

# Out-of-Care Policy

MCFD Core Policy	Child Safety, Family Support & Children in Care Services Policy
Effective Date	2022-MAR-01
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Last Review Date	2025-JUL-01

## A: Policy

Out-of-care arrangements support children and youth to live with extended family or other individuals who have a relationship with, or a cultural or traditional responsibility to, the child/youth. Prioritize an out-of-care arrangement over in-care options when the available supports and services are not sufficient to keep the child/youth in their parent's care.

Out-of-care arrangements are:

- An Extended Family Program (EFP) Agreement under [s. 8](#);
- An interim custody order to a person other than a parent under [s. 35\(2\)\(d\)](#);
- A temporary custody order to a person other than a parent under [s. 41\(1\)\(b\)](#), [s. 42.2\(4\)\(a\)](#), [s. 42.2\(4\)\(c\)](#), [s. 44\(1\)\(b\)](#), or [s. 54.01\(9\)\(b\)](#);
- A permanent transfer of custody to a person other than a parent (following an EFP Agreement or a temporary custody order) under [s. 54.01](#);
- A permanent transfer of custody to a person other than a parent (following a continuing custody order) under [s. 54.1](#).

CFCSA section 4.1 requires that the CFCSA be interpreted and administered in accordance with the following principles:

- Indigenous Peoples have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the Constitution Act, 1982 and by the United Nations Declaration on the Rights of Indigenous Peoples;
- the inherent right of self-government includes jurisdiction in relation to Indigenous child and family services, law-making authority in relation to those services and authority to administer and enforce laws made under that law-making authority; and
- Indigenous laws have the force of law in British Columbia.

An Indigenous authority may provide one or more types of Indigenous child and family services. If an Indigenous law applies to a child/youth who is involved with the director under the CFCSA, even if services are not provided under the Indigenous law, a director must act in accordance with [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).

In taking the steps below respecting an Indigenous child/youth, follow terms in the applicable coordination agreement if there is one. If there is a conflict or inconsistency with this policy, and a CFCSA agreement that applies to the child/youth (including coordination agreement), the agreement prevails to the extent of the conflict or inconsistency.

For more information, including definitions of relevant terms, see [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).

## Criteria for an Out-of-Care Arrangement

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1. Confirm whether the child/youth is Indigenous, whether an Indigenous law applies to them, and whether there is an applicable Indigenous authority, following [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#). If an Indigenous law applies to the child/youth, follow this policy and [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).
2. Determine whether an out-of-care arrangement is the best plan for the child/youth when an assessment indicates that a child/youth cannot safely live with their parent and less intrusive options are not available. Apply the criteria outlined in [Procedure 2](#).
3. If the child/youth is Indigenous, identify a prospective care provider by applying the placement priorities in [s. 16](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act, when planning for an **interim or temporary custody order to a person other than a parent**, a **permanent transfer of custody under s. 54.01 (following a temporary custody order)**, or a **permanent transfer of custody under s. 54.1**.

## Assessing the Proposed Care Provider

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4. Assess the proposed care provider as outlined in [Procedure 4](#) to determine whether the Director is satisfied with the care provider's ability to care for the child/youth before entering into an agreement or applying for an order.

## Planning for an Out-of-Care Arrangement

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5. If an Indigenous law applies to the child/youth, inform the prospective care provider that:
  - (a) Services may be available through the applicable Indigenous authority (and support them to contact the Indigenous authority), and
  - (b) Information may be shared with the applicable Indigenous authority before an out-of-care arrangement is entered into and while it is in place.
6. Create a plan for an out-of-care arrangement that meets the child/youth's needs by planning collaboratively with members of the child/youth's circle as outlined in [Procedure 6](#).
7. Ensure that the relevant parties understand the legal basis for, and the effect of, the proposed out-of-care arrangement by following the steps outlined in [Procedure 7](#).
8. If the child/youth is Indigenous,
  - (a) Determine in consultation with the team leader if the proposed out-of-care arrangement is in the best interests of the child/youth by applying the factors listed in [s. 10\(3\)](#) of the federal Act, with primary consideration given to the factors listed in [s. 10\(2\)](#) of that Act.
  - (b) If the director has entered into an agreement with the child/youth's Indigenous community under s. 92.1 of the CFCSA, involve the community in accordance with the agreement.
  - (c) Provide notice to the parent, care provider, and Indigenous Governing Body in accordance with [s. 12](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act, before applying for an **interim or temporary custody order to a person other than a parent** or a **permanent transfer of custody under s. 54.01 or s. 54.1**.
  - (d) If the child is not placed with a family member, identify how the child/youth's attachment and emotional ties with their parent and family members will be promoted in accordance

with [s. 17](#) of the federal Act, to the extent that doing so is consistent with the child's best interests as described in [s. 10](#) of that Act, before applying for an **interim or temporary custody order to a person other than a parent**, a **permanent transfer of custody under s. 54.01 (following a temporary custody order)** or a **permanent transfer of custody under s. 54.1**.

- (e) Plan for the child/youth's cultural needs as outlined in [Procedure 8\(e\)](#).
- (f) Seek approval from the Provincial Exceptions Committee prior to placing the child/youth in the home when planning for a **permanent transfer of custody under s. 54.1** if the proposed care provider is not a family member and is not Indigenous.

**9.** If the child/youth is not Indigenous, determine in consultation with the team leader whether the proposed out-of-care arrangement is in the child's best interests by applying the factors listed in [s. 4\(1\)](#) of the CFCSA prior to applying for a **temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01 or s. 54.1**.

## Entering into an Out-of-Care Arrangement

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**10.** Enter into an out-of-care arrangement by completing the legal processes outlined in [Procedure 10](#).

## Supporting an Out-of-Care Arrangement

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**11.** Offer financial and other supports to the care provider as part of an out-of-care arrangement to help meet the assessed needs of the child/youth in their care. Available supports are outlined in [Procedure 11](#).

**12.** For an **interim or temporary custody order to a person other than a parent** or an **EFP Agreement**, be present whenever possible on the day the child/youth is placed with the out-of-care provider, but within 7 days of the initial placement at a minimum, to support the transition of the child/youth to the home and to observe the child/youth in the home.

**13.** Maintain in-person, private contact with a child/youth in an **EFP Agreement** or **interim or temporary custody order to a person other than a parent** every 90 days, see the physical home environment to ensure it meets the child/youth's needs, and properly document details of the contact in the Integrated Case Management System (ICM) In-Person Child/Youth Visit applet.

- (a) If the child/youth is actively receiving Children and Youth with Support Needs services, Child and Youth Mental Health services, Enhanced Out of Care Supports, is not actively attending school or child care, or has other vulnerabilities, determine with a Team Leader whether more frequent visits with the child/youth are needed, taking into consideration any risk mitigation plans that are in place for the care provider.
- (b) Consult with a Team Leader and submit a written request for an exemption to the Designated Director if, under exceptional circumstances, a child/youth cannot be seen privately and in-person within the required 90-day period. Develop and document a plan prioritizing the need to see the child/youth and review the plan every 14 days until the child/youth is seen.
- (c) In consultation with the Team Leader, respond immediately to any concerns regarding the physical, emotional and/or psychological safety and well-being of the child/youth in care. If applicable, immediately notify the resource worker if there are concerns regarding the resource. Document details of the response and the plan to address concerns.

## Reviewing an Out-of-Care Arrangement

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**14.** Review the order and/or agreement as outlined in [Procedure 14](#) to determine whether the child/youth's needs are met. If the child/youth is in an **interim** or **temporary custody order to a person other than a parent**, consider whether the child/youth can be returned to their parent's care in accordance with the [Child Protection Response Policies](#).

**15.** If the child/youth is Indigenous and in an **interim** or **temporary custody order to a person other than a parent** and the care provider is not a member of their family, regularly reassess whether placement with their parent or a family member is possible in accordance with [s. 16\(3\)](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child/youth as described in [s. 10](#) of that Act. If the child/youth has been placed with a family member who is not their parent, regularly reassess whether placement with their parent is possible.

## Reviewing or Ending an Out-of-Care Arrangement When an Indigenous Law Applies

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**16.** If it is learned that an Indigenous law applies and the applicable Indigenous authority was not contacted while planning for an out-of-care arrangement promptly contact the Indigenous authority as required under [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#), sharing information respecting the arrangement with it and following up to determine the level of involvement the Indigenous authority would like to have in planning and coordinating service delivery while the out-of-care arrangement is in place.

**17.** If an Indigenous authority provides notification that it is, or will be, providing Indigenous child and family services to a child/youth who is subject to an **EFP Agreement**, notify the care provider and parent. Determine with the care provider, all parties to the Agreement, and the Indigenous authority whether the section 8 agreement should continue based on the best interests of the child as described in [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#).

**18.** Follow the procedures in [Policy 3.10](#) for withdrawing from CFCSA proceedings if the child/youth is in an **interim custody order to a person other than a parent**, and procedures in [Policy 5.1b](#) for withdrawing from CFCSA proceedings if the child/youth is in a **temporary custody order to a person other than a parent**, and an Indigenous authority provides written notification that it:

- (a) will be providing Indigenous child and family services to the child/youth, and
- (b) requests the director to withdraw from CFCSA court proceedings.

**19.** Unless an Indigenous authority requests that the director withdraw from CFCSA court proceedings as described immediately above, an out-of-care arrangement can be entered into, or continued, when an Indigenous law applies to the child/youth, including where an Indigenous authority is providing services to the child/youth. Services must be provided in a manner consistent with the Indigenous law and information must be shared with the Indigenous authority in accordance with Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).

## B: Procedures

**1.** [Confirm whether Indigenous law applies](#)

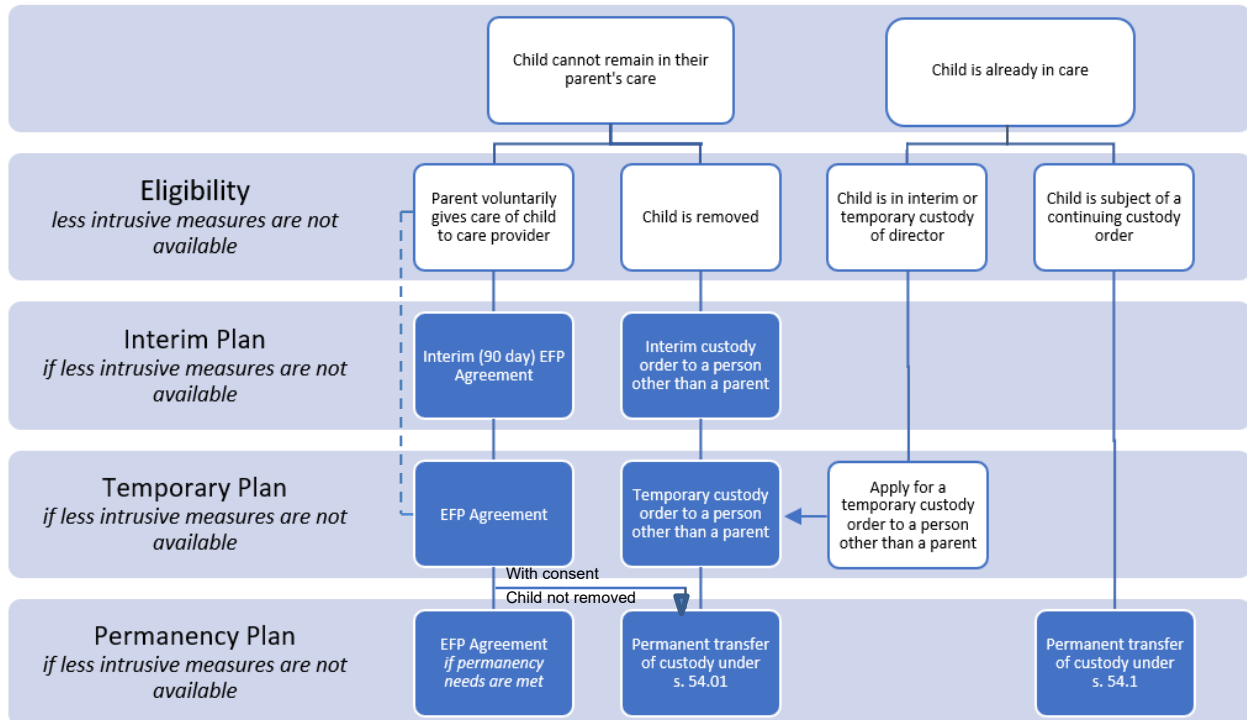
2. [Determining if an out-of-care arrangement is the best plan for the child/youth](#)
3. [Applying placement priorities for an Indigenous child, per the Federal Act](#)
4. [Assessing the proposed care provider](#)
  - [Table 3: Screening and assessing proposed care providers](#)
5. [Sharing information with the prospective care provider if Indigenous law applies](#)
6. [Creating a plan for an out-of-care arrangement](#)
  - [Gathering the child/youth's circle](#)
  - [Creating a plan to meet the child/youth's needs](#)
  - [Preparing the child/youth for the planned out-of-care arrangement](#)
  - [Preparing the care provider for the planned out-of-care arrangement](#)
7. [Understanding the legal basis and effect of the proposed out-of-care arrangement](#)
8. [Planning for an Indigenous child/youth, and determining whether the proposed arrangement is in the best interests of an Indigenous child](#)
  - [Table 2: Planning for Indigenous children, in accordance with the Federal Act](#)
  - [Determining if the proposed arrangement is in the best interests of the child](#)
  - [Section 92.1 agreements](#)
  - [Providing notice of significant measures per the Federal Act](#)
  - [Promoting the child/youth's attachment and emotional ties](#)
  - [Planning for the child/youth's cultural needs](#)
  - [Seeking approval from the Exceptions Committee](#)
9. [Determining if the proposed arrangement is in the best interests of a non-Indigenous child](#)
10. [Entering into an out-of-care arrangement](#)
  - [Table 4: Legal processes when entering into an out-of-care arrangement](#)
11. [Providing financial and other supports in an out-of-care arrangement](#)
  - [Table 5: Financial and other supports available in an out-of-care arrangement](#)
  - [Maintenance payments](#)
  - [Childcare subsidy](#)
  - [Extended health and dental coverage](#)
  - [Respite and other supports](#)
  - [Tax implications](#)
12. [Observing the child/youth on date order of agreement is effective](#)
13. [Maintaining in-person, private contact with the child/youth](#)
14. [Reviewing an out-of-care arrangement](#)
  - [Assessing reports of abuse or neglect in an out-of-care arrangement](#)
15. [Re-assessing the placement of an Indigenous child, per the Federal Act](#)
16. [If it is learned that Indigenous law applies but the Indigenous authority has not been contacted](#)
17. [If an Indigenous authority provides notification that it is, or will be, providing services to a child in an EFP Agreement](#)



18. If an Indigenous authority provides notification that it is, or will be, providing services to a child in an interim or temporary custody order to a person other than a parent
19. Out-of-care agreements when an Indigenous law applies, including where an Indigenous authority is providing services

## C: Policy Visuals

### 1. Out-of-Care pathways



If an EFP Agreement is created that is adequate to protect the child/youth, the director may withdraw from proceedings following a removal ([s. 33.01](#)) or an interim or temporary custody order ([s. 48](#)).

For Indigenous children and youth, an Indigenous authority may offer voluntary or involuntary Indigenous child and family services at any stage.

**2.** Planning for Indigenous children and youth receiving out-of-care services under the CFCSA, in accordance with the [federal Act](#)

	<b>EFP Agreement</b>	<b>Permanent Transfer of Custody under s. 54.01 (following an EFP Agreement)</b>	<b>Interim or temporary custody order to a person other than a parent</b>	<b>Permanent transfer of custody under s. 54.01 (following a temporary custody order)</b>  <b>Permanent transfer of custody under s. 54.1</b>
<b>Best Interests of an Indigenous Child</b> <a href="#">s. 10</a>	Must be a primary consideration.	Must be a primary consideration.	Must be a primary consideration.	Must be a primary consideration.
<b>Notice of Significant Measures</b> <a href="#">s. 12</a>	<i>n/a</i> Although not required under the federal Act, encourage the care provider (and the parent if a party) to consider inviting the child/youth's Indigenous community to be a party to the EFP Agreement.	Required, if consistent with the best interests of the child. <i>See also: CFCSA notice requirements in <a href="#">Table 4</a></i>	Required, if consistent with the best interests of the child. <i>See also: CFCSA notice requirements in <a href="#">Table 4</a></i>	Required, if consistent with the best interests of the child. <i>See also: CFCSA notice requirements in <a href="#">Table 4</a></i>
<b>Placement Priorities</b> <a href="#">s. 16</a>	<i>n/a</i>	<i>n/a</i>	Must be applied, if consistent with the best interests of the child.	Must be applied, if consistent with the best interests of the child.
<b>Ongoing Reassessment of Placement</b> <a href="#">s. 16(3)</a>	<i>n/a</i>	<i>n/a</i>	If the child/youth is not with a family member, the arrangement must be reassessed on an ongoing basis to determine whether the child/youth may be placed with a parent or family member, if consistent with the best interests of the child.	If the child/youth is not with a family member, the arrangement must be reassessed on an ongoing basis during the residency period to determine whether the child/youth may be placed with a parent or family member, if consistent with the best interests of the child.  After the permanent order is granted, the placement is not re-assessed.
<b>Child/youth's Attachment and Emotional Ties</b> <a href="#">s. 17</a>	Although not required under the federal Act, it is good practice to promote the child/youth's attachment and emotional ties.	Although not required under the federal Act, it is good practice to promote the child/youth's attachment and emotional ties.	Must be promoted, if consistent with the best interests of the child.	Must be promoted when planning, if consistent with the best interests of the child.  After the permanent order is granted, the care provider is the child/youth's permanent guardian and makes all decisions respecting the child/youth's relationships with family (subject to any court orders or agreements in place).



### 3. Screening and assessing proposed care providers

	<b>Interim (90 day) EFP Agreement</b> <b>Interim Custody Order to a Person Other than a Parent</b>	<b>EFP Agreement (over 90 days)</b> <b>Temporary Custody Order to a Person Other than a Parent</b>	<b>Permanent Transfer of Custody Order under s. 54.01</b>	<b>Permanent Transfer of Custody Order under s. 54.1</b>
<b>Home visit</b>	Required	Required	Required	Required
<b>Criminal Record Check</b>	Verbal check with local police	Foster, OOC, Adoptions and Relief Providers Check	Foster, OOC, Adoptions and Relief Providers Check (if more than two years have passed)	Foster, OOC, Adoptions and Relief Providers Check (if more than two years have passed)
<b>Prior contact check</b>	IRR. Complete DRR if required to understand the results of the IRR.	IRR and DRR	IRR and DRR	IRR and DRR
<b>References</b>	At least one verbal	Three written references	<i>n/a</i>	Four written references
<b>Medical report</b>	<i>n/a</i>	Consider the impacts of any health-related concerns and how to address them in consultation with the Team Leader	Consider the impacts of any health-related concerns and how to address them in consultation with the Team Leader	Required
<b>Assessment tool</b>	Document results	Complete the <a href="#">Kinship Assessment Tool</a> and document results	Complete <a href="#">Kinship Assessment Tool</a> and document results	Complete the <a href="#">Kinship Assessment Tool</a> and document results
<b>Consult</b>	Consult with Team Leader.  Consult with Director of Operations (or equivalent position) if the care provider has a prior criminal record or child protection involvement and document the approved mitigation plan.	Consult with Team Leader.  Consult with Director of Operations (or equivalent position) if the care provider has a prior criminal record or child protection involvement and document the approved mitigation plan.	Consult with Team Leader.  Consult with Director of Operations (or equivalent position) if the care provider has a prior criminal record or child protection involvement and document the approved mitigation plan.	Consult with Team Leader.  Consult with Director of Operations (or equivalent position) if the care provider has a prior criminal record or child protection involvement and document the approved mitigation plan.
<b>Involving an Indigenous community in the assessment*</b>  <i>*If the child/youth is Indigenous, also see <a href="#">Table 2</a></i>	If the child/youth is Indigenous, and concerns arise in the assessment, consider whether involving the child/youth's Indigenous authority (if applicable) or Indigenous community in the assessment may help to mitigate concerns.  When involving an Indigenous authority or community, secure the consent of the care provider using form CF0609.	If the child/youth is Indigenous, and concerns arise in the assessment, consider whether involving the child/youth's Indigenous authority (if applicable) or Indigenous community in the assessment may help to mitigate concerns.  When involving an Indigenous authority or community, secure the consent of the care provider using form CF0609.	If the child/youth is Indigenous, and concerns arise in the assessment, consider whether involving the child/youth's Indigenous authority (if applicable) or Indigenous community in the assessment may help to mitigate concerns.  When involving an Indigenous authority or community, secure the consent of the care provider using form CF0609.	If the child/youth is Indigenous, and concerns arise in the assessment, consider whether involving the child/youth's Indigenous authority (if applicable) or Indigenous community in the assessment may help to mitigate concerns.  When involving an Indigenous authority or community, secure the consent of the care provider using form CF0609.

#### 4. Legal documentation to enter into an out-of-care arrangement

##### (i) Extended Family Program Agreement

	<b>EFP Agreement</b>
<b>Schedule A</b> CF2201	Must be signed by guardian and care provider. See mandatory parental responsibilities in Procedures section <a href="#">10(b)(ii)</a> .
<b>EFP Agreement</b> CF2191	Must be signed by care provider. Signed by parent and the child/youth's Indigenous community, if parties.
<b>Consent: Information Sharing</b> CF0609, CF0611	Signed by all parties to the agreement.

##### (ii) Court-ordered out-of-care arrangements

	<b>Interim custody order to a person other than a parent</b>	<b>Temporary custody order to a person other than a parent</b>	<b>Permanent transfer of custody under s. 54.01</b>	<b>Permanent transfer of custody under s. 54.1</b>
<b>Presentation Form 1</b> CF4050	Required.	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<b>Report to Provincial Court of British Columbia Form A</b> CF4061	Required. See mandatory supervision terms in Procedures section <a href="#">10(c)(i)</a> .	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<b>Application for an Order Form 2</b> CF4051	<i>n/a</i>	Required. See mandatory supervision terms in Procedures section <a href="#">10(c)(i)</a> .	Required	Required
<b>Court Plan of Care for a Child in Custody of a Care Provider</b> CF2595	<i>n/a</i>	Required	Required	<i>n/a</i>
<b>Written Consent Form 11</b> CF4060	Signed by the care provider. Supervision terms to be added to the consent form.	Signed by the care provider. Supervision terms to be added to the consent form.	Signed by: <ul style="list-style-type: none"> <li>the child/youth (if age 12 or older)</li> <li>the care provider</li> <li>the PGT, if they are the property guardian</li> <li>the parent, when following an EFP Agreement.</li> </ul> May be signed by: <ul style="list-style-type: none"> <li>the child's Indigenous community or Indigenous authority (if applicable)</li> <li>the parent, when following a temporary custody order</li> <li>any other party.</li> </ul>	Signed by: <ul style="list-style-type: none"> <li>the child/youth (if age 12 or older)</li> <li>the care provider</li> <li>the PGT.</li> </ul> May be signed by: <ul style="list-style-type: none"> <li>the child's Indigenous community or Indigenous authority (if applicable)</li> <li>any other party.</li> </ul>
<b>Notice requirements* and Certificate of Service</b> CF4058 <i>*If the child/youth is Indigenous, also see Notice of Significant Measures in <a href="#">Table 2</a></i>	<i>Inform of place, date and time, per: <a href="#">s. 34</a></i>	At least 10 days' notice required, per <a href="#">s. 38</a> .	At least 10 days' notice required, per <a href="#">s. 54.01(3)</a> . If there are any access orders in place under s. 55(4) or 55(5), 30 days' notice is required to each person with an access order per <a href="#">s. 54.01(2)</a> .	At least 10 days' notice required, per <a href="#">s. 54.1(2)</a> .

## 5. Financial and other supports available in an out-of-care arrangement

	EFP Agreement	Interim or temporary custody order to a person other than a parent	Permanent transfer of custody under s. 54.01	Permanent transfer of custody under s. 54.1
<b>Maintenance Agreement</b> <i>Completed in MIS/RAPS</i>	Age 11 and under: \$1,549.20  Age 12 and older: \$1,726.33	Age 11 and under: \$1,549.20  Age 12 and older: \$1,726.33  May be eligible for an amount equal to the Child Disability Benefit if the child has a current Disability Tax Credit Certificate.	Age 11 and under: \$1,549.20  Age 12 and older: \$1,726.33  May be eligible for an amount equal to the Child Disability Benefit if the child has a current Disability Tax Credit Certificate.	Age 11 and under: \$1,549.20  Age 12 and older: \$1,726.33  May be eligible for an amount equal to the Child Disability Benefit if the child has a current Disability Tax Credit Certificate.
<b>Childcare subsidy and surcharge</b>	Submit form CF2044 as needed.	Submit form CF2044 as needed.	Submit form CF2044 as needed.	Submit form CF2044 as needed.
<b>Medical benefits*</b> <i>*If the child/youth is Indigenous, determine if they are eligible for benefits through the First Nations Health Authority. See <a href="#">Health Supports &amp; Dental Benefits for Children in Care and Youth Agreements</a> for more details.</i>	Enroll child/youth for MSP and extended health, dental, and optical benefits as required, in accordance with <a href="#">Health Supports &amp; Dental Benefits for Children in Care and Youth Agreements</a> .	Enroll child/youth for MSP and extended health, dental, and optical benefits as required.  If the care provider is eligible for MSP Supplementary Benefits, determine whether the child/youth may instead be added as a dependent on the care provider's MSP file, which may provide coverage through programs such as <a href="#">Healthy Kids</a> .	Inform the care provider that they are responsible to provide medical coverage.  If the care provider is eligible for MSP Supplementary Benefits, the child/youth may be eligible for programs such as <a href="#">Healthy Kids</a> .	Inform the care provider that they are responsible to provide medical coverage.  If the care provider is eligible for MSP Supplementary Benefits, the child/youth may be eligible for programs such as <a href="#">Healthy Kids</a> .
<b>Other supports</b> <i>See also: <a href="#">Enhanced Supports for Out-of-Care Arrangements policy</a></i>	Supplemental funding may be provided, in consultation with the team leader, for start-up fees; respite; child minding; cultural, transportation, workshops/training.  Community supports may be available based on need.	Supplemental funding may be provided, in consultation with the team leader, for start-up fees; respite; child minding; cultural, transportation, workshops/training.  Community supports may be available based on need.	Supplemental funding may be provided, in consultation with the team leader, for start-up fees; respite; child minding; cultural, transportation, workshops/training.  Community supports may be available based on need.	Supplemental funding may be provided, in consultation with the team leader, for start-up fees; respite; child minding; cultural, transportation, workshops/training.  Community supports may be available based on need.
<b>Federal benefits</b>	Inform the care provider to contact Canada Revenue Agency if they wish to determine their eligibility for child benefits, including the Canada Child Benefit and the Child Disability Benefit.	Inform the care provider that, according to the Canada Revenue Agency, they are <b>not</b> eligible for the federal Canada Child Benefit or the Child Disability Benefit.	Inform the care provider that, according to the Canada Revenue Agency, they are <b>not</b> eligible for the federal Canada Child Benefit or the Child Disability Benefit.	Inform the care provider that, according to the Canada Revenue Agency, they are <b>not</b> eligible for the federal Canada Child Benefit or the Child Disability Benefit.
<b>Income tax</b>	Inform the care provider that they are responsible to contact the Canada Revenue Agency or a tax professional to obtain information about any tax implications of receiving monthly maintenance payments. Workers must not provide tax advice.	Inform the care provider that they are responsible to contact the Canada Revenue Agency or a tax professional to obtain information about any tax implications of receiving monthly maintenance payments. Workers must not provide tax advice.	Inform the care provider that they are responsible to contact the Canada Revenue Agency or a tax professional to obtain information about any tax implications of receiving monthly maintenance payments. Workers must not provide tax advice.	Inform the care provider that they are responsible to contact the Canada Revenue Agency or a tax professional to obtain information about any tax implications of receiving monthly maintenance payments. Workers must not provide tax advice.
<b>SAJE Program</b>	Review <a href="#">SAJE Policies</a> to identify eligibility for SAJE Benefits and Supports.			

## 6. Responsibilities in an out-of-care arrangement

	<b>EFP Agreement</b>	<b>Interim or temporary custody orders to a person other than a parent</b>	<b>Permanent transfers of custody under s. 54.01 or s. 54.1</b>
<b>Care Provider</b>	Care provider has care of the child/youth and is authorized by the parent to exercise certain parental responsibilities under <a href="#">s. 43(2)</a> of the FLA. These parental responsibilities are outlined in Schedule A of the EFP Agreement.	The care provider is the child/youth's personal guardian for the duration of the order, can consent to health care for the child/youth, and can make necessary decisions about the child's education and religious upbringing unless otherwise ordered by the court, in accordance with <a href="#">s. 47(2) / s. 47(1)</a> .	The care provider is the child/youth's personal and property guardian and can exercise the full range of parental responsibilities under <a href="#">s. 41</a> of the FLA, unless otherwise ordered by the court.
<b>Parent</b>	Parent remains the personal and property guardian of the child/youth.	Parent remains the child/youth's property guardian unless the court appoints the PGT as property guardian under <a href="#">s. 58</a> of the CFCSA. Parent may retain some responsibilities as a personal guardian if the court makes an order under <a href="#">s. 47(3)</a> of the CFCSA.	No parental responsibilities.
<b>Director</b>	Contributes to the child/youth's support while the child/youth is in the care of the care provider. Collaborates with applicable Indigenous authorities to support coordinated service delivery in a manner consistent with the applicable Indigenous law for Indigenous children and youth and withdraws from court proceedings upon request of applicable Indigenous authorities, following Policy 3.10.	The parent's access to the child/youth is at the discretion of the director, in accordance with the supervision order. Contributes to the child/youth's support while the child/youth is in the care of the care provider. Collaborates with applicable Indigenous authorities to support coordinated service delivery in a manner consistent with the applicable Indigenous law for Indigenous children and youth and withdraws from court proceedings upon the request of applicable Indigenous authorities, following Policy 3.10.	Contributes to the child/youth's support while the child/youth is in the care of the care provider.
<b>PGT</b>	No role.	The court may appoint the PGT as the child/youth's property guardian under <a href="#">s. 58</a> of the CFCSA.	No role after the order is granted.
<b>Child/youth</b>	Under <a href="#">s. 17</a> of the <i>Infants Act</i> , the child/youth may consent to their own health care if they understand the nature and consequences of the health care and the health care is determined to be in their best interests.	Under <a href="#">s. 17</a> of the <i>Infants Act</i> , the child/youth may consent to their own health care if they understand the nature and consequences of the health care and the health care is determined to be in their best interests.	Under <a href="#">s. 17</a> of the <i>Infants Act</i> , the child/youth may consent to their own health care if they understand the nature and consequences of the health care and the health care is determined to be in their best interests.

## D: Procedures | Detailed

### Criteria for an Out-of-Care Arrangement

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1. Confirm whether the child/youth is Indigenous and whether an Indigenous law applies, following [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#). If an Indigenous law applies, contact the applicable Indigenous authority and provide services consistent with the Indigenous law, as described in [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).
2. Determine whether an out-of-care arrangement is the best plan for the child/youth when an assessment indicates that a child/youth cannot safely live with their parent and less intrusive options are not available.
  - (a) Assess and document the child/youth's needs, including health, relational, cultural, behavioural, and permanency needs to confirm whether these needs can be met through the proposed out-of-care arrangement.
  - (b) When considering an **EFP Agreement**, confirm that:
    - (i) each guardian with responsibility to make decisions about where the child/youth will reside and with whom the child/youth will associate voluntarily gives care of the child/youth to the care provider on a temporary basis under [s. 43\(2\)](#) of the FLA,
    - (ii) less intrusive supports and services that may support the parent to care for the child/youth have been explored, and
    - (iii) if an Indigenous law applies to the child/youth, the prospective care provider and parent understand that:
      - services may be available from the Indigenous authority, and
      - information will be shared with the Indigenous authority before, and while, the EFP Agreement is in place to support coordinated service delivery that is consistent with the Indigenous law (see Appendix I in [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#) for details on information sharing with Indigenous authorities).
  - (c) When considering an **interim or temporary custody order to a person other than a parent**, confirm that:
    - (i) the child/youth has been removed from their parent's care,
    - (ii) less intrusive supports and services that may support the child/youth to be reunited with their parent have been explored,
    - (iii) an EFP or other agreement that protects the child/youth has been explored, and
    - (iv) the Indigenous law that applies to the child/youth, if there is one, has been reviewed for any guidance respecting out-of-home placement options (see [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#)).
  - (d) When considering a **permanent transfer of custody under s. 54.01 (following an EFP Agreement)**, confirm that:
    - (i) the child/youth has lived with the care provider through an EFP Agreement for at least six consecutive months,
    - (ii) the parent consents to the proposed permanent transfer of custody order,
    - (iii) less intrusive supports and services that may support the child/youth to be reunited with their parent have been explored, and

- (iv) if an Indigenous law applies to the child/youth and the applicable Indigenous authority has indicated it is not, and will not be, providing services instead of CFCSA services or have custody of the child/youth under the Indigenous law. If the Indigenous authority confirms in writing that it is, or will be, providing services as outlined in Policy 18, or that it intends to provide confirmation in the near future, do not proceed with the permanent transfer of custody (see [Chapter 6 Permanency Policies](#)).
- (e) When considering a **permanent transfer of custody under s. 54.01 (following a temporary custody order)**, confirm that:
  - (i) the child/youth has lived with the care provider for at least six consecutive months as part of a temporary custody order to a person other than a parent. If the child/youth is currently in a temporary in-care status, apply to vary the order per [s. 57](#) to a temporary custody order to a person other than a parent.
  - (ii) less intrusive supports and services that may support the child/youth to be reunited with their parent have been explored.
  - (iii) if an Indigenous law applies to the child/youth and the applicable Indigenous authority has indicated it is not, and will not be, providing services instead of CFCSA services or have custody of the child/youth under the Indigenous law. If the Indigenous authority confirms in writing that it is, or will be, providing services as outlined in Policy 18, or that it intends to provide confirmation in the near future, do not proceed with the permanent transfer of custody (see [Chapter 6 Permanency Policies](#)).
- (f) When considering a **permanent transfer of custody under s. 54.1**, confirm that:
  - (i) the child/youth is currently the subject of a continuing custody order,
  - (ii) the continuing custody order was made by consent, or at least 30 days has passed since the order was made and no appeal is currently before the court,
  - (iii) the child/youth has lived with the care provider as a restricted foster placement for at least six consecutive months,
  - (iv) the child/youth cannot be supported to return to their parent's care through a cancellation of the continuing custody order under [s. 54](#) of the CFCSA, and
  - (v) if an Indigenous law applies to the child/youth and the applicable Indigenous authority indicates that it is not, and will not be, providing services instead of CFCSA services or have custody of the child/youth under the Indigenous law. If the Indigenous authority confirms in writing that it is, or will be, providing services as outlined in Policy 18, or that it intends to provide confirmation in the near future, do not proceed with the permanent transfer of custody (see [Chapter 6 Permanency Policies](#)).
- (g) Identify the proposed care provider. A prospective care provider is an extended family member or other person who has a relationship with, or a cultural or traditional responsibility to, the child/youth; is not already the child/youth's guardian under the FLA; is accepted as a potential care provider by the child/youth (according to the child/youth's developmental ability); and agrees to care for the child/youth for the duration of the out-of-care arrangement.
  - (i) When considering an **EFP Agreement**, the parent selects the care provider. Support the parent to identify prospective care providers, if necessary. Together with the parent, consider whether the child/youth's Indigenous community or Indigenous authority can help identify possible care providers.
  - (ii) When considering an **interim or temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.1**, consider if it



would be in the child's best interests to seek the parent's views when identifying prospective care providers.

- (iii) If the proposed care provider lives outside of the province, an out-of-care arrangement may be approved by the Director of Operations (or equivalent position), in collaboration with child welfare agencies in that jurisdiction. See the [Provincial/Territorial Protocol on Children, Youth & Families Moving Between Provinces & Territories](#) for more information. If the other jurisdiction does not have legislative authority to supervise an **interim** or **temporary custody order to a person other than a parent**, determine if a restricted foster care arrangement is necessary.

**3.** If the child/youth is Indigenous, identify a prospective care provider by applying the placement priorities in [s. 16](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act, when planning for an **interim** or **temporary custody order to a person other than a parent**, a **permanent transfer of custody under s. 54.01 (following a temporary custody order)**, or a **permanent transfer of custody under s. 54.1**.

- (a) Involve the child/youth's Indigenous community or Indigenous authority when identifying possible care providers.
- (b) See [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information about applying placement priorities in accordance with [s. 16](#) of the federal Act.

## Assessing the Proposed Care Provider

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**4.** Assess the proposed care provider to determine whether the Director is satisfied with the care provider's ability to care for the child/youth before entering into an agreement or applying for an order.

- (a) Visit the care provider's home and determine whether the home meets the child/youth's needs.
  - (i) When determining whether the physical home environment meets the child/youth's needs, consider their developmental, physical, emotional, and medical needs.
  - (ii) If the child is an infant or a child with support needs, ask what the planned sleeping arrangement is for the child to ensure the proposed care provider has an approved crib or other sleep surface as recommended by the [Safer Sleep brochure](#) and as appropriate to the child's developmental needs. Ask if the care provider is familiar with the most recent version of the Safer Sleep brochure. If there are questions or concerns, review the Safer Sleep brochure or [translated version](#) with the proposed care provider and discuss safe and unsafe sleeping practices to assist them in developing a Safer Sleep arrangement.
  - (iii) If the home does not meet the child/youth's needs, provide extra supports whenever possible to meet those needs.
- (b) Complete a criminal record check for the care provider and all those 18 years of age or older who are living in the home or who may have significant and unsupervised access to the child/youth. This includes anyone who is staying in the home overnight for more than 30 days and anyone in an intimate partner relationship with the proposed care provider. This does not include childminding, activities outside the home such as sleepovers, or childcare providers. (Refer to the [MCFD Criminal Records Check Processes](#)).

- (i) When planning for an **Interim (90 day) EFP Agreement** or an **interim custody order to a person other than a parent**, request voluntary disclosure of any offences, charges, convictions, or stayed charges. Call local police to determine whether they would have concerns about the child/youth's safety while living with the proposed care provider. When the local police have been contacted by the worker but are unable to provide a verbal record check, request information from police forces using form [CF2015](#) and/or complete Foster, OOC, Adoptions and Relief Providers Check (refer to the [MCFD Criminal Records Check Processes](#)).
  - (ii) When planning for an **EFP Agreement (over 90 days)** or a **temporary custody order to a person other than a parent**, complete a Foster, OOC, Adoptions and Relief Providers Check (refer to the [MCFD Criminal Records Check Processes](#)). If the proposed care provider, or any other adult living in the home or with significant and unsupervised access to the child/youth, has lived outside of Canada for at least six months since the age of 18, obtain a verified out-of-jurisdiction criminal record check from each jurisdiction.
  - (iii) When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1**, complete a Foster, OOC, Adoptions and Relief Providers Check if more than two years have passed since the previous Foster, OOC, Adoptions and Relief Providers Check (refer to the [MCFD Criminal Records Check Processes](#)). If the proposed care provider, or any other adult living in the home or with significant and unsupervised access to the child/youth, has lived outside of Canada for at least six months since the age of 18, obtain a verified out-of-jurisdiction criminal record check from each jurisdiction.
- (c) Complete a review of any child protection involvement for the care provider and all those age 18 years or older who are living in the home or who may have significant and unsupervised access to the child/youth. This includes anyone who is staying in the home overnight for more than 30 days and anyone in an intimate partner relationship with the proposed care provider. This does not include childminding, activities outside the home such as sleepovers, or childcare providers. Obtain consent using form [CF0623](#).
- (i) When planning for an **Interim (90 day) EFP Agreement** or an **interim custody order to a person other than a parent**, complete an IRR. If the IRR reveals child safety concerns and more information is required to interpret the results of the IRR, complete a DRR as soon as possible. Consult with the Director of Operations (or equivalent position) to determine whether the child/youth can remain with the care provider while the DRR is being completed.
  - (ii) When planning for an **EFP Agreement (over 90 days)** or a **temporary custody order to a person other than a parent**, complete an IRR and a DRR to determine whether the proposed care provider has been involved with services under the CFCSA. If the proposed care provider, or any other adult living in the home or with significant and unsupervised access to the child/youth, has lived outside British Columbia for at least six months since the age of 18, obtain a verified out-of-jurisdiction child welfare check from each jurisdiction.
  - (iii) When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1**, complete an IRR and a DRR if more than two years have passed since the previous check to determine whether the proposed care provider has been involved with services under the CFCSA. If the proposed care provider, or any other adult living in the home or with significant and unsupervised access to the child/youth, has lived outside British Columbia for at least six months since the age of 18, obtain a verified out-of-jurisdiction child welfare check from each jurisdiction.
- (d) Complete reference checks on the home, as follows:

- (i) When planning for an **Interim (90 day) EFP Agreement** or an **interim custody order to a person other than a parent**, conduct at least one preliminary reference check for the home by phone or personal visit.
  - (ii) When planning for an **EFP Agreement (over 90 days)** or a **temporary custody order to a person other than a parent**, obtain at least three written references for the care provider. These should include one from a family member of each care provider, and one from an unrelated individual who has known the proposed care provider for at least three years. If language, literacy or culture present barriers to obtaining a written reference, obtain the references verbally and document them.
  - (iii) When planning for a **permanent transfer of custody under s. 54.1**, complete four written references as part of the assessment.
- (e) Complete an assessment to determine whether the proposed care provider is prepared to meet the child/youth's needs throughout the term of the proposed out-of-care arrangement. When possible, develop a plan to support the care provider to successfully meet the child/youth's needs.
  - (i) When planning for an **Interim (90 day) EFP Agreement** or an **interim custody order to a person other than a parent**, discuss the proposed living arrangement with the care provider and determine their ability to safely care for the child/youth.
  - (ii) When planning for an **EFP Agreement (over 90 days)** or a **temporary custody order to a person other than a parent**, the [Kinship Assessment Tool](#).
  - (iii) When planning for a **permanent transfer of custody under s. 54.01**, use the [Kinship Assessment Tool](#).
  - (iv) When planning for a **permanent transfer of custody under s. 54.1**, use the [Kinship Assessment Tool](#).
- (f) Interview all other individuals in the home.
- (g) Consider any health-related concerns regarding the proposed care provider that may impact their capacity to provide care of the child.
  - (i) When planning for an **EFP Agreement**, a **temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01**, discuss any concerns that may arise during the assessment with a team leader to determine the best approach to supporting the care provider.
  - (ii) When planning for a **permanent transfer of custody under s. 54.1**, obtain a medical report as part of the assessment.
- (h) Consult with the team leader to determine whether the care provider is able to meet the child/youth's needs, and to determine whether supports could help the care provider to meet those needs.
- (i) If the proposed care provider has a relevant criminal record or previous child protection involvement, consult with the Director of Operations (or equivalent position).
- (j) If the child/youth is Indigenous, and if any concerns arise in the assessment, consider whether involving the child/youth's Indigenous community or Indigenous authority in the assessment can help to mitigate any concerns.
  - (i) Only involve an Indigenous community in the assessment with the consent of the proposed care provider, using form CF0609. Consent is not required to involve the Indigenous authority.
  - (ii) When assessing an Indigenous care provider, consider any previous involvement the care provider might have with child protection or justice systems in the context of over-representation caused by poverty, institutionalization and colonization.

These factors must be considered when assessing potential care providers so that they are not unjustly screened out.

- (k) Document all results of the screening and assessment on the care provider's RE file, including any concerns and the approved mitigation plan.
- (l) If the Director cannot support the proposed out-of-care arrangement even with support, explain to the proposed care provider how this decision was reached.
  - (i) Information arising from interviews, criminal record checks, or previous child protection involvement cannot be shared with others without the consent of the individual, using form CF0609.
  - (ii) With the consent of the care provider as identified in Procedure 3(l)(i), tell the Indigenous community (if applicable) why the Director cannot support the arrangement.
  - (iii) If the proposed arrangement was part of an **EFP Agreement**, and with the consent of the care provider as identified in Procedure 3(l)(i), tell the parent why the Director cannot support the arrangement. If the parent allows the child/youth to live with the care provider after the Director determines that the care provider is unable to provide for their safety and well-being, advise the parent that the child/youth's need for protection may be assessed.

## Planning for an Out-of-Care Arrangement

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- 5. If an Indigenous law applies to the child/youth, inform the prospective care provider that:
  - (a) Services may be available through the applicable Indigenous authority (and support them to contact the Indigenous authority), and
  - (b) Information may be shared with the applicable Indigenous authority before an out-of-care arrangement is entered into and while it is in place.
- 6. Plan collaboratively for an out-of-care arrangement that meets the child/youth's needs by including relevant members of the child/youth's circle early in the planning process.
  - (a) Gather the members of the child/youth's circle, including:
    - (i) The proposed care provider.
    - (ii) The child/youth's parent, as follows:
      - When planning for an **EFP Agreement** or a **permanent transfer of custody under s. 54.01 (following an EFP Agreement)**, encourage the parent to be actively involved in planning for the child/youth's needs.
      - When planning for an **interim or temporary custody order to a person other than a parent, a permanent transfer of custody under s. 54.01 (following a temporary custody order)** or a **permanent transfer of custody under s. 54.1**, determine if involving the parent in the planning is in the child/youth's best interests.
    - (iii) The child/youth, if over the age of 12. If the child is under the age of 12, involve the child as appropriate to their developmental level.
    - (iv) A representative from the child/youth's Indigenous community or Indigenous authority (if applicable) as follows:
      - When planning for an **EFP Agreement**, encourage the parties to involve the child/youth's Indigenous community in the planning. If there is an Indigenous authority, share information with the Indigenous authority about the planning

in accordance with Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).

- When planning for an **interim or temporary custody order to a person other than a parent**, involve the child/youth's Indigenous community or Indigenous authority early in the planning process. See Procedure 6 and [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information.
- When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1** involve the child/youth's Indigenous community or Indigenous authority early in the planning process. If the community does not support the permanent transfer of custody, consider alternative steps in consultation with the team leader and contract counsel. If the decision is to proceed with the application, ensure the community is appropriately served and has an opportunity to voice any concerns in court. See Procedure 6 and [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information.
- (v) The Public Guardian and Trustee, early in the planning process and obtain their consent prior to applying for an order as follows:
  - When planning for a **permanent transfer of custody under s. 54.01** if the PGT has been appointed the child/youth's property guardian under s. 58.
  - When planning for a **permanent transfer of custody under s. 54.1**.
- (vi) Any other individuals with a relationship to the child/youth in collaboration with other members of the care team, including but not limited to the child/youth's foster caregiver, if applicable; any advocates identified by the child/youth; individuals with an access order respecting the child/youth; any relevant service providers; individuals with a significant relationship with the child/youth.
- (b) Together with the members of the child/youth's circle, create a plan for the child/youth's needs that includes, at a minimum:
  - (i) Supporting the care provider and the child/youth for the transition into the home;
  - (ii) Supporting the child/youth to resolve any feelings of grief and loss;
  - (iii) Identifying how the child/youth's connection to family members will be maintained;
  - (iv) Identifying how the child/youth's cultural and spiritual connections will be maintained (if the child/youth is Indigenous, see [Procedure 6\(e\)](#) for more information);
  - (v) Available supports and services that will help the arrangement to be successful and support the care provider to meet the child/youth's needs;
  - (vi) Identifying how the child/youth's medical, dental and optical needs will be met.
- (c) If the child/youth is currently in care, use their care plan to assist in planning and decision making.
- (d) Prepare the child/youth for the planned out-of-care arrangement.
  - (i) Explain to the child/youth the reasons for the proposed out-of-care arrangement.
  - (ii) Encourage the child/youth to take an active role in planning and to express their views about the proposed out-of-care arrangement. Document their views.
  - (iii) When planning for an **EFP Agreement**, or an **interim or temporary custody order to a person other than a parent**, take the child/youth's views into account. If the child/youth does not agree to the proposed arrangement, consult with the team leader to determine whether the proposed arrangement is appropriate, another care provider should be considered, or another option should be pursued.



- (iv) When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1**, the child/youth (if over age 12) must provide consent. If a child under the age of 12 does not agree to the proposed arrangement, consult with the team leader to determine whether the proposed arrangement is appropriate, another care provider should be considered, or another option should be pursued.
- (e) Prepare the proposed care provider for the planned out-of-care arrangement.
  - (i) Ensure the care provider understands they are responsible to provide day-to-day care and nurturing of the child/youth for ensuring their safety and well-being.
  - (ii) Share with the care provider any relevant and necessary information, if permitted to do so under [s. 75](#) or [s. 79](#) of the CFCSA. This may include information that is necessary to ensure the safety and well-being of the child/youth, or to facilitate and support the child/youth to learn about their Indigenous traditions, customs and language and belong to their Indigenous community. This may also include the child/youth's medical, social, and placement history.
  - (iii) Explain to the proposed care provider that they are expected to work cooperatively with the care team; support the plan for the child/youth; and support reunification between the child/youth and their parent, if that is the plan for the child/youth.
  - (iv) If an Indigenous law applies to the child/youth, explain to the proposed care provider that information will be shared with the applicable Indigenous authority before, and while, the out-of-care arrangement is in place to support coordinated service delivery that is consistent with the Indigenous law (see [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#), including Appendix I within it, for more information).
  - (v) If the proposed care provider has concerns about the involvement of an Indigenous authority or the sharing of information with the Indigenous authority, discuss with the Indigenous authority to determine whether steps can be taken to alleviate their concerns.
  - (vi) Explain to the care provider that they are to use forms of behaviour management that are appropriate to the child/youth's level of development and do not cause physical, psychological, or emotional harm to the child/youth.
  - (vii) Ensure that the care provider agrees to recognize the [Rights of Children/Youth in Out-of-Care Arrangements](#) consistent with [s. 70](#) of the CFCSA, which the director recognizes as also applying to children and youth in out-of-care arrangements.
  - (viii) Explain that the care provider must report any serious incidents in accordance with the [Reportable Circumstances Policy](#).
- (f) If the child/youth will not be placed with a sibling when planning for a **permanent transfer of custody under s. 54.1**, obtain approval consistent with the process set out in the [Adoption Policy](#).
- (g) Document the results of the planning.

**7.** Ensure the relevant parties understand the legal basis for, and the effect of, the proposed out-of-care arrangement.

- (a) When planning for an **EFP Agreement**,
  - (i) Explain that an EFP Agreement is an agreement for contributions to the child/youth's support while the child/youth is in the care of the care provider. The director may cancel the agreement if the director determines that the agreement no longer meets the child/youth's needs.



- (ii) If the child/youth is Indigenous, explain that an EFP Agreement may be used to financially support a customary care arrangement when the parent has given care of their child/youth to the care provider in accordance with customary practices.
  - (iii) Emphasize that the parent retains guardianship of the child/youth, and responsibility for the child/youth's care is temporarily given to the proposed care provider, not the Director.
  - (iv) Explain that the care agreement (documented on Schedule A) is voluntary, and the parent and/or the care provider can cancel the care agreement at any time.
  - (v) Explain that the parent remains the child/youth's guardian and determines the frequency and nature of access to the child/youth. If the parent's access to the child/youth puts the child/youth at risk, determine whether more intrusive measures are necessary.
  - (vi) Advise the parent and care provider of their right to consult with a lawyer before entering into the care agreement (Schedule A).
- (b) When planning for an **interim or temporary custody order to a person other than a parent**,
- (i) Emphasize that the care provider would become the child/youth's guardian for the duration of time identified in the order, under the Director's supervision. The care provider will carry out any responsibilities of the personal guardian of the child/youth, including consenting to health care for the child/youth, unless limited by the court.
  - (ii) Ensure that the care provider and the parent know that the child/youth's contact with the parent is at the discretion of the Director.
  - (iii) If an Indigenous law applies to the child/youth, ensure that the care provider and the parent are aware that the interim or temporary custody order could end if the Indigenous authority confirms it is, or will be, providing Indigenous child and family services to the child/youth and requests that the director withdraw from CFCSA court proceedings. Do not share this information with the parent if doing so would pose a risk to any person's safety or the child/youth's well-being.
- (c) When planning for a **permanent transfer of custody under s. 54.01**,
- (i) Emphasize that the care provider would become the child/youth's permanent guardian and would be responsible to exercise the full range of parental responsibilities as defined in [s. 41](#) of the FLA.
  - (ii) If the application follows an EFP Agreement, ensure the parent understands that the order is voluntary.
  - (iii) Encourage the parent to seek independent legal advice before consenting to a permanent transfer of custody order.
  - (iv) Explain that the care provider is responsible to make all decisions regarding the child/youth's visits with the parent unless the court makes an access order under [s. 57.01](#) when the permanent transfer of custody order is granted.
  - (v) Determine whether the proposed care provider would continue with the proposed permanent custody application plan if the court were to grant access to the parent or other individuals. Document, for the courts, any concerns the proposed care provider might have about any orders for access.
  - (vi) Advise the proposed care provider that, once custody has been transferred, future decisions regarding guardianship of, or access to, the child/youth fall under the FLA, not the CFCSA. The parent may apply for access under the FLA even after the permanent transfer of custody order is granted.

- (vii) Independent legal advice should be offered to the proposed care provider and the child/youth (if over age 12) using the [Independent Legal Advice Roster](#) and form [CF0323](#). The court must be satisfied that the proposed care provider and the child/youth has had ample opportunity to consult with independent legal counsel and that they understand the nature and consequences of giving consent. Ensure that:
  - a written consent is always obtained;
  - the three lower checkboxes on the [Written Consent \(Form 11\)](#) that are used to indicate an understanding of the consent are discussed with and checked by the proposed care provider or a child/youth signing the form before accepting the written consent; and
  - a copy of the consent is filed in the legal section of the child/youth's file.
- (d) When planning for a **permanent transfer of custody under s. 54.1**,
  - (i) Emphasize that, during the residency period, the child/youth remains in care and the proposed care provider will be a restricted foster parent. [Children and Youth in Care](#) and [Resource Work Policies](#) apply.
  - (ii) Explain that, after the order is granted, the care provider will become the child/youth's permanent guardian and would be responsible to exercise the full range of parental responsibilities as defined in [s. 41](#) of the FLA. Ensure that the proposed care provider is aware of the differences between a permanent transfer of custody and adoption.
  - (iii) Explain that the care provider is responsible to make all decisions regarding the child/youth's visits with the parent, unless the court makes an access order under [s. 57.1](#) when the permanent transfer of custody order is granted.
  - (iv) Determine whether the proposed care provider would continue with the proposed permanent custody application plan if the court were to grant access to the parent or other individuals. Document, for the courts, any concerns the proposed care provider might have about any orders for access.
  - (v) Advise the proposed care provider that, once custody has been transferred, future decisions regarding guardianship of, or access to, the child/youth fall under the FLA, not the CFCSA. The parent may also apply for access or guardianship under the FLA even after the permanent transfer of custody order is granted.
  - (vi) Independent legal advice should be offered to the proposed care provider and the child/youth (if over age 12) using the [Independent Legal Advice Roster](#) and form [CF0323](#). The court must be satisfied that the proposed care provider and the child/youth has had ample opportunity to consult with independent legal counsel and that they understand the nature and consequences of giving consent. Ensure that:
    - a written consent is always obtained;
    - the three lower checkboxes on the [Written Consent \(Form 11\)](#) that are used to indicate an understanding of the consent are discussed with and checked by the proposed care provider or a child/youth signing the form before accepting the written consent; and
    - a copy of the consent is filed in the legal section of the child/youth's file.

**8.** If the child/youth is Indigenous,

- (a) Determine, in consultation with the team leader, if the proposed out-of-care arrangement is in the best interests of the child by applying the factors listed in [s. 10\(3\)](#) of the federal Act, with primary consideration given to those factors listed in [s. 10\(2\)](#) of that Act.

- (i) See [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information on assessing whether the arrangement is in the best interests of the child.
- (b) If the director has entered into an agreement with the child/youth's Indigenous community under s. 92.1 of the CFCSA, involve the community in accordance with the agreement.
  - (i) Check the [Repository](#) to determine if there is an applicable agreement under s. 92.1.
- (c) Provide notice to the parent, care provider, and Indigenous Governing Body in accordance with [s. 12](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act, before applying for an **interim or temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01 or s. 54.1**.
  - (i) See [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information on providing notice in accordance with the federal Act.
  - (ii) Also see CFCSA notice requirements in [Table 4](#).
- (d) If the child/youth is not placed with a family member, identify how the child/youth's attachment and emotional ties with their parent and family members will be promoted in accordance with [s. 17](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act, before applying for an **interim or temporary custody order to a person other than a parent**, a **permanent transfer of custody under s. 54.01 (following a temporary custody order)** or a **permanent transfer of custody under s. 54.1**.
  - (i) See [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information on promoting a child/youth's attachment and emotional ties.
- (e) Plan for the child/youth's cultural needs.
  - (i) Emphasize to the care provider that children are entitled to learn about and practice their Indigenous traditions, customs and languages, and to belong to their community.
  - (ii) When planning for an **EFP Agreement**, the parent retains the responsibility to make decisions respecting the child/youth's cultural, linguistic, religious and spiritual upbringing and heritage. Encourage the parent, together with the child/youth's Indigenous community (if a party) to plan for the child/youth's cultural, linguistic, religious and spiritual needs.
  - (iii) When planning for an **interim or temporary custody order to a person other than the parent**, develop a plan with the care provider and the child/youth's Indigenous community (if applicable) to meet the child/youth's cultural, linguistic, religious, and spiritual needs.
  - (iv) When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1**, complete a cultural plan if the care provider is not a member of the child/youth's Indigenous community. See the guidelines for [Developing a Cultural Safety Agreement](#).
- (f) Seek approval from the Provincial Exceptions Committee before placing the child/youth in the home when planning for a **permanent transfer of custody under s. 54.1** if the proposed care provider is not a family member and is not Indigenous.
  - (i) See the [Provincial Exceptions Committee Guidelines](#).

**9.** If the child/youth is not Indigenous, determine in consultation with the team leader whether the proposed out-of-care arrangement is in the child's best interests by applying the factors listed in [s. 4\(1\)](#) of the CFCSA prior to applying for a **temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01 or s. 54.1**.

## Entering into an Out-of-Care Arrangement

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**10.** In consultation with the team leader, complete the necessary processes to enter into the out-of-care arrangement.

- (a) If an Indigenous law applies to the child/youth, share information with the applicable Indigenous authority while the out-of-care arrangement is in place, following Appendix I in [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#). If the child/youth is in an **EFP Agreement**, notify all parties to the agreement when such information sharing has occurred.
- (b) When creating an **EFP Agreement**:
  - (i) Create a plan to support the parent's capacity for timely reunification using a Family Plan. Refer to the [Child Protection Response Policies](#).
  - (ii) Using Schedule A of the EFP Agreement (form CF2201), each guardian with responsibility to make decisions about where the child/youth will reside and associate with authorizes the care provider to exercise parental responsibilities which, at a minimum, include:
    - making day to day decisions affecting the child/youth and having day-to-day care, control, and supervision of the child/youth;
    - making decisions respecting the child/youth's education and participation in extra-curricular activities;
    - giving consent to medical, dental, and other health related treatments for the child/youth;
    - request and receive from third parties health, education, or other information respecting the child/youth.
  - (iii) The Director may then enter into an EFP Agreement using form [CF2191](#) for an initial term of up to 90 days (Interim EFP Agreement) or up to six months (EFP Agreement). With the approval of a Director of Operations (or equivalent position), an EFP Agreement may be created for more than six months if, considering the best interests of the child/youth and other relevant factors, a longer duration for the agreement is warranted.
  - (iv) If, with the care provider's consent, the child/youth's parent becomes a party to the agreement, identify their role in the Agreement. All parties must sign forms CF0609 and CF0611 to allow information to be shared as necessary.
  - (v) If the child/youth is Indigenous, encourage the care provider (and the parent, if a party) to invite the child/youth's Indigenous community to be party to the Agreement. If the child/youth's Indigenous community becomes a party to the agreement, identify their role in the Agreement. All parties must sign forms CF0609 and CF0611 to allow information to be shared as necessary.
- (c) When applying to the court for an **interim or temporary custody order to a person other than a parent** complete the necessary legal documentation identified in [Table 4](#).
  - (i) Recommend to the court supervision terms that:

- the care provider must cooperate with all instructions from the Director regarding access to the child/youth by the parent as well as any plans for reunification;
  - the care provider must allow the Director or a person authorized by the Director to visit and inspect the home and meet directly and privately with the child(ren)/youth at any time, whether scheduled in advance or not, and as often as the Director deems necessary to ensure the safety and well-being of the child; and
  - the Director may remove the child/youth if the care provider does not comply with the terms of the order.
- (d) When applying to the court for a **permanent transfer of custody under s. 54.01**, complete the necessary legal documentation identified in [Table 4](#).
- (i) The child/youth must have lived with the care provider under an EFP Agreement or a temporary custody order to a person other than a parent for at least six consecutive months prior to applying for the order. In consultation with the team leader and contract counsel, the director may apply to dispense with the legislated residency requirement under [s. 54.01\(8\)](#) if the court determines that it is in the best interests of the child to do so.
  - (ii) Use the information gathered in the planning process to develop the court documentation, including the child's views of the proposed arrangement; how the proposed arrangement promotes the child's safety and well-being; why the order is in the best interests of the child; and any recommendations regarding provisions for any access orders under s. 57.01.
  - (iii) The court may grant the order without a hearing under s. 60 if the director, the child/youth (if age 12 and older), the parents, the proposed care provider, the designated representative of the child's Indigenous community (if applicable), the PGT (if they are the child's property guardian under s. 58) and any other person who has been made a party by the court provide written consent to the order using Form 11.
  - (iv) After the order is granted, send a copy of the order to the PGT if the PGT was appointed the child/youth's property guardian under [s. 58](#)
- (e) When applying to the court for a **permanent transfer of custody under s. 54.1**, complete the necessary legal documentation identified in [Table 4](#).
- (i) Use the information gathered in the planning process to develop the court documentation, including the child's views of the proposed arrangement; how the proposed arrangement promotes the child's safety and well-being; why the order is in the best interests of the child; and any recommendations regarding provisions for any access orders under s. 57.1.
  - (ii) After the order is granted, send a copy of the order to the PGT.

## Supporting an Out-of-Care Arrangement

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**11.** Offer financial and other supports to the care provider as part of an out-of-care arrangement to help meet the assessed needs of the child/youth in their care.

- (a) Approved care providers are offered regular monthly maintenance payments which are expected to cover the day-to-day costs of the child/youth's care. Refer to the [MIS and ICM user guides](#) for information about contract payment procedures.
- (i) Maintenance rates are \$1,549.20 per child 11 years of age and younger, and \$1,726.33 per child/youth 12 years of age and older.



- (ii) In an **EFP Agreement**, the term of the maintenance agreement (Schedule B) aligns with the duration of the EFP Agreement (CF2191).
  - (iii) In an **interim or temporary custody order to a person other than a parent**, the term of the maintenance agreement should align with the duration of the order.
  - (iv) In a **permanent transfer of custody under s. 54.01 or s. 54.1**, the term of the maintenance agreement may be up to two years.
- (b) If the child/youth is in an **interim or temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01 or s. 54.1**, and if the child/youth has a Disability Tax Credit Certificate, provide the care provider with an increased maintenance rate of \$284.25. Refer to the MIS user guides for information about contract payment procedures.
- (i) Increased maintenance rates cannot be paid until the child/youth's eligibility is determined by Canada Revenue Agency. Confirm that the child/youth has a Disability Tax Credit Certificate and is eligible for increased maintenance by contacting MCFD Accounting Operations at [MCFFinanceCASSupport@gov.bc.ca](mailto:MCFFinanceCASSupport@gov.bc.ca)
  - (ii) If the child/youth does not have a Disability Tax Credit Certificate, consider whether the child/youth may be eligible and, if so, support the child/youth's application. Increased maintenance rates cannot be paid until the child's eligibility is confirmed by Canada Revenue Agency and MCFD Accounting Operations.
    - If the child/youth is in an interim or temporary custody order to a person other than a parent, support the application for a Disability Tax Credit Certificate by applying the steps outlined at [Child Disability Benefit & Registered Disability Savings Plan](#).
    - If the child/youth is in a permanent transfer of custody under s. 54.01 or s. 54.1, the care provider should contact MCFD Accounting Operations at [MCF.Child.Disability.Benefit@gov.bc.ca](mailto:MCF.Child.Disability.Benefit@gov.bc.ca).
- (c) Submit a referral for childcare subsidy and surcharge as needed, using form CF2044.
- (d) Encourage the care provider to complete [PRIDE Kinship Training](#), as well as any other training available in the community that may support the care provider to meet the child/youth's needs.
- (e) Determine the child/youth's eligibility for extended health, dental, and optical benefits in accordance with [Health Supports & Dental Benefits for Children in Care and Youth Agreements](#).
- (i) If the child/youth is Indigenous, determine if they are eligible for benefits through the First Nations Health Authority. See [Health Supports & Dental Benefits for Children in Care and Youth Agreements](#) for more details.
  - (ii) When planning for an **EFP Agreement**, enroll the child/youth in MSP, extended health, dental, and optical benefits as required, in accordance with [Health Supports & Dental Benefits for Children in Care and Youth Agreements](#).
  - (iii) When planning for an **interim or temporary custody order to a person other than a parent**, enroll the child/youth in MSP as required, which will provide the child/youth with [Plan C PharmaCare coverage](#). If the care provider is eligible for MSP supplementary benefits, determine if the child/youth can instead be added as a dependent to the care provider's MSP file, as the child/youth may be eligible for the [Healthy Kids Program](#) with Ministry of Social Development and Poverty Reduction. Enroll the child/youth in extended health, dental and optical benefits as required by emailing [mcf.medicalbenefitsprogram@gov.bc.ca](mailto:mcf.medicalbenefitsprogram@gov.bc.ca), including the following information: child/youth's name, birthdate, Personal Health Number and the effective date of the interim or temporary custody order.



- (iv) When planning for a **permanent transfer of custody under s. 54.01 or s. 54.1**, inform the care provider that the child/youth should be added to their own MSP account and extended health plans. If the care provider is eligible for MSP supplementary benefits, the child/youth may be eligible for the [Healthy Kids Program](#) with Ministry of Social Development and Poverty Reduction.
- (f) Determine the child/youth's and the care provider's need for supports.
  - (i) If the maintenance payment is not sufficient to meet the needs of the child/youth, determine in consultation with the team leader whether supplemental funding is available, including:
    - formal respite up to three days per month with a foster caregiver,
    - start-up funding of up to \$500 to support the child/youth's move into the home, or to purchase an essential item such as a crib, car seat, smoke detector;
    - cultural supports, such as cultural camps and opportunities provided by the child/youth's Indigenous community;
    - child care expenses (including informal respite), where child care expenses cause a hardship to the care provider, up to \$300 per month;
    - transportation expenses, on a case-by-case basis;
    - workshops/training, when necessary to enhance the care provider's ability to care for the child/youth, up to \$300 per year.
  - (ii) Tell the care provider that the child/youth may be able to access child and family services available in the community including supports for Children and Youth with Support Needs; Child and Youth Mental Health Services; early childhood development programs. Further inform the care provider that eligibility for support services is determined based on an assessment of need.
  - (iii) If the supports outlined above do not meet the child/youth's needs, and if the child/youth has significant and complex functional support needs, determine if the child/youth is eligible for an Enhanced Out-of-Care Support Agreement. Review the [Enhanced Supports for Out-of-Care Arrangements policy](#) for more information.
- (g) Inform the care provider that they are responsible to contact the Canada Revenue Agency or a tax professional to obtain information about any tax implications of receiving monthly maintenance payments. Workers must not provide tax advice.
  - (i) When planning for an **EFP Agreement**, tell the care provider to contact Canada Revenue Agency if they wish to determine their eligibility for child benefits, including the Canada Child Benefit and the Child Disability Benefit.
  - (ii) When planning for an **interim or temporary custody order to a person other than a parent**, or a **permanent transfer of custody under s. 54.01 or s. 54.1**, tell the care provider that, according to the Canada Revenue Agency, they are not eligible for the federal Canada Child Benefit or the Child Disability Benefit.
- (h) Advise the proposed care provider about programs that may be available to them, such as the Registered Education Savings Plan, the Registered Disability Savings Plan, and Canada Pension Plan Survivor Benefits (if applicable).
- (i) Determine the parent's contribution to the child/youth's care (if applicable).
  - (i) When planning for an **EFP Agreement** or an **interim or temporary custody order to a person other than a parent**, determine whether the parent can contribute to the child/youth's care (see [Policy 2.5](#)). When it is determined that the parent will contribute to the child/youth's care, complete form CF2615.

**12.** For **interim or temporary custody order to a person other than a parent** or an **EFP Agreement** be present whenever possible on the day the child/youth is placed with the out-of-care care provider, but within 7 days of the initial placement at a minimum, to support the transition of the child/youth to the home and to observe the child/youth in the home and see the physical home environment to ensure it meets the child/youth's needs. Respond immediately to any concerns regarding the physical, emotional, and/or psychological safety and well-being of the child/youth. Consult with a team leader on course of action. Properly document details of the response.

**13.** Maintain in-person, private contact with a child/youth in an **EFP Agreement** or **interim or temporary custody order to a person other than a parent** every 90 days

(a) Have in-person, private visits with the child/youth at least every 90 days as required, and more frequently whenever possible.

(i) If the child/youth is actively receiving Children and Youth with Support Needs services, Child and Youth Mental Health services, Enhanced Out of Care Supports, is not actively attending school or child care, or has other vulnerabilities, determine with a Team Leader whether more frequent visits with the child/youth are needed, taking into consideration any risk mitigation plans that are in place for the care provider.

(ii) A private visit should only include the child/youth and the worker, and must:

- be in person
- take place in a location where the child/youth feels safe and secure
- enable the child/youth to speak freely

(iii) In consultation with a Team Leader, a private visit may include another individual in the following circumstances:

- **The child/youth requests a support person:** e.g. Designated Representative, advocate, teacher, legal counsel etc.
- **The child is aged 0-5:** the caregiver may be present or nearby.
- **The child/youth has significant medical, communication or behavioural needs:** a medical professional or another person may be present where required for communication, health and/or safety reasons.

(iv) Not-private visits are discretionary, in-person visits with a child/youth where others may be present. Not-private visits must be documented in the ICM In-Person Child/Youth Visit applet and categorized as one of the following:

- **Not-private Relational Visit** – A visit that supports relationship-building with the child/youth and considers their specific needs. E.g. attendance at a graduation ceremony, sporting event, theater performance, cultural ceremony, other activities important to the child/youth, etc.
- **Not-private Planning Meeting** – A visit with a child/youth that takes place during a planning meeting. E.g. Circle meeting, cultural planning meeting, family case planning conference, integrated case management meeting, etc.
- **Not-private Visit with Caregiver** – A visit that occurs in or outside of the home with a caregiver that involves having a discussion about a child/youth's needs and ongoing care. E.g. preparation for upcoming planning meetings, checking in about how the child/youth is doing in the home, etc.
- **Not-private Visit in the Home** – A visit that takes place in the home and cannot be categorized as another not-private visit type. E.g. to support the child/youth in a meeting with another professional, to help address specific medical, behavioural or other support needs, collaborative planning, etc.

- (v) Details regarding the circumstances of the visit should be included in the Visit Description section of the ICM In-Person Child/Youth Visit applet. Consult with a Team Leader if you need support to determine the applicable visit type.
  - (vi) Some private visits with the child/youth will occur in their home and/or include seeing their home environment. Visits may also take place outside of the home and should be in a location where the child/youth feels safe and secure.
  - (vii) When visits occur in the home, view the home and surroundings, and pay specific attention to the child/youth's personal space. Immediately follow up with a Team Leader if any concerns are noted and, where applicable, with a resource worker if there are concerns with the resource.
- (b) During visits with the child/youth, consistently seek their views about their own safety and well-being, the care they are receiving, how their needs are being met, any concerns they have, significant events they have experienced and their wishes on planning, in a manner appropriate to their age and developmental, emotional and mental capacity.
  - (c) During visits with the child/youth observe their physical appearance and demeanour, properly document any observations and immediately follow up with Team Leader if any concerns are noted. Ensure the physical home environment, including the child's room, meet the child/youth's needs.
  - (d) Properly document the circumstances of the visit, the child/youth's views, significant events, and decisions or agreements reached, in the ICM In-Person Child/Youth Visit applet within five business days of the visit. Immediately follow up with a team leader if any concerns are noted.
  - (e) When a person conducting the visit is a community professional or an MCFD staff with no ICM access, ensure that the [OOC Visit Documentation Form](#) is attached in ICM and details of the visit are transferred into the ICM In-Person Child/Youth Visit applet.
  - (f) If there are exceptional circumstances where you are unable to see a child/youth privately within the required 90-day period, consult with your Team Leader and submit a written request for an exemption to a Designated Director.
    - (i) Where an exemption is granted, develop and document a plan to prioritize seeing the child/youth, and review the plan every 14 days until the child/youth is seen. Document any exemption approvals in the ICM In-Person Child/Youth Visit applet.
    - (ii) If a child/youth declined to meet during a scheduled private visit, document as an 'exemption to private visit' in the ICM In-Person Child/Youth Visit applet.
    - (iii) Document any attempts to arrange a meeting with a child/youth that did not result in a scheduled visit in ICM case notes.
    - (iv) If a child/youth is refusing a private visit or regularly missing visits, discuss and address any concerns with the child/youth and consult with a Team Leader if needed.

## Reviewing an Out-of-Care Arrangement

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**14.** Review the out-of-care order and/or agreement to determine whether the child/youth's needs are met.

- (a) Review an **EFP Agreement** to ensure that the child/youth's needs continue to be met by the agreement.
  - (i) Review an agreement at least every six months; at least two weeks prior to the expiry of the agreement; if an applicable Indigenous authority provides notice that

it is, or will be, providing Indigenous child and family services to the child/youth; and at the request of the child/youth, the parent, the care provider, or the child/youth's Indigenous community (if a party).

- Confirm whether an Indigenous law applies and whether there is an applicable Indigenous authority if not previously identified. If an Indigenous law applies, see "Reviewing or Ending an Out-of-Care Arrangement when an Indigenous Law Applies", below. For information on confirming whether an Indigenous law applies and whether there is an applicable Indigenous authority, see [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#).
  - (ii) When reviewing the agreement, meet with the care provider and the child/youth, as well as the parent and the Indigenous community if parties to the agreement, to discuss whether the child/youth's needs are being met. An applicable Indigenous authority may choose to participate in the review process based on its preferred level of involvement. Share information with it as described in Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).
  - (iii) Document any in-person meetings where the child/youth is present in the In-Person Child/Youth Visit applet in the ICM system. If this includes a private visit, document the private visit in the ICM applet within five business days.
  - (iv) Determine whether the parent can be supported to resume care of the child/youth, the EFP Agreement should be updated and/or renewed, or a permanent transfer of custody under s. 54.01 should be explored with the parent's consent. If the EFP Agreement was created in response to child protection concerns, refer to the [Child Protection Response Policies](#).
  - (v) If the EFP Agreement continues to be in the best interests of the child/youth, and in consultation with the team leader, renew the agreement (both CF2191 and Schedule B) for up to 12 months.
  - (vi) The total length of an EFP Agreement, including all renewals, should generally not exceed the timeframes outlined in [s. 45](#) of the CFCSA. When the recommended duration is reached and the child/youth's needs continue to be met through an EFP Agreement, and in consultation with the team leader, the agreement may be renewed beyond recommended time limits.
  - (vii) If the EFP Agreement is not meeting the child/youth's needs, explore other options with the parent and the care provider, in consultation with the team leader. The director may cancel the EFP Agreement by providing seven days' notice if the director no longer supports an EFP Agreement.
  - (viii) The EFP Agreement ends if parent resumes care of the child/youth or if the care provider is no longer caring for the child/youth. The parent's ability to care for the child/youth may be assessed as necessary, in accordance with the [Child Protection Response Policies](#).
- (b) Review an **interim** or **temporary custody order to a person other than a parent** to determine the next steps in planning for the child/youth.
- (i) Refer to the [Child Protection Response Policies](#) for information on planning for the child/youth and family with respect to family reunification and court processes.
  - (ii) When it is determined that a child/youth cannot return to their parent's care, determine whether the child/youth's needs are met by extending the out-of-care court order or, in accordance with [s. 45](#) time limits, applying for a permanent transfer of custody under s. 54.01.

- (iii) When the child/youth remains in an interim or temporary custody order to a person other than a parent, renew the maintenance agreement with the care provider.
- (c) Review a post-**permanent transfer of custody under s. 54.01 or s. 54.1** maintenance agreement.
  - (i) A permanent transfer of custody order cannot be changed or modified under the CFCSA, but can be changed upon application under the FLA. Per [s. 51\(5\)](#) of the FLA, a permanent transfer of custody order under s. 54.01 or s. 54.1 has the same effect as a guardianship order under the FLA.
  - (ii) Renew the maintenance agreement every two years. The guardian is eligible to receive funding while the order is still in effect until the child/youth turns 19 years of age, while in compliance with the terms of the agreement.
- (d) When a child/youth is in an out-of-care arrangement, reports of abuse or neglect caused by a care provider are child protection reports. These reports must be assessed under s. 16 and the [Child Protection Response Policies](#) apply. Create an Incident in the care provider's name. The report is then assessed by a delegated child protection worker.
- (e) When renewing an agreement past the youth's 18<sup>th</sup> birthday, as part of the regular review of the agreement, inform the care provider about housing arrangements and resources available to the youth in adulthood, including continuing to reside with the care provider through a Temporary Housing Agreement or to reside independently through a Temporary Support Agreement. See the [THA and TSA Policy](#) for further information.

**15.** If the child/youth is Indigenous and in an **interim or temporary custody order to a person other than a parent** and the care provider is not a member of their family, regularly reassess whether placement with their parent or a family member is possible, in accordance with [s. 16\(3\)](#) of the federal Act, to the extent that doing so is consistent with the best interests of the child as described in [s. 10](#) of that Act. If the child/youth has been placed with a family member who is not their parent, regularly reassess whether placement with their parent is possible.

- (a) See [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#) for more information about re-assessing a child/youth's placement.

## Reviewing or Ending an Out-of-Care Arrangement when an Indigenous Law Applies

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**16.** If it is learned that an Indigenous law applies and the applicable Indigenous authority was not contacted while planning for an out-of-care arrangement promptly contact the Indigenous authority as required under [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#), sharing information respecting the arrangement with it and following up to determine the level of involvement the Indigenous authority would like to have in planning and coordinating service delivery while the out-of-care arrangement is in place.

- (a) See Appendix I in [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#) for details on information sharing with Indigenous authorities.

**17.** If an Indigenous authority provides notification that it is, or will be, providing Indigenous child and family services to a child/youth who is subject to an **EFP Agreement**, notify the care provider and parent. Determine with the care provider, all parties to the Agreement, and the Indigenous authority whether the section 8 agreement should continue based on the best interests of the child as described in [Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA](#).



- (a) If the Indigenous authority notifies the director that it is, or will be, offering Indigenous child and family services to a child/youth who is subject to an **EFP Agreement**:
  - (i) Discuss the proposed services with the child/youth (if 12 or older) and all parties to the Agreement.
  - (ii) Ensure the child/youth (if 12 or older) and all parties to the Agreement are provided with information on Indigenous authority services, including contact information.
  - (iii) Discuss with the child/youth (if 12 or older), all parties to the Agreement, and the Indigenous authority whether it is in the best interests of the child to maintain the EFP Agreement while services are provided by the Indigenous authority.
  - (iv) Share information with the Indigenous authority as described in Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).
- (b) If it is determined to be in the child's best interests to continue the **EFP Agreement** while the Indigenous authority provides services, the Agreement can continue and information must be shared with the Indigenous authority as described in Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#). If it is determined not to be in the child's best interests to continue the EFP Agreement:
  - (i) Inform all parties to the agreement, including the child/youth (if 12 or older), the date on which the Agreement will end. Revise the agreement date accordingly, if necessary.
  - (ii) Inform the Indigenous authority that the agreement end date has been revised, if applicable.
  - (iii) Share information with the Indigenous authority as described in Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#). If this includes information about the care provider (e.g., for the purpose of supporting their continued care of the child/youth), ensure the care provider is made aware and discuss what information will be shared.
  - (iv) Document the details of the revised Agreement end date, if applicable, and the list of files transferred. Close the file.

**18.** Upon receiving written confirmation from an Indigenous authority that it is, or will be, providing Indigenous child and family services to a child who is in an **interim or temporary custody order to a person other than a parent**, and a request for the director to withdraw from CFCSA court proceedings, follow the withdrawal procedures in [Policy 3.10](#) or [Policy 5.1b](#) respectively.

**19.** If an applicable Indigenous authority does not request the director to withdraw from CFCSA court proceedings, services from the Indigenous authority can be provided concurrently while an **interim or temporary custody order to a person other than a parent** is in place. Share information with the Indigenous authority in accordance with Appendix I of [Policy 1.2 – Upholding Indigenous Jurisdiction over Child and Family Services](#).



## E: Related Resources

Type of Resource	Resource
Policy	<a href="#">Policy 1.1: Working with Indigenous Children, Youth, Families and Communities under the CFCSA</a>
Policy	<a href="#">Upholding Indigenous Jurisdiction over Child and Family Services</a>
Policy	<a href="#">Chapter 2: Family Support Services and Agreements</a>
Policy	<a href="#">Chapter 3: Child Protection Response Policies</a>
Policy	<a href="#">Resource Work Policies</a>
Policy	<a href="#">Health Supports &amp; Dental Benefits for Children in Care and Youth Agreements</a>
Policy	<a href="#">MCFD Criminal Records Check Processes</a>
Policy	<a href="#">Service Delivery Division Professional Supervision Policy</a>
Handbook	<a href="#">MIS/ICM User Guides</a>
Practice Directive	<a href="#">Developing a Cultural Safety Agreement</a>
Legislation/Regulation	<a href="#">Rights of Children in Care</a> . Note: although the CFCSA states that s. 70 rights only apply to children in care, the Director recognizes children in out-of-care arrangements as having the same rights. These rights are summarized in the <a href="#">Rights of Children in Out-of-Care Arrangements</a> tip sheet.
Website Link	<a href="#">Grandparents Raising Grandchildren support line</a>
Policy	<a href="#">Independent Legal Advice for Children and Others Providing Consent</a>
Resource	<a href="#">Safer Sleep Guide</a>
Practice Directive	<a href="#">Provincial/Territorial Protocol on Children, Youth &amp; Families Moving Between Provinces &amp; Territories</a>
Handbook	<a href="#">Poverty Intervention and Resource Guide</a>
Resource	<a href="#">Caring for a child in an EFP Agreement</a> (brochure for care providers)
Resource	<a href="#">Placement in removal status</a> (brochure for care providers)
Resource	<a href="#">Caring for a child in an interim or temporary custody order</a> (brochure for care providers)
Resource	<a href="#">Permanent transfer of custody under s. 54.1</a> (brochure for care providers)

Policy	<a href="#">Reportable Circumstances Policy</a>
Training Resource	<a href="#">PRIDE Kinship Training</a>
Resource	Applying for a <a href="#">Registered Disability Savings Plan</a> for children in out-of-care arrangements
Resource	<a href="#">If a youth in an out-of-care arrangement is also a parent</a>
Resource	<a href="#">Helping a parent to identify an out-of-care care provider</a>
Resource	<a href="#">Transitioning to an EFP from the Child in Home of Relative or Child Out of Parental Home programs</a>
Guide	<a href="#">Kinship Assessment Tool</a>
Policy	<a href="#">Prior Contact Check Policy</a>
Policy	<a href="#">THA and TSA Policy</a>

## F: Table of Changes

Amendment Date	Cliff #	Section	Change Type	Notes
2022-JUL-01	270477	Procedure 9(e)(iii)	am	Updated to provide extended dental and optical coverage for interim and temporary custody orders to a person other than a parent
2022-JUL-01		Procedure 9(a)(i)	am	Updated to increase maintenance rates consistent with changes to the Canada Child Benefit
2022-OCT-17	273383	Procedure 9(f), 9(g)	am	Procedure 9(f) deleted (respite in an EFP Agreement); Procedure 9(g) subsequently became 9(f) and was amended to provide for respite and other supports to out-of-care arrangements
2022-OCT-17	273383	Procedure 3(c)	am	Added link to form CF0623
2022-NOV-25		All	new, am	New policy requirements relating to Indigenous authorities exercising jurisdiction
2023-FEB-21	276590	Procedure 11(f)(iii)	new	Reference to Enhanced Out-of-Care Support Agreements

2023-APR-01	277247	Procedure 11(a)(i)	am	Increase maintenance rates
2023-APR-01		Procedure 12(e)	New	Link to THA and TSA policy
2023-JUL-01		Procedure 11(a)(i)	am	Updated to increase maintenance rates consistent with changes to the Canada Child Benefit
2023-SEP-01		Policy 12, 13 Procedure 12, 13	New	New policy and procedures requiring in-person visits to EFPs and interim and temporary custody orders every 90 days and be present when children/youth are placed with their care provider
2023-NOV-06		Procedure 10(b)(iii), 10(c)(i), 12, 13	am	Clarifications to procedures for in-person visits and to documentation requirements to alignment with in-person visit requirements
2023-NOV-11		Procedure 7(c)(vii), 7(d)(vi)	am	Clarifications on documenting that proposed care providers were offered independent legal advice
2024-JAN-15		All	New, am	New policy requirements relating to Indigenous authorities exercising jurisdiction
2024-JAN-23		Procedure 10(b)(iii)	am	Removed requirement to add information regarding in-person visits to the CF2191 form under 'Additional Terms', as this form has now been updated with the needed information.
2024-Feb-22		Procedure 13(d)	am	Clarified documentation instructions for in-person visits.
2024-May-02		Procedure 11(b)	am	Updated the CDB amount from \$248.75 to \$264.41.
2024-July-01		Procedures 11(a)(i) & 11(b)	am	Increase maintenance rates and CDB amount
2024-Aug-12	291055	All	am, del, new	Updated to align with the ICM In-Person Child/Youth Visit applet changes.

2024-Sep-24		Procedure 4	am, new	Revised Care Provider Assessment procedures to include the KAT
2024-Dec-17	293839	Policy 18 Procedure 18	del	Removal of reference to follow the Practice Guideline for Ending Protection and Guardianship Services when the director is withdrawing due to Indigenous law and when there is no active court proceeding. The existing withdrawal process applies to all withdrawals due to Indigenous law.
2024-Dec-17		Procedure 4, Table 3	del, am	Clarified KAT requirements and removed previous assessments tools, as the KAT is now the required tool post October 15, 2024
2024-Dec-23		Procedure 4(b).	am	Updated the criminal record check policy and added link to <a href="#">MCFD Criminal Records Check Processes</a> .
2025-Jul-01		Procedure 11(a)(i) and 11(b)	am	Increase maintenance rates and CDB amounts

#### Change Type

**am** = text amended or changed

**del** = text deleted

**new** = new section added

## G: Glossary

Term	Definition
Best Interests	For Indigenous children, Best Interests is defined in <a href="#">s. 10</a> of <a href="#">An Act respecting First Nations, Inuit and Metis children, youth, and families</a> . For non-Indigenous children, Best Interests is defined in <a href="#">s. 4</a> of the CFCSA.
Care	Physical care and control of the child.
Care Provider	A person who is caring for a child, including an out-of-care care provider, but not a foster parent.
Child	A person under 19 years of age and includes a youth.

Custody	Care and guardianship of a child.
Extended Family Program Agreement	An agreement under <a href="#">s. 8</a> of the CFCSA, which provides support for the child's care after the parent has voluntarily placed the child in the care of the care provider.
Indigenous authority	A body or entity, including an Indigenous governing body, that is authorized by an Indigenous governing body to provide Indigenous child and family services under Indigenous law.
Interim custody order to a person other than a parent	An order made under <a href="#">s. 35(2)(d)</a> of the CFCSA. This type of order places the child in the interim custody of the care provider, under the supervision of the Director.
Federal Act	<a href="#"><i>An Act respecting First Nations, Inuit and Metis children, youth, and families</i></a>
Guardianship	Includes all rights, duties, and responsibilities of a parent. Parental responsibilities are defined in <a href="#">s. 41</a> of the <i>Family Law Act</i> .
Temporary custody order to a person other than a parent	An order made under <a href="#">s. 41(1)(b)</a> , <a href="#">s. 42.2(4)(a)</a> , <a href="#">s. 42.2(4)(c)</a> , <a href="#">s. 44(1)(b)</a> , or <a href="#">s. 54.01(9)(b)</a> of the CFCSA. This type of order places the child in the temporary custody of the care provider, under the supervision of the Director.
Permanency	Attachments and connections to parents, siblings, families, communities, and cultures. Permanency should be assessed using the four domains of cultural, relational, legal, and physical permanency in accordance with the <a href="#">Permanency Framework</a> .
Permanent transfer of custody order	An order made under either <a href="#">s. 54.01</a> or <a href="#">s. 54.1</a> of the CFCSA. This type of order places the child/youth in the permanent custody of the care provider.
Youth	A person who is 16 years of age or over but is under 19 years of age.

## H: List of Acronyms

Acronym in Policy	Full Term
CFCSA	<i>Child, Family, and Community Service Act</i>
DRR	Detailed Record Review. See Policy 3.1 in the <a href="#">Child Protection Response Policies</a> .
EFP Agreement	Extended Family Program Agreement (an agreement under <a href="#">s. 8</a> of the CFCSA)
FLA	<a href="#">Family Law Act</a>
IRR	Initial Record Review. See Policy 3.1 in the <a href="#">Child Protection Response Policies</a> .

KAT	<a href="#">Kinship Assessment Tool</a>
MSP	Medical Services Plan
PGT	Public Guardian and Trustee

Description	Out-of-Care Policy (Chapter 4). This policy covers Extended Family Program (EFP) Agreements, interim and temporary custody orders to a person other than a parent, and permanent transfers of custody under s. 54.01 or s. 54.1.
Keywords	Out of Care Policy, out-of-care, Extended Family Program, EFP, s. 8, section 8, 54.01, 54.1, permanent transfer of custody, 41(1)(b), 35(2)(d), interim custody order to a person other than a parent, temporary custody order to a person other than a parent, out of care order, out of care agreement, out of care arrangement, out-of-care arrangement, out-of-care options, out of care options
Synonyms	41 1 b, 41.1.b, 35 2 d, 35.2.d, kinship care