

Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories

Introduction

This Protocol provides a framework for consistent, quality services to children and families moving between provinces. The intent is that children and families should experience smooth transitions and receive emergency responses with minimal service disruption.

The Protocol exemplifies the desire of provinces and territories to co-operate and share responsibility for mutual clients. It is based on the principle that the protection and best interests of children are the primary considerations in all decisions and services.

General Provisions

1. Definitions

adoptive applicant – a person or persons who have applied to adopt a child in care, but who have not received a child for purposes of adoption.

adoptive parent – depending on the context, a person or persons who have received a child in care for purposes of adoption or who have been granted an order of adoption of a child.

child – a person who is under 18 years of age.

child in care – a child who has been apprehended by a child welfare authority or who is in the care, custody or guardianship of a child welfare authority by a court order or voluntary agreement or adoption consent.

child welfare – legislated programs in provinces and territories in Canada relating to child protection services, services to children in care, and adoption and post-adoption services.

foster family – a family, other than a parent or guardian of a child, approved by a child welfare authority to provide care and supervision of a child in care.

local authority – an agency, society, region or centre that has statutory responsibility for the delivery of child welfare services in a particular geographical area or for a specific group within a province.

originating province – unless otherwise defined, the province, including the appropriate local authority, that requests child welfare services from a receiving province or agrees to the repatriation of a child from a receiving province.

province – a province or territory of Canada.

provincial authority – the central authority responsible for the administration of child welfare legislation for a province or territory.

receiving province – unless otherwise defined, the province, including the appropriate local authority, that agrees to provide child welfare services at the request of an originating province or repatriates a child to an originating province.

residential care facility – a staffed facility other than a foster home used for the placement of a child or young adult by a local authority.

young adult – a person who is 18 years of age or older and who is or was in care of, or who has entered into a support agreement with, a local authority in an originating province.

2. Protocol and Schedules

This Protocol applies to child welfare services provided to children and families moving between provinces. The nature and scope of the services are set out in schedules attached to this Protocol. Unless the context indicates otherwise, this Protocol includes the following schedules:

Schedule A – Child Protection Services

Schedule B – Children in Care

Schedule C – Adoption and Post-Adoption Services

3. Commitment to Protocol

Each province agrees to:

- a. work co-operatively with other provinces to facilitate continuity and minimize disruption in the delivery of services under this Protocol to the extent permitted by its legislation and policy; and
- b. as part of its ongoing review of legislation and policy, consider changes to its legislation and policy that will enhance the provision of services under this Protocol.

4. Co-ordination of Services

4.1 Information Sharing

Each province agrees to facilitate the sharing of information with respect to persons needing or receiving services under this Protocol to the extent permitted by its legislation and policy. As a general rule, personal information is shared with the consent of the persons who are the subject of the information. To the extent permitted or required by legislation in each province, personal information may be shared without the person's consent in situations involving the protection of a child or services on behalf of a child in care.

4.2 Provincial and Local Authorities

The provincial authority in each province agrees to facilitate the co-ordination of services included in this Protocol either directly or through the involvement of the appropriate local authority. The role of the provincial authority and the local authorities may vary according to the legislation and policy of each province.

4.3 Services to Aboriginal Children and Families

When providing services to Aboriginal children and families under this Protocol, the receiving province agrees to follow legislative requirements and existing protocols of the originating province with respect to Aboriginal children and families to the extent possible under the receiving province's legislation and policy.

5. Financial Responsibilities

5.1 Service Delivery Costs

In providing services under this Protocol, a receiving province is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- a. services to families;
- b. child protection investigations;
- c. arranging for the signing or renewal of voluntary service or placement agreements;
- d. serving child welfare court documents;
- e. preparing social assessments or homestudies;
- f. participation in case planning;

- g. monitoring and supervising the placement of children; and
- h. adoption and post-adoption services.

5.2 *Maintenance and Service Expenditures – Originating Provinces*

In requesting services from a receiving province, an originating province agrees to pay for:

- a. special foster care rates pursuant to paragraph B6.3.2 in Schedule B;
- b. financial assistance to young adults;
- c. psychological and psychiatric services not paid for by public health insurance or other publicly funded sources in a receiving province;
- d. residential care facility per diems and related costs;
- e. adoption subsidy payments; and
- f. children's special services not available through publicly funded programs in the receiving province.

5.3 *Maintenance and Service Expenditures – Receiving Provinces*

In providing services requested by an originating province, a receiving province agrees to pay for:

- a. expenses related to repatriating children pursuant to Schedule A;
- b. basic foster care at the rate normally provided by the receiving province and special foster care rates pursuant to B6.3.1 in Schedule B; and
- c. dental and optical services and prescribed drugs normally provided by the receiving province; and
- d. other expenditures as negotiated on a case by case basis between the originating and receiving provinces

6. Implementation of Protocol

6.1 *Provincial Contacts*

Upon signing this Protocol, each province shall:

- a. designate one or more provincial contacts responsible for facilitating and coordinating services included in this Protocol; and

- b. provide all parties to this Protocol with a list of its provincial contacts and subsequent updates to the list, distributed on a timely basis.

6.2 *Local Authorities*

The provincial authority in each province shall:

- a. ensure that all local authorities in its jurisdiction are provided with a copy of this Protocol and any amendments;
- b. provide direction and advice as necessary to local authorities in its jurisdiction to promote compliance with this Protocol;
- c. provide all parties to this Protocol with a list of its local authorities and subsequent updates to the list, distributed on a timely basis; and
- d. facilitate communication between local authorities in its jurisdiction and other provincial or local authorities.

7. **Dispute Resolution**

7.1 *Disputes between Local Authorities*

In the event that a dispute between local authorities in an originating and receiving province cannot be resolved, the matter shall be referred to the provincial contact for each province with a view to facilitating a mutually satisfactory resolution of the matter.

7.2 *Involvement of Provincial Directors*

In the event that the dispute referred to in subsection 7.1 cannot be resolved with the help of provincial contacts for each province, the matter shall be referred to the provincial director responsible for the child welfare program in each province.

8. **Inclusion and Withdrawal**

8.1 *Opting into Protocol*

A province that has not signed the Protocol on or before the date it comes into force may opt into the Protocol by giving *30 days notice* in writing to all parties to the Protocol together with a copy of the Protocol executed by its proper authority.

8.2 *Opting out of Protocol*

A province may opt out of this Protocol by giving *90 days notice* in writing to all parties to this Protocol.

9. Amendments to Protocol

9.1 *Review of the Protocol*

A formal review of the provisions in this Protocol may be undertaken at any time with the approval of a majority of the parties.

9.2 *Amendments*

Amendments to this Protocol may be made upon the written consent of all the parties executed by their proper authorities.

9.3 *Schedules*

Schedules may be added to or deleted from the Protocol upon the written consent of all the parties executed by their proper authorities.

10. Commencing of Protocol

10.1 *Effective Date*

This Protocol comes into force on March 1, 2001. It shall apply to those provinces that have signed the Protocol on or before the date it comes into force and any party that subsequently opts in pursuant to subsection 8.1. This Protocol shall not apply to a party that subsequently opts out pursuant to subsection 8.2.

10.2 *Existing Protocol*

This Protocol replaces the *Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories* as of March 1, 2001.

10.3 *Signing by Parties*

This Protocol may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of this Protocol and such counterparts together shall constitute but one and the same instrument.

Signatories to Protocol

The following provinces and territories are signatories to the Protocol as amended on December 15, 2006:

| Province/Territory | Date Signed |
|---------------------------|--------------------|
| Alberta | September 19, 2006 |
| British Columbia | September 28, 2006 |
| Manitoba | September 14, 2006 |
| New Brunswick | August 23, 2006 |
| Newfoundland and Labrador | October 13, 2006 |
| Northwest Territories | November 3, 2006 |
| Nova Scotia | October 3, 2006 |
| Nunavut | December 15, 2006 |
| Ontario (MCSS & CYS) | September 22, 2006 |
| Prince Edward Island | October 24, 2006 |
| Saskatchewan | August 21, 2006 |
| Yukon | August 23, 2006 |

Note: Quebec is not a signatory to the protocol; nevertheless, the child welfare authorities implement the provisions in the protocol when dealing with other provinces or territories.