



Vancouver Aboriginal Child & Family Services Society

RAISING OUR CHILDREN TOGETHER

Permanency for Children and Youth

May 8, 2018

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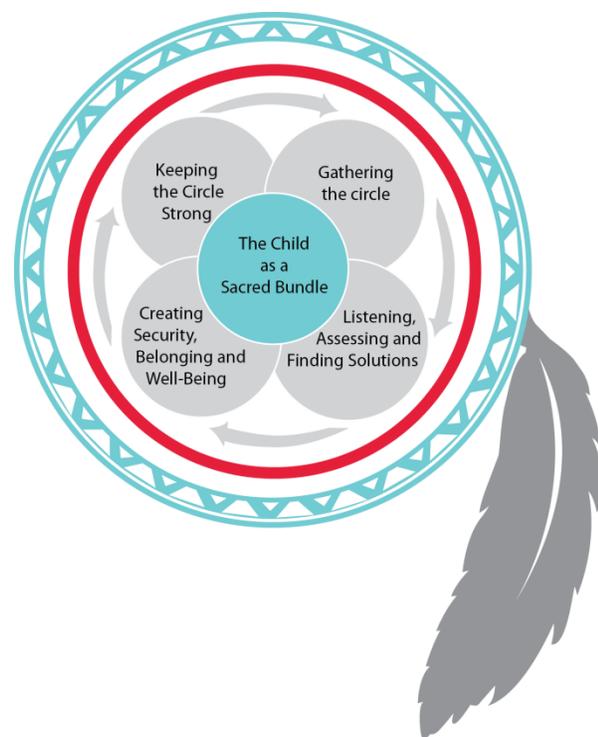
RESTORATIVE PERMANENCY PLANNING

This policy supports permanency planning with children and youth¹ within a Restorative Child Welfare approach. A restorative approach to permanency planning is done hand-in-hand with the child, their parents, their immediate circle and their Aboriginal community(ies). It recognises that Aboriginal people are fundamentally tied to the notion of identity in relation to their clan, extended family, heritage and territory. It involves a process of adding to, or strengthening, relationships within the child's circle to ensure that the child grows into adulthood feeling supported by those around them and knowing who they are. It means striving to make enduring connections in all four dimensions of permanency²: relational, physical, cultural and legal.

A restorative approach to permanency planning honours traditional Aboriginal concepts such as *making relations*, *sharing children as an act of generosity*, and *making sure care is taken of everyone*³. It acknowledges that permanency processes like Adoption and Continuing Custody Orders have been used as tools of colonisation against Aboriginal people. It seeks to ensure that *all* permanency arrangements are implemented in dialogue with the child's Aboriginal Community(ies) and honour their specific caretaking traditions and practices. Workers pursue permanency in ways that strengthen the child's Aboriginal identity and support their rights to their relationships, culture(s), language(s), history(ies) and community(ies).⁴ They understand that these rights remain unchanged after a Continuing Custody Order has been made and throughout the time it may take for a parent to heal from the impacts of colonisation and intergenerational trauma.

In restorative permanency planning, the child is raised in community; VACFSS workers join the circle of family, community members, Elders and ancestors that surrounds each one. Our relational approach involves bringing together the child's parent(s), caregiver(s), permanency parent(s) and all those who care about and for the child in order that the child can feel themselves to be part of a greater whole. Like all others in the circle, we carry responsibilities to care for and honour the child as a sacred gift from the Creator. We bring a commitment to "ensure that the rights, safety, well-being and spirit of Aboriginal children and their families are upheld, honoured and protected" and "to strive to eliminate [their] oppression, discrimination and marginalization"⁵.

Restorative practice involves a process of:



¹ From henceforth in this policy the term 'child' means a child or youth under the age of 19 years

² *Next Steps for Action from A Forum for Change: Reconciliation for Today's First Nations, Métis & Aboriginal Children Through Custom Adoption and Lifelong Family and Tribal Connections*; BC Representative for Children and Youth, 2015

³ Adapted from VACFSS Draft Adoption Policy (2013)

⁴ These rights are enshrined in the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Committee Calls to Action, Child and Family Community Services Act and Aboriginal Operational Practice Standards and Indicators.

⁵ VACFSS Philosophy of Service Delivery

1. Gathering the circle
2. Listening, assessing, and finding solutions
3. Creating security, belonging and well-being
4. Keeping the circle strong⁶

Seeing our work in this way helps us to keep the child at its center. It reminds us of the importance of building relationships with those around the child, and of sharing wisdom and resources and striving for consensus in collective decision-making. The circle represents the community that provides a safety net for the child and anchors our work in its guidance and teachings. It invites hope; “the Circle is a sacred space where healing can occur, interconnectedness and interdependent relationships with one another are emphasized and unity respectful of our Diversity may be found”⁶.

DEFINITION OF PERMANENCY

Permanency for our children has the following four dimensions²:

1. Relational Permanency

The child feels secure in a loving family context in which they are strongly connected with their own biological family, and their extended family and community.

2. Physical Permanency

The child feels secure in a safe, stable and healthy environment in which the connections between Territory, place and identity are strongly understood and nurtured.

3. Cultural Permanency

The child feels securely connected to their culture, as expressed through practices and activities, spirituality, ceremony, and language, and to a community that is consistent with their ancestry and supports the child to know who they are.

4. Legal Permanency

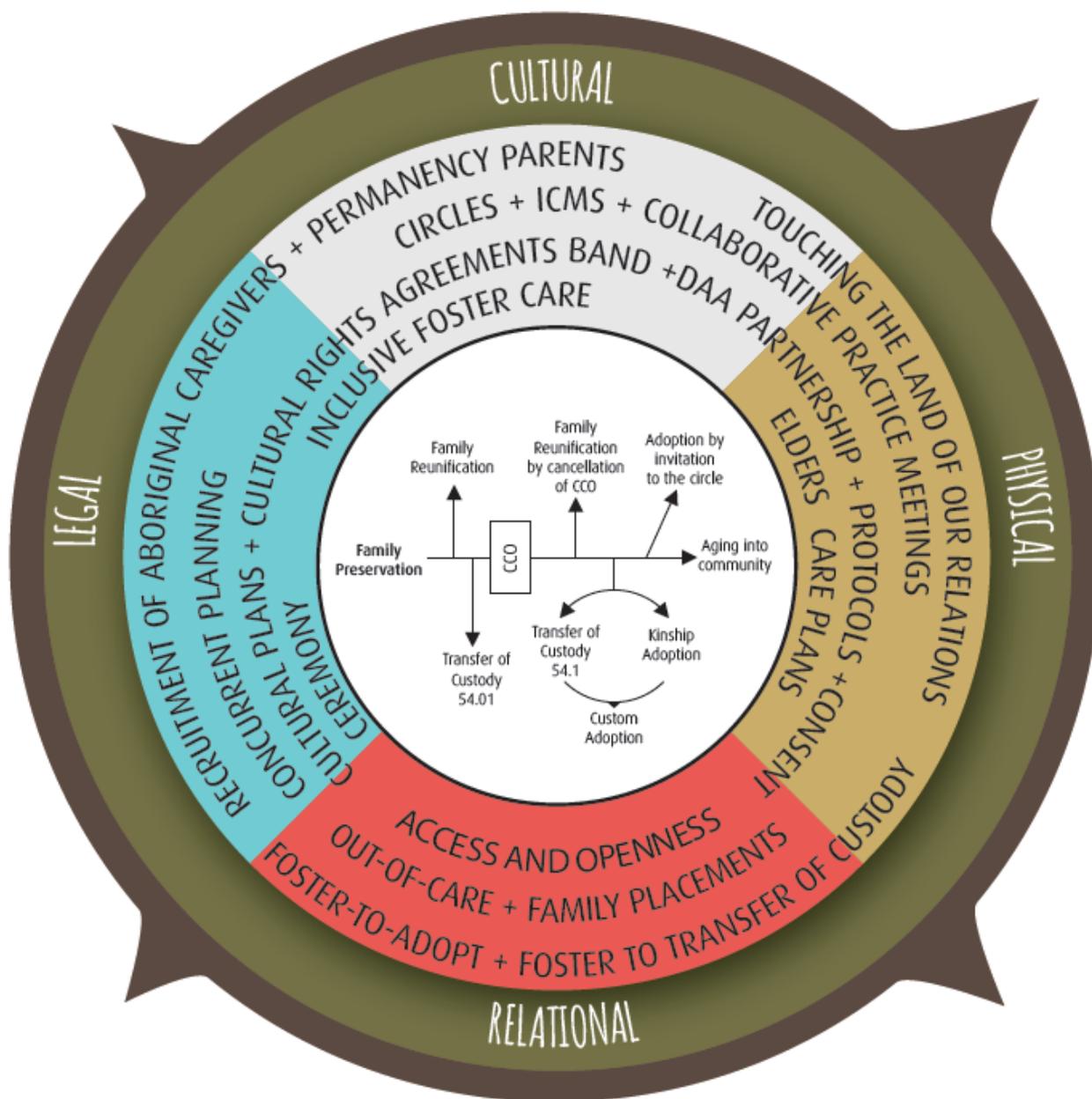
The child feels secure in a legal relationship of permanency that is confirmed by the court or otherwise recognized so that the child’s legal guardianship is clear.

The four dimensions are interconnected. Strengthening relational and cultural permanency increases the likelihood of physical and legal permanency.

⁶ *Aboriginal Policy and Practice Framework in British Columbia*; MCFD, 2016

PATHWAYS TO PERMANENCY

A pathway to permanency is a practice pathway that leads to *all four dimensions of permanency* being secured for a child. Different pathways to permanency are available at different points in the continuum of planning for a child, as illustrated below:



Pathways to Permanency Before a CCO:

1. Family Preservation

The child stays at home in the care of their parent(s)⁷.

2. Family Reunification

The child returns home to the custody of their parent(s) after temporarily living away from the home.

3. Transfer of Custody (S.54.01)

The child moves into the custody of a person with whom they have a relational or cultural connection and who will uphold their rights to relational, cultural and physical permanency.

Pathways to Permanency after a CCO:

1. Family Reunification by Cancellation of a CCO

The child returns home to the custody of their parent(s), after living in care under a Continuing Custody Order.

2. Transfer of Custody (S.54.1)

The child for whom a Continuing Custody Order has been made moves into the custody of a person with whom they have a relational or cultural connection and who will uphold their rights to relational, cultural and physical permanency.

3. Kinship Adoption

The child for whom a Continuing Custody Order has been made is adopted under the Adoption Act by a person with whom they have a relational or cultural connection, who will uphold their rights to relational, cultural and physical permanency and whose application to adopt was made for that specific child.

⁷ See glossary

4. Custom Adoption

This is a community-specific and community-led process by which the child is adopted by a person with whom they have a relational or cultural connection, in accordance with the cultural practices of their Aboriginal community and subject to the consent of the child's parent(s). When initiated by the child's community, VACFSS will seek to support this process⁸.

For a child's rights to legal permanency to be secured in a custom adoption, the process for a Transfer of Custody or Kinship Adoption should also be completed.

5. Adoption by Invitation to the Child's Circle

The child for whom a Continuing Custody Order has been made is adopted under the Adoption Act by a person who does not have pre-existing relationships with the child and their circle, but who is committed to developing these and who will uphold the child's rights to relational, cultural and physical permanency.

A Note about Guardianship under the Family Law Act (FLA)

Under the BC Family Law Act (FLA), any person can apply for guardianship of a specific child prior to a Continuing Custody Order being made. This option to secure legal permanency is chosen by some families involved with VACFSS. However, it is not included in this policy as a permanency pathway. This is because VACFSS has no role in initiating or facilitating the FLA order and workers are not permitted to provide advice regarding whether someone should apply for guardianship of a child under the FLA.

If a person makes an FLA application for guardianship for a child who is subject to a CFCSA Custody Order, VACFSS's role is limited, in almost all instances, to providing information to the court as a witness, through subpoena issued by one of the parties to the FLA proceeding. This information remains focused on the safety and well-being mandate under the CFCSA. VACFSS should only apply to intervene in an FLA proceeding under s. 204(2) of the FLA when the director has a responsibility to protect the safety of a child but is not able to do so through the powers, duties and orders set out in the CFCSA.

⁸ Note that engaging the child's Aboriginal community(ies) and incorporating the proper customs, cultural practices and ceremonies is not limited in this policy to Custom Adoption. It is a requirement for all permanency pathways.

POLICIES PART 1: PLANNING FOR THE CHILD

1. Starting with Principles

Permanency work is guided by the values of Belonging, Respect, Strengths-based Practice, Integrity and Humility. It is conducted in accordance with all applicable practice standards, legislation and VACFSS's philosophy of service delivery, in pursuit of the vision of a balanced and harmonious Aboriginal community. It is grounded in the Principles of Permanency Planning outlined below.

Principles of Permanency Planning

1. Kinship is sacred for our children, enabling them to grow connected to their culture, traditions and communities. When available and in the best interests of the child, Family Preservation and Family Reunification are the preferred permanency pathways. When these are not available or in the best interests of the child, the child's Social Worker seeks permanency with the following:
 - a. Within the child's own extended family, or, if this is not possible,
 - b. Within the child's own Band or Aboriginal community(ies), or, if this is not possible,
 - c. With another Aboriginal family, or, if this is not possible,
 - d. In a location where the child
 - i. Can maintain contact with relatives and friends;
 - ii. Is in the same family unit as the child's brothers and sisters;
 - iii. Can continue in the same school.
2. For each child, we seek the home that provides the greatest relational, physical, cultural and legal permanency that is consistent with the best interests of the child.
3. Any new legally permanent living arrangement maintains or strengthens the child's connections to their family, community and culture.
4. Permanency planning is conducted in meaningful, transparent and collaborative dialogue with the child and their circle of family and community members.
5. Permanency planning is timely and intentional.
6. Permanency planning takes into account the impact of colonisation and the residential school experience on children and their families, and provides opportunities for healing.

2. Discussing Permanency

Within 30 days of beginning service to a family, the child's Social Worker makes and documents efforts to build relationships with the child's parent(s) and the child, and explores with them, in accordance with the child's maturity and developmental capacity, the best ways to support cultural, relational, physical and legal permanency for the child.

3. Working in Dialogue with the Child's Aboriginal Community(ies)

As soon as possible, subject to any necessary parental consent, the child's Social Worker invites a representative of the Chief and Council for the child's Aboriginal community(ies) (matrilineal and patrilineal) to engage in permanency planning.

On an annual basis and in accordance with VACFSS's *Policy for the Annual Notification to Delegated Aboriginal Agencies*, the Guardianship Manager ensures that an invitation to participate in planning is extended to a representative for the Delegated Aboriginal Agency (DAA) associated with the child's Aboriginal community(ies) and, if there is no associated DAA, to a representative of the Ministry for Children and Family Development service delivery area associated with the community(ies).

Each representative is invited to participate at regular intervals in an ongoing dialogue to develop and review the child's Care Plan/permanency plan and, when applicable, the Cultural Rights Agreement. The dialogue addresses plans for the child to strengthen their family, clan, community and cultural connections.

The child's Social Worker, in consultation with the Team Leader, makes a referral to a Kith and Kin Worker or Lifelong Connections Worker when attempts to identify or establish dialogue with the child's Aboriginal Community(ies) are unsuccessful.

Engaging a Child's Aboriginal Community

Procedure

The child's Social Worker:

1. Identifies the child's Aboriginal community(ies) by reviewing the child's file and consulting with the child, their parents, members of their circle, and, if necessary, the Delegated Aboriginal Agency closest to the territory seen by the child and/or their parents as their home territory.
2. Obtains the parents' views on involving the Aboriginal community(ies) in planning and discussions about the child.

3. If the parent(s) of a child served by the Child Protection Program are unwilling to involve the Aboriginal community(ies),
 - a. Discusses with them the benefits and challenges of the community's involvement, and the extent of parental choice in this decision.
 - b. Consults with the Team Leader, taking into account the following:
 - i. The worker must contact the Aboriginal community(ies) when this is required by legislation or protocols or is determined to be necessary to ensure the safety and well-being of the child.
 - ii. When the child is placed subject to an Agreement under CFCSA Section 6, 7 or 8, and the conditions outlined in (i) are not met, information can only be disclosed to representatives of the Aboriginal community(ies) with parental consent.
 - iii. When the child is being cared for under an interim or temporary CFCSA order and the conditions outlined in (i) are not met, information can be disclosed to representatives of the child's Aboriginal community(ies) without parental consent in order to meet CFCSA Section 70 or 71 requirements or to develop a Care Plan for the child.
 - c. Obtains Team Leader approval for the decision whether to contact the Aboriginal community(ies) against parental wishes.
 - d. If the decision is made not to contact the Aboriginal community(ies), revisits this decision with the parents at regular intervals until such time that consent is given or contact becomes required.
 - e. If the decision is made to contact the Aboriginal community(ies) against parental wishes, offers the parent(s) the opportunity to discuss this decision with the Team Leader at a Collaborative Practice Meeting prior to contact or, in the event of an emergency, as soon as possible after contact is made.
4. When initiating contact with the community, makes all reasonable attempts, by telephone, in-person or by email, letter or fax, to arrange a discussion with the designated community representative. If necessary, sends a registered letter to the Chief and Council and requests confirmation of delivery from Canada Post.
5. If necessary, and in consultation with the Team Leader, makes a referral to the Kith and Kin Worker or Lifelong Connections Worker.
6. Discusses with the designated community representative:

- a. The steps that will be taken to work in partnership with the community in the development, review and implementation of the child's permanency plan and/or Care Plan,
- b. The ways in which planning for the child can be informed by the custom adoption, caretaking and permanency practices of the community,
- c. How traditional roles held by the child will be supported,
- d. The community's position on planning for the child, and
- e. How the child might learn about important aspects of their community, history and culture, participate in culturally specific activities and events and otherwise make connections to their community.

4. Engaging Members of the Child's Circle

Subject to any necessary parental consent, the child's Social Worker makes and documents efforts to build relationships with any family or community member or other person who has, or is likely to have, a significant role in permanency planning. When the child is placed out of the home this includes the child's caregiver(s) and their Resources or Out of Care Options Worker.

The child's Social Worker discusses with each person:

1. How they might participate most fully in the permanency process.
2. Ways to strengthen the child's relational, cultural, physical and legal permanency.
3. Pathways to permanency and the child's permanency plan.
4. Permanency traditions and practices within the child's family or community.
5. VACFSS's *Inclusive Foster Care Policy*, if the child is, or is likely to be, placed out of the parental home.

5. Inviting Elders into the Permanency Planning Circle

When it is in the child's best interests and in accordance with VACFSS's *Elders and Knowledge Keepers Policy*, VACFSS Program Elders and/or Elders from the child's Aboriginal Community are invited to join the permanency planning circle for a child.

6. Building a Relationship with the Child

The child's Social Worker meets with the child:

1. At the frequency agreed with the Team Leader when the child is living at home.
2. At least every 30 days when the child is in care.
3. At least every 30 days for the first 6 months that a child is in a temporary Out of Care placement, and every 90 days thereafter.

When a child over the age of 10 is to be served by the Guardianship Program, the Guardianship Manager seeks the views of the child to select a Guardianship Worker. The Guardianship Worker meets with the child no later than 5 days after assuming case responsibility for the child.

All reasonable efforts are made to ensure that the child's Social Worker walks with the child throughout their journey in care, and that the child develops a sense of connection with their worker and with VACFSS as an agency.

The child's Social Worker ensures that to the greatest extent possible, meetings with the child begin with activities to ground or relax the child, and include an acknowledgement of the child's skills and strengths.

Matching the Child in Continuing Custody to a Social Worker

Procedure

1. Whenever possible, prior to case transfer from Child Protection to Guardianship, the Guardianship Manager identifies workers to whom the child's file may be allocated and who may be a good match for the child due to their shared cultural identity and/or interests and strengths.
2. When the child is aged 10 years or older,
 - a. The Guardianship Manager arranges for information about each of the identified Guardianship Workers to be available for discussion with the child.
 - b. The child's Social Worker and/or a representative of the Guardianship Program discusses with the child:
 - i. The relationship-based focus of the program,
 - ii. The importance of the Social Worker/child relationship,
 - iii. The importance, as identified by VACFSS Youth Advisory Committee, of the child participating meaningfully in a process of matching with the right social worker,
 - iv. The matching process,
 - v. Information about each of the identified workers,
 - vi. The child's preferred worker, and
 - vii. The process for problem-solving in the worker-child relationship.

c. The Guardianship Team Leader allocates the file in line with the child's preference unless prevented from doing so by unforeseen circumstances, in which case the child is offered the opportunity to participate again in a matching process involving at least two workers.

7. Involving the Child in Permanency Planning

To the greatest extent possible in light of the child's maturity and developmental capacity, the worker involves the child in developing the permanency plan, takes the child's views about permanency into account and reviews these views at least every 6 months.

For every child who is living away from home, the worker documents:

1. The child's views about:
 - a. Their preferred living arrangements,
 - b. Prospective permanent caregivers,
 - c. Continued relationships with significant people, their culture(s) and community(ies), and
 - d. Which aspects of permanency they wish to strengthen.
2. The work done to determine the child's understanding and views, and how these views are incorporated in the permanency plan.
3. The rationale for the level of the child's involvement in developing the plan, and for any planning that is inconsistent with the child's views.

8. Preparing the Child for Permanency

The child's Social Worker, in collaboration with the child, their parent(s) and/or caregiver(s) and other members of their circle, develops strategies to prepare the child for each stage in the permanency planning process, supporting the child to understand their situation in a restorative way that properly acknowledges the child's roots and the impact of colonisation. The strategies are documented in the Family Plan or Care Plan.

The Team Leader documents the determination that the child is adequately prepared before:

1. The child is informed that a permanency home has been identified,
2. The commencement of a Residency Period, and
3. Before any new arrangement is legally secured by application for a court order or by custom ceremonies or practices.

9. Developing and Documenting the Permanency Plan

Every child served by VACFSS has a permanency plan that describes how the child will be supported to maintain or strengthen relational, cultural, physical and legal permanency. It is documented:

1. By the Child Protection worker in the Family Plan or, when the child is in care, in the child's Interim Care Plan or Care Plan,
2. By the Guardianship Worker in the child's Care Plan, and
3. By the Resource Worker in the Inclusive Foster Care Plan.

10. Concurrently Planning for the Child

While supporting parent(s) to care for the child at home, the Social Worker develops a plan that will achieve an alternative permanency pathway in case Reunification cannot be achieved within CFCSA timelines. Work to develop this alternative plan begins at the first indication that the child may need to be placed out of the parental home.

The child's Social Worker documents the alternative plan in the child's Care Plan (for children in care) or the Family Plan (for children not in care) within 6 months of the child being placed out of the home. The plan includes strategies to search for people with whom the child has a relational or cultural connection and who can support the child's permanency needs.

When the alternative permanency plan is documented in the Care Plan of a child in care, the 'Permanency Goal' is recorded as 'Reunification with family and concurrent planning initiated' until such time that the Team Leader approves that the criteria for an alternative permanency pathway are met in accordance with this policy.

Additional Adoption Procedures

1. With the approval of the Team Leader and within 3 days of the following conditions being met:
 - a. A Continuing Custody Order is granted, and
 - b. The permanency pathway for the child is determined to be Kinship Adoption or Adoption by Invitation to the Child's Circle, in accordance with this policy, the Guardianship Worker updates the child's Care Plan 'Permanency Goal' and the ICM Case Plan applet⁹ to identify the goal/plan as 'Adoption'.
2. Where the chosen permanency pathway is Kinship Adoption, the Guardianship Worker identifies the child in AMS as being 'on hold' and either supports the permanency parent applicant(s) to make an adoption application in accordance with this policy, or links the already approved permanency parent(s) to the child on AMS.

⁹ Updating the ICM Case Plan applet automatically enters the child's details into the Adoption Management System (AMS)

11. Reviewing Permanency Planning

The child's Social Worker and Team Leader review permanency planning for the child at least every 3 months.

At least every 6 months, the child's Social Worker ensures that progress towards permanency is discussed in a meeting to which the child, their parent(s) and all involved members of the child's circle are invited to contribute. The form of the meeting respects the family's cultural beliefs and practices, and its outcomes address the child's needs for safety, well-being and relational, cultural, physical and legal permanency.

The Guardianship Manager reviews permanency planning annually for every child served by the Guardianship Program, and ensures that the consultation and review requirements outlined in *Permanency Policy 6.4* (MCFD) are met.

12. Resolving Differences about Permanency Planning

All reasonable attempts are made to resolve differences through respectful dialogue focused on the best interests of the child. When differences cannot be resolved within the circle, the Worker makes a referral for a facilitated Collaborative Practice Meeting, to which all involved members of the circle, Team Leaders and Managers are invited.

After a Continuing Custody Order has been made, the Guardianship Worker

1. Only proceeds with a permanency plan that is opposed by the child's parent(s) if the Guardianship Manager determines that meaningful attempts to resolve disputes through dialogue have been exhausted and that proceeding is in the child's best interests. The reasons for proceeding are documented.
2. Only proceeds with a permanency plan in the absence of the agreement of the child's Aboriginal Community or Delegated Aboriginal Agency if:
 - a. The Guardianship Manager determines that meaningful attempts to obtain consent through dialogue have been exhausted, dispute resolution processes outlined in any Protocol between VACFSS and the Aboriginal Community/Delegated Aboriginal Agency have been followed, and that proceeding is in the child's best interests, and
 - b. VACFSS' Chief Executive Officer, after consultation with the Provincial Director of Child Welfare Practice, gives written authorization to proceed.

13. Gathering Information about the Child (Including for Proposal Packages)

When the child is placed out of the parental home, the child's Social Worker

1. Refers the child for any medical, educational, developmental or other assessments that are identified as necessary in the Family Plan or Care Plan
2. Compiles information about the child that is necessary for progress to be made on the permanency plan and for the child and any person who has/will have care of the child to understand the child's needs, strengths and story.

Procedures

The child's Social Worker completes the following:

1. Ensures that all assessments and other pertinent information is properly recorded on the child's file.
2. Makes all reasonable efforts to ensure the child has photographs of their parents and other significant people, and keeps a copy of each photo on the child's file.
3. Ensures that the child's family, community and territorial connections are mapped in a genogram, ecomap or other equivalent document that is begun during the first 3 months of involvement with the family and updated at regular intervals.
4. When the child is in care, communicates with the foster parents and Resources Worker to ensure that a Life Book¹⁰ is kept.
5. Places on file:
 - a. A copy of the child's status card or Metis citizenship/membership card
 - b. Certified copies of any access orders
 - c. Care Plans
 - d. A certified copy of the Continuing Custody Order
 - e. A certified True Copy of a Birth Registration, and
 - f. When the plan is Transfer of Custody after a CCO (54,1) or Adoption, information that is necessary for a *proposal package* to be prepared in accordance with Section 35 of this policy¹¹, including information about
 - i. The child's placement history and significant life experiences,
 - ii. The child's medical needs and history,
 - iii. The child's social needs and needs related to relational, cultural and physical permanency, including information about any Access Orders, and
 - iv. The views of the child's Aboriginal community(ies).
6. When the Team Leader has approved Kinship Adoption or Adoption by Invitation to the Child's Circle as the permanency pathway, the child's Guardianship Worker

¹⁰ See glossary

¹¹ When the plan is Transfer of Custody after a CCO (54.1) or Adoption, the worker starts compiling information for the proposal package as soon as possible before and during the assessment of the permanency parent(s).

completes the following or, if they are not delegated to do so under the Adoption Act, arranges for a delegated Worker to complete the following:

- a. Reviews the age, legal status, special service and placement needs of the child to determine whether the child meets the criteria for designation for post-adoption assistance (PAA) in accordance with *Adoption Regulation* Section 26¹².
- b. Within 4 weeks of the child's name being entered into the AMS database, obtains Team Leader approval of the decision to either designate or not designate the child as eligible for PAA.
- c. If approved, completes a *Designation of Child* (Form CF2208).
- d. If the child is designated, documents this on the Care Plan and creates a PAA section on the (CS) file.
- e. Within 6 weeks of the child's name being entered into the AMS database, completes the proposal package, in accordance with Section 35 of this policy and following the *Child and Youth Adoption Proposal Package Guidelines* (MCFD).

14. Building Cultural Permanency

When the child is placed out of the parental home, the child's Social Worker, in collaboration with the child's circle,

1. Identifies strategies to meet the the child's needs for connections to their particular family, community(ies), ancestors, culture(s) and territory, and documents these in the Care Plan or Family Plan.
2. Builds on the identified strategies to develop the child's Cultural Rights Agreement and Openness Agreement(s), when these are required.
3. Applies for status for any child who is entitled to be registered under the Indian Act and/or to be considered for membership status or citizenship with their community, subject to any necessary parental consent and, in the absence of parental consent, not later than 3 months after a Continuing Custody Order is granted.

Procedure

The child's Social Worker completes the following:

1. Explores and implements strategies to promote the child's connections to their

¹² For guidance in following the Regulations related to PAA, see *Post-Adoption Assistance Provincial Guidelines* (MCFD)

culture(s). Such strategies include:

- a. Facilitating the child to spend time with extended family and community members to learn their cultural practices, teachings, spirituality and values.
 - b. Supporting the child's ongoing involvement in the family's or cultural community's ceremonies and celebrations.
 - c. Seeking out cultural centres and cultural programming offered by Elders, cultural workers or community members in the child's home community, and exploring how these might support the child to access their culture and languages.
 - d. Arranging to have the Aboriginal community's newsletter or newspaper sent to the child, or, when it is appropriate, for community members to have regular contact with the child by telephone or social media.
 - e. Seeking out local Elders, mentors or outreach workers who are associated with the child's cultural community.
 - f. Looking for ways to connect the child to their culture through peer groups and/or youth conferences and organizations, including:
 - i. CRUW
 - ii. YAC
 - iii. Gathering the CIRCLE Children's Groups
2. Ensures the plan includes ways to affirm inherent roles, as understood by the Aboriginal child, family and community, and to support the child to participate in culturally specific activities.
 3. Documents the plan in the child's Care Plan or Family Plan.

15. Helping the Child Touch the Land of Their Relations

In accordance with VACFSS's *Touching the Land of our Relations Policy*, the child's Social Worker encourages and supports the child to learn about and visit their home community(ies), and documents steps taken in the child's Care Plan.

16. Building Permanency through Access

Every child placed out of the parental home has a right to access that supports safe connections to their parent(s), family, community(ies) and culture(s). Such access is a restorative child welfare practice.

The child's Social Worker makes access arrangements that strengthen the child's relational and cultural connections, are consistent with the child's permanency plan and are implemented, reviewed and documented in accordance with VACFSS's *Access Practice Directive*.

While all reasonable efforts are made to negotiate access by agreement, an Access Order may be supported when a Team Leader determines that this is in the best interests of the child and the wording is as outlined in VACFSS's *Access Practice Directive*. The Order is reviewed in accordance with Section 40 of this policy when the permanency pathway for the child becomes Transfer of Custody, Kinship Adoption, or Adoption by Invitation to the Child's Circle.

17. Building Permanency through Inclusive Foster Care¹³

Within 30 days of a child coming into care, the Resources Worker facilitates a meeting with the child's Social Worker, caregiver(s) and, if possible, the child's parent(s) and other members of their circle. The purpose of the meeting is to develop an Inclusive Foster Care Plan that details caregiver tasks, supports and resources to ensure that the child's identified needs for cultural, relational, physical and legal permanency are met.

The Resources Worker documents and monitors the Inclusive Foster Care Plan and, every 6 months or when the child's circumstances significantly change, convenes an Inclusive Foster Care Review Meeting to review and strengthen the plan.

¹³ See VACFSS's *Inclusive Foster Care Policy*.

18. Building Permanent Relationships with Siblings

At each stage of permanency planning, the child's Social Worker takes and documents steps to support the child's relationships with their sibling(s).

Before any permanent placement is approved, the Social Worker ensures that

1. A thorough search for the child's siblings has been completed, and
2. Siblings are placed together unless
 - a. This is not possible or not in the child's best interest,
 - b. A plan is in place to develop or strengthen lifelong relationships between the siblings, and
 - c. The relevant Manager approves in writing the plan for the siblings to live separately.

Locating Siblings

Procedure

The child's Social Worker completes the following:

1. Reviews the child's file for information about siblings.
2. Gathers information about siblings from the child and members of the child's circle.
3. When, during planning for a Transfer of Custody or Adoption, it becomes known that a sibling was previously placed for adoption,
 - a. Requests that MCFD Adoption and Permanency Branch provide contact information for the relevant Adoption Worker, and
 - b. Contacts this worker for information and to explore ways to support the sibling relationship.
4. In consultation with the Team Leader, determines the most appropriate way to support the child to develop their relationship with any sibling.
5. If the permanency plan entails siblings being placed apart, prior to placement
 - a. Documents the rationale for this arrangement and the plan to strengthen the sibling relationship, and
 - b. Obtains the written approval of the Program Manager and, for an adoption pathway, of the Director of Operations responsible for adoption.

19. Supporting Youth Who Age into Community

While working to advance all four dimensions of permanency, the Social Worker takes the steps outlined below to support youth to transition into adulthood feeling supported by their community and with lifelong cultural and relational connections.

Procedure

The Guardianship Worker completes the following when the youth is aged:

- **9-13 years**
Supports youth to attend VACFSS's CIRCLE groups and/or to participate in activities and events that enhance their interpersonal skills, increase their community engagement and build supportive peer and adult relationships.
- **14 years**
Informs the youth about available mentorship programs and peer support programs, including CRUW, YAC and the Lu'ma Youth Mentorship Program.
- **15 years**
Initiates the process for eligible youth to transition to adult Mental Health services and Community Living services¹⁴.
- **16 years**
 1. Offers the youth the opportunity to participate in regular Integrated Case Meetings to plan for enduring relationships with their family, community, culture, Social Worker, caregiver(s) (if appropriate) and other people who are important to them.
 2. Informs them about available supports for their ongoing education.
 3. Refers them to a Transitions Worker for individual planning and support.
 4. Completes with them a Plan for Independence.
- **17 years**
 1. Holds monthly Integrated Case Meetings in which the youth participates to the greatest extent possible.
 2. Supports the youth to learn about the Agreement with Young Adults (AYA) Program, to meet with an AYA Worker and, when eligible, to access the program.
 3. Provides the youth with written information about transitional and ongoing resources available to them in the community.

¹⁴ For more details refer to MCFD/DAA and CLBC Operating Agreement, *Services for Transition Youth*, (December, 2015).

Youth Leadership of Integrated Case Meetings¹⁵

Procedure

1. Prior to the first Integrated Case Meeting, the Guardianship Worker discusses with the youth:
 - a. The role of the Integrated Case Meetings,
 - b. The ways in which the youth may lead or otherwise participate in the meetings, including their wish to determine who is to be invited, set the agenda, facilitate the meeting and contribute their views, either verbally or in writing, and
 - c. Supports needed by the youth in order to participate in the meetings, including the presence of a support person and help to prepare their verbal and/or written views.
2. The Guardianship Worker arranges the Integrated Case Meeting, in consultation with the youth.
3. The Guardianship Worker reviews the child's wishes regarding leadership of/participation in these meetings on a regular basis.

¹⁵ These meetings are also called Youth Transitions Meetings

PART 2: ASSESSING FOR PERMANENCY IN THE PARENTAL HOME

20. Assessing and Supporting Family Preservation

When a child is living in the parental home, the Child Protection Worker assesses the family's needs, strengths and challenges and chooses the least disruptive measures available to secure the child's safety and well-being, in accordance with VACFSS's *Keeping Our Children Safe Policy*.

The worker may request funds on behalf of eligible clients when there is a demonstrated need that is within the VACFSS mandate and can be met with available funding.

The worker makes referrals, as required, to services in the community and to the following VACFSS services: Family Preservation and Reunification Counselling; In Home Supports; Strengthening Groups and other Family Preservation Program groups; and Program Elders.

21. Assessing for Reunification Before a CCO

When a child is placed out of the parental home due to a child protection concern, the Child Protection Worker completes a Reunification Assessment and determines at least every 6 months, in consultation with their Team Leader, whether to return the child, to maintain the focus on reunification, or to implement an alternative permanency plan.

Procedure

The Child Protection Worker completes the following:

1. Conducts a Reunification Assessment¹⁶ at the following times:
 - a. Every 6 months, until a permanent legal order is made,
 - b. When changes in the family's circumstances necessitate considering the return of the child to their parent(s), and
 - c. Before a court proceeding regarding custody of the child.
2. Proceeds with reunification planning in accordance with VACFSS's *Keeping our Children Safe Policy* if the Team Leader approves the decision that the child's needs for security, well-being and belonging can be adequately met in the care of their parent(s).

¹⁶ For more information about completing a Reunification Assessment, refer to the *Guidelines for Using Structured Decision Making Assessment Tools in the Child Protection Response Model*.

22. Assessing for Reunification by Cancellation of a CCO

Before proceeding with an alternative permanency pathway, and again before selecting a permanency home, the Guardianship Worker considers Reunification by Cancellation of a CCO and determines if the following criteria for this pathway are met:

- a. There has been a significant change in the circumstances that caused the court to make the CCO
- b. The child's parent(s)
 - i. Want reunification,
 - ii. Have actively engaged in a healing journey, and
 - iii. Are consistently and constructively engaged in the child's life and planning for the child, and
- c. Cancelling the order appears to be in the child's best interests and the preferred way to secure the four dimensions of permanency for the child

When the Guardianship Manager approves that these criteria are met or likely to be met in a timely way, the Guardianship Worker refers the parent(s) for support services and conducts an assessment of the parental home in collaboration with a C6-delegated Worker designated by the Child Protection Manager.

Procedure

1. The Guardianship Worker reviews:
 - a. The circumstances that caused the court to make the CCO, and
 - b. The parent(s)' current relationships with the child, the child's circle and VACFSS.
2. When Reunification by Cancellation of the CCO appears available as a permanency pathway, the Guardianship Worker:
 - a. Completes Initial and Detailed Record Reviews¹⁷ for the parent(s) to whom the child would be reunified,
 - b. Reviews the Child Service files,
 - c. Reviews with the Team Leader whether the criteria for this permanency pathway are met or are likely to be met in a timely way, and
 - d. If the Team Leader approves the decision to proceed, emails the Guardianship Manager for approval to begin an assessment.
3. The Guardianship Worker meets with the parent(s), the child and, in partnership with the parent and child (as age appropriate), other significant people within the child's

¹⁷ These were previously called Prior Contact Checks.

circle, to determine what changes have occurred in the family circumstances, and to explore the current views of the child.

4. If a parent has made an application under s. 54(1) of the CFCSA for permission to apply for the cancellation of the CCO, requests an adjournment of at least three months to allow sufficient time for the assessment to be completed.
5. The Guardianship Worker contacts the C6-delegated Worker responsible for post-CCO Reunification Assessments to discuss initial assessment processes.
6. The Guardianship Worker, in consultation with the C6-delegated worker, completes and reviews Initial and Detailed Record Reviews¹⁸ for all those aged 18 and over who live in the home or who may have significant and unsupervised¹⁹ access to the child and for any youth in the home who may present a risk to the child, subject to written consent (Form CF0623),
7. The Guardianship Worker, in consultation with the C6-delegated worker, completes and reviews Consolidated Criminal Records Checks for all those aged 18 and over who live in the home or who may have significant and unsupervised access to the child and for any youth in the home who may present a risk to the child, subject to their written consent²⁰ (Form CF0622).
8. If the Consolidated Criminal Records Checks indicate that a significant or serious incident may have occurred, the Guardianship Worker, in consultation with the C6-delegated worker, submits a Section 96 request for more information regarding this incident.
9. The Guardianship Worker and C6-delegated worker review any concerns arising from the Record Reviews and CCRCs with the Team Leader, Guardianship Manager and Child Protection Manager, and obtain their approval before proceeding.
10. The Guardianship Worker advises representatives of the child's Aboriginal Community(ies) of the steps taken to explore this permanency pathway.
11. The Guardianship Worker assesses the nature and quality of the parent-child relationship by observing parent-child interactions and eliciting the views of the parent(s), child, caregivers and other relevant people.
12. The Guardianship Worker interviews at least three people who can speak to the parent(s)' engagement in their healing journey, relationship with the child, and readiness to resume custody. The worker documents these interviews.
13. If reunification appears likely, the Guardianship Worker, refers the parent(s) to the Family Preservation and Reunification Program.
14. If the Guardianship Worker finds that the criteria for this pathway are not met, the

¹⁸ These were previously called Prior Contact Checks.

¹⁹ Include adults who regularly stay overnight or stay overnight for more than 30 days, anyone in an intimate relationship with the proposed caregiver, and anyone likely to have regular unsupervised contact with the child in the home. DO not include those who babysit, child mind, host sleepovers or participate in activities outside the home – with these people the caregiver is expected to act as a 'prudent parent'.

²⁰ For more detail see *Criminal Record Check Policy and Procedures for Caregivers*; MCFD, 2013

worker

- a. Obtains Team Leader approval not to pursue reunification efforts.
 - b. Explains reasons for the decision to the parent(s), the child (as appropriate to age), and the representatives of the child's Aboriginal community(ies).
 - c. Explores with the parent(s) their views on alternative permanency pathways and ways in which they might contribute to meeting the child's needs for relational, cultural, physical and legal permanency.
 - d. Discusses the application with legal counsel and prepares to provide the court with VACFSS's position at a hearing if the parent(s) has made an application under s. 54(1) of the CFCSA for permission to apply for the cancellation of the CCO.
15. If the Guardianship Worker finds that the criteria for this pathway are met, the worker
- a. With the approval of their Team Leader, makes a written referral to the C6-delegated Worker responsible for post-CCO Reunification Assessments, summarising the assessment to date and providing copies of the documentation gathered in relation to the Criminal Record Checks, Record Reviews and references.
 - b. Makes a referral to the Collaborative Practice Team for a facilitated meeting with the parents, C6-delegated Worker, Guardianship Team Leader and Guardianship Manager and other members of the child's circle, as appropriate.
 - c. Advises the parent(s) to seek independent legal advice.
 - d. Notifies the Public Guardian and Trustee that reunification is being considered and requests their involvement in the assessment and planning process.
16. The C6-delegated Worker reopens the Family Service file via a Screening Memo and Service Request.
17. The C6-delegated Worker reviews the Family Service file.
18. In collaboration with the Guardianship Worker, the C6-delegated Worker completes a home visit and interviews the child, their parent(s) and all people living in the home.
19. In collaboration with the Guardianship Worker, the C6-delegated Worker gathers relevant information from all involved members of the child's circle, including all professionals involved with the child.
20. The C6-delegated Worker completes the parent section of the Strengths and Needs Assessment to determine if there has been a significant change in circumstances since the Continuing Custody Order was made, and obtains Child Protection Manager approval for the determination.
21. The C6-delegated Worker completes the Reunification Assessment, stopping after the second component of the assessment if reunification is not in the child's best interests.
22. If reunification appears to be in the child's best interests, the C6-delegated Worker and

the Guardianship Worker collaboratively develop a plan, in consultation with the parent(s), caregiver(s), child and Team Leader(s), to increase access over a period of at least 3 months, according to the best interests of the child, and to assess the quality and impact of that access.

23. The C6-delegated Worker, in collaboration with the Guardianship Worker and Family Preservation Worker, makes a recommendation as to whether it is in the child's best interests to proceed to the Residency Period (see Part 3 of this policy)
24. The C6-delegated Worker and Guardianship Worker document the recommendation and its rationale and obtain written approval for the recommendation from their respective Team Leader and Manager.
25. The Guardianship Worker and C6-delegated Worker collaborate to advise the following of the outcome of the assessment:
 - a. The child (as appropriate),
 - b. The parent(s),
 - c. Representatives of the child's Aboriginal Community(ies), and
 - d. Other involved members of the child's circle, as appropriate,
 - e. Legal counsel, if the parent has made an application under s.54(1) of the CFCSA for permission to apply for the cancellation of the CCO.
26. The Guardianship Worker proceeds to plan for the Residency Period in accordance with Part 5 of this policy.

PART 3: ASSESSING FOR PERMANENCY OUTSIDE THE PARENTAL HOME

23. Inviting Members of the Child's Circle to Step Forward for the Child

At the first indication that a placement outside the parental home might be needed, the child's Social Worker initiates a search for caregivers and permanency parents among those people with whom the child already has a relational or cultural connection. The worker invites any person who steps forward for the child to consider their ability to provide permanency or to otherwise contribute to strengthening relational, cultural physical and legal connections for the child.

Procedure

The child's Social Worker

1. Reviews the child's file for extended family members and people with whom they have had significant relationships, including previous caregivers.
2. Consults the child about people with whom they have had significant relationships.
3. Consults with the child's parent(s) and, subject to any necessary parental consent, with representative(s) of the child's Aboriginal Community(ies) and other members of the child's circle.
4. If appropriate, makes a referral to the Kith and Kin Worker or Lifelong Connections Worker to explore for permanency parents within the child's family or community.

24. Temporarily Placing with Members of the Child's Circle (Kindred Caregiver Assessment)

When a placement outside the parental home is necessary, the child's Social Worker looks first to place the child with a person with whom the child has a pre-existing relational or cultural connection, for so long as this is consistent with the child's best interests and the person has been properly assessed as being able to care for the child.

A Kindred Caregiver Assessment is conducted prior to placing a child through:

1. The Extended Family Program (CFCSA Section 8),
2. A Temporary Custody Order pursuant to CFCSA S.35(2)(d) or S.41(1)(b)), or
3. A 90 Day Restricted Foster Care Home Agreement.

The Kindred Caregiver Assessment is conducted by a C6-delegated Worker designated by the Child Protection Manager, or by the child's Guardianship Worker if a Continuing Custody Order has been made.

Procedure

The assessing worker ensures that the prospective caregiver(s) are fully informed about the assessment and completes the Kindred Caregiver Assessment as follows ²¹:

1. Initial and Detailed Record Reviews²²

- a. Obtains a written *Consent for a Prior Contact Check* (Form CF0623) and completes an Initial Record Review for all those aged 18 and over who live in the home or who may have significant and unsupervised²³ access to the child and for any youth in the home who may present a risk to the child.
- b. If a prospective caregiver has previously lived out of British Columbia, obtains a Record Review via the Interprovincial Desk.
- c. Conducts a Detailed Record Review of any electronic and physical files to determine reasons for past involvement and any information pertaining to the current assessment.
- d. Consults with the Team Leader if the Record Reviews raise potential concerns about the child's safety or well-being in the home.
- e. Summarises the results of the Record Reviews in the *Kindred Caregiver Assessment* and attaches the Record Reviews.

2. Criminal Record Checks

- a. Obtains a written *Consent for Disclosure of Criminal Record Information* ²⁴ (Form CF0622) from all those aged 18 and over who live in the home or who may have significant and unsupervised access to the child and for any youth in the home who may present a risk to the child.
- b. Verifies the identification of the person against two pieces of government-issued identification²⁵.
- c. Obtains from the prospective caregiver(s) a written *Consent to a Criminal Records Check for Working with Children and/or Vulnerable Adults* (Form CRR010).
- d. Attaches copies of the consents to the *Kindred Caregiver Assessment*.
- e. Completes the online Consolidated Criminal Record Check application.
- f. Reviews the results.
- g. If advised that a CPIC record has been identified, faxes the original consent form to the Criminal Record Review Unit, requesting that staff provide records-matching verification.

²¹ For more details refer to MCFD Policy 4.1: *Assessing Out-of-Care Care Providers*, 2013

²² These were previously called Prior Contact Checks.

²³ Include adults who regularly stay overnight or stay overnight for more than 30 days, anyone in an intimate relationship with the proposed caregiver, and anyone likely to have regular unsupervised contact with the child in the home. DO not include those who babysit, child mind, host sleepovers or participate in activities outside the home – with these people the caregiver is expected to act as a 'prudent parent'.

²⁴ For more detail see *Criminal Record Check Policy and Procedures for Caregivers*; MCFD, 2013

²⁵ The preferred identification is a driver's license. The license does not have to be valid and/or it can be from out of province. Other acceptable forms of ID include: passport, status card, original citizenship papers, immigration documents, and provincial identification.

- h. Advises the person who signed the consent form of the results of their check and, if necessary, asks for their help in interpreting the results and/or re-submitting the consent form.
- i. If the records check indicates that a significant or serious incident may have occurred, submits a Section 96 request for more information regarding this incident.
- j. Summarises information received in the *Kindred Caregiver Assessment* and attaches written CCRC results.

3. Manager's Approval to Proceed with the Assessment

Reviews any concerns arising from the Record Reviews or CCRCs with the Team Leader and Manager, and obtains their approval to proceed.

4. Home Inspection

- a. Completes a walkthrough of the entire home, inspecting every room, basement, garage etc. Identifies all hazards and the caregiver's plan to address them, and documents this on the *Standards for Foster Home Environment and Safety Checklist*.
- b. Attaches the checklist to the *Kindred Caregiver Assessment*.

5. Interviews

Interviews all those who live in the home (including children under the age of 18) or who will be in a caregiving role for the child. Ensures all the areas outlined in the *Kindred Caregiver Assessment* are addressed.

6. Medical Collateral

- a. Asks the caregivers to complete a *Consent for Disclosure of Medical Information (Form C)*.
- b. Attaches the consent to the *Kindred Caregiver Assessment*.
- c. Contacts the doctor of the prospective caregivers to ascertain whether any medical concerns might impact their ability to care for the child. Asks specifically whether the doctor has concerns about the caregiver's mental health, substance use, violence or parenting capacity, and seeks further information about any such concerns.
- d. Documents the collateral in the *Kindred Caregiver Assessment*.

7. Reference Checks

- a. Interviews at least three people (four people if for a 90 Day Restricted assessment) identified as references by the prospective caregivers, including:
 - i. One person who knows the prospective caregiver in a professional capacity,
 - ii. One member of the prospective caregiver's family, and
 - iii. One unbiased person who has known the prospective caregiver(s) for at least 3 years, is not a member of the caregiver(s)' family and can speak to the safety of the home.
- b. Documents the references in the *Kindred Caregiver Assessment*.

8. Kindred Caregiver Assessment Approval

- a. Not more than 30 days from the date of the last visit to the home, reviews the assessment with their Team Leader and documents a recommendation as to whether the placement should be approved.
- b. Reviews the assessment with their Manager and obtains their written decision as to whether the placement provides for the safety and well-being of the child and is approved
- c. If the placement is approved:
 - i. Advises the child's worker and Team Leader of the outcome (if the assessment has been completed by a person other than the child's worker)
 - ii. Works with the designated administrative staff to set up the contract for the home²⁶.
 - iii. Forwards the *Kindred Caregiver Assessment* package to the Resources Team if the placement is approved for a 90 Day Restricted Foster Care Home Agreement.
- d. If the assessment indicates that the proposed caregiver(s) may not be able to provide for the safety and well-being of the child and the placement is not approved, follows procedures outlined in Section 33 of this policy.

25. Responding to Guardianship Applications under the Family Law Act

When, prior to a Continuing Custody Order being granted, a guardianship application under the Family Law Act (FLA) is to be heard together with a CFCSA proceeding, the child's Social Worker:

1. Takes no position on the FLA application, if the child's permanency plan includes Reunification before a CCO; or
2. Completes the assessment described below to determine whether the FLA application raises concerns about the child's safety and well-being, if the child's permanency plan no longer includes Reunification before a CCO.

Procedure

When an assessment is required, the child's Social Worker completes, or arranges for the Out of Care Options Worker to complete, the following:

1. Visits the applicant's home and interviews the applicant(s) and all other individuals living in the home.
2. Discusses the planned living arrangement with the applicant(s) to ensure that they understand and agree to the plan for the child.

²⁶ See VACFSS Out of Care Administrative Procedural Guide

3. Conducts Initial and Detailed Record Reviews²⁷ for the applicant and any person 18 years of age and over who lives in the home or may have significant and unsupervised access to the child (use Form CF0623: *Consent for Prior Contact Check*).
4. Completes a Consolidated Criminal Record Check for the applicant(s) and any person 18 years of age and over who lives in the home or may have significant and unsupervised access to the child²⁸.
5. Obtains three written references for the applicant(s). These should include one from a member of each of the applicant(s)' family, and one from an unbiased individual who has known the applicant (s) for at least 3 years and is not a member of their family.
6. Determines with the Team Leader whether the FLA application raises concerns about the child's safety and well-being.

26. Responding When Members of the Child's Circle Step Forward as Permanency Parents

When a person steps forward as a permanency parent for a specific child, a worker who has been designated by the responsible Manager as having specialist knowledge of the permanency pathways discusses with that person the information outlined below. When Kinship Adoption is being considered, an Adoption Worker engages in this discussion.

With the approval of the child's Social Worker and Team Leader, an assessment is initiated if the person has a significant relational or cultural connection to the child and appears able and willing to offer the four dimensions of permanency to the child in an informed manner that is consistent with the Family Plan and/or child's Care Plan

Where the person is not a resident of British Columbia, the Social Worker follows the MCFD *Provincial/Territorial Protocol on Children Moving between Provinces and Territories* and, if applicable, MCFD *Adoption Policy Statement 4*.

Procedure

1. Prior to referring any person for assessment, the designated worker discusses with them the following:
 - a. The four dimensions of permanency and available permanency pathways.
 - b. The roles and responsibilities they will be required to assume in relation to the child.
 - c. The child's rights to their culture and community, in the context of the CFCSA

²⁷ These were previously called Prior Contact Checks.

²⁸ This includes individuals 18 years of age and over who are visiting/staying overnight for more than 30 days in the home where the child lives, and anyone in an intimate partner relationship with the proposed care provider, who regularly visits and/or stays in the home where the child lives.

guiding principles and Section 70, the U.N. Convention on the Rights of the Child and the U.N. Declaration on the Rights of Indigenous Peoples.

- d. Available financial supports, their implications and limitations.
- e. Available support services, including VACFSS's Strengthening Relatives Group.
- f. The assessment process.
- g. The VACFSS complaints process and the role of the Representative for Children and Youth, the B.C. Ombudsman and the Helpline for Children.

27. Supporting Foster-to-Adopt and Foster-to-Transfer-Custody

Foster caregivers can become part of a child's kinship network when significant cultural and relational connections between the child, the child's family and themselves are formed over time.

When a foster caregiver has established significant cultural and relational connections to a child, the potential for a foster-to-adopt/transfer-custody arrangement is discussed with representatives of the child's Aboriginal Community(ies) at the earliest opportunity.

The response to any foster caregiver who expresses interest in providing permanency for the child through a Transfer of Custody (54.1) or Kinship Adoption is in accordance with Section 26 of this policy.

Procedure

In addition to the information outlined in Section 26 of this policy, the following information is discussed with the foster caregiver(s):

1. The first Principle of Permanency Planning (see Section 1 of this policy) regarding the order in which permanent living arrangements for the child are considered, and
2. The need, when the foster caregivers are not Aboriginal or members of the child's extended family and the plan is Adoption, to complete an AMS search for approved Aboriginal permanency parents and to consider the suitability of any person identified in the search, and
3. The need, when the foster caregivers are not Aboriginal or members of the child's extended family and the plan is Adoption or Transfer of Custody after a CCO (54.1), to obtain the approval of the Exceptions Committee (see Section 39 of this policy).

28. Assessing²⁹ Members of the Child's Circle who Step Forward as Permanency Parents

The assessment for the relevant permanency pathway is completed in accordance with Sections 29-31 of this policy. Each aspect of the assessment is documented. The assessment includes a recommendation as to the applicant(s)' ability to parent the child, and addresses their:

1. Relationship with, hopes for, and perception of the child,
2. Motivations for becoming the child's permanency parent,
3. Understanding of the child's mental, physical, emotional and spiritual needs needs into adulthood,
4. Plans to meet the child's needs in light of applicant(s)' life stage and living situation,
5. Understanding of the child's relationship with siblings, parents and other important members of their extended family and community, and ability to support these relationships, as outlined in the Family Plan and/or child's Care Plan,
6. Understanding of the child's cultural identity and connections, and ability to support these as outlined in the Family Plan and/or child's Care Plan,
7. Understanding of the views of the child's Aboriginal community(ies).

29. Assessing Applicant(s) for Transfer of Custody before a CCO (54.01)

The assessment is completed by a C6-delegated worker designated by the Child Protection Manager.

The assessment consists of

1. The *Kindred Caregiver Assessment*, completed prior to placement in accordance with Section 24 of this policy, and
2. The *Assessment of Proposed Guardians under a Section 54.01 Order*, completed at the end of the Residency Period.

²⁹ In this policy the term "assessment" is applied to all permanency pathways, and is interchangeable with the term "home study".

Procedure

The child's Social Worker completes the following:

1. Makes a referral for a Kindred Caregiver Assessment to be completed with the applicant(s) (see Section 24 of this policy), with a view to placement in the home under CFCSA Section 8, 35(2)(d) or 41(1)(b), in accordance with VACFSS's *Keeping our Children Safe Policy*.
2. After the child has completed a Residency Period of at least 6 months in the home of the applicant(s) (not including time spent subject to an Interim Custody Order (S35(2)(d))), obtains Team Leader approval to submit a referral to the Child Protection Program Manager/their designate for completion of the 54.01 assessment. The referral includes a brief summary of any changes in the child's situation since the original Kindred Caregiver Assessment was completed.
3. Reviews the referral in person with the Child Protection Manager or their designate, who allocates a C6-delegated worker to complete the assessment.

The assessor completes the following³⁰:

1. Ensures the applicant(s) receive written information about the 54.01 process, the responsibilities of a permanency parent, the availability of financial and other supports (including access to federal benefits), and expectations regarding VACFSS monitoring and collaboration.
2. If the applicant(s) are Restricted Family Care Home Caregivers for the child, meets with the Resources Worker to review the assessment completed for that purpose and any other relevant information pertaining to the home.
3. Subject to required consent and approval procedures, completes Initial and Detailed Record Reviews³¹ for any person who has not had these checks within the past 2 years and who lives in the home or may have significant and unsupervised access to the child.
4. Subject to required consent and approval procedures, completes a Consolidated Criminal Record Check for any person who has not had a check within the past 2 years and is
 - a. Aged 18 and lives in the home or may have significant and unsupervised access to the child, or
 - b. Is a youth in the home who may present a risk to the child.
5. Visits the home.
6. Interviews each person living in the home.
7. With the applicant(s), completes Form CF2194 *Assessment of Proposed Guardians under a Section 54.01 Order*. If the applicant(s) are already approved Restricted Caregivers or Family Care Home Caregivers for the child, the Child Protection Manager

³⁰ For more details refer to the MCFD Policy 4.1: *Assessing Out-of-care Care Providers*

³¹ These were previously called Prior Contact Checks.

may give written approval to complete only those sections of Form CF2194 which pertain to the child's long-term care and the caregiver(s)' capacity to become the child's permanency parent(s).

8. Attaches the completed Form CF2194 and any additional Record Reviews/CRRCs to the front of the original *Kindred Caregiver Assessment* package.
9. Reviews the assessment package with the child's Social Worker, Team Leader and Program Manager to determine whether it is in the child's best interests for custody to be transferred to the applicant(s) and for the child's Social Worker to convene a meeting of the child's circle and to follow the steps outlined in Part 6 of this policy to secure legal permanency.

30. Assessing Applicants for Transfer of Custody after a CCO (54.1)

The assessment is completed by a C4-delegated worker who has received Structured Analysis Family Evaluation (SAFE) training.

Procedure

The Guardianship Worker does the following:

1. With the written approval of the Team Leader and Guardianship Manager
 - a. Completes a *Kindred Caregiver Assessment*, in accordance with Section 24 of this policy, or
 - b. If the applicant(s) are Restricted Caregiver(s) or Family Care Home Caregiver(s) for the child, obtains the written approval of the Resources Manager for the assessment to proceed and emails the Resources Worker to request that they complete:
 - i. An Initial and Detailed Record Review³² for any person who lives in the home or may have significant and unsupervised access to the child, and
 - ii. A Consolidated Criminal Record Check for any person who is aged 18 and lives in the home or may have significant and unsupervised access to the child, or is a youth in the home who may present a risk to the child.
2. In consultation with the Team Leader, and considering the information gathered, determines whether to proceed.
3. If the decision is made to proceed
 - a. Emails the Resources Manager and Guardianship Manager to request that an appropriate assessor be identified to conduct the SAFE assessment.

³² This was previously called a Prior Contact Check.

- b. Arranges for a meeting with the applicant(s), the identified assessor and, if the applicant(s) are Restricted Family Caregiver(s), their Resources Worker.
 - c. Determines, in consultation with the Team Leader, whether it is in the best interests of a child who does not already live in the home to move into the home on a 60-Day Restricted Family Care Home basis while the SAFE Assessment is completed.
4. If the applicant(s) are current approved Restricted Caregiver(s) or Family Care Home Caregiver(s), the assessor:
 - a. Obtains their written consent to review their Resources file (Form CF 0609 *Consent to Disclosure of Information*) and, in collaboration with the Resources Worker, reviews this file, and
 - b. Obtains the approval of the Program Manager/their designate to proceed only with those parts of which are determined to be necessary for a complete assessment of the caregiver(s)' capacity to become the child's permanency parent(s).
 5. The assessor completes the assessment³³, documenting all results, including any concerns and recommendations for addressing them.

31. Assessing an Applicant for Kinship Adoption

When the applicant(s) have been approved to proceed by the centralised HUB, the assessment is completed by an Adoption Worker who has received Structured Analysis Family Evaluation (SAFE) training, subject to the applicant(s) having completed the required Adoption Education Program.

Procedure

The Guardianship Worker completes the following:

1. Emails the Team Leader and Manager, to advise of the applicant(s)' interest, their connection to the child, and the name and date of birth of the child.
2. In consultation with the Team Leader and Manager,
 - a. When applicant(s) have not yet been approved to adopt:
 - i. Assists them to complete their application for the centralised HUB, and

³³ For more details refer to the MCFD Policy 4.1: *Assessing Out-of-care Care Providers*

- ii. Creates a Memo in ICM and transfers the application to the HUB.
- b. When applicant(s) have already been approved for adoption by a British Columbia Licensed Adoption Agency or agency outside of BC, arranges for an Adoption Worker to determine:
 - i. If the home study is current (i.e. updated every 12 months, including a Criminal Record Check and complete Initial/Detailed Record Reviews³⁴), and
 - ii. If the applicant(s) need to re-take the Adoption Education Program, and
 - iii. Whether to proceed with the assessment and placement process, in accordance with this policy.
- 3. Consults with the HUB as to where the Adoption Home (AH) file will be transferred.
- 4. If the AH file is to be held at VACFSS³⁵, emails the Resources Manager and Guardianship Manager to request that an Adoption Worker be identified to conduct the SAFE Assessment.
- 5. If the applicant is neither Aboriginal nor related to the child, arranges for an AMS database search for approved Aboriginal permanency parents, and evaluates the outcome of the search with the Team Leader.
- 6. Communicates with the Adoption Worker to provide any further information required.

The Adoption Worker completes the following:

- 1. Reviews all documentation provided by the centralised HUB.
- 2. Within 7 days of receiving the file, consults with any Resources Worker for the applicant(s) and meets with the applicant(s) and the child's Social Worker in order to confirm that there is a suitable match between the applicant and child and to discuss any outstanding questions or concerns and how those may be successfully managed.
- 3. Facilitates the applicant(s) to complete the required Adoption Education Program (AEP), ensuring that on completion a copy of the AEP completion record is placed on the AH file.
- 4. Determines with their Team Leader whether the assessment should proceed and advises the applicant of this decision within 7 days.
- 5. Completes the SAFE Assessment in accordance with MCFD's *Practice Standards and Guidelines for Adoption*, ensuring that assessment meetings are scheduled and include:

³⁴ Previously called Prior Contact Checks

³⁵ Only DAAs that have been delegated to deliver services under the Adoption Act can hold AH files. At the time of writing VACFSS does not yet hold this delegation.

- a. At-home in-person individual applicant interviews and, if there are two applicants, at-home in-person joint applicant interviews,
 - b. Interviews with any child living in the home, as part of the interview with their parent(s) if they are very young, or separately if the child is developmentally able to express their views about the proposed adoption,
 - c. Separate, in-person interviews with other members of the household, and
 - d. At least one interview with all members of the household together to assess the quality of household relationships.
7. Reviews the draft assessment with their Team Leader.
 8. Provides a completed draft copy to the applicant(s) within 4 months, unless the Deputy Director of Adoption has approved an extension.
 9. Requests feedback from the applicant(s) within 10 days and, if necessary, amends the study in light of the feedback.
 10. Within 10 days of the feedback being received, obtains the Team Leader's signed approval for the final written assessment (see Section 32 of this policy).

32.Approving Members of the Child's Circle as Permanency Parents

The assessor reviews the assessment with their Team Leader and approves the applicant(s) if they are determined to have the understanding, capacity and willingness to meet the child's needs for physical, relational, cultural and legal permanency.

The assessor documents Team Leader and Program Manager approval for the outcome of the assessment and, within 5 days of the approval:

1. Provides a signed copy of the assessment to the applicant(s) and to the child's Social Worker
2. Offers to meet with the child's Social Worker and applicant(s), in person or by telephone, to discuss the outcome of the assessment and immediate steps they might take to support the child's relational, physical and cultural permanency
3. Advises the Resources Worker of the assessment outcome, if the applicants are approved caregivers.

Until the child is placed, the assessor updates the assessment and obtains Team Leader approval for the update at least annually and when there is a significant change in the permanency parent(s)' circumstances.

Additional Adoption Procedures

The Adoption Worker completes the following:

1. Within 5 days of the Team Leader signing the assessment, schedules a final meeting with the applicant(s) to sign off the assessment study.
2. Uploads the study onto the AMS database.
3. Prepares a report that
 - a. Describes the preparation of the applicant, as per the *Adoption Regulations*,
 - b. Summarizes the assessment, and
 - c. Includes a recommendation as to the applicant(s)' suitability to parent a child with the needs for which they have applied, and identifies the number and ages of children they are approved to adopt.

33. Determining Not to Proceed with Assessment and Approval

The assessment and approval process stops at any point that it is determined, with the written approval of the Team Leader and Manager, that concerns raised during the process cannot be resolved in a manner that would allow the applicant(s) to provide the four dimensions of permanency for the child in a manner than is consistent with the child's safety, well-being and best interests.

Within 10 days of the decision not to proceed, the assessor completes the following:

1. Advises the child's Social Worker of the decision,
2. In accordance with the confidentiality requirements outlined below, advises the applicant(s) of the decision in person or in writing,
3. Offers information and referrals as appropriate, including information about the complaints process,
4. Discusses with the applicant(s) other ways in which they might contribute to meeting the child's needs for relational, cultural, physical and legal permanency.



Confidentiality Regarding Concerns about a Person Other than the Applicant(s)

Unless it pertains to the immediate safety and wellbeing of a child, information gathered from an Initial/Detailed Record Review, Criminal Record Check or interview with a person other than the applicant(s) can only be shared with the applicant(s) if that person has signed a *Consent to the Disclosure of Information* form (CF0609) regarding the information.

If the person does not sign this consent, advise the applicant(s) that

1. Concerns exist relating to the child's safety and well-being as a result of the person's checks, without providing identifying information,
2. The assessment will not be approved unless and until the concerns relating to the child's safety and well-being are addressed, and

3. The applicant(s) should speak to the person for further information.

34. Identifying Approved Adopters for Invitation into the Child's Circle

The Guardianship Worker initiates a search for suitable approved adopters when, following a meeting of the child's circle and a thorough search for permanency parents within the child's kinship network, the Team Leader and Guardianship Manager approve the decision that

1. It is unlikely that permanency parents will be identified from within the child's kinship network within a timeframe that is in the child's best interests, and
2. Adoption by Invitation to the Child's Circle is the plan that best meets the permanency needs of a child for whom a CCO has been made.

The search follows the order of priority described in the first Principle of Permanency Planning (see Section 1 of this policy). If suitable approved adopters have not been identified within 4 months, the Guardianship Worker, Team Leader and child's circle meet to develop a matching and/or recruitment plan.

Procedure

1. Within 3 days of the Guardianship Manager approving that the child's permanency pathway is Adoption by Invitation to the Child's Circle, the Guardianship Worker documents the Care Plan permanency goal as "Adoption" and enters the child's name into the AMS database, if this has not already been done.
2. Within 30 days, the Guardianship Worker begins a search for suitable approved adopter(s) on the AMS database and through networking opportunities as approved by the Team Leader.
3. When a possible match is identified, the Guardianship Worker, with documented Team Leader approval, contacts the Adoption Worker for the identified adopter(s).
4. The Adoption Worker confirms that the identified adopter(s) have been approved to adopt and that their assessment is current, new Initial/Detailed Record Reviews³⁶ have been completed and the Criminal Record Checks are not older than 9 months.
5. The Guardianship Worker and Adoption Worker explore the suitability of the match by sharing non-identifying information about:
 - a. The child's needs, including requirements related to relational, cultural and physical permanency, as outlined in the Care Plan, and

³⁶ Previously called a Prior Contact Check.

- b. The identified adopter(s) capacity to meet these needs, including whether the identified adopter(s) can support the type and frequency of ongoing relational and cultural engagement determined to be in the child's best interests.
6. If the match appears to be suitable and the identified adopter(s) wish to view the child's proposal package, the Guardianship Worker obtains the written approval of the Team Leader to share the proposal package with the Adoption Worker, and forwards this approval to the Adoption Worker to place on the AH file.
7. If more than one home appears to be a suitable match, the Guardianship Worker convenes a meeting with their Team Leader, Guardianship Manager and Guardianship Consultant to determine their relative suitability, taking into account the known views of the child's circle and Aboriginal community(ies).

35. Ensuring Permanency Parents Make an Informed Decision (Proposal Packages)

The child's Social Worker arranges for permanency parent(s) who have been assessed, approved, and identified as suitable for the child, to receive sufficient written information about the child's needs, strengths and story to enable them to properly care for the child and to make an informed decision to proceed.

For a Transfer of Custody after a CCO (54.1) or an Adoption pathway, the information is redacted and organised by a qualified designate of the Guardianship Manager into a proposal package, in accordance with the *Child and Youth Adoption Proposal Package Guidelines* (MCFD). The proposal package includes the child's updated and previous Care Plans and information about:

1. The child's placement history and significant life experiences,
2. The child's medical needs and history,
3. The child's social needs and relational, cultural and physical permanency needs, and any Access Orders, and
4. The views of the child's Aboriginal community(ies).

Additional Adoption Procedures

1. Within 14 days of the match being approved, the Guardianship Worker sends redacted copies of the child's proposal package to the Adoption Worker for the identified adopter(s), in accordance with the *Child and Youth Adoption Proposal Package Guidelines* (MCFD).
2. Within 7 days of receiving the proposal package, the Adoption Worker
 - a. Places all received documentation on the AH file,

- b. Reviews the proposal package,
 - c. Consults with their Team Leader and documents the decision as to whether or not the match is suitable,
 - d. If the match is deemed suitable, shares a copy of the proposal package with the identified adopter(s).
3. The Adoption Worker ensures that identified adopter(s) have the opportunity to consult with medical professionals and/or others about the child's medical issue(s).
4. If the identified adopter(s) wish to proceed to be invited into the circle as the child's permanency parent(s), the Adoption Worker confirms the decision by email with the Guardianship Worker.
5. If the Guardianship Worker, in consultation with their Team Leader also wishes to proceed, the Adoption Worker:
 - a. Completes a Letter of Acknowledgement detailing the documentation that has been provided to the identified adopter(s) and confirming their wish to proceed
 - b. Reviews the Letter of Acknowledgement with the identified adopter(s) and secures their signature on the document.
6. The Adoption Worker facilitates the identified adopter(s) to complete the "Description of services to be provided based upon the child's needs" and "Target date" categories of the child's non-identifying Care Plan.

36. Selecting the Right Home for the Child

The selected home is the approved home that best meets the child's needs for physical, cultural, relational and legal permanency. The selection of the home takes into account the views of the child and the child's circle, including representatives of the child's Aboriginal Community(ies). The selection of the home is approved in writing by the Team Leader(s) responsible for the child and for the permanency parent(s), and by the Manager responsible for the child.

If the pathway is Adoption by Invitation to the Child's Circle, a plan is developed as soon as possible to build relationships between the selected permanency parent(s) and members of the child's circle.

Additional Adoption Procedures

1. After the identified adopter(s) have accepted the adoption proposal, a teleconference/meeting is held between the Guardianship Worker, the Adoption Worker and both Team Leaders to:
 - a. Confirm that the match is suitable for the child and that the identified adopter(s) are to be invited into the child's circle as the child's permanency parent(s),

- b. Develop a plan to build relationships between the permanency parent(s) and members of the child's circle,
 - c. Document approval of the Care Plan by all participants,
 - d. Develop the plan for pre-placement visits and the Residency Period, in accordance with Part 5 of this policy.
2. Within 3 days of the selection being approved, the Guardianship Social Worker meets with the child to discuss the selection of the permanency parent(s), in accordance with the child's developmental capacity, and to determine their views regarding pre-placement visits and other means to establish or strengthen their relationship with the permanency parents pre-placement.
3. The Guardianship Worker shares the child's views with the Adoption Worker, and any other member of the child's circle who is to support the child in their transition to the permanency home, and collaboratively develops a plan for this transition.

PART 4: SECURING COMMITMENTS TO RELATIONAL, CULTURAL AND PHYSICAL PERMANENCY

37. Making Commitments to Relational, Cultural and Physical Permanency

Prior to the Residency Period for a Transfer of Custody after a CCO (54.1) or an Adoption, a Cultural Rights Agreement³⁵ and Openness Agreement(s) are developed with the permanency parent(s) and other affected parties.

These agreements are developed through dialogue with the child, the child's Social Worker, the Social Worker for the permanency parent(s), and members of the child's circle, including representatives of the child's Aboriginal community(ies). They describe the permanency parent(s)' current and future commitments to supporting the child's rights to continuing safe relationships with their family, culture(s) and territory(ies).

The child's Social Worker advises the permanency parent(s) that

1. Because such agreements are not legally binding, a court application for legal permanency is contingent on their demonstrating their good faith commitment to the agreements during the Residency Period, and
2. Barriers to keeping to the agreements should be discussed with the Social Workers for the permanency parent(s) and for the child at the earliest opportunity.

38. Developing the Cultural Rights Agreement³⁸

When the plan is Transfer of Custody after a CCO (54.1) or Adoption, the Guardianship Worker collaborates with the child's circle, permanency parent(s) and Social Worker for the permanency parent(s) to develop a Cultural Rights Agreement.

The Cultural Rights Agreement preserves and strengthens the child's unique cultural identity and is developed in collaboration with representatives of the child's Aboriginal community(ies). It is signed by the child's permanency parent(s) and representatives of the child's Aboriginal community(ies) prior to the beginning of the Residency Period.

Procedure

³⁸ This is known elsewhere as a Cultural Safety Agreement or Cultural Plan. The Cultural Rights Agreement builds on the strategies to preserve the child's unique cultural identity that are identified in the child's Care Plan

The Guardianship Worker,

1. Determines the content and signatories to the Cultural Rights Agreement in dialogue with the permanency parent(s) and their Worker, child and the child's planning circle.
2. Ensures the plan³⁹ includes:
 - a. Contact information for:
 - i. The child's community(ies) of origin,
 - ii. Family members with whom the child will maintain relationships,
 - iii. Resources and support people, including Elders, from or relating to, the child's community(ies).
 - b. Provisions to:
 - i. Send the child information about and from the child's community,
 - ii. Support the child to visit their home community,
 - iii. Invite the child to important ceremonies and family events,
 - iv. Invite family or community members to the permanency home,
 - v. Incorporate traditional values and practices specific to the child's home territory(ies) into the child's life in their permanency home,
 - vi. Celebrate the four dimensions of permanency in a way that honours the customs and practices of the child's community(ies) (See Section 53 of this policy), and
 - vii. Ensure the plan remains relevant as the child matures.
 - c. Information about building relationships with, and learning and practising the protocols of the child's community,
 - d. Information as to how costs associated with the plan will be met.
3. As necessary, offers a referral to VACFSS' Collaborative Practice Team for a facilitated process to develop the plan.
4. Ensures all parties are clear about the procedures for regular monitoring and review of the plan which continues until the point that the legal order for Transfer of Custody or Adoption is made.
5. When, in consultation with the Team Leader, it is determined that it is likely that the duties and commitments identified in the Cultural Rights Agreement will be carried out, obtains signatures from each party who is responsible for carrying out these commitments.
6. Provides each signatory with a copy of the plan.
7. Places a copy of the plan on the child's file, and arranges for a copy to be placed on any related Resources or AH file.

³⁹ See *Developing a Cultural Safety Agreement: Adoption placement of an Aboriginal Child into a Non-Aboriginal Home Guidelines* (MCFD, 2009). While these guidelines were written in relation to Adoption, they can also inform the development of the Agreement in relation to 54.1

39. Obtaining Exceptions Committee Approval

When the permanency parent(s) are neither members of the child's extended family nor Aboriginal, the approval of the Exceptions Committee is obtained prior to the child being placed for the Residency Period for a Transfer of Custody after a CCO (54.1) or Adoption pathway.

Procedure⁴⁰

1. The Social Workers for the child and for the permanency parent(s) collaborate to ensure that the written request to the Exceptions Committee includes:
 - a. The Cultural Rights Agreement,
 - b. Detailed information about how the placement is in the child's best interests,
 - c. The documented approval of the:
 - i. Guardianship Team Leader and Manager, in the case of a Transfer of Custody after a CCO under 54.1,
 - ii. Adoption Team Leader and Deputy Director of Adoption, in the case of an Adoption.
2. The Guardianship Worker submits the written request to the VACFSS Director of Programs for submission to the VACFSS Exceptions Committee⁴¹ or, if submission is to the Provincial Exceptions Committee, to the Deputy Director of Aboriginal Services.
3. The Guardianship Worker records the response of the Exceptions Committee on the CS file and, for an Adoption pathway, conveys it to the Adoption Worker for documentation on the AH file.

⁴⁰ Useful additional information regarding compiling an application to the Exceptions Committee can be found in *Application for Exception to Policy: Adoption Placement of an Aboriginal Child into a non-Aboriginal Home Guidelines* (MCFD, 2009). Note that these guidelines were written in relation to the Provincial Exceptions Committee and at a time when only requests related to Adoption went to the committee.

⁴¹ At the time of writing, it is envisaged that VACFSS will develop their own Exceptions Committee, to include DAA and MCFD SDA representatives, representatives of the Deputy Director of Adoption and Deputy Director of Aboriginal Services, VACFSS Elders and VACFSS YAC representatives.

40. Managing Access Orders and Developing Openness Agreements

When the plan includes Transfer of Custody or Adoption, the child's Social Worker:

1. Reviews any existing Access Orders and access arrangements to ensure they are in the child's best interests.
2. Gives proper written notice of the permanency plan to any person who has access rights to the child through a court order, legally enforceable agreement or de facto access.
3. With the approval of the Team Leader and Manager, applies to the court to vary or set aside any Access Order that presents a substantial impediment to the permanency plan or is otherwise inconsistent with the child's best interests.
4. Invites any person with access rights to collaborate in developing a plan to sustain their relationship with the child in a manner that is in the best interests of the child.
5. Before the the Residency Period begins for a child for whom a CCO has been made, works with the person with access rights and the permanency parent(s) and their Social Worker to develop Openness Agreements that support the child's significant relationships.

Procedure

The child's Social Worker:

1. Determines if an Access Order has been made to any person or whether any person has de facto access (i.e. access without a court order or legally enforceable agreement) to the child.
2. Obtains the child's wishes regarding their ongoing relationships.
3. As early as possible, makes all reasonable efforts to inform any person with access rights about the permanency planning process and to invite them to contribute to planning for the child. This planning should address the question of their continuing relationship with the child through an order or agreement that is consistent with the child's best interests. It should include all parties who are likely to have an interest in contact after an order for legal permanency is made, including parents, siblings, other relatives, and caregivers.
4. Determines, in consultation with the Team Leader and the child's circle, whether any Access Order or de facto access presents a barrier to permanency planning for the child, and how such a barrier is best addressed.
5. Consults with the Program Manager and legal counsel if an application to vary or set aside an Access Order is in the child's best interests.
6. Makes all reasonable efforts to inform the permanency parent(s) and the person with access rights about the impact of any planned application on the Access Order as

follows:

- a. When an order is made to transfer custody under Section 54.01 or 54.1, an Access Order can be made under Section 57.01 or 57.1 respectively. The Access Order is between the permanency parent(s) and the person who has been granted access. VACFSS has no discretion, continuing involvement or ability to supervise the access, and any subsequent applications to vary or terminate the order are made under the Family Law Act and not the CFCSA.
 - b. When an Adoption Order is made, it terminates the person's access rights, unless the court orders otherwise⁴². If an Access Order is made under Section 38, it is considered a new order under the Adoption Act. VACFSS has no discretion, continuing involvement or ability to supervise the access, and any subsequent applications to vary or terminate the order are heard by the Supreme Court.
7. Documents, for the courts, the permanency parent(s) views regarding access and reasons that access should or should not be supported.
 8. Gives the following notice:
 - a. For Transfer of Custody before a CCO (54.01): No later than 30 days written notice to each person with court-ordered access under CFCSA Section 55(4) or (5).
 - b. For Transfer of Custody after a CCO (54.1): No later than 10 days written notice to each person with court-ordered access under CFCSA Section 56.
 - c. For Adoption: No later than 90 days written notice, in accordance with *Notifying Person with an Access Order and/or Discretionary (De Facto) Access when there is an Adoption Plan Practice Directive* (MCFD, 2013)⁴³ to any person who has access to the child as a result of a CFCSA order or who has de facto access.
 9. Consults with the Team Leader if a person who must be served notice cannot be located.
 10. Before the Order for legal permanency is granted, ensures that any Openness Agreement is completed and signed by all involved individuals, including the child if they are 12 years or over.
 11. Places signed copies of the Openness Agreement on the CS file when the plan is Transfer of Custody at a CCO (54.1), and arranges for them to be placed on the AH file when the plan is Adoption.
 12. When the plan is Adoption, registers the Openness Agreement with the Openness Exchange Registry.
 13. If, before the Order for legal permanency is granted, the permanency parent(s) request a change in the terms of a completed Openness Agreement, consults with the Team Leader and other involved parties to determine a response that is in the child's best

⁴² If an Access Order was granted with the CCO, the court will need evidence that there has been a significant change in the child's circumstances for an application to vary or remove the Access Order to be successful.

⁴³ This Practice Directive includes detailed information regarding notice, including service templates

interests.

41. Demonstrating Commitments to Relational, Cultural and Physical Permanency

The child's Social Worker only moves forward with an application for a Transfer of Custody after a CCO (54.1) or Adoption Order at the end of the Residency Period if the permanency parent(s) have demonstrated their good faith commitment to the child's Cultural Rights Agreement and Openness Agreements.

PART 5: BUILDING CONNECTIONS WITH A RESIDENCY PERIOD⁴⁴

42. Understanding the Objectives of the Residency Period

The child lives in the permanency home for a Residency Period of 6 months prior to an application to secure legal permanency through a Transfer of Custody (54.01 or 54.1), Reunification by Cancellation of a CCO, or Adoption Order.

If it is in the child's best interests and the responsible Manager gives written approval, the Residency Period may be

1. Extended to allow its objectives to be met; or
2. Shortened or dispensed with, subject to the court's approval and, for an Adoption pathway, with the prior written approval of the Provincial Director of Adoption.

Procedure

1. Prior to the beginning of the Residency Period, the Social Worker responsible for supporting the permanency parent(s) discusses with them the objectives of the Residency Period, identifying them as to:
 - a. Provide the child and the permanency parent(s) with an opportunity to assess the feasibility of the permanency plan
 - b. Provide the child and permanency parent(s) an opportunity to develop or strengthen their relationship and receive support during a critical stage of family formation/re-formation.
 - c. Provide the child the opportunity to experience living in the home while continuing to have access to a delegated worker for support and consultation
 - d. Complete the tasks identified in the Residency Period Action Plan/Adoption Care Plan
2. The Social Worker for the child discusses the above objectives of the Residency Period with the child, in accordance with their developmental capacity, and with members of the child's circle who are to support the child during the Residency Period.

⁴⁴ The Adoption Act and MCFD policy calls this Residency Period the "Adoption Placement Period"

43. Planning for the Residency Period

Prior to beginning the Residency Period, a planning meeting is held to develop a written plan addressing:

1. How the child will transition into the permanency home, ensuring that the transition is timed to meet the child's needs and can be revised to meet the child's emerging needs.
2. How the child's needs will be met during the Residency Period.
3. How the adults supporting the child, including the Public Guardian and Trustee where applicable, will prepare for the application for the legal order.
4. How concerns during the Residency Period will be managed.

The responsible Team Leader gives written approval to proceed if they determine that that the permanency parent(s) will implement the child's plan, including commitments pertaining to any Cultural Rights Agreement, Openness Agreement or Access Order, and that proceeding with the Residency Period is in the best interests of the child.

At the end of the 6 month Residency Period, the child's Social Worker collaborates with the child and their circle to review and update the written plan if a court application is not to be made in the subsequent 3 months.

Procedure

Transfer of Custody before a CCO (54.01),

The Residency Period is completed under an Extended Family Program Agreement or Temporary Custody Order, and planned for in accordance with VACFSS's *Keeping our Children Safe Policy*.

Reunification by Cancellation of a CCO and Transfer of Custody after a CCO (54.1)

The child's Social Worker:

1. Invites the following to participate in the planning meeting, either in person or, when this is not in the child's best interests, by contributing their views in another way:
 - a. The parent(s)
 - b. The permanency parent(s), if pathway is a Transfer of Custody (54.1)
 - c. The child, in accordance with their developmental capacity
 - d. An advocate or support person for the child, if requested by the child
 - e. A representative of the child's Aboriginal community(ies)
 - f. The child's current caregiver(s)
 - g. The delegated Worker who completed the assessment for the home

- h. Any involved Resources Worker
 - i. Any involved VACFSS Family Preservation Counsellor or Elder
 - j. All involved Team Leaders
 - k. Any person with an access order respecting the child
 - l. A representative of the Public Guardian and Trustee
 - m. Any service provider or other person in the child's circle who can provide information and support relevant to the planning and decision-making process.
2. Ensures that the plan includes pre-placement visits between the child's placement and home or (for a Transfer of Custody (54.1)) the permanency home,
 3. Ensures the plan is documented in a Residency Period Action Plan and signed by the Team Leader.

Kinship Adoption and Adoption by Invitation to the Child's Circle

1. The Guardianship Worker and Adoption Worker discuss the format and invitees to the planning meeting, noting that
 - a. It is preferable that detailed planning for the Adoption Residency Period takes place at a full meeting of the circle, as described in the procedures for Transfer of Custody by S.54.1 and Reunification by Cancellation of a CCO, and held subsequent to the Adoption teleconference/meeting outlined in Section 36 of this policy, and
 - b. When the Adoption Worker is not located at VACFSS, this planning may be completed at the Adoption teleconference/meeting outlined in Section 36 of this policy, if the views of all members of the Circle, including the representatives of the Aboriginal Community, are properly represented at that meeting by the Guardianship Worker and the Adoption Worker
2. The Guardianship Worker and Adoption Worker collaborate to ensure that
 - a. The plan includes pre-placement visits between the child's placement and the permanency home
 - b. The plan is documented in the Adoption Care Plan
 - c. The Care Plan is signed by the Guardianship and Adoption Team Leaders.

44. Financially Supporting the Permanency Home⁴⁵

The parent(s) (for a Reunification pathway), or permanency parent(s) (for a Transfer of Custody or Adoption pathway) are informed about the available financial support and how the child can access medical, dental and optical coverage during and after the Residency Period.

Subject to the proper contract or agreement being in place for no more than 2 years at a time, financial support is provided in accordance with the procedures outlined below.

The Program Manager responsible for the child advises the VACFSS Chief Executive Officer when an agreed plan for Reunification, Transfer of Custody or Kinship Adoption cannot be implemented due to the the available financial support being insufficient.

Procedure

Transfer of Guardianship before a CCO (54.01)

1. The child's Social Worker or Out of Care Options Worker informs the permanency parent(s) that payments can be made
 - a. At the rate for the applicable Agreement or Temporary Custody Order during the Residency Period, and
 - b. At the post-transfer of permanent custody rate after the 54.01 Order is made.
2. To put in place these payments, the child's Social Worker or Out of Care Options Worker follows procedures in:
 - a. *Keeping our Children Safe* Section 29 (Arranging an Out-of-Care Placement with a Member of the Circle), prior to the beginning to the Residency Period, and
 - b. *Keeping our Children Safe* Section 42 (Finding Permanency with a Member of the Circle: 54.01), prior to the court application for the Transfer of Custody.

Reunification by Cancellation of a CCO

The Guardianship Worker completes the following before the Residency Period begins:

1. Informs the parent(s) that payments may be made during the Residency Period only, at the monthly rate that matches the amount of public funds to which the parent will be entitled after the CCO is cancelled.
2. Determines the amount of public funds to which the parent will be entitled after the CCO is cancelled.
3. With the written approval of the Guardianship Manager, submits a request to the

⁴⁵ See Appendix for rates of financial support as of June 2017

Resources Manager for the parent to be supported with a monthly cheque for this amount during the Residency Period.

4. Informs the parent that the child will qualify for the Healthy Kids Program if they are eligible for MSP Premium Assistance, and that a child with status is eligible for medical coverage through Health Canada and may be eligible for the Non-Insured Health Benefits Program.

Transfer of Guardianship after a CCO (54.1)

The child's Social Worker and the Social Worker responsible for assessing the permanency parent(s) determine, with the approval of their Team Leaders, who is to complete the steps outlined below. The responsible Worker completes the following before the Residency Period begins:

1. Informs the permanency parent(s) that payments may be made from the beginning of the Residency Period, at the post-transfer of permanent custody rate.
2. Determines the post-transfer of custody rate appropriate to the child's age.
3. With the written approval of the Team Leader, submits a request to the Resources Manager for a Restricted Family Care Home Agreement to be completed before the Residency Period begins, as follows:
 - a. If the permanency parent(s) are the child's current caregiver(s) and have already signed a Restricted or Regular Family Care Home Agreement, no changes to the contract are made.
 - b. If the permanency parent(s) are the child's current care provider(s) and have a Level 1, Level 2, Level 3 or a Client Service Agreement, a Restricted Family Care Home Agreement is signed.
4. Informs the permanency parent(s) about:
 - a. The position of Canada Revenue Agency that they are not eligible for the federal Canada Child Benefit and the Child Disability Benefit while receiving financial support from the Director.
 - b. The federal government programs available to assist with savings for children.
 - c. Their responsibility to ensure that a child who has been receiving Canada Pension Plan benefits continues to do so.
 - d. The Ministry of Social Development and Poverty Reduction's three generation policy in relation to eligibility for income assistance, disability assistance, or hardship assistance, if the child is a parent.
 - e. The following support for which they become eligible after custody is transferred:
 - i. Child care subsidy and surcharge without income testing,
 - ii. Healthy Kids Program, if the permanency parent(s) are eligible for MSP Premium Assistance, and
 - iii. Medical coverage through Health Canada if the child has status. Some

children with status are also eligible for the Non-Insured Health Benefits Program.

- f. The role of the Public Guardian and Trustee in preparing the permanency parent(s) to assume responsibilities for the child's estate.

Kinship Adoption and Adoption by Invitation to the Child's Circle

The Adoption Worker completes the following steps before the Residency Period begins:

1. Informs the permanency parent(s) that
 - a. Post-Adoption Assistance provides two methods of financial support: a basic maintenance payment and coverage for specific services such as respite, therapy or equipment, and
 - b. They are eligible for this assistance if:
 - i. The child has been designated for Post-adoption Assistance, and
 - ii. They and the child have a demonstrated need for one or more of the services described in the *Adoption Regulations*, Section 28, and
 - iii. They have demonstrated financial need as determined by an income test, and
 - iv. They enter into a Post-adoption Assistance Agreement.
2. Completes an application for Post-Adoption Assistance in accordance with the *Adoption Regulations*⁴⁶, obtaining the permanency parent(s)' input and written Team Leader and Regional Deputy Director of Adoption approval.
3. If the permanency parent(s) request that a completed Post-Adoption Assistance Agreement be modified:
 - a. Determines if the designated child and permanency parent(s) have a demonstrated need for the funding in the modified agreement
 - b. Reviews the required professional recommendation(s) and receipts for specific relevant services purchased during the term of the agreement
 - c. With Team Leader approval, negotiates and prepares a modification agreement
 - d. Obtains approval from the Regional Deputy Director of Adoption, and
 - e. Obtains the signature(s) on the agreement of
 - i. The permanency parent(s), and then
 - ii. The Regional Deputy Director of Adoption.
4. Prior to the termination date of the Post-Adoption Assistance Agreement, when requested by the permanency parent(s), their Adoption Worker meets with them to review the terms of the existing agreement and, if they are eligible, to develop a new agreement.

⁴⁶ For guidance in following the Regulations related to PAA, see *Post-Adoption Assistance Provincial Guidelines* (MCFD)

5. When notified of a change in the circumstances of the child or permanency parent(s), the Adoption Worker reviews the change to determine whether eligibility for assistance continues unchanged or whether the Agreement is to be modified or terminated in accordance with the termination criteria outlined in the Agreement.

45. Ensuring the Child is Prepared for the Residency Period

Prior to the commencement of the Residency Period for a child who is subject to a Continuing Custody Order, the child's Social Worker

1. Ensures that pre-placement visits have been completed in accordance with the child's plan and emerging needs.
2. Meets privately with the child to determine that the child understands the purpose of the placement, to a level appropriate to their developmental capacity, and freely consents to proceeding.

Procedure

To determine if the child is prepared for their permanency home, the child's Social Worker:

1. Consults with the child and considers the child's views of the permanent placement.
2. Consults with all those involved in preparing the child.
3. Consults with the Team Leader, considering whether the proper preparation of the child requires a referral for specialist therapeutic support or that the permanency parent(s) provide for the child such items as a video or family album.
4. Considers the extent to which the child can do the following, in accordance with their developmental capacity:
 - a. Separate from their current caregiver(s) and form attachments with the family to which they are moving,
 - b. Talk about their family, why they came into care, reasons for the new permanency arrangement and how the permanency plan meets the four dimensions of permanency,
 - c. Identify, express and manage feelings related to the past,
 - d. Express their views about the permanency plan,
 - e. If the plan is not Reunification:
 - i. Accept that they can have more than one family,
 - ii. Express an accurate understanding of the ways in which their relationships with their family, current caregiver(s), community(ies), territory(ies) and culture(s) will continue,
 - iii. Visualize living with their permanency family.
5. If it is determined that the child is ready to proceed with a Residency Period, obtains the Team Leader's approval on the child's Plan of Care, and for an Adoption pathway,

seeks the child's written consent.

6. If the child does not agree to the placement, the Guardianship Worker
 - a. Documents the child's views and reasons for disagreement.
 - b. Confirms with the child that the placement will not proceed without their agreement and that the worker will attempt to resolve their issues.
 - c. Collaborates with the Worker for the permanency parent(s) to resolve a child's questions or concerns that require more time to address.
 - d. Discusses with their Team Leader any need for further preparatory work with the child, and arranges for this work to be completed.
 - e. If the child's concerns cannot be resolved, ends the placement plan, with the written approval of the Team Leader.

46. Obtaining the Child's Consent to an Adoption Residency Period

Prior to the commencement of the Adoption Residency Period for a child who is aged 12 or over and who has the capacity to give their consent, the Guardianship Worker

1. Supports the child to consult with independent legal counsel and any other culturally appropriate advisors.
2. Ensures the child has given their proper written consent to the placement, which is documented on the child's file.

Procedure

When the child is 12 years or over, the Guardianship Worker

1. Explains the following in a developmentally appropriate manner:
 - a. The meaning and effect of signing the consent, and
 - b. The meaning and effect of revoking consent, and process to do this, and
 - c. The child's right to consent to a name change.
2. Determines that the child has the capacity to give consent.
3. If the child does not appear to have the capacity to consent:
 - a. Consults with the child's circle, including their primary physician and caregiver(s), and
 - b. With Team Leader approval, obtains a developmental capacity assessment from a psychologist, psychiatrist or other qualified professional, and
 - c. Consults with the Team Leader, and the Manager, as required, and if it is determined that the child does not have capacity to consent,
 - i. Determines with the Team Leader whether it is in the child's best interests for the adoption to proceed without the required consent,
 - ii. If the decision is to proceed with a court application to dispense with

consent, obtains and documents approvals from the following:

- Team Leader,
 - Guardianship Manager
 - Regional Deputy Director of Adoption, and
- iii. Applies to the court to dispense with the consent.
4. Ensures that the child has the opportunity to consult with legal counsel or another advisor, as they request.
 5. Ensures that the child understands the meaning of the consent and gives their consent to the application freely and voluntarily.
 6. Supports the child to complete and sign the *Consent to Adoption by Child over 12* (Form CF2654).
 7. Documents the consent on the CS file and gives a copy to the Adoption Worker for placement on the AH file.

47. Starting the Residency Period

The Residency Period begins within 6 months of the selection of the home being approved by the Team Leader in accordance with Section 36 of this policy, and after the Team Leader has given their documented approval that

1. Both the child and person(s) with whom the child is to be placed are ready, with pre-placement visits complete and any necessary consents obtained.
2. Arrangements are in place to provide any financial and other supports detailed in the Child's Care Plan for the Residency Period.
3. All arrangements detailed in any Cultural Rights Agreement and Openness Agreement(s) for the Residency Period are in place and the agreements and any necessary Exceptions Committee approval is on the child's file.
4. New Record Reviews (Prior Contact Checks) are completed for the permanency parent(s) and raise no new concerns, if the previous checks are more than 30 days old.

On placement, the permanency parent(s) receive the child's personal property, mementos, and any Health Care Passport and Life Book.

Additional Adoption Procedures

1. The Guardianship Worker

- a. Signs the Adoption Placement Agreement and places the child in the care of the permanency parent(s),
- b. Notifies the Public Guardian and Trustee of the child's placement,
- c. Arranges for the child's medical coverage to be cancelled upon confirmation that the prospective adopter has secured coverage,
- d. Completes the Recommendation for Canada Child Benefit,
- e. Updates the AMS Placement Registry page prior to transferring the CS file on ICM,
- f. With Team Leader approval, arranges for the CS file to be placed on restricted access and transfers the file to the Adoption Worker within 30 days of placement.

2. The Adoption Worker

- a. Ensures that all required documentation is on the AH file, including the written approval for placement of the Adoption Team Leader,
- b. Obtains the signed Notice of Placement from the permanency parent(s) within 14 days of placement,
- c. Ensures that the permanency parent(s) understand the implications of INAC's 'A List' and take the necessary steps to ensure the child's name is not placed on this list,
- d. Supervises the child's placement, exercising guardianship duties and performing all necessary tasks for the completion of the adoption once the CS file has been received.

 The Adoption Residency Period starts when the Notice of Placement is received.

Once the Residency Period starts, the Adoption Worker assumes guardianship responsibilities for the child. They become 'the child's Social Worker' for the purposes of this policy.

48. Supporting the Child during the Residency Period

Prior to moving into the permanency home, the child's Social Worker reviews with the child their rights and the arrangements for Social Worker contact.

The child's Social Worker accompanies the child when they move into the permanency home, unless they do so under CFCSA Sections 8, 35(2)(d) or 41(1)(b) and the Team Leader has approved another member of the child's circle to accompany the child. If the child is beginning an Adoption Residency Period, the Adoption Worker is also present.

The child's Social Worker visits the child within the first seven days of placement and at least:

- a. Every 30 days for a child who is subject to a CCO
- b. Every 30 days for the first 6 months that a child is subject to an Section 8 Extended Family Program Agreement, Section 35(2)(d) or 41(1)(b) Order, and every 90 days thereafter, and
- c. When there is a significant change in the child's circumstances.

i For a child in care, a 'significant change in the child's circumstances' may include the child's birthday, graduation, home community ceremony or cultural rites of passage. The child's Social Worker determines, in consultation with their Team Leader and after seeking the input of the child and person(s) with whom the child is placed for a Residency Period, which such events are to be marked with a visit. A 'significant change in the child's circumstances' for a child in care also includes a change in the child's Social Worker.

49. Managing Concerns During the Residency Period

During the Residency Period, the following are reported as soon as possible to the child's Social Worker, Team Leader and Manager, and to any additional delegated Social Worker, Team Leader and Manager who are responsible for supporting the home:

1. Concerns for the safety or well-being of the child in the placement, and
2. Concerns that the child and/or the person with whom the child is placed has withdrawn, or is considering withdrawing, their consent to the placement.

With the documented approval of their Team Leader and Manager, and in consultation with the child and their circle, the child's Social Worker develops, documents and implements a plan to address the concerns in a manner that is in the best interests of the child.

Procedure

The child's Social Worker:

1. Consults with their Team Leader and, with their approval,
 - a. Takes any immediate action required to ensure the safety and wellbeing of the child, and
 - b. Initiates any of the following processes that are required: Reportable Circumstances report; Family Care Home Investigation⁴⁷; child protection report.
2. In writing, advises the following of the concerns:
 - a. Guardianship Manager, if the child is subject to a Continuing Custody Order, and
 - b. Child Protection Manager, if the child is served by the Child Protection Program or is in the Residency Period for Reunification by Cancellation of a CCO, and
 - c. Resources Manager, if the home is subject to a Restricted or Regular Family Care Home Agreement.
3. Meets privately as soon as possible with the child, and also with the person(s) with whom the child is placed, in order to offer support and determine their views.
4. Unless it is against the child's best interests, meets with the child and the person(s) with whom the child is placed together, to discuss the concerns and to consider referrals for immediate intervention, counselling and/or a relevant support group or Elder.
5. In consultation with the Team Leader, determines whether it is in the best interests of the child and any sibling with whom the child is placed to
 - a. Convene a meeting of the child's circle
 - b. Proceed with the placement.
6. Develops and documents a plan for the child, in consultation with the child, the person(s) with whom the child is placed, the Team Leader, any other delegated Worker and Team Leader responsible for supporting the placement, and other involved members of the child's circle. The plan is documented in the Care Plan for a child in care.
7. Obtains written approval for the plan from the Team Leader and Manager responsible for the child.
8. Obtains the additional written approval for the plan from the Regional Deputy Director of Adoption when the plan includes separation of siblings during an Adoption Residency Period.
9. Initiates any necessary services.
10. Provides written information about the resolution of the concerns to:
 - a. The Manager contacted at step 2 of these procedures,
 - b. The representatives of the child's Aboriginal community(ies),

⁴⁷ This was previously called a Protocol Investigation.

- c. The Public Guardian and Trustee, unless the child is placed subject to a Section 8 Extended Family Program Agreement or Section 35(2)(d) or 41(1)(b) Order.
11. If, despite being offered support and consultation, a child aged 12 or over revokes their consent to an adoption placement, the child's Social Worker
 - a. Immediately notifies, in person or by telephone, the person(s) with whom, the child was to be permanently placed, and
 - b. Informs the
 - i. VACFSS Director of Programs,
 - ii. Regional Deputy Director of Adoption,
 - iii. Provincial Director of Adoption,
 - c. Explores with the child their preferred means of making their views known to the court, and if appropriate, helps the child to write and/or sign the revocation statement,
 - d. Arranges for necessary emotional support to be provided to the child and permanency parent(s),
 - e. Files an application to the court to revoke a consent to adoption, and notifies any person who consented to the adoption of this court application to revoke.
 - f. Notifies the Public Guardian and Trustee that the adoption will not proceed.

PART 6. SECURING LEGAL PERMANENCY

50. Determining to Apply for Legal Permanency After a Residency Period

Six months after the beginning of the Residency Period, the child's Social Worker consults with the child and their circle and obtains the written approval of the Team Leader to proceed with securing legal permanency if:

1. All necessary assessments have been completed (See Section 29 of this policy for steps to complete the end-of-Residency assessment for a Transfer Of Custody under Section 54.01), and
2. All necessary supports for the child are in place, including ongoing medical coverage and any available dental, optical or extended health coverage, and the child's circle understands the process for seeking future supports under Section 5 of the CFCSA, and
3. The permanency parent(s) have demonstrated their commitment to any Cultural Rights Agreement and Openness Agreement(s) pertaining to the child, and have taken the necessary steps to assume responsibility for these agreements, and
4. Proceeding is in the best interests of the child.

When the permanency pathway is Transfer of Custody (by 54.01 or 54.1) or Reunification by Cancellation of a CCO, the decision to proceed is informed by a meeting of the circle in which all those listed below are invited to participate.

i The following are invited to participate in a meeting of the circle, either in person or, when this is not in the child's best interests, by contributing their views in another way:

- a. The parent(s)
- b. The permanency parent(s)
- c. The child, in accordance with their developmental capacity
- d. An advocate or support person for the child, if requested by the child
- e. A representative of the child's Aboriginal community(ies)
- f. The child's current caregiver(s)
- g. The delegated Worker(s) who completed the assessment for the home
- h. Any involved Resources Worker
- i. Any involved VACFSS Family Preservation Counsellor or Elder
- j. All involved Team Leaders
- k. Any person with an access order respecting the child
- l. A representative of the Public Guardian and Trustee
- m. Any service provider or other person in the child's circle who can provide information and support relevant to the planning and decision-making process.

51. Ensuring the Child is Ready for Legal Permanency

At the end of the Residency Period, the child's Social Worker interviews the child alone and in private to gather and document their views about proceeding with the application to court for an Order to secure legal permanency.

The worker ensures that the child has had ample opportunity to consult with independent legal counsel and any other culturally appropriate advisors.

Before proceeding with an application for an Adoption Order or an Order to Transfer Custody under CFCSA S.54.01 or S54.1. for a child who is aged 12 or over, the worker ensures the child consents freely and voluntarily to the application and that their proper written consent has been obtained.

Procedure

At the conclusion of the Residency Period, the child's Social Worker:

1. Documents the child's views about proceeding with the application for a legal order on the file and in the relevant court documents, including in the *Report on a Younger Child's Views* when Adoption is the pathway for a child between 7 and 11 years old.
2. Advises the child about the availability of independent legal advice and, as required, of other sources of advice and support.
3. When the child is aged 12 years or over, ensures that they understand the meaning of their consent and give their consent to the application freely and voluntarily.
4. When the application is for an Order to Transfer Custody under CFCSA S.54.01 or S54.1,
 - a. Follows the procedures outlined in Section 46 of this policy to collect the child's proper written legal consent⁴⁸, omitting to involve an Adoption Worker or Regional Deputy Director of Adoption, and
 - b. Gives a copy of the child's consent to the Public Guardian and Trustee.
5. Ensures the child who is 12 years and over receives notice of the court hearing.

⁴⁸ For an Adoption pathway the proper written consent is obtained before the Residency Period begins. It is not necessary to obtain a second written consent.

52. Applying to Court for Legal Permanency

At the end of the Residency Period, the child's Social Worker, in consultation with the Team Leader and legal counsel,

1. Discusses the court process with the parent(s) (in the case of Reunification by Cancellation of a CCO), or the permanency parent(s) (in the Case of Transfer of Custody or Adoption) to determine that:
 - a. They have had ample opportunity to consult with independent legal counsel and any other culturally appropriate advisors, and
 - b. They give voluntary and informed consent to proceeding with the application.
2. Ensures that proper written notice is given to any person who has access rights to the child through a court order, legally enforceable agreement or de facto access and, if applicable, to the Public Guardian and Trustee.
3. Collects the required consents.
4. Prepares and submits the court documents, within the required timelines.
5. Upon receiving the legal order, ensures that the order is delivered to the permanency home.

Procedure

Reunification by Cancellation of a CCO

With the written approval of the Team Leader, the Guardianship Worker applies to the court, in accordance with CFCSA s. 54 (2), for permission to cancel the CCO.

Transfer of Custody before a CCO (54.01)

The Child Protection Worker completes the following:

1. At least 30 days before the date set for hearing the application, provides notice of the hearing and application to any person with with court-ordered access under CFCSA Section 55(4) or (5).
2. At least 10 days before the date set for hearing the application, serves notice of the hearing and the application to individuals identified in CFCSA Section 54.01 (3).
3. Gathers required consents from the child aged 12 years or over, the permanency parent(s) and the Public Guardian and Trustee, and files these consents on the child's file.
4. Gathers and files the consent of each parent, unless a parent is not available or willing to sign a consent and, with the Team Leader's documented approval, the child has been removed and placed with the permanency parent(s) under Section 41(1)(b), in accordance with VACFSS's *Keeping our Children Safe Policy*.

5. With the written approval of the Team Leader, completes the application to court and Court Form CF2595: *Court Plan of Care for Child in Custody of a Care Provider*.

Transfer of Custody after a CCO (54.1)

The Guardianship Worker completes the following:

1. At least 30 days before the date set for hearing the application, provides notice of the hearing and application to any person with court-ordered access under CFCSA Section 56.
2. At least 10 days before the date set for hearing the application, serves notice of the hearing and the application to individuals identified in CFCSA section 54.1(2).
3. Gathers required consents from the child aged 12 years or over, the permanency parent(s) and the Public Guardian and Trustee, and files these consents on the child's file.
4. With the written approval of the Team Leader, completes the application to court, Court Form CF2595: *Court Plan of Care for Child in Custody of a Care Provider* and an Affidavit that sets out why the Transfer of Custody is in the best interests of the child.

Kinship Adoption and Adoption by Invitation to the Child's Circle

The Adoption Worker completes the following:

1. Within 10 days of the conclusion of the Residency Period, and after receiving written notice of an application of an Adoption Order from the permanency parent(s),
 - a. Prepares a Supreme Court Package in accordance with the *Preparing Supreme Court Packages Guidelines* (MCFD) and including the
 - i. Report on a Younger Child's Views, if applicable,
 - ii. Summary Recording,
 - iii. Post-placement Report, including a recommendation from the Director of Adoption,
 - iv. Form CF1007, including the *Petition to the Court, Petitioner's Affidavit Director's Consent to Adoption, Requisition for Consent Order and Order Made Without Notice*.
 - b. Obtains Team Leader approval for the package,
 - c. Submits the package to court.
2. Recommends to the court whether an Adoption Order should be granted, or provides a statement that there is insufficient information to make the recommendation.

53. Celebrating the Four Dimensions of Permanency

A celebration or ceremony is held to mark the point at which the four dimensions of permanency have been achieved for a child.

The celebration or ceremony is planned in dialogue with representatives of the child's Aboriginal Community(ies), the child's parent(s) and/or permanency parent(s), other involved members of the circle, and the child. Associated costs are approved in accordance with VACFSS's *Elders and Knowledge Keepers Policy* and *Financial Policy*.

For Transfer of Custody after a CCO or an Adoption pathway, plans for the celebration or ceremony are included in the Cultural Rights Agreement. For a Reunification pathway, a referral may be made to the Collaborative Practice Team for planning in accordance with VACFSS' *Homecoming Reunification Ceremony Policy*.

GLOSSARY

Adoption Worker: A worker who has Level 2 delegation under the Adoption Act. This delegation authorises them to undertake the full range of Adoption responsibilities. The Adoption Worker is primarily responsible for assessing and supporting the permanency parent(s) until the Adoption Residency begins, at which point they typically also assume guardianship responsibilities for the child.

AH file: Adoption Home file.

AMS database. MCFD's Adoption Management System. Entering the child's name in the AMS database is the process identified in MCFD policy as "registering the child for adoption", enabling a child and permanency parent(s) to be matched and tracking their progress towards adoption.

Child's Social Worker: The delegated Social Worker who carries case responsibility for the child. This may be the Child Protection Worker, Guardianship Worker or Adoption Worker, depending on the permanency pathway and point in the legal process.

CS file: Child Service file.

FS file: Family Service file.

Guardianship Worker: A worker who holds level 4 delegation under the Child, Family and Community Services Act, whose primary role is to exercise guardianship responsibilities for children and youth who are subject to a Continuing Custody Order. Guardianship Workers must also hold Level 1 delegation under the Adoption Act in order to perform delegated Adoption tasks on behalf of the child or youth.

Lifebook: A pictorial and written representation of the life of a child. Used as a therapeutic tool to help a child placed out of the home to stay connected to their family, community and culture and to understand their life story.

Parent: A person, not including a caregiver, permanency parent or director

- a. to whom guardianship or custody of a child has been granted by a court of competent jurisdiction or by an agreement, or
- b. with whom a child resides and who stands in place of the child's parent or guardian.

Pathway to Permanency: A practice pathway that leads to *all four dimensions of permanency* being secured for a child.

Permanency Parent: A person other than the child's parent who assumes responsibility for meeting *all four dimensions of permanency* for a child through any of the pathways to permanency.

Permanency Plan: A plan that outlines how the child will be supported to maintain or strengthen relational, cultural, physical and legal permanency

Resources Worker: A worker who holds level 3 delegation under the Child, Family and Community Services Act and whose primary role is to assess and support VACFSS foster caregivers.

SAFE Assessment: Structured Analysis Family Evaluation assessment.