

## Voluntary Placement of Children

This section pertains to the use of voluntary placement agreements for placing children into the care of a child and family services agency.

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### Legislation

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### Voluntary Placement Agreements

[Section 14](#) of *The Child and Family Services Act* provides for a parent, guardian or other person who has actual care and control of a child, to enter into a voluntary placement agreement (VPA) with an agency for the placing of a child without transfer of guardianship. An agreement may be entered into:

- when a person is unable to make adequate provision for the care of a child because of illness, misfortune, or other circumstances likely to be of a temporary duration, or
- because the child:
  - is a child with a mental disability as defined in [The Vulnerable Persons Living with a Mental Disability Act](#),
  - is suffering from a chronic medical disability requiring treatment which cannot be provided if the child remains at home, or
  - is 14 years of age or older and beyond the control of the person entering into the agreement.

Subsections 14(2) and (3) set limits on the duration of agreements and renewals. Subsections 14(4) and (5) provide for the termination of agreements or renewals by an agency or the person who entered into the agreement.

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[Subsection 15\(1\)](#) states an agreement by a minor is valid. Subsection 15(2) requires a person who enters into such an agreement with an agency to provide financial information prescribed by regulation (see Section 1.2.6, [Service Agreements](#) for details).

## Prescribed Forms

Schedule A of the [Child and Family Services Regulation](#) contains prescribed forms as follows:

- Form CFS-7 – Voluntary Placement Agreement
- Form CFS-8 – Renewal of Voluntary Placement Agreement
- Form CFS-9 – Termination of Voluntary Placement Agreement
- Form CFS-10 – Declaration of Family Income

These forms cannot be changed other than by an amendment to the regulation. Printable versions are available through the Child and Family Services Information System.

Section 33 of the [Child and Family Services Authorities Regulation](#) transfers the power of the director under [subsection 15\(4\)](#) of *The Child and Family Services Act* to an agency's mandating authority. That authority may require an agency to submit all or any agreements for day care, homemaker services or voluntary placements under sections [12](#), [13](#) and [14](#) of the Act for approval.

## Policy

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### Use of Voluntary Placement Agreements

Use of voluntary placements under [section 14](#) of *The Child and Family Services Act* is consistent with an agency's duty under [section 7](#) to provide family guidance, counselling, supervision and other services to families for the protection of children.

An agency may enter into a voluntary placement agreement (VPA) with a parent, guardian or person who has actual care and control of a child when:

- Strategies to maintain the child in his or her home have been fully explored with the family and are not an appropriate solution.
- The legal criteria in [subsection 14\(1\)](#) of the Act apply.

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- The applicant is willing to maintain contact with the child in care and to resume care of the child when circumstances or conditions change sufficiently to allow the child to return home.

Entering into a VPA under [section 14](#) of the Act is inappropriate when one or more of the following apply:

- A child is in need of protection pursuant to [section 17](#) of the Act and the use of voluntary placement will not ensure the child's safety and well-being.
- The parent, guardian or person who has the actual care and control of the child has not freely and willingly agreed to voluntary placement.
- A child under 12 years of age who is not mentally disabled as defined in [The Vulnerable Persons Living with a Mental Disability Act](#) or physically disabled and it is unlikely the child will ever return to the care of his or her family.
- The circumstances are such that limits need to be imposed on the actions of the child or family in order that planned treatment is completed.
- A child requires repatriation within Manitoba, within Canada (see [Provincial/Territorial Protocol](#) in Section 1.3.1, Child Protection), or to another country.

## Agency Signing Authority

Consistent with provincial policy and standards in Section 1.7.5, [Delegation of Authority](#), an agency executive or regional director may delegate signing authority for VPA forms to one or more persons in a managerial or supervisory role in the agency. Delegation must be in writing and a copy of the delegating instrument kept on file.

Persons who are given VPA signing authority are expected to have a sound working knowledge of relevant provisions in *The Child and Family Services Act* and regulations.

## Standards

1. **Use of Voluntary Placement Agreements** – No child is placed through a voluntary placement agreement (VPA) other than in accordance with [subsection 14\(1\)](#) of *The Child and Family Services Act* and the policy and standards in this section.
2. **Decision to Enter into VPA** – A decision to enter into a VPA involves the following steps:

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- an [intake disposition](#) is made to open a case for ongoing services and, when applicable, [transfer](#) the case to a case manager or another agency
  - the case manager has completed an [assessment](#) of the family and child
  - the case manager's supervisor has reviewed and approved the [care plan](#)
  - a decision has been made regarding parental contributions in accordance with the requirements in Section 1.2.6, [Family Support Services](#)
3. **Signing of VPA Forms by Parent or Guardian** – The Voluntary Placement Agreement (CFS-7) and Declaration of Family Income (CFS-10) are signed by the person or persons placing the child prior to or at the time of placement unless the child is already in care of the agency through [apprehension](#) or an [order of guardianship](#). The Renewal of Voluntary Placement Agreement (CFS-8) is signed prior to the expiration of the initial agreement or previous renewal.
  4. **Signing of VPA Forms by Agency** – The Voluntary Placement Agreement (CFS-7) and Renewal of Voluntary Placement Agreement (CFS-8) are signed within one week from the date a parent or guardian signed the forms. The forms are signed by:
    - the agency executive or regional director or a person delegated in writing to act on behalf or in the absence of the executive or regional director
    - and when applicable, the chief executive officer of the agency's mandating authority pursuant to section 33 of the [Child and Family Services Authorities Regulation](#).
  5. **Distribution of Signed VPA Forms** – Copies of the VPA agreement (CFS-7) or renewal (CFS-8) signed by the placing agency are:
    - provided or mailed to a parent or guardian within one week from the date the parent or guardian signed the agreement or renewal
    - sent to the agency's mandating child and family services authority and the Director of Child and Family Services within 30 days
  6. **Filing of VPA Forms** – Original copies of the Voluntary Placement Agreement (CFS-7), Renewal of Voluntary Placement Agreement (CFS-8) and Termination of Voluntary Placement Agreement (CFS-9) are stored on the child-in-care file (see [Case Categories](#) in Section 1.7.1, Service Records). The original copy of the Declaration of Family Income (CFS-10) is stored on the family protection (Prt) or voluntary family service (VFS) file.

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