Introduction

This section pertains to the designation and use of places of safety for children in need of protection under Part III of The Child and Family Services Act.

The use of apartments and houses other than hotels and motels is included in this section (see Policy in this section and Section 1.4.3, Use of Hotels).

Legislation

Policy

Standards

Duties and Powers

Licensing Requirements

Duties and Powers

Section 1 of The Child and Family Services Act defines a place of safety as any place used for the emergency temporary care and protection of a child including treatment centres. Clause 4(2)(f) gives the Director of Child and Family Services (director) the power to designate in writing a place or type of place as a place of safety for purposes of the Act. Subsection 4(3) provides for the delegation of the director’s duties and powers.

Subsection 21(1) of the Act pertains to the power to apprehend a child in need of protection without a warrant and take the child to a place of safety. Section 37 of the Child and Family Services Authorities Regulation gives authorities the same power as the director under subsection 21(1).

Subsection 22(2) of the Act states that a child may be left in hospital as a place of safety for the duration of the hospitalization.

Section 8 of the Joint Intake and Emergency Services by Designated Agencies Regulation lists the duties of a designated agency. Clause (c) refers to the duty to apprehend a child in need of protection and take the child to, or leave the child in, a place of safety.

Licensing Requirements

A child care facility is defined in section 1 of The Child and Family Services Act as a foster home, group home, treatment centre, or any other place designated in the
regulations. It also defines these types of facilities. Section 8 states that licenses are required for foster homes and other child care facilities in accordance with the regulations.

The Foster Homes Licensing Regulation applies to family and staff residences used as a place of safety. Policies in this section regarding the use of family residences and agency staff residences as places of safety explain when and how this regulation applies.

The Child Care Facilities (Other than Foster Homes) Licensing Regulation applies to apartments and houses used as a place of safety. They fall under the category of temporary shelter (see section 2 of the regulation). The policy in this section regarding the use of an apartment or house as a place of safety explains when and how this regulation applies.

Policy

Place-of-Safety Categories
Authority to Designate
Family Residences
Agency Staff Residences
Multiple Agency Placements
Apartments and Houses
Family Violence Prevention Facilities
Detention and Correction Facilities
Number and Ages of Children
Maintenance Payments
Support and Respite
Place of Safety Forms
Agency Place of Safety Records
Agency Place of Safety Lists

Place-of-Safety Categories

This manual section applies to places of safety other than licensed child care facilities (foster homes, group homes, treatment centres and other child care facilities). It contains policies and standards relating to the following types of places:

- family residences
- agency staff residences
- rooms and apartments
- family violence prevention facilities
This section does not apply to independent living arrangements for older children in care.

Authority to Designate

This manual section authorizes child and family services authorities and their agencies under subsection 4(3) of The Child and Family Services Act to designate places as places of safety under the following categories:

- family residences
- agency staff residences
- rooms and apartments

This delegation gives authorities and their agencies the power to designate in writing a place or types of places as a place of safety pursuant to clause 4(2)(f) of the Act with respect to the above categories.

Family Residences

Family residences include homes of relatives, friends and community members. Agencies are required to use these resources according to the policies and standards in this section. Placement priorities in Section 1.1.1, Intake, Standard 18, also apply.

An agency may place a child with a relative or a home identified by the child or parent as a place of safety even if an approved foster home is available. Other homes are not to be used if an approved foster home is available. If a relative is also an agency staff person, the policy and procedures for agency staff residences apply.

The following procedures apply to the approval and use of family residences as a place of safety:

1. **Screening Adults in Home** – Prior contact (PC), child abuse registry (CAR), and criminal record checks are completed on all adults residing in the home within three months prior to placement unless children must be placed immediately and the family is known to them and the agency. The departmental forms for PC and CAR checks and, when applicable, sharing of confidential information, are used (see Place of Safety Forms in this section). In the event these checks are not completed prior to placement for the above noted reasons, the placing agency must complete PC and CAR checks and initiate criminal record checks within two days following placement and, when applicable, obtain detailed information from any agencies that have a record on a person in the home. If a check or information obtained from another
agency indicates cause for concern, the children are immediately removed. If there is an open child protection case on the family, the home is assessed as to the level of risk to children. The home is not used if the family is identified as a high or medium protection case.

2. **Assessment of Person or Family** – The placing agency worker assesses the home as to possible indicators of unsuitability. The assessment is completed prior to or at the time of placement. Factors to be considered include indications of alcohol or drug abuse, marital problems, family violence and health issues. The worker also considers such factors as family composition, family relationships and approach to disciplining children. The worker obtains at least one reference or a recommendation from a local child care committee concerning the family’s ability to protect, nurture and care for a child.

3. **Inspection of Residence** – The placing worker inspects the home to assess whether such factors as the physical environment and sleeping arrangements are satisfactory. The home is inspected prior to or, when a child is placed on an emergency basis, at the time of the placement or as soon as reasonably possible thereafter. Agencies may use the provincial checklists for foster care to facilitate this process.

4. **Placement Approval** – Agency managers (supervisors or higher) authorize the placement of a child in a family residence as a place of safety. When an agency relies on a community committee to assist in case decisions, a worker may place a child in a home on the recommendation of the committee, advising the agency manager following the placement (see Community Committees in Section 1.2.1, Community Involvement. When a child on an emergency basis in a home used for the first time, the placing worker requests approval within one working day following placement.

5. **Placement Agreement** – The placing worker explains the conditions of placement listed in the Notice of Agreement to Provide Placement form (see Place of Safety forms in this section), completes the form as necessary and obtains the signature of the primary caregiver.

6. **Contact Following Placement** – The worker responsible for supervising the placement visits the home within two working days following placement. In remote areas, this requirement can be met by telephone contact followed by a visit within five working days or soon as reasonably possible thereafter. The worker continues to maintain contact as required under monitoring in Section 1.1.5, Evaluation.

7. **Referral to Another Agency** – If another agency will be involved in screening and approving the home for use as a place of safety or for monitoring the placement of a child in the home, the placing agency notifies the second agency within one working day following placement.
day following the placement, forwarding a copy of the Place of Safety Placement form to that agency. The placing agency also notifies the other agency within one working day when a child is moved from the home.

8. **Foster Home Applications** – Placement of a child in a family residence is not to exceed one month unless the family applies for a foster home licence or the caregiver has applied under section 77 of *The Child and Family Services Act* for guardianship of the child and the apprehending agency has no objection to the application (see **Standard 12** in Section 1.5.2). Although there is no set limit on how often a family residence may be used as a place of safety, agencies should consider licensing if the family residence is used repeatedly more than four times in one year.

9. **Licensing of Home** – Upon receiving the application for a foster home licence (see Step 7 above), the licensing agency completes the licensing process and, when applicable, issues a foster home licence within six months from the date a child was placed in the home (see **Standard 12** in Section 1.5.2).

**Agency Staff Residences**

For purposes of this section, *staff* means any person who is employed, retained or contracted by a child and family services agency or its mandating authority and is involved in the delivery of services. This definition applies to part-time and casual as well as full-time staff and to staff spouses or partners.

The use of agency staff as an emergency care provider should be considered only when no other appropriate resource is available or when it is in the best interests of a child to be placed with a staff person. Every attempt must be made to ensure a staff is not placed into a real or perceived conflict of interest. Placement priorities in Section 1.1.1, Intake, **Standard 18**, also apply.

Procedures listed under **Family Residences** in this section apply to the approval and use of an agency staff residence as a place of safety subject to the following modifications:

**Placement Supervision** – When the staff person accepting the child is also the child’s worker, the worker’s supervisor either assumes responsibility for supervising the placement or assigns it to another worker.

**Length of Placement** – A child placed in the residence of an agency staff person is moved as soon as possible and, in any event, within two weeks unless a decision is made with the agreement of the staff person to licence the home as a foster home.
Licensing the Agency Staff Residence – The staff person should not be licensed to foster a child who is in the care of his or her own agency except when the staff person has an existing community relationship with or a kinship tie to the child. This includes situations when the foster home is managed by another agency or organization (see Terminology in Section 1.5.0, Introduction to Chapter 5: Foster Homes). The following procedures apply:

- the staff person is advised of this policy on deciding to apply for a licence,
- a person not employed by the staff person’s own agency completes the home study,
- the licensing agency’s executive director or regional manager approves the licence,
- a person who is at least one and preferably two classification levels above the staff person supervises the placement, and
- the licensing agency’s executive director or regional manager approves all financial arrangements beyond basic maintenance.

Multiple Agency Placements

As a general rule, only one agency should place children in a family or agency staff residence. When a home is already in use, another agency must obtain approval from the agency that is using the home before placing a child. The policies in this section regarding number and ages of children and place of safety records also apply.

Apartments and Houses

This policy statement pertains to the use of an apartment or house as a place of safety. Section 1.4.3, Use of Hotels, covers use of hotels (including motels) by child and family services agencies for the placement of children.

Placement of children in apartments and houses as a place of safety involves the use of child care staff employed or retained by an agency.

Consistent with placement priorities in Standard 18 Section 1.1.1, Intake, as a general rule, placement of a child in an apartment or house with paid staff should only be used as a last resort. Exceptions include their use for independent living arrangement for older adolescents and for keeping sibling groups together for limited periods of time pending
their return home or placement in a foster home or group setting. The following procedures apply:

1. **Designated Apartments and Houses** – Only apartments or houses designated in writing by an agency executive or regional director, or the executive director of the agency’s mandating authority, are used as places of safety.

2. **Use of Apartments and Houses** – An apartment or house is used as a place of safety only for emergency placements and a child is moved within two weeks when possible. All placements over two weeks are reviewed by an agency manager (supervisor or higher) at regular two week intervals to ensure that alternative arrangements have been fully explored.

3. **Ages of Children** – As a general rule, children under six years of age should not be placed in an apartment or house unless placed with older siblings or the child is traveling with a caregiver.

4. **Screening of Child Care Workers** – All child care workers hired or contracted to provide child care undergo criminal record and child abuse registry checks as required under section 3 of the *Child and Family Services Regulation*. At least two positive character references are also obtained. When contracting with another organization, commercial or non-profit, to provide place of safety services, an agency ensures that recruitment and hiring practices of that organization are consistent with agency procedures.

5. **Monitoring Placements** – An intake worker or case manager, as the case may be, visits the child within two working days from the date a child is placed with a caregiver in an apartment or house as a place of safety and continues to maintain contact as required under Monitoring in Section 1.1.5, Evaluation.

6. **Applying to Operate a Temporary Shelter** – Placement of children in an apartment or house should not exceed one month unless the placing agency applies to the Child Protection Branch for a licence to operate a temporary shelter in accordance with the *Child Care Facilities (Other than Foster Homes) Licensing Regulation*. The policies and procedures outlined in the *Child Care Facility Licensing Manual*. This requirement does not apply to independent living arrangements.

**Family Violence Prevention Facilities**

Facilities that provide emergency shelter for persons (and their children) who are in need of protection from an abusing spouse or partner may be used as a place of safety for apprehended children who are left with or returned to the care of a parent or guardian.
admitted to the shelter. Provincial protocols between Child and Family Services Agencies and Women’s Shelters apply.

**Detention and Correction Facilities**

On March 11, 2005, the Director of Child and Family Services released a provincial policy to the four child and family services authorities to the effect that facilities used for detention or incarceration of youth under the *Youth Criminal Justices Act* (Canada) cannot be used as a place of safety. *The Child and Family Services Act* does not contain criteria for designating correctional facilities as places of safety nor does it have procedures for placing a child in need of protection in such a facility.

**Number and Ages of Children**

The use of family and agency staff residences and rooms and apartments as places of safety must be consistent with sections 7 and 8 of the *Foster Homes Licensing Regulation* and provincial foster home placement policy in Section 1.5.3, Child Placements. Section 7 sets limits on the number children that can be placed and the total number of dependent residents allowed. Section 8 pertains to the use of mixed facilities for children and adults.

**Maintenance Payments and Rates**

Families and agency staff providing a place of safety are entitled to receive the basic foster home rate for a child from the date of placement unless the family does not wish to receive payment or the full amount. When a child has special needs, an agency may authorize a special rate retroactive to the date of placement if the family applies for a foster home licence.

**Support and Respite**

A placing agency may authorize or arrange for additional child support or respite for a child in care placed or left with a person as a place of safety. Relevant polices and standards in Section 1.5.5, *Support and Respite*, apply.

**Place of Safety Forms**

The Director of Child and Family Services has prescribed forms for places of safety. The forms listed in the table below are available through the Child and Family Services Information System:
Table 2: Required Place of Safety Forms

<table>
<thead>
<tr>
<th>Form</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Agreement to Provide Placement (Family and staff residences only)</td>
<td>Foster Care</td>
</tr>
<tr>
<td>Place of Safety Placement</td>
<td>Child in Care</td>
</tr>
<tr>
<td>Authorization for Release of Confidential Information</td>
<td>Admin.</td>
</tr>
<tr>
<td>Application for a Child Abuse Registry Check by a CFS Agency – Other (Form CAR-CFSAO Rev 8/06)</td>
<td>Child Abuse Registry</td>
</tr>
<tr>
<td>Application for a Prior Contact Check by a CFS Agency (Form PCC-CFSA Rev 10/03)</td>
<td>Admin.</td>
</tr>
<tr>
<td>Child Care Instruction Sheet</td>
<td>Child in Care</td>
</tr>
</tbody>
</table>

Agency Place of Safety Records

Agencies must maintain records on places of safety. A place of safety record includes a Child and Family Services Information System (CFSIS) record and any other agency electronic or paper record.

Agencies open a foster care management case on CFSIS to create a place-of-safety record for family and agency staff residences, apartments and houses, and hotels. Only one foster care management record can be opened on a family or agency staff residence. When the placing agency authorizes another agency to place a child with a family or agency staff (see Multiple Agency Placements in this section) the agency that opened the home as a foster care management case authorizes the second agency to attach the child to that home by authorizing one or more auxiliary workers. The record is immediately closed when the place of safety is no longer used (see Standard 8 in this section). A CFSIS record may be changed to waiting closure pending completion of a closing summary.

Records on family and staff residences are a service record under The Child and Family Services Act (see Terminology in Section 1.7.1, Service Records). Confidentiality and access provisions in section 76 of the Child and Family Services Act apply. They are voluntary service records under subsection 76(12) of the Act unless there are child protection concerns regarding the home, in which case disclosure provisions in subsection 76(3) of the Act apply.

Agency Place of Safety Lists

Policy and standards in Section 1.5.1, Resource Management, require an agency to maintain a list of agency placement resources including family or agency staff residences used as a place of safety (see Standard 9 in Section 1.5.1).
All agencies are required to use CFSIS for generating resource lists for children in care who are a provincial financial responsibility. First Nations agencies are also encouraged to use CFSIS to generate reports for children who are a federal financial responsibility.

Agencies require authorization from the Child Protection Branch to generate reports relating to places of safety (see Child Placement Resource Lists in Section 1.5.1, Resource Management).

**Standards**

1. **Orientation to Place of Safety Policy and Standards** – An agency ensures that all workers and supervisors assigned to child protection and children-in-care services are informed of provincial policy and standards relating to the use of places of safety as well as agency and mandating authority policies and procedures. These requirements are explained to them within one month of commencing employment or, for existing employees, prior to their assignment to child protection or child-in-care services.

2. **Service Contracts** – No service contract entered into between a child and family services authority or agency and a service provider (person or organization) to develop or provide placement resources for children, authorizes the person or organization to designate or approve a place as a place of safety.

3. **Leaving Child in Hospital as a Place of Safety** – When a child is left in hospital as a place of safety under subsection 22(2) of The Child and Family Services Act, the apprehending agency immediately notifies hospital authorities in writing of the apprehension and the effective date. This may be done by letter, memo, handwritten note, fax or email. When circumstances such as remoteness or weekend emergencies prevent immediate written notification, the apprehending worker advises the hospital of the apprehension by telephone followed by written notification on the next working day.

4. **Placements by Police** – On apprehending a child, a peace officer does not place or leave a child in a place of safety prior to notifying the appropriate agency pursuant to section 23 of The Child and Family Services Act except when the child requires emergency medical attention or hospitalization or the circumstances preclude immediate contact with or involvement by the agency. When notified, the apprehending worker or case manager records the date notified, the name of the officer and police detachment, and the circumstances requiring the police to intervene.
5. **Compliance with Provincial Place of Safety Requirements** – An agency follows provincial policies and procedures in this section when placing children in family residences, staff residences and rooms and apartments.

6. **Closing Agency Place-of-Safety Records** – Unless a place of safety parent applies for a licence to operate a foster home, a place-of-safety record is closed immediately following the date the place of safety is no longer used for the placement of a child (see Agency Place of Safety Records in this section and Closure in Section 1.1.6)