

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

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## Child Protection Services

This section contains provincial policy and standards relating to the delivery of child protection services by child and family services agencies. It is complementary to [case management](#) standards in Chapter 1 of this volume.

Agency responsibilities relating to child abuse are covered in Section 1.3.3, [Child Abuse](#).

[Legislation](#)

[Policy](#)

[Standards](#)

### Legislation

[Duty to Provide Child Protection Services](#)

[Child Protection Investigations](#)

[Designated Intake Agencies](#)

[Confidentiality and Sharing of Information](#)

#### ***Duty to Provide Child Protection Services***

Child and family services agencies have a duty under [section 7](#) of *The Child and Family Services Act* to protect children. [Section 17](#) defines when a child is in need of protection and provides examples.

#### ***Child Protection Investigations***

Agencies are responsible for determining if a child is in need of protection (including abuse). The police are responsible for determining if a person has committed an offence under the [Criminal Code](#) (Canada) or *The Child and Family Services Act* (see [Child Protection Offences](#) in Section 1.3.7, Working with Law Enforcement).

[Section 18.4](#) of *The Child and Family Services Act* requires agencies to immediately investigate child protection matters and to report conclusions to various parties. It also requires the police to provide relevant information to the investigating agency and prescribes when the police must report charges to an employer.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

## ***Designated Intake Agencies***

[Section 21](#) of *The Child and Family Services Authorities Act* requires the four authorities to jointly designate agencies to provide intake and emergency services in geographic regions designated by regulation. The object of section 21 is to ensure that intake and emergency services are available throughout the province. This does not mean that the intake process in Section 1.1.1, [Intake](#) applies only to designated agencies.

Agencies are designated under the [Joint Intake and Emergency Services by Designated Agencies Regulation](#). Section 4 lists their duties and powers. Section 5 lists the services that must be provided. Section 7 prescribes the process when another agency is already providing services to a person or family. Section 8 states what a designated agency must do in providing child protection services. Section 9 pertains to assessing the need for ongoing services and determining the authority of service.

## **Confidentiality and Sharing of Information**

The sharing of information regarding a child protection case is governed by [subsection 76\(3\)](#) of *The Child and Family Services Act*. Clause (g) allows for sharing of information from a record where disclosure or communication is required for purposes of the Act. This includes reporting the conclusion of a child protection investigation in accordance with [subsections 18.4\(2\), \(2.1\) and \(3\)](#) of the Act.

## **Policy**

[Child Protection and Family Preservation](#)

[In-Service Training for Child Protection Work](#)

[Initial and Ongoing Investigations](#)

[Reporting Conclusion of a Child Protection Investigation](#)

[Use of Collateral Service Providers](#)

[Child Protection and Community Committees](#)

[Other Provincial Programs and Services](#)

[Provincial/Territorial Protocol](#)

[Child Protection Alerts](#)

[Recording Practices](#)

[Child Protection Service Records](#)

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

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Last Revised: 2020/06/30

---

### ***Child Protection and Family Preservation***

The [principles](#) at the beginning of *The Child and Family Services Act* are not an endorsement of a specific ideology, methodology or outcome. They provide general direction to agencies and their mandating authorities for delivery of services. For example, families are entitled to receive preventive and supportive services directed to preserving the family unit and to services that respect their cultural and linguistic heritage.

The Act provides for alternatives to the apprehension and removal of a child providing an agency's responsibility to protect a child in need of protection is addressed. These alternatives include:

- homemaker and parent aide services (see [Use of Homemakers and Parent Aides](#)) in Section 1.2.4, Homemaker and Parent Aide Services)
- voluntary placement (see [Use of Voluntary Placement Agreements](#)) in Section 1.2.5, Voluntary Placement of Children)
- orders under [section 20](#) not to contact a child (see [No Contact Orders](#) in Section 1.3.2, Legal Proceedings)
- orders of supervision under [section 30](#) and [section 40](#)

Orders of supervision may also be used when returning an apprehended child to the care of a parent or guardian.

### ***In-Service Training for Child Protection Work***

Consistent with policy and standards in Section 1.8.3, [Training and Development](#), [1.8.0 for now] all agency field service staff must receive in-service training in family-centred child protection services within 12 months from the date they are hired. An agency may meet this requirement through sending staff and supervisors to Core Competency Training, Core 101, or an equivalent course recognized by the Director of Child and Family Services (Child Protection Branch) in consultation with the agency's mandating authority. When feasible, it is strongly recommended new staff receive this training within six months from the date they are hired.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

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Last Revised: 2020/06/30

---

### ***Initial and Ongoing Investigations***

When the [intake disposition](#) is to open a case for ongoing service and to [transfer](#) the case to another agency, [designated intake agencies](#) [on this page link] are expected to initiate the transfer process soon as reasonably possible. However, transfers may be delayed due to factors such as:

- the complexity of an investigation, particularly in child abuse cases
- difficulties in determining the appropriate agency
- the need to ensure a child is protected
- legal requirements under *The Child and Family Services Act* (see [Transferring Apprehension Cases](#) in Section 1.3.2, Legal Proceedings)

In addition, once a case is opened for ongoing service or transferred to another agency, investigating workers and supervisors in a designated intake agency are expected to act as a resource to case managers as necessary to ensure continuity in service delivery (see [Child Abuse Investigation Services](#) in Section 1.3.3, Child Abuse Investigations).

### ***Reporting Conclusion of a Child Protection Investigation***

Agencies are required under [section 18.4](#) of *The Child and Family Services Act* to report the conclusion of a child protection investigation. Subsection 18.4(3) restricts disclosure when a criminal investigation is pending and the police request an agency not report its conclusion until the criminal investigation is completed.

An investigating agency must advise all applicable parties listed in subsections 18.4(2) and (2.1) whether a child was or was not found to be in need of protection. This may be done in writing or in person or both. This action should also be recorded on the case file (see [Recording Practices](#) in this section).

Agencies are expected to provide clear direction to their child protection workers and supervisors regarding the reporting of conclusions. This should be done with advice and assistance from agency counsel. Agencies may also seek direction and support from their mandating authority.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

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Last Revised: 2020/06/30

---

### ***Use of Collateral Service Providers***

**Service Accountability** – Child and family services agencies routinely rely on the services of [collateral](#) service providers (organizations or individuals) when necessary to effectively carry out their child protection responsibilities. However, agencies remain accountable for service outcomes until a decision is made to [close](#) a child protection case. Child protection cases should be closed only when the agency concludes children are not at high or medium risk of being in need of protection (see [Levels of Risk](#) in Section 1.1.0). A file must not be closed only because a collateral service provider is providing services to the family.

**Sharing Information with Collateral Service Providers** – Written consent to share information with a collateral service provider may be required when an agency relies on the service provider to help in developing and implementing a [service plan](#) with a person or family. For example, when an agency requires a parent to seek help with an addiction or mental health problem, the agency must obtain the person’s consent to make a referral to or obtain information from a service provider about the person. However, consents are not required when the sharing of information pertains to a child protection investigation. For example, an agency may rely on a school authority or child (day) care operator to report their observations and concerns about a child to an agency pursuant to [section 18](#) and [subsection 76\(3\)](#) of *The Child and Family Services Act*.

**Service Contracts with Collateral Service Providers** – Agencies are required to enter into individual service contracts with collaterals to provide a service under *The Child and Family Services Act* for a child or family unless the service provider is licensed under the Act or funded by Family Services and Housing through a service purchase agreement to provide those services. For example, the province licenses and funds group homes and treatment centres to provide residential care and child care homes and facilities to provide day care. Community organizations may be funded to provide family support services.

An individual service contract must include:

- service definitions, goals, activities and outcomes
- reporting requirements
- when applicable, service funding arrangements

Agencies may contact the Child Protection Branch for information on service purchase agreements.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

### ***Child Protection and Community Committees***

The standards for [community committees](#) in Section 1.2.1, Community Involvement, apply to the use of committees in the provision of child protection services. In particular, when a committee's terms of reference include involvement in case planning and reviews (see Standard 9 in Section 1.2.1, Community Involvement), committee members are bound by confidentiality provisions under [section 76\(3\)](#) of *The Child and Family Services Act*.

### ***Other Provincial Programs and Services***

Agencies are required to work with other provincial programs and services in the delivery of child and family services. This requirement is reflected in policies and standards in other sections of this manual as well as provincial protocols and guidelines as follows:

**Child Care** – Section 1.2.3, [Child Care Services](#), requires agencies to work with licensed child (day) care facilities and the Manitoba Child Care Program.

**Child Abuse** – Section 1.3.3, [Child Abuse Investigations](#), explains the legislative and policy requirements to work with the police, health service providers and others.

**Sexual Exploitation of Children** – Section 1.3.5, [Sexually Exploited Children](#), covers provincial strategies and initiatives relating to child prostitution, child pornography, child sex trafficking, internet luring and child sex tourism.

**Drug Endangered Children** – Section 1.3.7, [Working with Law Enforcement](#), includes legislative and policy requirements for dealing with drug endangered children.

**Youth Criminal Justice** – Section 1.3.8, [Youth Involved with the Law](#), contains requirements for working with the police, correctional authorities and the courts.

**Family Violence Prevention** – The Guidelines for the Development of a Protocol between Child and Family Service Agencies and Women's Shelters pertains to admissions into shelters, care of children in shelters, planned and unplanned absences, child protection referrals, minor parents and coordination of services.

### ***Provincial/Territorial Protocol***

Manitoba is signatory to the [Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories, that was last revised in April 2016](#). Provinces and territories have agreed to use the same guidelines so that children and youth continue to

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

receive the services they need, no matter where they are living in Canada. These guidelines are described in the *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*

- [Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories](#)
- Manitoba Specific Information and Forms

The general provisions include a commitment to the protocol and requirements relating to the coordination of services, financial responsibilities, protocol implementation and dispute resolution.

The Manitoba specific information further outlines specific work flow and requirements for children entering or leaving Manitoba. The core functions of the Interprovincial Desk are:

- Child Protection Alerts
- Interprovincial Service Request; and
- Repatriation Services

In Manitoba, the Child and Family Services Division is the central authority under the protocol. The division coordinates and facilitates services (except for placements in a residential care facility) through the Interprovincial Desk and the Interprovincial Specialist in each Authority.

### ***Child Protection Alerts***

In Manitoba, the practice of issuing child protection alerts applies to when a child, youth, adult or family is missing or there is knowledge that a person or family has moved to another jurisdiction and a child or youth is or may be in need of protection. Conditions are outlined in the Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories, Section 7.2.1. To issue an alert within or outside Manitoba, an agency or its mandating authority must complete and fax an alert form to the Interprovincial Desk. Alert forms are available through the Child and Family Services Information System.

Please note that the practice of issuing birth alerts is discontinued as of July 1, 2020. For standards and policy around work with high risk expectant parents, please see Standards 1.2.2.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

### ***Recording Practices***

Section 1.1.1, [Intake](#), contains policies and standards with respect to the intake process and, in particular, the use of the Intake Module and the Child and Family Services Information System (CFSIS). Section 1.7.1, [Service Records](#), contains policies and standards regarding service records to be kept by child and family services agencies and licensed adoption agencies.

To record the apprehension of a child, the apprehending agency opens a [Child in Care](#) (CIC) case [Case Categories in 1.7.1] using the provincial automated [Intake Module](#) described in Section 1.1.1, Intake.

### ***Child Protection Service Records***

Agency administration of service records must reflect the intent and provisions of the Act. A case may be opened as a child protection case and changed to a voluntary family service case when there are no ongoing protection issues and the person or family has requested ongoing services from the agency. The [case categories](#) described in Section 1.7.1 and used by CFSIS are consistent with the Act and allow for changing the category. If there is a change from child protection intervention (PRT) to voluntary family service (VFS), the PRT case record is closed and a VFS case record opened and vice versa.

### **Standards**

1. **Orientation to Child Protection Services** – Within three months of commencing employment, all workers and supervisors receive, as part of their orientation to the agency, information about child protection services provided by the agency. This orientation includes:
  - an introduction to provisions in *The Child and Family Services Act* and regulations pertaining to child protection,
  - an introduction to case management and service record requirements and standards in the Child and Family Services Standards Manual,
  - an overview of child protection services provided by the agency,
  - names, locations and contact information for [designated intake agencies](#), [On this page link]

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

- names, locations and contact information for police detachments and health facilities in geographical areas where the agency is providing services, and
  - contact information for agency counsel.
2. **Opening a Child Protection Case** – An agency’s child protection service policy states that a case is opened as a child protection case when one or more of the following situations apply:
- A [safety assessment](#) indicates a child is or might be in need of protection. [SA in 1.1.1]
  - A [family assessment](#) [FA in 1.1.2] indicates a high or medium [risk](#) to a child. [Level of Risk in 1.1.0]
  - A [child protection investigation](#) [CP Investigation in 1.1.2] concludes that a child is in need of protection.
  - The agency is providing services to an expectant or birth mother under the age of consent as defined in [section 150.1](#) of the *Criminal Code* (Canada). [Link to 150.1 as follows: [http://laws.justice.gc.ca/eng/C-46/page-4.html#anchorbo-ga:l\\_V](http://laws.justice.gc.ca/eng/C-46/page-4.html#anchorbo-ga:l_V)]
3. **Child Protection Case Management** – At no time is an open child protection case without an assigned case manager. The case manager’s supervisor ensures there is a covering worker assigned to the case when the case manager is on leave for whatever reason. [Generalize to all services and include in Section 1.1.4, Service Provision?]
4. **Leaving Child in Need of Protection in Family Home** – A decision to leave a child in need of protection with the person who has charge of the child or to return the child to the care of that person under [section 26](#) of *The Child and Family Services Act* is based on the following actions:
- A [safety assessment](#) [Standard 11 in 1.1.1] indicates the [level of risk](#) to the child is not high. [Level of Risk in 1.1.0]
  - A [safety plan](#) [SP standards in 1.1.3] confirms it is safe to leave or return the child.
  - When applicable, an extended family or community member is willing and able to assist in the care of the child and report any concerns to the agency.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

- When applicable, the agency arranges for a homemaker or parent aide under [section 13](#) of *The Child and Family Services Act* (see Section 1.2.4, [Homemaker and Parent Aide Services](#)).
  - When applicable, a court has ordered under [subsection 20\(3\)](#) of the Act that a person believed to have subjected a child to abuse has no contact with the child and the person complies with the order.
5. **Voluntary Placement as Alternative to Apprehension** – An agency enters into a voluntary placement agreement (VPA) with a parent or guardian as an alternative to apprehension in accordance with [Use of Voluntary Placement Agreements](#) policy in Section 1.2.5, Voluntary Placement of Children.
6. **Documenting Child Protection Service Decisions** – An agency supervisor ensures the case record complies with [Standard 10](#) in Section 1.7.1, Service Records. In addition the supervisor ensures the record includes information and documentation relating to the reason(s) for opening the case (see [Standard 2](#) in this section) and, when applicable the rationale for:
- leaving or returning a child to his or her family home (see [Standard 4](#) in this section)
  - placing a child through a voluntary placement agreement (see [Standard 5](#) in this section)
  - use of collateral service providers (see [Standard 13](#) in Section 1.1.1, Intake and the [Use of Collateral Service Providers](#) in this section)
  - closing a child protection case
7. **Closing a Child Protection Case** – A child protection case remains open until a supervisor approves [closure](#) [Closure in 1.1.6] based on one or more of the following:
- All children in this case are no longer in need of protection and services are no longer required or are provided on a voluntary basis.
  - Another agency has accepted responsibility for ongoing child protection services consistent with [transfer](#) standards in Section 1.1.6, Service Completion.
  - All children in the case are made permanent wards under [section 38](#) of *The Child and Family Services Act*.

Volume 1: Agency Standards 1.3.1 Chapter 3: Child Protection

Section 1: Child Protection Services

Approved: 2008/07/02

Last Revised: 2020/06/30

---

- There is a change in the case category [CC in 1.7.1] from child protection (PRT) to voluntary family service (VFS) (see [Case Categories](#) and [Standard 9](#) in Section 1.7.1, Service Records).