

**Interior Region
Protocol
For
Foster Homes
2004**

We are pleased to present these the following protocols for dealing with issues and concerns about foster homes. This is a revised version from the original document released in 2003. The protocols and the new updates have been developed in partnership with foster parents, the Federation of Aboriginal Foster Parents, Okanagan Foster Parent Association, Interior Community Services and The Ministry of Children and Family Development (Interior Region).

Our goal is to provide a clear direction on the roles, responsibilities and rights of everyone involved in investigations and issue resolution. Further, our goal is to simplify the process by involving local line supervisors in final decisions. It is acknowledged that the unique challenges of providing foster care places foster parents at higher risk of experiencing difficulties in foster homes. These protocols will hopefully provide an effective framework for resolving problems while strengthening foster care placements and preserving relationships between caregivers and the Ministry.

We thank Social Workers, Managers, Foster Parents and Regional Foster Parents Organisations who contributed their suggestions on earlier drafts of these protocols and we welcome your suggestions for improvement to future versions of these protocols. We particularly wish to acknowledge George Johnston, the former Foster Parent liaison with MCFD, for his extensive work in developing these protocols.

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APPROACH AND RATIONALE

The Interior Regional Authority and Interior Foster Parents Organisations in conjunction with the Federation of Aboriginal Foster Parents believe that enhancing and supporting foster parent standards is the best way of making sure that the best interest of children in care and their, safety and well-being are not compromised.

To this end foster parents and social workers, as a regular part of their work together, routinely discuss the provision of quality foster care for each child or youth in care. As part of this work, discussion, plans and outcomes are recorded and tracked.

When concerns arise regarding the care of children and youth in care, the worker arranges to discuss the matter with the foster parent as soon as possible. The nature of this discussion is informal and collaborative.

Any results or remedies arising from the discussion and a date to review any subsequent plans are tracked and recorded. The foster parent is advised that the information has been recorded and that they may request a copy.

At the next Foster Home Review, all concerns that have been addressed since the previous Foster Home Review will be revisited and, if necessary, a plan to address any outstanding concerns will be developed for implementation.

DESIRED OUTCOME

- Children and youth in care live in a safe and nurturing environment where they receive high quality care.
- Social workers and foster parents are knowledgeable about the protocols and use them to enhance the quality of care provided to children in care and the relationship between social workers and foster parents.

GUIDING PRINCIPLES

This Protocol shall be interpreted and implemented in accordance with the following principles:

- Children are entitled to be protected from abuse, neglect, and harm or threat of harm;
- The child's views should be taken into account when decisions relating to the child are made;
- The cultural identity of aboriginal children should be preserved;
- Decisions relating to children should be made and implemented in a timely manner;
- Aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children;
- Services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving services;
- Services should be integrated, wherever possible and appropriate, with services provided by other Ministries and community services.

PROTOCOL FOR INVESTIGATING REPORTS OF ABUSE OR NEGLECT IN FOSTER HOMES

Foster parents and the staff of the Interior Region share responsibility for meeting the public's expectations about the quality of care children receive in foster homes. These expectations are mandated by law under the Child, Family and Community Service Act.

Primary among these expectations is the safety and well being of children in care. Consequently, whenever information is received concerning the abuse or neglect of a child in care, the Director has a duty to assess the information and determine if an investigation is required.

Guidelines for undertaking a protocol investigation

A protocol investigation should be undertaken in the following circumstances:

- If a child in care has been, or is likely to be, physically harmed by the child's caregiver;
- If a child in care has been, or is likely to be, sexually abused or exploited by the child's caregiver;
- If a child in care has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's caregiver is unwilling or unable to protect the child;
- If a child in care has been, or is likely to be, physically harmed because of neglect by the child's caregiver;
- If a child in care is emotionally harmed by the caregiver's conduct;
- If a child in care is deprived of necessary health care;
- If a child in care's development is likely to be seriously impaired by a treatable condition and the child's caregiver refuses to provide treatment; and,
- If a child in care's caregiver is unable or unwilling to care for the child and has not made adequate provision for the child's care.

For the purpose of this document, but without limiting the meaning of "sexually abused" or "sexually exploited", a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be:

- encouraged or helped to engage in prostitution, or
- coerced or inveigled into engaging in prostitution, or
- Coerced or inveigled into act(s) of a sexual nature.

For the purposes of this document, a child is emotionally harmed if the child demonstrates severe:

- anxiety,
- depression,
- withdrawal, or
- Self-destructive or aggressive behaviour.

Major roles and responsibilities

Designated supervisor

(A supervisor designated by the Community Services Manager of the relevant area served as the position responsible for decision making under this protocol)

The supervisor is responsible for the investigation and is to:

- decide if an investigation is necessary, or on any other appropriate response, based on the information received regarding the safety and well-being of a child in a foster home,

- co-ordinate the investigation or other appropriate response to information regarding the safety and well-being of a child in a foster home according to the Child and Family Development Service Standards,
- determine any action needed to ensure the safety and well-being of any children in the home,
- determine, in consultation with the supervisor responsible for the resource, if the child can remain in or be returned to the home, and
- Inform the foster parents in writing of the commencement of an investigation, updates regarding the investigation, the results of the investigation, and decisions affecting the foster parents.

Supervisor Responsible for the Resource

- Decides with the designated supervisor on the future use of the home.
- Ensures that any recommendations or service support plans are implemented arising from the investigation, or other appropriate response.

Investigating social worker

The investigating social worker is responsible for all aspects of the investigation, from commencement to conclusion. The social worker is to:

- receive and assess the report,
- consult and share information with the designated supervisor, the resource social worker, and the child's social worker,
- plan and carry out the investigation according to the Child and Family Development Service Standards,
- complete an immediate safety assessment for each child in the foster home,
- notify all relevant delegated staff of the investigation, and
- Meet with the foster parents at the commencement, during, and at the conclusion of the investigation.

Resource social worker

The resource social worker remains the foster parents' social worker throughout the investigative process and assists the foster family by providing information and offering support. The main responsibilities of the resource social worker are to:

- inform the foster parent(s) that a protocol investigation has commenced and advise them of the process, their rights, including the right to access available supports ,
- with the written consent of the foster parent, contact and inform the support person(s) and/or agency identified by the foster parents that an investigation has begun, and arrange for the support person(s) where indicated to sign a confidentiality agreement, included at the end of this document, prepared by the Director prior to the support person's involvement in the protocol process,
- provide the investigating social worker with relevant information about the foster home,
- provide ongoing support to the foster parents throughout the investigation or intervention, and
- At the conclusion of the investigation, meet with and fully discuss the outcome of the investigation with the foster parents. Support persons may be included as requested by the foster parents, as long as they have signed a confidentiality agreement prepared by the Director.

Foster parent support person(s)

The support person may be affiliated with but is not limited to:

- Federation of Aboriginal Foster Parents support workers,
- Okanagan Foster Parents Association Support Workers,
- Interior Community Services Support Workers,
- designated foster parent support persons, and
- friends or family and/or any person the foster parent identifies as a support.

It has been demonstrated from past experience that the support person is most effective to the foster parent(s) when the support person undertakes certain approaches and actions. In addition to completing support worker training, although not all support persons may have opportunity to do the suggested training, the support person should consider the following when assisting the foster parent:

- providing information to the foster parent(s) on the process regarding protocol investigations,
- providing information on avenues of support available to the foster parent(s),
- support the foster parent(s) throughout the process of the protocol investigation,
- follow through on outcomes and recommendations flowing from the investigation,
- facilitate meetings and track timelines with and for the foster parent(s),
- establish liaison and communications between the foster parent(s) and Ministry staff,
- maintain confidentiality regarding information about the foster parent(s), foster parents' family and/or children in care, and
- contribute to maintaining a relationship between Ministry staff and the foster parent(s).

Child's social worker

The main responsibilities of the child's social worker are to:

- maintain contact with and support the child throughout the investigation, prepare and assist the child in the case of a placement change or any other changes in the child's comprehensive plan of care,
- inform the child's parent and, where the child is aboriginal, the child's aboriginal community, and for children over the age of 12 years, the child, about any changes in plans or placement of the child,
- provide the investigating social worker with information about the child's history and circumstances,
- involve the child and ensure the child's views are taken into consideration in any contemplated planning or placement changes and communicate related decisions to the child and, as applicable, the child's parent, relevant delegated staff and others involved with the child, and
- Meet with the child at the conclusion of the investigation to explain and discuss any issues, decisions, or changes, including any of the child's concerns.

Documentation

The interviews, meetings, consultations, findings and results and any other relevant information generated throughout the course of the protocol investigation shall be recorded on the MIS Protocol Investigation formats. The completed investigation report on MIS shall be signed by the appropriate individuals including the investigating social worker and the designated supervisor and placed on the Resource file of the foster parent.

The foster parent is to receive a summary report of the investigation at its conclusion. The report shall contain a summary of reasons for the investigation or other response, relevant interviews, collateral checks, assessments, meetings, and recommendations, decisions and any other pertinent information, all of which is to be severed of third party information where necessary. This report shall be drafted by the investigating social worker or other person deemed appropriate by the designated supervisor.

A decision not to proceed with a protocol investigation is also documented. The designated supervisor responsible for deciding whether a protocol investigation is to commence shall advise in writing the resource supervisor, the resource social worker, the child's social worker and relevant supervisor of the decision not to proceed. The decision will include a summary of the report regarding the foster home, the reasons for not initiating a protocol investigation and be placed on the foster parent's resource file. The decision should make reference to the following:

- presence of concerns under s.13 of the CFCSA,
- credibility of reported information,
- whether there are reasonable grounds to suspect a child may be in need of protection,
- doubts about the child's safety and well-being,
- or any other issue relevant to determining if a protocol investigation should commence.

The Foster Parent shall be informed of the report and of the decision that a protocol investigation will not be initiated. The designated supervisor, the supervisor of the child's social worker and resource supervisor shall clarify roles and co-ordinate the process of informing the Foster Parent. All reports will also be discussed between the Foster Parent and the resource worker in the annual review.

Consent to contact a support person and a confidentiality agreement are included at the end of this document.

Timelines

Time is of the essence in this protocol. Foster parents shall be informed of the status of the investigation every two weeks. The period of time under which the investigation shall occur shall be 30 days unless extenuating circumstances require the length of time to be extended. In instances where the period of duration must be extended, the reasons will be explained in writing to the foster parent.

Review Process

Foster parents

- If the outcome of the investigation is closure of the foster home or other serious sanction, the foster parent may, within 30 days of receiving the summary of the written protocol investigation, forward a written request for a review to the Office of the Regional Director of Child Protection. (Serious sanction includes: (1) no further children to be placed in the home and (2) reduction in level status.)
- All other requests for reviews shall be forwarded to the appropriate Community Service Manager or dealt with through the Complaints Resolution Process.

Office of Regional Director of Child Protection

- Within 45 days of receiving a request for a review, completes a review of the investigation, reaches a decision, and notifies the foster parents (and where applicable the specialized residential resource contractor) of the decision by

registered letter. This decision is final unless a third-party review process approved by the Director is available.

- The decision of the Regional Director of Child Protection is final.

PROTOCOL FOR RESOLVING ISSUES BETWEEN FOSTER PARENTS AND INTERIOR REGIONAL STAFF

The purpose of this protocol is to ensure that:

- Issues between the Interior Region and foster parents are resolved quickly, informally and, wherever possible, locally.
- Foster parents receive the support or help they need to resolve these issues.

The protocol pertains to foster homes approved by a director designated under Section 91 of the Act where the caregiver resides in the care setting and has no more than one full-time equivalent employee.

Application of the Protocol

This protocol applies whenever there is a disagreement between a social worker a foster parent regarding:

- care issues,
- plans of care,
- goals for the child
- issues regarding caregiver standards
- caregiver support
- administrative and financial issues, or
- any other issue not covered by the Protocol for Investigating Reports of Abuse and Neglect in Foster Homes.

Given that social workers and foster parents must develop a professional and cordial working relationship, it is imperative that this protocol be the last avenue for resolving issues affecting their relationship. Prior to commencement of this protocol, every effort should be made by supervisors and Foster Parent Support Organisations to resolve issues without use of this protocol.

Where appropriate, all Regional staff is encouraged to offer and promote alternate dispute resolution processes if it will aid in resolving issues.

Social workers, supervisors, and foster parents are expected to make every effort possible to informally resolve issues and concerns that arise. If this is not possible, the Local Resolution Process may be applied.

STAGE 1 - LOCAL RESOLUTION PROCESS (Recommended but Optional)

Preliminary local meeting

Before either party proceeds to the Formal Resolution Process (below), a preliminary local meeting to be chaired by the Resource Supervisor may be requested by either party.

Foster parents or social worker

- Either the foster parents or involved social worker may request a meeting if informal processes have failed to resolve the issue. Social workers may ask their supervisor or others involved with the child or the foster home to attend the meeting. The foster parent may also ask a support person, of their choice, to attend the meeting.

Resource social worker

- Arranges a meeting within 10 days of receiving the request.
- Advises the relevant supervisors about the issue and the meeting.
- If no agreement is reached at the preliminary meeting, the resource social worker informs the foster parents of how to proceed to the formal resolution process.
- Ensures that the support worker and/or other support person understands and signs a confidentiality agreement prepared by the Director, prior to the support person's involvement in the protocol process.
- Provides support and consultation to the foster parents throughout the process.

Supervisor responsible for the resource

- Receives notice from either the foster parents or delegated staff of an issue that requires resolution. The notice identifies the issue(s) and possible resolution.
- Immediately confers with the resource social worker and relevant supervisors, as appropriate.
- Within 10 days, convenes a meeting between the foster parents, the resource social worker, the child's social worker and others involved with the issue to review the concerns and make every effort to reach a resolution.
- Within 7 days of the meeting, notifies in writing all relevant parties of the results of the meeting.

Child's social worker

When the issue relates directly to a child in care:

- Supports the child and advocates for the child's interests, needs, safety, and well being throughout the process.
- Where appropriate, informs the child about the internal complaint process, external supports (such as family and friends, the Office of Children and Youth, Ombudsman, etc.), and other relevant rights according to Section 70 of the Child, Family, and Community Service Act of BC.
- When the issue relates directly to a child in care, the child's social worker:
 - Where appropriate, notifies the parent apparently entitled to custody,
 - When the child is aboriginal:
 - informs the child about his or her right to have support from the designated representative of the child's aboriginal community.
 - notifies the appropriate Aboriginal Authority, and
 - with permission of the foster parent, notifies the Federation of Aboriginal Foster Parents, or other support identified by the foster parent.

STAGE 2 - FORMAL RESOLUTION PROCESS

RESOLUTION BY COMMUNITY SERVICES MANAGER

If an issue is unresolved, either party may request the involvement of a Community Services Manager. This stage of resolution is completed within 30 days of the Community Services Manager receiving written request from the Foster Parent.

Foster parents

- Within 7 days of receiving the written results of the meeting with the supervisor responsible for the resource, may request in writing for the Community Services Manager to resolve the issue.
- Accompanied by support person (if involved), participate in and present their concerns and suggested solutions during the resolution process.

Resource social worker

- Ensures a support worker and/or other support person understands and signs an oath of confidentiality prepared by the Director, prior to the support person's involvement in the protocol process.

Community Services Manager

- Within 7 days of receiving the request for a formal resolution contacts the foster parents and arranges a meeting.
- Convenes a meeting of the involved supervisor, the foster parents and any support person they have chosen, and any other staff or parties who may be helpful in resolving the issue.
- Listens to and reviews the concerns and suggestions of both parties. When an issue has a direct effect on a child in care, the child's views are taken into consideration in any decision.
- In coordinating the formal resolution process, may:
 - interview the foster parents and any other relevant parties, including children in care,
 - conduct a review of relevant files,
 - interview involved staff and service providers,
 - ask for written submissions from the involved parties,
 - consider any other options that may be helpful or appropriate, including alternate dispute resolution processes.
- When reaching a resolution of the issue, the following factors should be considered:
 - the obligation of the Director to ensure the safety and well-being of children in care,
 - the best interests of the child,
 - the child's rights under the Child, Family and Community Service Act, Section 70,
 - the reasons for staff's decision or concern about the issue,
 - past efforts to resolve issues,
 - Foster parent standards and obligations,
 - Child cultural heritage and its inclusion.
- Within 30 days of receiving the written request for a resolution, notifies all parties in writing of the decision.
- Should foster parents not be satisfied with the resolution by the Community Services Manager, the foster parents may pursue the Formal Complaints Resolution process, except as noted at Stage 3. The Community Services Manager shall assist the foster parents in accessing this process.

**STAGE 3 – (ONLY WHEN CLOSURE OR OTHER SERIOUS SANCTION IS APPLIED)
RESOLUTION BY THE REGIONAL DIRECTOR OF CHILD PROTECTION**

This Stage applies when this protocol results in closure or other serious sanction against the foster home (as defined in the Abuse and Neglect Investigation Protocol above).

Should the foster parents be unsatisfied with the resolution by the Community Services Manager, the foster parent may request further resolution from the Regional Director of Child Protection. If an alternate dispute resolution process has been utilized in previous steps, the foster parent may request a review by the Director immediately upon completion of the alternate dispute resolution process.

Foster parents

- Within 7 days of receiving the written decision from the Community Services Manager, the foster parent may request in writing a further resolution from the Regional Director of Child Protection.

The Regional Director of Child Protection

- Within 45 days of receiving a request for a review, carries out a review of the unresolved issue and notifies in writing the foster parent, field staff and others appropriate in the circumstance of the decision.
- The decision of the Regional Director of Child Protection is final.

When there is disagreement on placement changes regarding children in care

When there is disagreement on placement changes regarding children in care, the following procedure shall be followed. The Protocol for Resolving Issues shall be utilized throughout, with modifications as outlined below, to resolve a disagreement about a placement change.

Alternative dispute resolution processes may be considered and should be promoted in aid of resolving the disagreement.

All parties shall commit to resolving the issue in an expeditious and timely manner. Placement changes shall be delayed while the disagreement is being resolved. Where the safety and well-being of the child are impacted or if it is in the child's best interests, placement changes shall not be delayed to accommodate this process.

This process shall only apply to children who have been in an affected resource for more than twelve months.

- Stage 1 - Preliminary Local Meeting. Where the foster parent disagrees with a placement change, the foster parent, within 7 days of being informed of the placement change, may request a meeting at the local level, to be convened within 10 days of receiving the request. The supervisor responsible for the child in care will convene this meeting including the child's social worker, the resource social worker, and the resource supervisor. Any other person who may be able to help in informing the decision may be invited to participate in this meeting. The supervisor responsible for the child in care reaches a decision and informs the foster parent of that decision in writing within 10 days of a request for the meeting.

- Stage 2 - Resolution by Community Services Manager. Where the foster parent is not satisfied with the outcome of the local meeting, the foster parent, within 5 days of being informed of the supervisor's decision, may request a further meeting with the appropriate Community Services Manager, to be convened within 10 days of receiving the request. This meeting shall involve the child's social worker and appropriate supervisor, the resource social worker, and the resource supervisor. Any other person who may be able to help in informing the decision may be invited to participate in this meeting. The Community Services Manager reaches a decision and informs the foster parent of the reasons for that decision in writing within 7 days of completing the meeting.
- Stage 3 - Resolution by Regional Director of Child Protection. Where the foster parent is not satisfied with the outcome of the Community Services Manager's decision, the foster parent may, within 5 days of receiving the decision, request a further review to the Director. The Director shall review the case, reach a decision and inform the foster parent in writing and other participants of that decision within 10 days of receiving the request. The Director's decision is final.

Considerations in Reaching a Decision

- Throughout this process, in reaching resolution, the supervisor, CSM and Director may:
 - interview the foster parents and any other relevant parties, including children in care,
 - conduct a review of relevant files,
 - interview involved staff and service providers,
 - ask for written submissions from the involved parties,
 - consider any other options that may be helpful or appropriate, including mediation.
- When reaching a resolution of the disagreement, the following factors, in addition to the Guiding Principles, shall be considered:
 - the obligation of the Director to ensure the safety and well-being of children in care,
 - the best interests of the child,
 - the child's rights under the Child, Family and Community Service Act, Section 70,
 - the reasons for staff's decision or concern about the issue,
 - Foster parent standards and obligations,
 - Child cultural heritage and its *inclusion*.
- Alternative dispute resolution processes may be considered and should be promoted throughout in aid of resolving disagreement. If at the Stage 1 level the foster parent is not satisfied with the outcome of an alternate dispute resolution process, the foster parent may directly request a review from the Director.

Service Quality Assurance

Director's Office

- Ensures there is a regional system of tracking:
 - the number and type of issues requiring formal resolution under this protocol,
 - the number of homes with more than one issue requiring formal resolution under this protocol in the past year,
 - the levels and types of homes involved (restricted, regular, specialized level 1, 2, or 3),

- The number of years of service of the foster parents involved.
- Ensures that, in conjunction with regional staff, regional foster parents organizations *and the Federation of Aboriginal Foster Parents* there is an annual analysis of issues requiring resolution under this protocol, which addresses such issues as:
 - any additional training or support required by foster parents or delegated staff,
 - the appropriate matching of children to the skills and resources of foster homes involved,
 - The identification of any patterns in the use of the protocol which would guide regional actions to be taken.



CONSENT TO CONTACT A SUPPORT PERSON

I, _____, consent to the
Director's delegate contacting _____
(name of agency and/or other support person) and inviting the named
person(s) to attend interviews with me related to the Protocols for
Foster Homes.

Name of Foster Parent

Name of Foster Parent

Signature

Signature

Address

Address

Date

Date

Witness



NON-DISCLOSURE AND CONFIDENTIALITY AGREEMENT

I, _____,

- am aware that as a support person for a foster parent who is subject to a Foster Home Protocol Investigation, I may receive information of a personal nature related to the foster family or to a child in care of the Director and
- will not to disclose any information that I may receive in my role as a support person to any other person, in accordance with s.75 of the Child, Family and Community Services Act of BC, unless compelled by law to do so.

Signature of Support Person

Signed this _____ day of _____, 20_____.

Witness

Date