

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

Consolidation as of April 1, 2002

April 1, 2002

Contents

Title	Page
<i>Protocol</i>	
<i>Introduction</i>	
<i>General Provisions</i>	
Definitions	1
Protocol and Schedules	2
Commitment to Protocol	2
Co-ordination of Services	3
Financial Responsibilities	3
Implementation of Protocol	4
Dispute Resolution	5
Inclusion and Withdrawal	5
Amendments to Protocol	6
Commencing of Protocol	6
<i>Signing of Protocol</i>	
Signatories and Dates	7
 <i>Schedule A – Child Protection Services</i>	
<i>Schedule</i>	
Schedule Application	A-1
Child Protection Alerts	A-1
Child Protection Requests and Referrals	A-3
Repatriation Services	A-4
 <i>Schedule B – Children in Care and Young Adults Receiving Services</i>	
<i>Schedule</i>	
Schedule Application	B-1
Notification and Negotiation	B-1
Case Planning and Management	B-3
Documentation	B-4
Placement Disruptions	B-7
Financial Arrangements	B-8
Visitation	B-9

Contents

Title **Page**

Schedule C – Adoption and Post-adoption Services

Schedule

Schedule Application	C-1
Adoption Inquiry and Application Services	C-1
Adoption Placement Services	C-3
Subsidized Adoptions	C-7
Post-adoption Searches and Reunions	C-9

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;
- 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 and Services Providers*

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 in 2002:

Province/Territory	Date Signed
Alberta	March 22, 2002
British Columbia	November 15, 2002
Manitoba	April 12, 2002
New Brunswick	April 3, 2002
Newfoundland and Labrador	January 21, 2002
Northwest Territories	October 17, 2002
Nova Scotia	April 15, 2002
Nunavut	April 18, 2002
Ontario	July 9, 2002
Prince Edward Island	April 12 2002
Saskatchewan	April 11, 2002
Yukon	March 26, 2002

Schedule A

Child Protection Services

A1. Schedule Application and Interpretation

Schedule A applies to:

- a. child protection alerts issued to one or more receiving provinces;
- b. child protection requests and referrals; and
- c. repatriating children from a receiving province to an originating province.

A2. Child Protection Alerts

A2.1 Criteria for Issuing Alerts

An originating province may issue a child protection alert when a person or family is missing and a child is or may be in need of protection. Circumstances that may lead to the issuing of an inter-provincial alert include the following:

- a. a family or family member absconds prior to the conclusion of a child protection investigation;
- b. a family or family member receiving child protection services disappears prior to closing the case;
- c. a family under court-ordered supervision leaves the province without approval from the child welfare authority;
- d. a parent or guardian takes a child in care to another province without prior approval from the child welfare authority;
- e. a child in care has run from the child's placement; or
- f. a high-risk expectant mother has or may have left the province.

A2.2 Issuing and Receiving Alerts

Each province agrees to implement a process for ensuring that alerts are issued and received in a secure and timely manner. At a minimum, each province shall:

- a. designate one or more provincial contacts responsible for issuing and receiving alerts; and

- b. provide direction to local authorities as to the information to be included in alerts and assist them as required in preparing the alerts.

A2.3 *Content of Alerts*

When issuing an alert, the originating province shall distribute relevant and available information including:

- a. the name and birth date of each subject of the alert;
- b. the name, address and facsimile of local authority that issued the alert and date sent;
- c. the name of the worker and supervisor who issued the alert and how to contact them or their alternates;
- d. the reason for issuing the alert including details of child protection concerns and risk factors related to the child;
- e. possible destinations and other information that may assist a receiving province in locating the person or family;
- f. actions requested of local authorities and collateral agencies in the receiving provinces;
- g. known history or risk of violence toward authorities;
- h. expiry date if less than six months;
- i. if applicable, the name of the provincial contact who sent the alert and how to contact that person.

A2.4 *Responding to Alerts*

Upon receiving an alert, provincial authorities in receiving provinces shall:

- a. request additional information from the originating province if required to initiate the alert or request local authorities to do so;
- b. distribute the alert to appropriate local authorities and collateral agencies or request local authorities to do so;
- c. request local authorities to inform designated contacts in the originating province when the missing person or family is located;
- d. develop a plan of action in consultation with contacts in the originating province; and

- e. close the alert when it expires or extend it for a further period if requested by the originating province.

A3. Child Protection Requests and Referrals

A3.1 Request and Referral Procedures

In child protection cases, the provincial or local authority in an originating province may request services from, or refer a family requiring services to, a local authority in a receiving province pursuant to this section. At the request of the provincial authority in the originating province, the provincial authority in the receiving province shall identify the appropriate local authority and assist the originating province in making the request or referral as may be required.

A3.2 Child Protection Requests

A3.2.1 An originating province may request a receiving province to provide services in a child protection case including:

- a. prior contact checks and record searches;
- b. interviews with alleged perpetrators or victims of abuse;
- c. serving court documents;
- d. supervising contacts or visits between children and family members; and
- e. other services agreed to by the receiving province.

A3.2.2 Upon receiving the request under paragraph A3.2.1, the receiving province agrees to provide services as they are provided to its own residents and based on a service plan developed in consultation with the originating province.

A3.3 Child Protection Referrals

A3.3.1 An originating province shall refer an individual or family moving to a receiving province for services when:

- a. the individual or family has requested the referral;
- b. the originating province is in the process of conducting a child protection investigation;
- c. there is an open child protection case;
- d. child protection court proceedings are pending or in process;
- e. there is an order of supervision; or

- f. there is a need for ongoing services to prepare the family for the return of children.

A3.3.2 When making a child protection referral, the originating province shall:

- a. if possible, inform the individual or family of the decision to refer and, if appropriate, obtain consents to share information with the receiving province;
- b. if time and circumstances permit, consult with the receiving province prior to the family moving with the goal of reaching an agreement on the services to be provided by the receiving province; and
- c. send a summary of the case, including investigation reports and findings, risk assessments, case plans, and all relevant court documents to the appropriate local authority in the receiving province.

A3.3.3 Upon receiving a child protection referral, the receiving province shall:

- a. accept the referral as an intake using the same intake process as normally provided by local authorities;
- b. if necessary, advise the originating province as to which local child welfare authority will be responsible for accepting the referral;
- c. if the referral involves an open protection case, open a child protection case, as appropriate, under its legislation and policy; and
- d. if required by the originating province, send copies of documents and correspondence to the provincial authority in that province.

A3.3.4 Open child protection cases must be referred by a director or supervisor at the local authority in the originating province to the director or a supervisor of the local authority in the receiving province.

A4. Repatriation Services

A4.1 Eligibility

A4.1.1 Repatriation services may be considered for a child who has fled to or been abducted to a receiving province and who:

- a. is in care of an originating province; or
- b. is or may be in need of protection in a receiving province.

A4.1.2 On learning of a child who may need to be repatriated, a receiving province agrees to accommodate the concerns of an originating province and parents or

guardians of a child to the extent possible under its legislation. For example, a receiving province would repatriate a sexually exploited child at the request of an originating province if possible under the receiving province's legislation and if the repatriation is for the protection and in the best interests of the child.

A4.2 *Exclusions*

This Schedule does not apply to the return of children who have been abducted and who are the subject of custody or access dispute between parents when there are no child protection concerns.

A4.3 *Children in Care*

- A4.3.1 With respect to the repatriation of a child who is in care of an originating province, the receiving province shall:
- a. gather information on the child and his or her present situation;
 - b. notify the originating province as soon as a decision is made to repatriate the child;
 - c. provide necessary services pending repatriation of the child;
 - d. arrange for the most expedient form of travel appropriate to the child's needs and for any supervision required by the child while travelling;
 - e. contact the originating province as required to advise of the repatriation arrangements in a timely manner and to provide any follow-up that is indicated or recommended.
 - f. forward to the originating province a written summary of the services provided and any relevant comments, reports or recommendations.
- A4.3.2 To assist in repatriating a child under paragraph A4.3.1, the originating province shall:
- a. provide any relevant information about the child to assist the receiving province in making appropriate repatriation arrangements; and
 - b. immediately notify the receiving province if a child does not arrive as planned.
- A4.3.3 Subject to paragraph A4.3.4, the receiving province assumes all expenses related to the child's care and repatriation, including travel costs, unless otherwise negotiated with the originating province.

A4.3.4 Notwithstanding A4.3.3 and pursuant to subsection B6.4 in Schedule B, the originating province assumes responsibility for all costs directly related to repatriating a child or young adult that the originating province places in a residential care facility in a receiving province. Pursuant to subsection 5.1 of the Protocol, these costs do not include salaries and operating costs normally incurred by a provincial or local authority in delivering child welfare services.

A4.4 *Other Eligible Children*

A4.4.1 With respect to a child who is not in care of an originating province, but who is or may be in need of protection in a receiving province, the receiving province shall:

- a. gather information on the child and his or her present situation;
- b. contact the parent or guardian, if available, to make arrangements for the child's return;
- c. if necessary, contact the originating province:
 - i. to arrange for repatriation if the parent or guardian cannot be contacted within a reasonable period or refuses to accept responsibility for the child, and
 - ii. to alert the originating province to any child protection concerns or follow-up services that may be required;
- d. provide necessary services pending repatriation of the child;
- e. arrange for the most expedient form of travel appropriate to the child's needs and for any supervision required by the child while travelling;
- f. contact the parent or guardian and, if necessary, the originating province as required to advise of the repatriation arrangements in a timely manner and of any follow-up that is indicated or recommended.
- g. forward a written summary of the services provided and any relevant comments, reports or recommendations if requested by the originating province.

A4.4.2 If contacted to assist in repatriating a child who is not in care, the originating province shall:

- a. provide any relevant information about the child to assist the receiving province in making appropriate repatriation arrangements; and

- b. immediately notify the receiving province if a child does not arrive as planned.

A4.4.3 At the request of the receiving province, the originating province shall determine the amount the parent or guardian is capable of paying. If the parent or guardian is able to undertake the total cost of the repatriation, the parent is responsible for arranging and paying for the return ticket. If the parent or guardian cannot or will not cover the cost of the repatriation in full or in part, the receiving province assumes the full or remaining cost.

Schedule B

Children in Care

B1. Schedule Application

Schedule B applies to:

- a. children who are in care of a child welfare authority or who have entered into a support agreement with a child welfare authority; and
- b. young adults who are or were in the care of, or who have entered into a support agreement with, a child welfare authority, and who continue to receive services from a child welfare authority.

B2. Notification and Negotiation

B2.1 Moving with Family

The originating province shall consult with the receiving province and shall provide *30 days prior* written notice to the receiving province:

- a. when it is known that a child in care and his or her foster family are moving to a receiving province; or
- b. when a young adult is moving with a family to a receiving province and the young adult or family has requested services from the receiving province.

B2.2 Child Moving to Family in Receiving Province

B2.2.1 When planning for a child or young adult to reside with a parent, relative or other interested person in a receiving province, the originating province shall consult with the receiving province and shall provide the receiving province with *60 days prior* written notice of the plan or such shorter period of time as negotiated between the originating and receiving provinces.

B2.2.2 Regarding a child in care, the receiving province shall complete a report on the home of the relative or interested person *within 60 days* of receiving notice in writing under paragraph B2.2.1 or such period of time as negotiated between the receiving and originating provinces. The report must include:

- a. an assessment of the home;
- b. a statement as to the supervision and support services available; and

c. a recommendation concerning the placement.

B2.2.3 Regarding a young adult, the receiving province shall complete a report similar to a report under paragraph B2.2.2 if requested by the originating province according to:

- a. the specific needs of the young adult; or
- b. the legislative or policy requirements of the originating province.

B2.2.4 If the receiving province, on completing an assessment, recommends that a child or young adult not reside with a parent, relative or interested person in the receiving province, the originating province agrees not to place the child or young adult unless and until the matter is resolved either through the receiving province's review process or the dispute resolution process set out in section 7 of the Protocol.

B2.2.5 A decision under paragraph B2.2.4 must be based on the best interests of the child or young adult or on evidence of child protection concerns as documented by the receiving province.

B2.3 *Placement in Residential Care Facility*

B2.3.1 Prior to placing a child or young adult in a residential care facility in a receiving province, the originating province shall consult with the receiving province to determine:

- a. legislation and policy requirements in the receiving province;
- b. whether the facility is licensed;
- c. any concerns the receiving province has about the use of the facility by another province;
- d. whether the treatment program is likely to meet the needs of the child or young adult in question; and
- e. the availability of appropriate community services and resources in the receiving province.

B2.3.2 An originating province agrees not to place a child or young adult in a residential care facility in a receiving province if the receiving province confirms that:

- a. a facility must be licensed and the facility under consideration is not licensed or the licence has been suspended or revoked; or
- b. the treatment program is inappropriate for the child or young adult.

- B2.3.3 When a child or young adult is placed in a residential care facility in a receiving province, the originating province shall notify the receiving province of the placement in writing *within seven (7) days* from the date of placement.
- B2.3.4 The originating province shall retain case management responsibility for a child or young adult whom it places in a residential care facility in a receiving province, including supervision of the child and the placement, but may request the receiving province to assist in monitoring or supervising the placement.
- B2.4 *Temporary Visits to a Receiving Province*
- B2.4.1 Subject to paragraph B2.4.2, when a child in care or young adult receiving services will be visiting a receiving province and the receiving province is being asked to assume some level of responsibility during the visit, the originating province shall request the required services *at least 30 days* prior to the visit or such shorter period of time as agreed to between the originating and receiving province. The originating province shall include, at a minimum, the following information:
- a. the name, address, birth date and legal status of the child;
 - b. the name, address and phone number of a contact person in the originating province;
 - c. an outline of the specific requests for services; and
 - d. particular circumstances or problems of which the receiving province should be made aware.
- B2.4.2 In the event of an emergency or for humanitarian reasons, an originating province may request services under paragraph B2.4.1 at the time a child or young person will be visiting in the receiving province.

B3. Case Planning and Management

B3.1 *Developing Care or Service Plan*

Except for the placement of a child or young adult in a residential care facility, the originating province shall consult with the receiving province in developing and implementing a comprehensive care or service plan for all children and young adults moving from an originating province to a receiving province under this Protocol.

B3.2 *Implementing Care or Service Plan*

- B3.2.2 The care or service plan should identify the goals of the placement, any services to be provided, and the roles and responsibilities of the various parties.
- B3.2.3 In agreeing to a care or service plan, the receiving province shall provide, at a minimum, supervision and services as per the negotiated plan. The originating province retains case management responsibility for planning for the child or young adult and for ongoing contact with the family of the child or young adult unless otherwise negotiated between the originating and receiving provinces.

B3.3 *Long-term Planning*

- B3.3.1 If a parent or guardian is moving or has moved to the receiving province, the originating and receiving provinces may jointly agree to terminate a voluntary agreement or allow a voluntary agreement or temporary order to expire. Such decisions should normally be made with the appropriate involvement of the parent or guardian and the child. The receiving province may subsequently enter into a voluntary agreement with the parent or guardian or proceed to court for a new order if required.
- B3.3.2 If it is in the best interests of a child or young adult to remain in a receiving province on a long-term basis, the originating province may transfer its decision-making authority and responsibility for the child or young adult to the receiving province to the extent possible under its legislation and with the concurrence of the receiving province.

B4. Documentation

B4.1 *Information on Child in Care*

- B4.1.1 Except for the placement of a child in a residential care facility, when a child in care moves to a receiving province, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:
- a. a certified copy of the child's birth registration;
 - b. an original or certified copy of any orders or agreements with respect to the child's current legal status;
 - c. in the case of a child in care under a voluntary agreement, the written consent of the parent or guardian of the child to the placement;

- d. information relevant to the child's cultural, racial, religious and linguistic heritage;
- e. the child's life book, if available, or a copy of it;
- f. in the case of an Aboriginal child, details with respect to the child's status under the *Indian Act* (Canada) and community of origin;
- g. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
- h. a social history including a summary of all services and assessments;
- i. any relevant medical, psychological or educational assessments completed within the past two years;
- j. up-to-date medical reports if the child is receiving treatment;
- k. a current plan of care developed in consultation with the receiving province if available;
- l. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province; and
- m. additional documentation required by the receiving province if available.

B4.1.2 When monitoring or supervising the placement of a child in a residential care facility, a receiving province may require some or all of the documentation required under paragraph B4.1.1.

B4.1.3 When a young adult to whom this Schedule applies moves to a receiving province, the originating province, with the written consent of the young person, shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:

- a. a copy of any agreements or orders with respect to continued maintenance and support from the child welfare authority;
- b. information relevant to the young adult's cultural, racial, religious and linguistic heritage including a life book, if available, or a copy of it.
- c. in the case of an Aboriginal person, details with respect to the young adult's status under the *Indian Act* (Canada) and community of origin;

- d. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
- e. a social history or assessment;
- f. any relevant medical, psychological or educational assessments completed within the past two years;
- g. a current service plan if available;
- h. an outline of the services being requested; and
- i. additional documentation required by the receiving province if available.

B4.2 *Information on Foster Family or Care Provider*

With the written consent of a foster family or care provider who is moving to a receiving province, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the move:

- a. copies of any applicable documentation relating to the approval or licensing of the home;
- b. any assessments or reviews of the home completed within the past 12 months; and
- c. confirmation that the family has been informed of any differences in policy, rates and services in the receiving province.

B4.3 *Progress Reports*

B4.3.1 Unless otherwise agreed to between the receiving and originating provinces, the receiving province shall complete and forward to the originating province:

- a. all reports on the progress of a child in care (including a copy of all assessments and follow-up reports) completed according to standards in the receiving province or as otherwise negotiated;
- b. progress reports on a young adult as agreed to by the originating and receiving provinces;
- c. within a year of the move, an evaluation of the foster home or care provider as per the receiving province's legislation and policy; and
- d. copies of ongoing licensing reviews of the foster home.

B4.3.2 Upon agreeing to a long-term plan for a child pursuant to subsection B3.3, the originating and receiving provinces may agree to discontinue progress reports required under paragraph B4.3.1.

B5. Placement Disruptions

B5.1 Renegotiating Plan of Care

B5.1.1 This section applies to children and young adults placed in a foster home or in the home of a parent, relative or interested person in a receiving province. It does not apply to children and young adults placed in residential care facilities.

B5.1.2 When the placement of a child or young adult is disrupted, the originating and receiving provinces agree to renegotiate a plan of care or service plan that is in the best interests of the child or young adult.

B5.2 Placement Decisions

B5.2.1 The receiving and originating provinces agree to consider the following factors in determining whether a child or young adult should remain in the receiving province or be returned to the originating province:

- a. length of time in the receiving province;
- b. where parents, guardians or other significant family members reside;
- c. preferences of the child or young adult;
- d. needs of the child or young adult and the ability of each province to meet them;
- e. for an Aboriginal child or young adult, access to his or her cultural heritage; and
- f. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy.

B5.2.2 The receiving province agrees to make all non-emergency placement changes in consultation with the originating province and to notify the originating province of an emergency placement as soon as possible and *within seven (7) days*.

B5.2.3 At the request of the receiving province, the originating province shall facilitate the return of a child or young adult to the originating province. Such

requests must be based on the best interests of the child or young adult and a review of the factors in paragraph B5.2.1.

B6. Financial Arrangements

B6.1 Scope and Limitations

Except for paragraph A4.3.4 pertaining to children placed in a residential care facility in a receiving province, section B6 does not apply to the repatriation of children under Schedule A.

B6.2 Foster Care Placements

- B6.2.1 The originating province shall pay for a child in foster care for the *first 60 days* from the date a child arrives in the receiving province.
- B6.2.2 *Sixty (60) days* after the child's arrival, the receiving province assumes responsibility for basic foster care at the same rate normally provided by the receiving province. The receiving province shall not bill the originating province for the cost of basic foster care.
- B6.2.3 The receiving province may apply to Canada Customs and Revenue Agency for the Children's Special Allowance if it assumes financial responsibility for the child.
- B6.2.4 When the placement of a child in a foster home is disrupted and a decision has been made pursuant to subsection B5.2 to return the child to the originating province, the receiving province shall continue to pay for the care of the child in an alternate placement at the basic foster care rate and any special rate agreed to under subsection B6.3 for up to *60 days* following the placement disruption.
- B6.2.5 Once a child reaches 18 years of age, the originating province shall assume financial responsibility for the young adult. The originating province shall consult with the receiving province to determine the financial needs of the young adult and to decide on the amount of maintenance and support to be provided to the young adult.
- ### *B6.3 Special Foster Care Rates*
- B6.3.1 If a child requires a special foster care rate, the receiving province shall pay for the increased rate up to \$10 per day above the basic rate.
- B6.3.2 If the receiving and originating provinces agree to a special foster care rate of more than \$10 over the basic rate, the originating province shall reimburse the receiving province for the amount over \$10.

B6.3.3 The receiving province shall review the need for and amount of the special rate according to its legislation and policy. The originating and receiving provinces may agree to more frequent reviews than normally required by the receiving province.

B6.4 *Residential Care Placements*

An originating province shall assume full financial responsibility for a child or young adult whom it places in a residential care facility in a receiving province, including all costs directly related to repatriating the child or young adult. Pursuant to subsection 5.1 of the Protocol, these costs do not include salaries and operating costs normally incurred by a provincial or local authority in delivering child welfare services.

B7. Visitation

B7.1 *Temporary Return to Originating Province*

Arrangements for the temporary return of a child or young adult to an originating province shall be planned in advance as part of the plan of care or service plan. If time or circumstances do not permit advance planning as part of the plan of care or service plan, the receiving province shall provide in writing *30 days prior* notice or such shorter period of time as negotiated between the receiving and originating provinces of the temporary return of the child or young adult to the originating province.

B7.2 *Visits to Third Province*

B7.2.1 When a child or young adult under the supervision of a receiving province will be visiting in a third province and the third province is being asked to assume some level of responsibility during the visit, the receiving province shall request the required services in writing *at least 30 days* prior to the visit. The receiving province shall include, at a minimum, the following information:

- a. the name, address, birth date, and legal status of the child;
- b. the name, address, and phone number of a contact person in the receiving province;
- c. an outline of the specific request for services; and
- d. particular circumstances or problems of which the third province should be made aware.

- B7.2.2 The receiving province shall send to the originating province a copy of correspondence and related documentation sent to the third province under paragraph B7.2.1 at the same time as this information is sent to the third province.
- B7.2.3 The originating province shall immediately notify the receiving province if it has concerns about the planned visit to a third province. The receiving province shall not authorize the planned visit unless and until the concerns raised by the originating province are addressed to the satisfaction of both provinces.

Schedule C

Adoption and Post-Adoption Services

C1. Schedule Application and Interpretation

Schedule C applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

C2. Adoption Inquiry and Application Services

C2.1 *Originating and Receiving Provinces*

In section C2, the originating province is the province, including the appropriate local authority, where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving province is the province, including the appropriate local authority, to where an adoption inquiry is directed or an adoptive applicant is moving.

C2.2 *Adoption Inquiries*

C2.2.1 Subsection C2.2 applies to people who are inquiring about adoption services and requirements in provinces other than the originating province and pertains to inquiries about all types of adoptions. The remainder of this schedule applies only to the adoption of children in care of a provincial or local authority.

C2.2.2 In response to an inquiry about interprovincial adoption services in another province, the originating province shall:

- a. provide information to the person about its legislative and policy requirements; and
- b. refer the person to the provincial authority or appropriate local authority in the receiving province for information about that province's legislative and policy requirements.

C2.3 *Adoptive Applicant Referrals*

- C2.3.1 Subsection C2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating province to a receiving province.
- C2.3.2 With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating province and who is moving to a receiving province, the originating province shall forward the following to the receiving province within *30 days* from the date the authorization is received:
- a. an original or copy of the applicant's adoption application;
 - b. original or certified copies of all documents on file relating to an adoptive applicant's marital status or relationship to a partner including, but not limited to, a marriage certificate, declaration of commitment to a partner, divorce certificate or death certificate;
 - c. any preliminary information or assessments on file with respect to the suitability of the adoptive applicant;
 - d. if completed, a copy of the most recent homestudy and any homestudy updates conducted with respect to the adoptive applicant;
 - e. supporting documentation on file including police and other applicable checks, medical reports and personal references; and
 - f. other relevant information and documentation on the adoptive applicant's file.
- C2.3.3 Upon receiving a referral from the originating province pursuant to paragraph C2.3.2, the receiving province shall:
- a. accept the adoption application as if it were made in the receiving province and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating province;
 - b. open an adoption file as may be required under its legislation and policy; and
 - c. if the originating province has completed a homestudy on the adoptive applicant, accept the homestudy subject to any updates or further adoption preparation and assessments required under the receiving province's legislation and policy.

C3. Adoption Placement Services

C3.1 Originating Province

In section C3, the originating province is the province, including the appropriate local authority, that has the child in care. The receiving province is the province, including the local authority, where a prospective adoptive applicant resides or to where a child in care and adoptive applicant are moving.

C3.2 Adopting a Specific Child in Care

C3.2.1 When a prospective adoptive applicant in a receiving province inquires about adopting a specific child in care in an originating province, the originating province shall contact the receiving province within 30 days of receiving an inquiry to:

- a. advise if the child is available for adoption and may be considered for adoption placement with the prospective adoptive applicant;
- b. advise if the prospective adoptive applicant may be eligible for an adoption subsidy with respect to the child; and
- c. if the child is legally available for adoption, request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care.

C3.2.2 When an originating province inquires about the possibility of placing a specific child in care with a prospective adoptive applicant who resides in a receiving province, the receiving province shall *within 30 days* of receiving an inquiry or such period of time as negotiated between the originating and receiving provinces:

- a. carry out a preliminary assessment to determine the interest and estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care; and
- b. advise the originating province in writing if placement seems viable and if the receiving province will conduct a homestudy of the prospective adoptive applicant.

C3.2.3 The receiving province shall complete a homestudy on the adoptive applicant and forward a copy to the originating province *within six (6) months* from the date the originating and receiving provinces agree to a tentative plan to place the child in care for adoption, or such period of time as negotiated between the originating and receiving provinces.

C3.2.4 The originating province shall develop a written placement plan in collaboration with the receiving province upon:

- a. concluding that it is in the best interests of the child to be placed for adoption with the adoptive applicant in the receiving province; and
- b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving province.

C3.2.5 A written adoption placement plan developed pursuant to paragraph C3.2.4 shall include:

- a. arrangements for pre-placement visits;
- b. provision for the receiving province to supervise the placement;
- c. if applicable, provision for an openness agreement or agreements;
- d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.2; and
- e. a time frame for applying to court for an order of adoption and confirmation as to where the application will be made.

C3.2.6 Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving province:

- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption placement plan; and
- b. the receiving province shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.

C3.3 *Child in Care Moving with Adoptive Parent*

C3.3.1 When it becomes known that a child in care and his or her adoptive parent are moving to a receiving province prior to a court granting an order of adoption, with the written consent of the adoptive parent, an originating province shall provide *30 days prior* written notice of the move to the receiving province if the circumstances permit.

C3.3.2 At the request of the originating province, the receiving province shall as soon as reasonably possible after receiving the notice under paragraph C3.3.1:

- a. advise the originating province as to which local authority has responsibility for providing adoption services in the receiving province; and
- b. forward the notice to the appropriate local authority in the receiving province.

- C3.3.3 The originating province shall develop a written plan for completion of the adoption in collaboration with the receiving province. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving province. The plan shall include:
- a. provision for the receiving province to supervise the placement;
 - b. a time frame for applying to court for an order of adoption and confirmation as to the province where the application will be made;
 - c. if applicable, information about any additional legal requirements relating to completion of the adoption identified by the receiving province;
 - d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.3.
- C3.3.4 Prior to the adoptive family moving to the receiving province, if possible:
- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption plan; and
 - b. the receiving province shall confirm in writing that it will provide the requested supervision.
- C3.3.5 The originating province shall forward information on the adoptive parent to the receiving province *within 30 days* of the adoptive applicant's move to the receiving province pursuant to paragraph C2.3.2.

C3.4 *Information on Child in Care*

When a child in care is placed for adoption in a receiving province pursuant to subsection C3.2 or moves with an adoptive parent to a receiving province pursuant to subsection C3.3, the originating province shall forward, at a minimum, the following to the receiving province *within 30 days* of the placement or move:

- a. a certified copy of the child's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child's current legal status;
- c. information relevant to the child's cultural, racial, religious and linguistic heritage;
- d. the child's life book, if available, or a copy of it;
- e. in the case of an Aboriginal child, details with respect to the child's status under the *Indian Act* (Canada) and community of origin;

- f. confirmation that the originating province has involved the appropriate Indian band or Aboriginal organization as required under the originating province's legislation and policy;
- g. a social history including a summary of all services provided and assessments conducted with respect to the child;
- h. any medical, psychological or educational assessments completed within the past two years;
- i. up-to-date medical reports if the child is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving province;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province; and
- l. additional documentation required by the receiving province if available.

C3.5 Progress Reports

With respect to a child in care who has been placed for adoption pursuant to subsection C3.2, or who has moved with an adoptive parent pursuant to subsection C3.3, the receiving province shall complete and forward to the originating province:

- a. all reports on the progress of the adoption placement, including a copy of all assessments and follow-up reports, completed according to standards and time frames required by the originating province or as otherwise negotiated between the receiving and originating provinces;
- b. a copy of the receiving province's final progress report with a recommendation regarding completion of the adoption; and
- c. if the application to court for an order of adoption will be made in the receiving province, a request that the originating province forward to the receiving province the required written consents to the adoption.

C3.6 Placement Disruptions

When an adoption placement of a child in care is disrupted prior to the granting of an order of adoption, the originating and receiving provinces agree, subject to applicable child welfare legislation in the receiving province, to renegotiate a plan of care that is in the best interests of the child and to make placement decisions according to subsection B5.2 in Schedule B.

C3.7 *Application for Order of Adoption*

- C3.7.1 Depending on where the application to court for an order of adoption is to be made, the receiving province or the originating province shall:
- a. forward the required written consents to the adoption to the province where the application to court is to be made; and
 - b. provide a copy of the report to court with respect to the application for an order of adoption.
- C3.7.2 As a general rule, the province that assumes responsibility for completion of the adoption shall proceed to court for an order of adoption *within one (1) year* from the date the child was placed for adoption or such period of time as negotiated between the originating and receiving provinces.
- C3.7.3 The province where the order of adoption is granted shall notify the other province in writing *within 30 days* from the date the adoption order is received.

C3.8 *Adoption of Child in Care in Originating Province*

At the request of a province that requires consent to adoption from a person who resides in another province to complete the adoption of a child in care, the province that receives the request shall assist in obtaining the required consents to adoption from the person.

C4. Subsidized Adoptions

C4.1 *Originating Province*

In section C4, the originating province is the province, including the appropriate local authority, that places the child in care for adoption and pays for an adoption subsidy. The receiving province is the province, including the appropriate local authority, that agrees to assist an originating province in providing subsidized adoption services.

C4.2 *Child in Care Placed for Adoption in Receiving Province*

- C4.2.1 In planning to place a child in care with an adoptive applicant who resides in a receiving province pursuant to subsection C3.2, the originating province shall:
- a. advise the receiving province if the child has special needs or whether there are special circumstances that fall within the originating province's eligibility criteria for subsidized adoption;

- b. request that the receiving province explain the child's needs or circumstances to the adoptive applicant and ascertain whether the adoptive applicant intends to apply for an adoption subsidy; and
- c. at the request of the adoptive applicant, determine eligibility for an adoption subsidy and the type and amount of subsidy that will be available.

C4.2.2 In responding to the originating province's request for assistance pursuant to paragraph C4.2.1, the receiving province shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child in care of the originating province and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating province as to the availability of needed services in the receiving province and provide an estimate of the costs associated with the needed services; and
- c. assist as required in assessing the adoptive applicant's need and eligibility for an adoption subsidy and in negotiating a subsidy agreement on behalf of the originating province.

C4.3 *Child in Care or Adopted Child Moving with Adoptive Parent*

C4.3.1 When it is known that a child and his or her adoptive parent are moving to a receiving province pursuant to subsection C3.3, with the written consent of the adoptive parent, the originating province shall provide at least *30 days prior* notice in writing to the receiving province if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating province requires the assistance of the receiving province to:
 - i. secure needed services,
 - ii. assist in assessing an ongoing need and eligibility for subsidy, and
 - iii. assist as required in negotiating or renewing a subsidy agreement on behalf of the originating province.

C4.3.2 With the written authorization of the adoptive parent, the originating province agrees to forward to the receiving province *within 30 days* of the move the following information:

- a. information about available subsidies from the originating province and the adoptive parent's eligibility;

- b. copies of all documents associated with the approval of the adoption subsidy; and
- c. the most current review of the need for an ongoing subsidy.

C4.4 *Services and Subsidies*

- C4.4.1 At the request of the originating province, the receiving province agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to forward reports to the originating province as may be required by the originating province.
- C4.4.2 The originating province agrees to continue to pay the adoption subsidy to the adoptive parent following the adoptive parent's move to the receiving province and to negotiate any changes to the subsidy in consultation with the receiving province.

C5. Post-Adoption Services

C5.1 *Originating Province*

In section C5, the originating province is the province, including the appropriate local authority, where an order of adoption was granted. The receiving province is the province, including the appropriate local authority, that agrees to provide post-adoption services at the request of an originating province.

C5.2 *Registration*

- C5.2.1 When there is no alternative but to request the assistance of a receiving province to facilitate registering a person for a post-adoption search or reunion, an originating province may request a receiving province to:
 - a. assist in obtaining a signed registration for a post-adoption search or reunion; or
 - b. provide information that will assist in the registration process.
- C5.2.2 In responding to the request under paragraph C5.2.1, the receiving province shall provide the requested service or information *within 60 days* of receiving the request or such period of time as negotiated between the receiving and originating provinces.

C5.3 *Searches*

- C5.3.1 When all available alternatives to locate a person have been exhausted and there is information to indicate that the person may have moved to a receiving

province, an originating province may request a receiving province to check existing search mechanisms to assist in locating a person who is the subject of a search.

- C5.3.2 Upon receiving a request under paragraph C5.3.1 together with a written consent to conduct a search if required, the receiving province shall advise the originating province of the results of the search *within 90 days* or such further period of time as negotiated between the originating and receiving provinces.