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## Introduction

Chapter 4 of Volume 1 contains provincial policy and standards relating to services to children in care of agencies under *The Child and Family Services Act*.

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## Chapter Content

The provincial standards in this chapter are divided into seven sections as follows:

- Section 1 – Child Placement Services – *To be completed*
- Section 2 – [Places of Safety](#)
- Section 3 – [Use of Hotels](#)
- Section 4 – Care and Supervision – *To be completed*
- Section 5 – Children with Special Needs – *To be completed*
- Section 6 – Child Maintenance – *To be completed*
- Section 7 – [Absent and Missing Children](#)
- Section 8 – Interference with Children in Care – *To be completed*
- Section 9 – Children with FASD
- Section 10 – Transition Planning – *To be completed*

*When applicable, the sections to be added to this manual will replace existing policies and standards available through the Child Protection Branch.*

## Legislation

Provisions in [The Child and Family Services Act](#) and regulations relevant to this chapter include the following:

- [Section 1](#) defines a *child* as a person under the age of majority (18 years). It also defines a ward as a child of whom the director (Director of Child and Family Services) or an agency is the guardian. [Subsection 7\(2\)](#) states that in all court proceedings brought by a regional office, the director shall be named the party to the proceedings and any order shall also be in the name of the director.
- [Section 2](#) defines *best interests* of a child and sets out the rights of a child in proceedings under the Act.

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- [Section 14](#) provides for the placement of a child through a voluntary placement agreement (VPA).
  - [Section 16](#) pertains to the voluntary surrender of guardianship of a child (VSG).
  - [Section 21](#) pertains to the duty and power to apprehend a child in need of protection and take the child to a place of safety. Section 37 of the [Child and Family Services Authorities Regulation](#) gives child and family services authorities the power to apprehend a child as well as the agencies, police and the director.
  - [Section 38](#) gives the courts the power to, among other things, to grant a temporary or permanent order of guardianship to an agency or, in the case of a regional office, the director (see subsection 7(2) above).
  - [Section 48](#) pertains to the responsibilities of an agency or, in the case of a regional office, the director as guardian of a child.

Schedule A in the [Child and Family Services Regulation](#) contains prescribed forms for agreements under Part II and proceedings under Part III of the Act. Printable versions of these forms must have the same wording as in the regulation.

## Policy

Consistent with the intent of *The Child and Family Services Act*, child and family services agencies and authorities should make every reasonable effort to prevent the need for children to come into care and should only take children into care when:

- a child is in need of protection,
- or for voluntary placement, it is in the best interests of the child, or
- for voluntary surrender of guardianship, the parent or guardian fully understands the effect and has been advised of the right to independent legal advice.

## Standards

The provincial standards in this chapter are minimum requirements for services to families under *The Child and Family Services Act*.

Agencies are also required to follow culturally appropriate standards developed by their respective mandating authorities pursuant to [section 19](#) of *The Child and Family Services Authorities Act*.