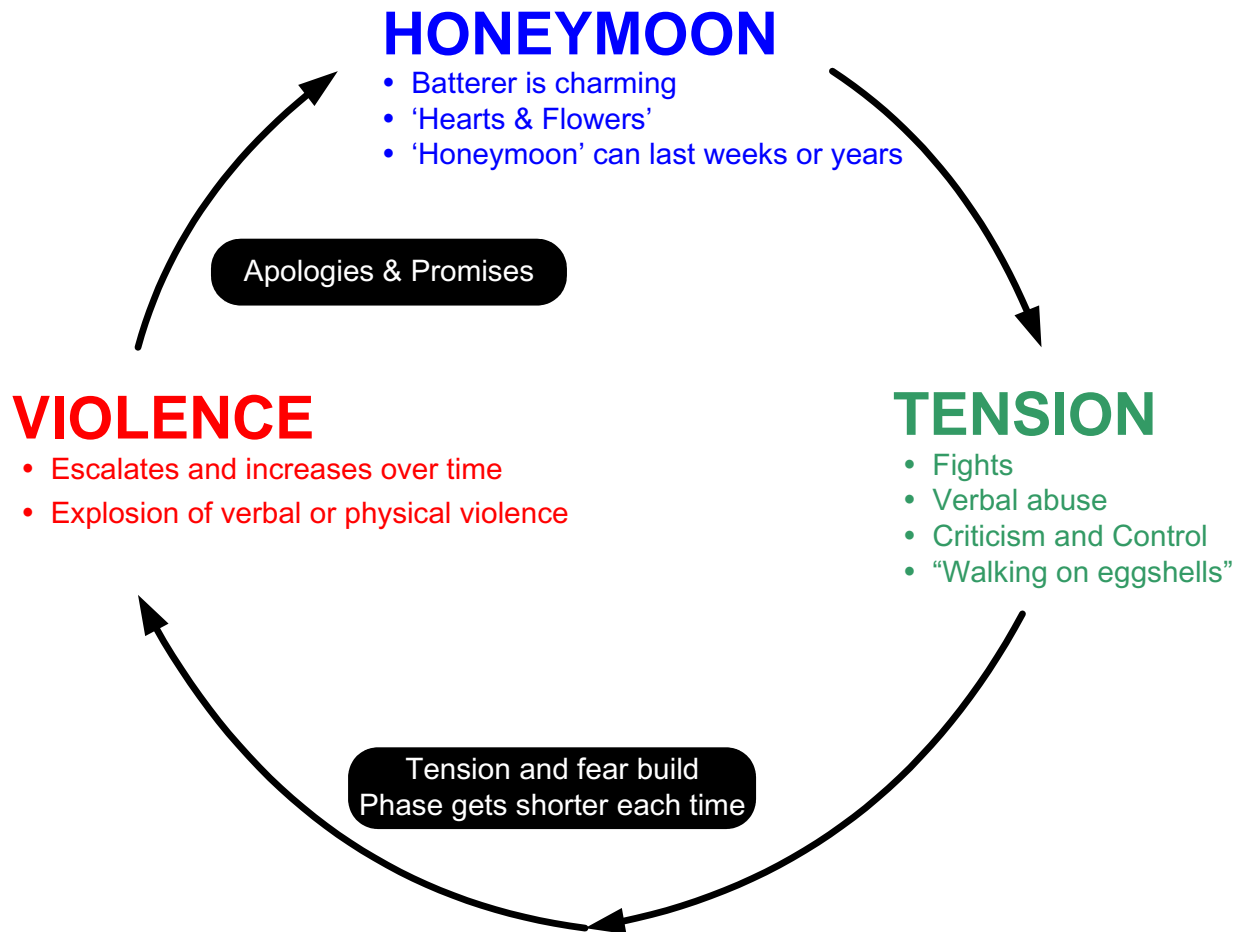
- Most psychological "problems" in children diminish once the violence stops
- Research shows that most children who lived with violence in the past are functioning normally from a psychological point of view
- Living with violence as a child is not a "life sentence" for a bad future
- Children are resilient and can thrive
- Not all children need professional treatment to overcome the effects of violence – there is a lot the non offending parent can do to help their children

## The Cycle of Violence

The following diagram represents the three stages inherent in domestic violence that create and support the dynamic of power and control. This cycle was identified years ago and remains applicable today. Be aware that:

- The timing of the cycle will vary due to the uniqueness of each situation, and ranges in length from hours to years
- The three phases of the cycle are predictable
- Both adult and child victims can often describe the events related to each phase of the cycle without being aware that they are doing so
- To exert some control over the level of risk to themselves, victims may prematurely instigate the violence phase of the cycle

## The Cycle of Violence



## Tips for Caseworkers and Supervisors

### **Routine Screening**

**Routine Screening** means:

- Being aware of the impact that domestic violence may have on a child
- Being aware of the impact of co-occurrence
- Assessing safety and changing circumstances from screening to case closure
- Refer to Assessing Domestic Violence – Appendix “A”

**See:**

[Appendix “A” – Assessing Domestic Violence](#)

**Be aware that:**

- Abused family members are greatly **under identified**
- Routine Screening for domestic violence should occur with any referral source
  - Ask: “Have you been concerned about the safety of anyone in the family?” (including pets)
- Domestic violence is often a patterning of behaviour in a trust relationship
- Many abused family members (adults and children) have not had the opportunity to disclose or may not see the behaviours as abuse
- Being alert to phrases, words, expressions may lead you to explore further
- Being aware of the need to gather **specific** information to create an appropriate safety plan
- You need to be prepared to respond to a spontaneous disclosure by:
  - Being supportive
  - Not reacting emotionally to the information
  - Seeking support for yourself from colleagues and supervisors
- The abuser or victim may not always be easily identified so your assessment activities need to explore these roles within the family and not be based on assumptions regarding their roles



## **Interviewing Children**

Best practice supports abused children being:

- interviewed separate and alone from one another and from their adult caregivers

Caseworkers should know that:

- Many parents believe their children are not aware of domestic violence
- Children may feel extremely guilty and may be afraid to disclose domestic violence
- Children may feel loyal to both parents and will need reassurance that it is okay to want both parents but not want the violence
- Children who live in an environment where another person has “power and control” require predictable information
- Children are good reporters of their own level of stress and anxiety, which is often underestimated by adults
- Children can often describe the Cycle of Violence without knowing it even though their perception of an event itself and timelines may be distorted

Caseworkers should therefore:

- Provide current, accurate information about their role, safety and each step of the process
- Not underestimate the impact of exposure to domestic violence
- Watch closely for signs of discomfort, increased anxiety and ask the child “is this a hard question for you?”

Questions to add to those the caseworker would routinely ask a child:

- Tell me what happens when your parents get angry?
- Where do you go when your parents argue or fight?
- Do you feel safe at home?
- Has anyone broken anything because they have been angry/upset?
- Has anyone ever been hurt because someone in the family was upset or angry?
- Have the police come to your house? Do you know why?

- Has anyone ever hurt you or threatened to hurt you?
- Is there anyone you would not want to look after you?
- Have you been concerned about the safety of anyone in the family, including pets?

### **Interviewing Adult Victims**

- Adult victims should be interviewed separate and alone
- Allow the victim to choose a safe location for an interview
- Ensure that an initial safety plan is developed and agreed upon at the completion of the interview

**See:**  
[Safety Planning](#)

- It is important to recognize that the adult victim may have made previous attempts to leave the situation. Issues related to emotional separation or financial dependency may have made these attempts unsuccessful so this should be explored and assessed in the context of safety planning.

### **Interviewing the Alleged Abuser**

- The focus of the interview is on the ongoing safety of abused family members AND
- The alleged abusers ability and willingness to maintain safety and effectively engage in interventions
- Ensure an initial safety plan is developed and agreed upon at the completion of the interview

**See:**  
[Safety Planning](#)

## **Observation of Family Dynamics and Interactions**

Caseworkers are keen observers of the family environment. Some specific observations are useful in assessing the level of risk for family violence:

- The primary caregivers ability to warmly respond to and meet the child's needs
- Do the children cower away from a caregiver showing anxiety, fearfulness

- Is the caregiver able to control/calm their emotions (some anger and anxiety is expected, but there should be a demonstrated ability to de-escalate oneself)
- Evidence of physical violence – holes in walls, phone cords ripped out of the wall
- Physical evidence of violence on the abused family members

## Caseworker Safety

Due to the dynamics of power and control inherent in domestic violence, remember that:

- Positional authority of the caseworker may create concerns for abused family members, who may feel re-victimized
- Children's Services involvement may increase the risk to the abused family members and to the caseworker, because of the threat this involvement may pose to the abuser's control of the situation
- Safety planning with other community professionals (police, shelter, teacher, counsellor, etc.) is a critical part of reducing risk of harm to abused family members and to caseworkers. This coordinated community response to domestic violence ensures a higher probability of safety for abused family members and for caseworkers.

Factors that increase the risk of a violent confrontation are:

- Positional Authority of the caseworker, police, other service providers
- Children's Services involvement
- Adult victim is preparing to leave or has left
- Children are going to be removed from the guardian's care
- Abuser has just been released from jail or is facing criminal charges
- Allegations are made directly to the abuser regarding family violence or child abuse/neglect
- Abuser is seeking information regarding the family's location
- The victim enters a new intimate relationship with someone else
- Permanency planning goal changes to adoption

**Note:**

Continuous assessment of family and caseworker safety is required – **do not assume that reports that the perpetrator has not returned to the home are accurate.**

## Safety Planning

A **Safety Plan** is an individualized plan that family members develop to reduce risks they and their children face.

**Safety Planning** must begin at first contact whether it is on the phone or in person and it is an ongoing, evolving process that is determined by the information gathered over time.

The **purpose** of safety planning with family members is to identify how they can act to better keep themselves safe from further intimate partner violence.

### **Further Considerations:**

Safety Plans should address the safety for all family members for all scenarios – if they stay, if they go, or if there is another incident.

Safety Plans should be reviewed on a regular basis with abused family members, service providers and other professionals involved. Include ongoing assessment of the individual's ability to implement the safety plan.

All family members need to be active participants in developing and implementing the plan.

One of the crucial components of safety planning is the gathering of accurate and detailed information about the degree of danger the abused family members are experiencing.

A review of the following indicators and questions is clearly applicable to developing or enhancing a comprehensive safety plan but also assist in ongoing assessment and case planning with families.

There are some components of case planning that will apply to both parents such as: the following of conditions on court orders, supporting safe access to the children, ensuring children receive consistent access to therapeutic services etc.

In addition to your regular casework assessment process, consider the following:

- Prior Abuse – has your partner emotionally or physically abused you in the past; was medical attention needed; were you abused during pregnancy; were you choked, bitten, burned, forced to have sex.

- The Children – age of the children; step-children; exposure to violence; were they present at recent or past incidents; have they seen you hit.
- The Abuser – stress level of abuser; reaction to stress; isolation; parenting skills; drug/alcohol use; mental health status; counselling; court orders.
- Property – who owns what; damage to or threats of damage to property.
- Pets – has the partner injured or killed a pet or domestic animal or threatened to do so.
- Prior Police Response – what; when; partner’s reaction; other services involved.
- Firearms/Weapons – own; access to; use of; obsession/fascination with; any previous involvement with military or law enforcement.
- Separation – past, present, partner’s reaction; talked about separation, partner’s reaction.
- Controlling Behaviours – partner jealous; are you isolated from/refused access to family/friends; intimidated; belittled; partner controls money; have you been confined; has partner displayed any of these behaviours in past relationships.
- Threats to Harm – has partner threatened to kill you, children, family, friends; is there a specific plan of harm, i.e. to shoot/stab you; partner ever acted out the plan i.e. pretend to shoot/stab you, the children, or others.
- Stalking Behaviour – has partner now or in the past made harassing phone calls or other communication, letters, notes, to you, children, family, friends; followed you; contacted you through a third party; come to your workplace, partner ever engaged in stalking behaviour with anyone else.
- Escalation – in the past year has there been an increase in the severity or frequency of the abuse.
- Fears/Concerns – do you believe your partner is capable of hurting or killing you, the children, family, friends, or pets; do you believe your partner is capable of committing suicide; do you have any concerns for your safety or the safety of the children or others including pets.

### **A. Safety Planning with Children**

**Purpose:** To empower children to identify safety issues and problem solve in ways that will enable them to protect themselves

- Each child must have their own plan

- For dependent young children – their plan is incorporated into the caregiver’s plan
- Children can and should be involved in developing their own plan
- The plan must be developmentally appropriate

## **B. Safety Planning with the Adult Victim**

**Purpose:** To ensure that the victim has a clearly articulated and achievable plan should violence reoccur

- The adult victim’s plan includes safety for themselves and incorporates support of any child’s safety plan as well as a plan for dependent children
- Maintain basic human needs: income, housing, food, child-care etc
- Identify for the adult victim how to anticipate abuse
- How to ensure safety of family members – where to go, who can help, who to call etc.
- Include a list of important documents, phone numbers, medications, money, keys etc. that will be needed if they leave – these items maybe kept at a trusted friend or neighbour, if possible
- Where and how to obtain ongoing education, support and information
- Consider a plan for the care of animals, pets, livestock

## **C. Safety Planning with the Alleged Abuser**

It is important to develop a **separate** Safety Plan with the abuser that outlines and details the tasks needed to end the violence and keep the family safe.

**Purpose:** To end the violence, keep the family safe and promote change from a violent to a non-violent communication and/or life style

Close work with law enforcement and the justice system is essential to holding an abusive partner accountable – for those cases where charges have been laid and the justice system is involved. **Safety planning for abusers is critical whether these systems are involved or not.**

Caseworkers may include some or all of the following tasks, based on the specific needs of the abused family members:

- Abuser will stop all abuse against partner and/or children – verbal, emotional, sexual, financial, physical

- Abuser will not involve the children in attempts to control partner or force children to witness or participate in abusive behaviours
- Abuser will participate in and successfully complete specialized domestic violence prevention programs and follow all recommendations
- Abuser will learn about the effects of family violence on their children
- Abuser will follow all conditions of court orders and probation
- Abuser will support parenting of children by the adult abused family member and participate in parent education where appropriate
- Abuser will sign necessary consents
- Abuser will maintain safe, consistent access to the children as deemed appropriate

## Considerations for the Provision of Resources

Due to the dynamics of power and control inherent in domestic violence, the following resources may create **danger** for abused family members and should **not** be used as primary or first interventions:

- Referral to an anger management program that does not invite regular input from the abused family member or does not invite the abused family member to participate in the evaluation of the program, but rather is solely directed at the abuser
- Referral to mediation or family group conferencing that focuses on shared responsibility for the violence
- Couples counselling or family therapy as a primary intervention
- Visitation arrangements that endanger the children or the adult abused family members
- It is important to note that following "Assessments" which indicate a high level of safety and a low level of danger, the above resources may be a consideration

## Case Closure

(Edited from *Child Protection in Families Experiencing Domestic Violence*, Chapter 4, 2004)

Case closure is a critical decision point that involves a final and careful analysis of the risks posed by domestic violence.

- **DO NOT** assume the following is sufficient information to close a file:
  - abused family members leave an abusive relationship, or
  - the abuser is removed from the home, or
  - an abuser completes an intervention program, or
  - physical abuse stops
- Most abusers are highly skilled at manipulative behaviour to avoid detection and accountability – expressing remorse, agreeing not to engage in violent behaviours, attending intervention programs. Caseworkers should consider the following in determining whether the abused family members' safety has been reasonably assured:
  - The abused family members, when interviewed separately, report feeling safer
  - The abused family members have knowledge of and access to relevant support services, information and safety options
  - The abused family members have safety plans, are able to describe the plan and demonstrate ability to use the safety plan for themselves and their children
  - Family members can identify and articulate indicators of increasing risk and what they will do should those risk factors appear
  - The abused family members have a primary connection to a community service provider who will have ongoing contact with them **OR** can demonstrate knowledge and ability to access community resources
  - Service Providers and Children's Services assessments indicate that the threat of harm has been decreased for the abused family members
  - New child maltreatment reports have **NOT** been filed
  - New Police reports have **NOT** been filed
  - The abuser has access to intervention programs and support



## A Collaborative, Coordinated, Community Response

Research states that community collaboration and monitoring increases the level of safety for the abused family member.

Be aware of specific culturally sensitive programs and services in your community.

The following is a list of agencies to consider as participants in a coordinated response to domestic violence:

- Police
- Victim Programs/Services (crisis, telephone, shelter, community counselling, children's programs, legal, self help, group counselling, information, referral to Medical/Family Doctor/Emergency Services)
- Child Care Services – Family Service Agencies
- Offender Programs/Services
- Children's Services
- Criminal Court
- Crown Attorney
- Adult Mental Health Counselling
- Family Counselling
- Private Counselling Services
- Victim's Services (court based and police based)
- Legal Aid
- Human Resources and Employment
- Probation and Parole
- Public Housing Programs
- Justice of the Peace
- Addictions Services
- Clergy
- School based programs
- Children's Mental Health

- Supervised Access Centers
- Sexual Assault Centers
- Community Support Services
- SPCA/Animal Shelters/Veterinarians
- Other

## Additional Resources

### **Helpful Websites for Safety Plans**

<http://www.police.nashville.org/bureaus/investigative/domestic/stalking.htm>

<http://www.peelpolice.on.ca/index.html>

<http://www.burstingthebubble.com/safe.shtml>

<http://nccanch.acf.hhs.gov/pubs/usermanuals/domesticviolence/domesticviolencen.cfm>

<http://www.shelternet.ca/>

<http://www.nextdoor.org/>

### **The Prevention of Family Violence and Bullying Division:**

<http://www.child.gov.ab.ca/whatwedo/familyviolence/page.cfm?pg=index>

## Assessing Domestic Violence

Extremely Serious	Behaviours or Indicators that Impact Risk	Safety Self Assessment	Co-existing Factors that increase risk	Parental Coping and Insight	Intervention Activity or History	Criminal Activity
<b>Urgent Response</b>						
<p>A child has been physically harmed, as a direct or indirect result of Adult Domestic Violence or indicators of Child Sexual Abuse are present.</p> <p>Parents are unwilling or unable to agree on a short-term safety strategy (i.e. separate, go to a shelter, access a domestic violence outreach worker or program).</p> <p>Extreme verbal conflict and/or presence of Parenting Order issues and/or unresolved Practice Note 8 referral from Queen's Bench.</p> <p>There is a court order giving access to a child by a partner who has threatened to kill or harm the child or other family members and the visit is imminent.</p> <p>Partner who has been abused wants to leave the situation and requires assistance to do that.</p> <p>There is language or cultural considerations that require specialized services.</p>	<p>Adult(s) have access to weapons</p> <ul style="list-style-type: none"> <li>▪ Adult(s) have threatened to kill or harm family members or pets</li> <li>▪ Physical injuries to any family member and/or cruelty to pets</li> <li>▪ Threats or violence have recently escalated</li> <li>▪ Child has attempted to intervene in the physical fight</li> <li>▪ Child has not always received necessary medical attention for injuries</li> <li>▪ Abused partner is not available due to injuries sustained in assault by abusing partner</li> <li>▪ Partners have recently separated</li> <li>▪ Female partner is pregnant</li> <li>▪ The child displays emotional behaviours such as:                             <ul style="list-style-type: none"> <li>▪ Fearful</li> <li>▪ Depression</li> <li>▪ Suicidal</li> <li>▪ Withdrawal</li> <li>▪ Self-harming</li> <li>▪ Aggressiveness</li> <li>▪ Chronic truancy or other severe school problems</li> <li>▪ Criminal activity</li> </ul> </li> </ul>	<p>Child fearful for immediate safety</p> <ul style="list-style-type: none"> <li>▪ Child hardly ever or never feels safe at home</li> <li>▪ Abused partner fearful for immediate safety</li> <li>▪ Extended family members feel fearful for their safety</li> </ul>	<p>Active regular substance or alcohol use that interferes with adults day to day functioning</p> <ul style="list-style-type: none"> <li>▪ Current non compliance with a treatment plan or program (i.e. methadone program) or individual is agitated and has left a treatment program prematurely</li> <li>▪ Currently homeless or history of family being transient</li> </ul>	<ul style="list-style-type: none"> <li>▪ One partner holds virtually all the power in the family and</li> <li>▪ No insight re: criminality of violence</li> <li>▪ Either partner uses alcohol or drugs to cope with stressors or defend violence</li> <li>▪ Either partner refuses to meet with service personnel or caseworkers</li> <li>▪ Abusive partner still abusing or threatening partner, family members, pets</li> <li>▪ Diagnosed mental health issues and current non-compliance with treatment recommendations.</li> <li>▪ Neither partner has a feasible safety or responsibility plan</li> </ul>	<p>Almost continuous history of involvement due to violence, neglect, substance abuse or unmanaged mental health issues</p> <ul style="list-style-type: none"> <li>▪ History may be shorter but previous services were necessary on an urgent basis with little sustained change within the family</li> <li>▪ Child previously in care of the department</li> </ul>	<p>Present or history of Criminal activity that is of a violent nature, high frequency, duration and or intensity.</p> <ul style="list-style-type: none"> <li>▪ Previous or current charges for assaulting a partner</li> <li>▪ Non compliance with any 'no contact' court order</li> </ul>

Moderate Risk	Behaviours or Indicators that Impact Risk	Safety Self Assessment	Co-existing Factors that increase risk	Parental Coping and Insight	Intervention Activity or History	Criminal Activity
<b>One to Three Day Response</b>						
<p>It is alleged/verified that physical violence involving adults occurs with the children present, and although no child has yet been harmed there is a risk that the child is likely to be physically harmed during an altercation.</p> <p>Violence is chronic and previous attempts by a partner or outside intervention to stop the violence have not been successful</p> <p>Conflict may be present as a result of a custody dispute over the child (i.e.) The verbal aggression between the adults and the attempts to have the child align with one caregiver versus another have created a risk that the child is likely to be emotionally harmed. There are however, no unresolved Practice 8 referrals from Queen's Bench.</p> <p>There are language or cultural considerations that require specialized services.</p>	<p>Parents have recently separated</p> <ul style="list-style-type: none"> <li>▪ Female partner is pregnant</li> <li>▪ Recent significant changes within the family (loss of job, illness)</li> <li>▪ Child attempts to verbally intervene in adult conflict</li> </ul> <p>The child displays:</p> <ul style="list-style-type: none"> <li>▪ Anxiety that interferes with daily routine</li> <li>▪ Somatic complaints</li> <li>▪ Developmental delays</li> <li>▪ Fearfulness</li> <li>▪ Signs of depression including withdrawal from social activity</li> <li>▪ Acting out behaviours</li> <li>▪ Problems at school</li> </ul>	<p>Child does not feel safe but immediate danger has passed</p> <ul style="list-style-type: none"> <li>▪ Abused partner does not always feel safe but believes crisis has passed and family is safe short term</li> <li>▪ Abusing partner may have accepted some responsibility for their behaviours but will not consider treatment</li> </ul>	<p>Substance use, although not daily, often results in violent episodes</p> <ul style="list-style-type: none"> <li>▪ Treatment programs attempted but not completed</li> <li>▪ Physical, psychological or cognitive disability is present to the degree that it interferes with day to day functioning</li> <li>▪ Recent history of transience although family currently has housing</li> </ul>	<p>Control and power lies mostly with the partner who abuses</p> <ul style="list-style-type: none"> <li>▪ Adult acknowledges substance use is an issue but is not willing to consider treatment.</li> <li>▪ Acknowledges children may be impacted by violence but minimizes situation in their home.</li> <li>▪ Is not willing to consider using community resources</li> <li>▪ Is at a shelter but refuses to stay there until situation has been assessed</li> </ul>	<p>Previous significant involvement due to violence, substance abuse or mental health issues.</p>	<p>Previous or current charges for domestic violence</p> <ul style="list-style-type: none"> <li>▪ User or trafficker of substances</li> </ul>

Minimal Risk	Behaviours or Indicators that Impact Risk	Safety Self Assessment	Co-existing Factors that increase risk	Parental Coping and Insight	Intervention Activity or History	Criminal Activity
<b>Accelerated Response Not Required</b>						
<p>Physical violence has occurred but both adults feel able to address the situation.</p> <p>There is no indication that a Child has or is likely to be emotionally or physically harmed</p> <p>The caregivers are aware of the negative effects of violence on the children and are taking steps to remedy the situation.</p> <p>It is alleged/verified that although conflict occurs between adults in the home, it is not constant and is usually resolved rationally. The child is not adversely affected.</p> <p>Caregivers are responsible to protect their children from encountering adult conflict in the home and from suffering physical or emotional harm/illness from the violence.</p>	<p>Be alert to recent changes in family functioning, structure (loss of job, pregnancy or new birth, odd or dangerous behaviours from individuals)</p> <ul style="list-style-type: none"> <li>▪ Take note if the school notices concerning behaviour or performance changes</li> </ul> <p>Sudden change in family circumstances</p> <ul style="list-style-type: none"> <li>▪ School has no concerns</li> </ul>	<p>Child</p> <ul style="list-style-type: none"> <li>▪ Has someone they feel safe with</li> <li>▪ Expresses almost always feeling safe at home</li> <li>▪ Adult partner(s) feel safe</li> </ul> <p>Child is confident parents can keep them safe and reports feeling safe at home</p>	<p>Addictions, although a problem in the past are now managed.</p> <ul style="list-style-type: none"> <li>▪ Adults are in or have completed treatment program(s)</li> <li>▪ If disabilities exist the affected person has an advocate</li> </ul>	<p>There is no significant imbalance of power and control within the adult relationship</p> <ul style="list-style-type: none"> <li>▪ Parent has worked with the child to promote an understanding that the violence is not their fault</li> <li>▪ Has a backup or safety plan just in case</li> </ul> <p>Adult Partners feel safe</p> <ul style="list-style-type: none"> <li>▪ Adults share power equally</li> <li>▪ Partners have adequate support system (family, friends Community)</li> </ul>	<p>Minimal</p> <ul style="list-style-type: none"> <li>▪ Any services previously provided had positive outcome</li> <li>▪ Addictions are not an issue</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimal or no criminal involvement for violence</li> <li>▪ No previous criminal record</li> </ul>