

**Protocol For Investigating Abuse or Neglect in Foster Homes under the
Responsibility of Community Living British Columbia**



**Ministry of Children & Family Development
Community Living British Columbia
June 2006**

1. Purpose

On July 1, 2005 Community Living British Columbia (CLBC) was created as an authority to provide services to children, adults and families in British Columbia. CLBC provides some of these services under the *Child, Family and Community Service Act (CFCSA)* through the legal authority of a designated director. These services include the approval, monitoring and support of foster parents, and care and guardianship services to children in foster homes.

CLBC, foster parents and the Ministry of Children and Family Development (MCFD) have the responsibility to ensure the safety and well being of children placed with foster parents. Consequently, whenever a child protection report is received about a child in a foster home, the MCFD director has a duty to assess the information and determine if an investigation is required. Consistent with the *CFCSA* the paramount consideration in foster home investigations is the safety and well-being of the child. It is acknowledged that decisions about placement of children include the broader considerations of their best interests. This protocol is not intended to exclude consideration of best interests in placement planning.

The purpose of this protocol is to clarify the roles, responsibilities, actions and rights of everyone involved in investigations of CLBC foster homes.

2. Definitions

For the purposes of this document:

- “child” means a person under the age of 19
- “foster home” and “foster parent” mean a “caregiver” as defined in the *CFCSA*
- “CLBC foster home” means a foster parent with a resource file (RE) for which a CLBC office is responsible
- “CLBC director” means a person delegated by the director, *CFCSA* for CLBC
- “MCFD director” means a person delegated by a director, *CFCSA* for MCFD

For purposes of brevity this protocol refers to children in the singular (i.e. “the child”) and foster parents in the plural.

3. Scope

This protocol framework applies whenever a report is made that a child under the age of 19 has been or is likely to be abused or neglected in a CLBC foster home. It includes children in care, children placed in foster homes for respite and children living in Associate Family Homes. It does not apply to foster homes under the exclusive responsibility of MCFD or delegated Aboriginal agencies. This protocol is to be used in concert with the following: *Protocols for Foster Homes Framework; protocols with the*

Public Guardian and Trustee of British Columbia; Child and Family Service Standards; Children in Care Service Standards; Caregiver Support Service Standards; Quality Assurance Standards; and policies and procedures developed within the MCFD regions and CLBC.

4. Grounds for Investigating a Foster Home

A protocol investigation is undertaken in the following circumstances, which are consistent with section 13 of the *Child, Family and Community Service Act*:

- if the child has been, or is likely to be, physically harmed by the child's foster parent
- if the child has been, or is likely to be, sexually abused or exploited by the child's foster parent
- if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and the child's foster parent is unwilling or unable to protect the child
- if the child has been, or is likely to be, physically harmed because of neglect by the child's foster parent
- if the child is emotionally harmed by the foster parent's conduct
- if the child is deprived of necessary health care by the foster parent
- if the child's foster parent is unable or unwilling to care for the child and has not made adequate provision for the child's care.

For the purposes of this protocol, 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.

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

- anxiety
- depression
- withdrawal or
- self-destructive or aggressive behaviour.

5. Collaboration

The MCFD and CLBC directors involve one another in all significant assessments, decisions, plans and actions required under this protocol. The directors are responsible for sharing relevant information and for communicating this information to delegated staff involved within their respective organizations.

The MCFD director co-ordinates the investigation with the CLBC director. This includes

informing the CLBC director of:

- a report involving a child in CLBC foster home
- any immediate safety concerns
- the response to the report
- the outcome of the investigation
- decisions to move a child from the home and
- any recommendations, including the future use of the foster home.

6. Assessing a Child Protection Report and Determining the Most Appropriate Response

Child protection reports involving children in all CLBC foster homes are received and assessed by an MCFD director. If the CLBC director has reason to believe that a child's circumstances are consistent with those described in section 4 of this protocol the director reports the matter to an MCFD director.

The director responsible for the child's care completes and submits a reportable circumstances report. The Public Guardian and Trustee is informed when there is a death, critical injury or serious incident involving a child who is:

- in the continuing custody of a director;
- under the guardianship of a director pursuant to s. 29 of the *Family Relations Act*; or,
- in the temporary custody of the director and the court has ordered that the Public Guardian and Trustee is guardian of the child's estate.

The MCFD director is responsible for determining if an investigation is required. If an investigation is not required, but concerns exist about the child's quality of care, the director responsible for the child's care collaborates with the CLBC director to address these concerns.

As soon as practicable, the MCFD director informs the foster parents of the commencement of an investigation and advises them of the process and their rights and recommends that they access available supports. This is followed up in writing by registered letter with a copy to the CLBC director.

7.1 Supporting the Foster Parent during the Investigation

Supports for foster parents during an investigation may include, where available:

- Regional foster parent support services
- Federation of Aboriginal Foster Parents support person
- designated foster parent support persons
- local BCFFPA support person or
- friends, family members and any person the foster parents identify as a support.

The CLBC director is responsible for supporting and providing information to the foster parents throughout the investigative process. This includes:

- if the investigation concerns a child for whom the Public Guardian and Trustee is guardian of the child's estate, advising the foster parents that the Public Guardian and Trustee has been informed and may request more information about the outcome of the investigation.
- if requested by the foster parents, contacting and informing the support persons identified by the foster parents that a protocol investigation has commenced, and arranging for the support persons to sign an oath of confidentiality prepared by the CLBC director prior to their involvement; and
- at the conclusion of the protocol investigation, meeting jointly with the MCFD director and the foster parents to discuss the findings of the investigation.

7.2 Supporting the Child during the Investigation

The director responsible for the child's care maintains contact with the child throughout the investigation by:

- supporting, preparing and assisting the child with a placement change or any significant changes to the child's circumstances
- informing the child's parents and, where the child is Aboriginal, the child's aboriginal community
- providing the MCFD director with information about the child's history
- involving the child and ensuring the child's views are considered in significant decisions including any plans to change the child's placement
- communicating any related decisions to the child's parent, and others involved with the child and
- meeting with the child with capacity at the conclusion of the investigation to explain and discuss the outcome.

8. Conducting an Investigation

Where a decision is made to conduct an investigation the MCFD director is responsible for all aspects of the investigation from commencement to conclusion. The MCFD director completes an immediate safety assessment of the child and determines, in consultation with the CLBC director, if the child can safely remain in the home during the investigation.

The MCFD director informs the foster parents of the progress of the investigation at a minimum of every two weeks. The investigation is completed within 30 calendar days. If the investigation cannot be completed within 30 days the MCFD director will explain the reasons to the foster parents and provide an estimate of the time for completion, in writing by registered letter, with a copy to the CLBC director.

9. Concluding the Investigation and Making a Placement Decision

The investigation is concluded when the MCFD director determines, based on the information gathered during the investigation, whether the child can safely remain in the foster home, including recommendations about supportive services to the child and foster parents. If the MCFD director determines that the child cannot remain safely in the foster home, the MCFD director advises the director responsible for the child's care. The director responsible for the child's care arranges an alternative placement and supports and assists the child with the change in placement. If the MCFD director is responsible for the child's care, the CLBC director may be consulted to find a placement that can address the child's needs.

The MCFD director informs the foster parents in person of the findings of the investigation and follows this up in writing by registered letter as soon as practicable following the investigation, with a copy to the CLBC director.

10. The Decision about the Continued use of the Foster Home

The CLBC director decides, in consultation with the MCFD director, about the future use of the foster home. If the foster home remains open and recommendations are developed about services to or the future use of the home the CLBC director is responsible for implementing, tracking, and monitoring these recommendations.

11. Review Process

The foster parents may, within 7 working days of receiving the letter about the findings of the investigation, request a review of the investigation. The foster parents send the request in writing to the MCFD designated director, *CFCSA* describing the decisions they wish reviewed.

Upon receiving a request for a review the MCFD designated director, *CFCSA* informs the CLBC designated director, *CFCSA* and a decision is made about which director is responsible to respond to the request according to the table below. Within 30 working days of receiving the request for a review the director responsible for responding to the request notifies the foster parents in writing and by registered letter of:

- the decision about whether a review will be conducted and
- if a review is conducted, the outcome of the review.

<i>Which decision does the foster parent want reviewed?</i>	Whether the child can safely remain in the foster home (conclusion of the investigation).	Child's placement following the investigation	The Continued use of the foster home
<i>Who responds to the request?</i>	MCFD designated director, <i>CFCSA</i>	Director responsible for child's care (guardianship)	CLBC designated director, <i>CFCSA</i>

12. Records management

All records created and received by the MCFD and CLBC directors under this protocol will remain under the custody and control of the MCFD director.

The MCFD director enters the protocol investigation on the resource (RE) file on MIS/SWS. It is not necessary for electronic control of the RE file to be transferred to the MCFD director.

The MCFD director creates a physical file, separate from the physical RE file, to store all records created under this protocol including: a printed copy of the protocol investigation; investigation notes; interviews; correspondence; and, all other supporting documentation. All documents are stored on the file in chronological order with the signed copy of the protocol investigation at the top.

The MCFD director's physical file is entered in the Corporate Records Management System (CRMS) for tracking and off-site activities. The schedule, classification and retention policy of the physical file is consistent with other records of similar type (for more details about files entered in CRMS, refer to Records and Forms Operations at <http://icw.mcf.gov.bc.ca/rasp/rfops/index.htm>).

If the Public Guardian and Trustee requests from the MCFD director any records created under this protocol, the MCFD director may disclose such records to the Public Guardian and Trustee, pursuant to s. 79(h) of the *Child, Family and Community Service Act* and in accordance with the MCFD director's protocol with the Public Guardian and Trustee. The MCFD director and the CLBC director will notify one another when the Public Guardian and Trustee requests information pertaining to records created under this protocol.

13. Dispute Resolution

If the CLBC director and MCFD director have a dispute about any decision or action taken under this protocol the individuals follow regional or local procedures for resolving the dispute.

14. Signatures

Original signed by Mark Sieben Dated this 24 day of May 2006
Assistant Deputy Minister,
Ministry of Children and Family Development
Director, *CFCSA*

Original signed by Jean Macdonald Dated this 30 day of May 2006
Director, Community Living British Columbia

Original signed by Robert Watts Dated this 29 day of May 2006
Director, *CFCSA* North Region

Original signed by Rick Childerhose Dated this 29 day of May 2006
Director *CFCSA* Interior Region

Original Signed by Bruce McNeill Dated this 30 day of May 2006
Director, *CFCSA* Fraser Region

Original signed by Tom Weber Dated this 26 day of May 2006
Director, *CFCSA* Vancouver Island Region

Original signed by Linda O'Brien Dated this 2 day of June 2006
Director, *CFCSA* Vancouver Coastal Region

