

## **Protocols between Child and Family Service Authority Agencies and Women's Shelters in Manitoba**

*The following protocols were established jointly by the Department of Families, the Child and Family Services Authorities and the Manitoba Association of Women's Shelters to clarify respective roles and responsibilities and to ensure consultation, collaboration and coordination in service delivery to families affected by domestic violence. It is imperative that Child and Family Services (CFS) and shelter staff review and familiarize themselves with the protocols. Both systems recognize relevant legislation that protects children and the duty to report. Additionally, cross-training between CFS and shelter staff should occur in order to ensure consistent service quality and build stronger relationships between shelters and CFS agencies.*

### **Services Provided by Women's Shelters**

Women's shelters offer safe accommodation and therapeutic and cultural support for abused women and their children. While in shelter, women may access a variety of shelter services including counseling supports, protection and safety planning, information and referral to other service providers including CFS, advocacy supports, and (where available) interim or transitional housing. Support services are available to all women admitted to shelter and continue to be available to women after they leave shelter. Counseling support may also be available, on a limited basis, for children who accompany women into shelter.

### **Child Protection Services Provided by CFS Authority Agencies**

Child and family service agencies mandated by Manitoba's four CFS Authorities have a legal responsibility to protect children from abuse and neglect. Child protection services are intended to protect children within the context of their family and community, unless to do so would place the child at risk of further abuse or neglect. Agency intervention to protect a child must always be balanced with the child's need for a continuous family relationship. Any intervention strategy must, to the extent possible without endangering children, respect the rights of all concerned to be involved in making decisions which affect their lives.

### **Admission to Shelter**

Admission into shelter must be truly voluntary on the part of women. If a child and family service agency is involved with a woman currently experiencing domestic violence the use of shelter may be presented as one of a number of options for her consideration. CFS Agencies must appropriately advise women of their choices. As part of this process, it is appropriate for the agency to explain the services available at the shelter, the relationship between domestic violence and child abuse, and, any action the agency may have to take dependent on her decisions. When a woman chooses to enter shelter, consultation with the shelter would be appropriate to facilitate the coordination of services to both the woman and her child/ren.

## **Care of Children in Shelter**

While in shelter, women maintain primary responsibility for the daily care of any children residing with them or visiting at the shelter. Where staffing permits, the shelter will provide child care on a planned basis for short periods of time when necessary to allow women to participate in shelter programming or attend necessary appointments in the community (such as medical or legal appointments).

## **Planned Absences**

Women residing in shelter may leave the shelter facility for periods of time on a planned basis and, when doing so, are to inform staff of their destination, contact information (if available), and their expected time of return to the shelter. In circumstances where women need to leave their children at the shelter during their absence, child care must be prearranged with shelter staff.

## **Unplanned Absences**

If a woman residing in shelter does not return to the shelter from an outing as planned, or leaves the shelter without notifying staff, or leaves her children at the shelter without making appropriate child care arrangements, her absence is considered to be unplanned. Where shelter staff are unable to contact the woman and have reason to believe that the children in her care are in need of protection, shelter staff will contact the appropriate child and family service agency to determine an appropriate course of action.

## **Child/ren in Shelter in Need of Protection**

On occasion, shelter staff may have reason to believe that child/ren in shelter are in need of protection. This may be based on information gathered during or subsequent to the shelter assessment process or on their observations or interactions with women and child/ren in shelter. Shelter staff will document all information and observations relevant to their concern. Documentation will include only factual information and will include relevant dates and times, the context in which information was received or observations were made as well as the name and signature of the staff completing the documentation. Statements made by child/ren to a shelter employee or volunteer should be recorded in the child's own words. Staff should consult with the shelter director and their assigned CFS agency/Designated Intake Agency before taking any further action. Shelter staff will not conduct abuse interviews and are not expected to monitor parent-child interaction on behalf of CFS and/or to substantiate child protection concerns.

For a woman residing at the shelter with her children deemed in need of protection, CFS will include the shelter staff in the care plan prior to placement in the shelter, or with staff during the woman's stay at the shelter in order to provide more informed (or coordinated) care.

If the woman is considering leaving the safety of the shelter, this may increase safety risks for the family. Shelter staff should encourage the woman to contact the CFS worker to discuss altering the care plan. Should a woman still choose to leave the shelter without engaging with her CFS worker, the shelter, who has a duty to report protection concerns, must notify the CFS worker if aware of CFS involvement. The shelter will also provide this information to the woman either upon intake and/or through regular case management when informed by CFS.

### **Disclosure of Child Protection Issues**

Where a staff has information that leads the person to reasonably believe that a child is or might be in need of protection because an act or omission which is neglectful and/or physically, sexually, or emotionally abusive in nature, the shelter staff is obliged to report the information to the local agency as specified in the *Revised Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection* (August 2001) (see attached) and as per Subsection 18 of *The Child and Family Services Act*.

Suspected child protection issues are reported to the designated intake agency for the region in which the shelter is located and/or, where a family is known to be actively involved with CFS, to the CFS agency of service.

### **Confidentiality and Information Sharing – The Protecting Children (Information Sharing) Act & The Advocate for Children and Youth Act**

The Protecting Children (Information Sharing) Act allows service providers in Manitoba to collect, use and share personal information about supported children, their parents and legal guardians. Service providers must ensure that the sharing of personal information is in the supported child's best interests and is necessary to plan or provide services or benefits to a supported child.

In general, knowledge of a suspected case of a child in need of protection must be kept strictly confidential, as per Subsection 76 of *The Child and Family Services Act*. Only those persons required to know should be given any information. Suspected cases should not be discussed with persons outside the shelter or with any of the residents. Reports of suspected protection concerns received by CFS are confidential. The identity of the reporting person shall not be disclosed to the family of the child except as may be required in the course of a judicial proceeding. When a CFS worker requests information from the shelter, shelter staff should first verify the worker's employment with CFS, regardless of urgent time constraints. Shelter staff should share only that information which is requested or which will assist with identifying if the child is in need of protection or if the provision of services is required. This could include the residency of the client in shelter or the date of departure and intended location of residency.

**Section 17 (1) Right to information** – the Advocate may require a public body or other person to provide any information in its custody or under its control – including personal information and personal health information – necessary to enable the Advocate to

carry out responsibilities or exercise powers under this Act. Furthermore, **section 17(2) Duty to provide information and assistance** states that despite any other enactment, the public body or other person must provide the Advocate with the information and assistance that the Advocate requires.

It is recognized that shelters have their own internal release of information processes that focus on empowering women and using a trauma informed approach. These processes will continue within the parameters of The Protecting Children (Information Sharing) Act and The Advocate for Children and Youth Act.

### **Designated Placements**

Under exceptional circumstance and as a last resort where no other safe accommodations are available, shelters may be used as a short term placement for children in the care of child and family services upon approval by the shelter Director. The placement of children in shelters should not be greater than 48 hours unless approved by the CFS agency and Shelter Director. Shelter staff are not expected to supervise or monitor children while in shelter for a designated placement.

Compensation from CFS to the shelter is to be at FVPP's rate. Service provision within the emergency 48 hour placement may require further consult between shelter Director and the CFS Authority/ Agency to meet exceptional needs of the child(ren). A CFS support worker must be provided for placements when children require additional care and supervision because of age or need. Shelters should have a policy that further delineates the process to be followed in these circumstances. Emergency placements are voluntary on the part of the shelter, and a request for placement may be denied based on the capacity of the shelter, and the potential risks that may arise due to the acceptance of a CFS placement.

### **Children Visiting at Shelter**

On occasion, children in CFS care will attend the shelter for overnight visits with their mothers. All such visitation plans must be prearranged with shelter staff to ensure adequate resources are in place. CFS is responsible for providing per diem funds and/or support staff as required to accommodate visits occurring in the shelter facility.

### **Independent Youth**

An independent youth is defined as a child between 16 and 18 years of age who is living independently and is not in the care of an agency or another adult. The independent youth may also have children. Employment and Income Assistance (EIA) does not generally provide per diem funding for youth ages 16-18 at shelter to deal with issues of intimate partner violence. However, EIA will assess each case on an individual basis and per diem funding will be provided in those cases deemed appropriate. As outlined in Sections 17 and 18 Part 111 of the Child and Family Services Act, where an Independent Youth and/or their children are believed to be in

need of protection, shelter staff will report their concerns to the designated CFS intake agency for the region in which the shelter is located.

### **Apprehension of Children from Mother in Shelter**

The overall goal is to avoid apprehension through collaboration and working together between the CFS and Shelter. When there is, however, a need under *The Child and Family Services Act* to apprehend a child/ren while residing in a women's crisis shelter, CFS staff and shelter staff share the responsibility to ensure the process is conducted in a manner that is professional, sensitive and respectful of the shelter clients, staff, and the child/ren that are to be brought into care. CFS staff attending the shelter must have adequate identification which should include a photo ID card and business card or a telephone number where a shelter support staff can verify their employment status with the CFS agency.

It is the responsibility of the CFS agency representative to notify the shelter staff as soon as possible prior to the apprehension taking place. If, at the time of the apprehension, the woman is absent from the shelter, CFS staff will use all means available to try and contact her to advise of the apprehension and offer her appropriate supports.

In some cases, the CFS plan is clear that should the woman leave the shelter with her children, CFS will be contacted. In this regard, the woman should be told that if she leaves the shelter with her child/ren, and the child/ren are deemed to be in need of protection, then the child/ren will be apprehended. In these cases, shelter staff must call the CFS staff representative or after hours line immediately following the woman's departure from the shelter.

### **Issue Resolution Process**

Disagreements between the two systems, shelter and the CFS agencies should be resolved in a timely manner, and in accordance with issue resolution policies of each entity. Where an issue between a CFS agency and a crisis shelter remains unresolved, the matter should be referred to the appropriate CFS Authority and Family Violence Prevention Program for follow-up.

### **Review and Amendment Provisions**

The Family Violence Prevention Program and the CFS Authorities will maintain a record of all issues or concerns received from CFS agencies and crisis shelters and coordinate an annual meeting with representatives from the CFS Authorities, the Manitoba Association of Women's Shelters and the Child and Family Services Division to review practice of the protocol and determine the need for any amendment.