



## Department of Social Development and Seniors

<b>Child, Youth and Family Services Act 2023 c.17 R.S.P.E.I. 1988, C-6.01</b>	<b>Division</b>	<b>Child and Family Services</b>	
	<b>Program</b>	<b>Child Protection</b>	
	<b>Policy Name</b>	<b>Grandparent and Alternative Care Provider Program: Out of Home Care (Stream One)</b>	<b>Policy #</b> 3.6
<b>Effective Date: February 28, 2025</b>		<b>Authorized by: Teresa Hennebery</b>	
<b>Revised Date:</b>		<b>Deputy Minister</b>	

### 1.0 PURPOSE

The Grandparent and Alternative Care Provider (GACP) Program: Out of Home Care (Stream One) is a program for temporary placements of children who have been found in need of protection from parental harm and require out-of-home care for safety reasons with active child protection concerns where future reunification with the parent is the primary goal.

### 2.0 DEFINITIONS

- 2.1 **Best Interests of the Child:** the best interests of the particular child in the particular circumstances, taking into consideration all relevant factors, pursuant to s.2 of the *Child, Youth and Family Services Act* (CYFSA 2023).
- 2.2 **Care Provider:** a person who has primary responsibility *Act respecting First Nations, Inuit and Métis children, youth and families* (2019).for providing the day-to-day care of a child, other than the child's parent. When a child is Indigenous refer to the definition as per *An*
- 2.3 **Child:** a person under 18 years of age.
- 2.4 **Child Protection Social Worker:** the Child Protection Social Worker (CPSW) is delegated, or eligible for delegation, by the Director of Child Protection/Child and Family Services in accordance with ss.10(3) of the CYFSA (2023).



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- 2.5 **Collaborative Approaches:** an approach the Director may use such as a family group conference, or mediation pursuant to ss.16(2)(3) of the CYFSA (2023).
- 2.6 **Custody:** in relation to a child, the legal authority and responsibility for the day-to-day care of the child as referenced in ss.1(d) of the CYFSA (2023).
- 2.7 **Director:** the Minister shall appoint a Director of Child Protection in accordance with ss.10(1)(4) of the CYFSA (2023). The Director of Child Protection is also the divisional director (Child and Family Services).
- 2.8 **Family Intervention Plan:** a plan of the services and interventions proposed to mitigate the circumstances causing a child to be in need of protection, pursuant to s.4 of the CYFSA (2023).
- 2.9 **GACP Care Provider Agreement:** the agreement developed by the GACP Social Worker with the care provider(s), in which the care provider(s) consents to information sharing including pertinent information regarding the child and agrees to their roles and responsibilities.
- 2.10 **GACP Social Worker:** a Social Worker who is assigned to work within the GACP Program to assess eligibility and approve care provider(s) based on safety and the best interest of the child. The GACP Social Worker is also a CPSW who provides case management for children and care provider(s) in the program.
- 2.11 **Guardianship:** the legal authority and responsibility for making decisions with respect to the child, as defined in the CYFSA (2023).
- 2.12 **Parent:** as defined in s.1(l) of the CYFSA (2023).
- 2.13 **Out of Home Care (Stream One):** this GACP program provides financial and social worker support to care provider(s) in situations where a temporary plan is necessary for the safety of a child. This program requires having an open Child Protection service with the parent(s), temporary transfer of legal custody and guardianship to the care provider(s), and a plan of reunification with the parent(s).



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2.14 **Temporary Transfer of Legal Custody and Guardianship of a Child to Other:** an agreement or order made under s.18, s.32, and s.36 of the CYFSA (2023) that temporarily transfers legal custody and guardianship of a child to another person who is not a parent of the child. In these cases, the child is not in the legal custody and guardianship of the Director.

### 3.0 POLICY STATEMENT

3.1 All decisions and actions taken under this policy must take into account the best interests of the child, in accordance with ss.2(1) of the CYFSA (2023).

3.2 If a child is Indigenous, staff will adhere to the legislative requirements identified in the Government of Canada's *An Act respecting First Nations, Inuit and Métis children, youth and families* (2019) for the appropriate care and placement of the child. This includes notifying the Indigenous governing body and/or designated representative of any significant changes or measures taken, in relation to the child.

3.3 If a child is Indigenous all decisions and actions will be taken with respect to the rights outlined in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP, 2007).

3.4 In the case of an Indigenous child, all decisions and actions taken with respect to the GACP Program must be in accordance with the Cultural Connection Plan Policy (Policy #2.1) and the Compliance Guide Policy (Policy #2.2).

3.5 All decisions and actions taken with respect to the GACP Program must be documented in accordance with the Documentation Policy (Policy #2.6).

3.6 All relevant standard operating procedures will comply with this policy.



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- 3.7 When a CPSW determines that a child is in need of protection from parental harm and requires an out-of-home plan for safety reasons, the child's parent(s) may arrange for the child to live with a care provider (such as a grandparent, extended family member, or friend who has a relationship with the child). These care provider(s) are neither the parent, nor a foster parent as per ss.1(l) of the CYFSA (2023).
- 3.8 When the Director determines that there are reasonable grounds to believe that a child is in need of protection, and the safety and well-being of the child cannot be adequately protected if the child remains in the custody of either of the child's parents, the Director, or delegated CPSW may:
  - enter into an agreement, under ss. 18(2)(b) of the CYFSA (2023) with the child's parents and another person, under which the child's parents transfer temporary custody and guardianship of the child to the other person, with the approval and under the supervision of the Director; or
  - make an application to the court under s.31 of the CYFSA (2023) for the child to remain or be placed in the temporary custody and guardianship of a person, other than the Director or parent, for a specified period, under the supervision of the Director.
- 3.9 The GACP Program: Out of Home Care (Stream One) provides financial and social work supports to care provider(s) who have temporary legal custody and guardianship of a child transferred to them under the CYFSA (2023).
- 3.10 Care provider(s) who are approved for the GACP Program will receive financial monthly compensation. This payment is for costs associated with providing day-to-day care for the child (e.g. room and board, food, utilities, clothing, household supplies, etc.).
- 3.11 Upon approval by the GACP Supervisor and the Manager of Children's Services, additional funding may be provided to the care provider(s) for optical coverage, medical support, equipment, or specialized services not available through other provincially funded programs for children and youth with diagnosed special needs.



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- 3.12 The GACP Social Worker and CPSW will work collaboratively in order to ensure the needs of the child are being met.
- 3.13 A temporary transfer of legal custody and guardianship with the child's parents and another person must include a Family Intervention Plan.
- 3.14 In accordance with ss.18(4) of the CYFSA (2023), an initial temporary transfer of legal custody and guardianship's agreement must not exceed:
  - three months for a child under six years of age; and
  - six months for a child six years of age and older.
- 3.15 In accordance with ss.18(5) of the CYFSA (2023), the Temporary Transfer of Legal Custody and Guardianship agreement may be subject to renewal.
- 3.16 For all children, including those who are in the care of the Director, and who are transferred into the GACP Program (i.e. moving from "in care" to "not in care"), the maximum total time allowed under the initial Temporary of Legal Custody and Guardianship agreement and any renewals may not exceed the limits established in ss. 5(2) of the CYFSA (2023):
  - 18 months for a child under six years of age; and
  - 24 months for a child six years of age or older.
- 3.17 Any party to the agreement may terminate it at any time; with a minimum of 15 days written notice required. If there are safety concerns for the child arising from allegations in relation to the GACP care provider, immediate safety planning for the child may be required.



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3.18 Permanency planning must be a priority for all children including those in the GACP Program. The GACP Program considers the four dimensions of permanency:

- *Physical permanence*, in which a child or youth lives in a safe and stable environment;
- *Relational permanence*, in which a child or youth has safe and stable enduring family or family-like relationships that are meant to last a lifetime;
- *Cultural permanence*, in which a child or youth identifies with and is connected to their cultural community; and
- *Legal permanence*, in which a child or youth has a safe, caring, and legally recognized family.

3.19 **Eligibility**

A proposed care provider is eligible for the GACP Program if/when:

- a temporary transfer of legal custody and guardianship to another person who is not a parent of the child is signed by all parties; or
- a court application is made to temporarily transfer legal custody and guardianship to the care provider (i.e. Temporary Transfer of Legal Custody and Guardianship of a Child to Other); and
- following a child protection investigation, a CPSW determines that an out-of-home placement or family intervention plan for the child is required to mitigate safety concerns with a parent;
- no other parent or legal guardian can assume safe and appropriate care of the child;
- the family intervention plan originates in Prince Edward Island or an Inter-Provincial Request is made by another Province;
- the parent does not reside in the home of the proposed care provider;
- the proposed care provider does not have an open Child Protection service;
- the proposed care provider does not have a Criminal Record that may impact a child's safety or best interests;
- the proposed care provider does not have a Child Protection Record with safety concerns that cannot be mitigated;
- the care provider is willing to work cooperatively with the GACP Social Worker, and other service providers as required;
- the proposed care provider is agreeable to participate in a GACP assessment.



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- 3.20 GACP assessments must be completed by the GACP Social Worker within 30 calendar days of the referral to the program. The child may be placed in the care of the Director while the GACP assessment is completed, and there is a temporary transfer of legal guardianship and custody of a child to care provider. Extensions may be granted where the information required to complete the assessment is not available within 30 calendar days. Any extensions must be approved by the Manager of Children's Services.
- 3.21 If the GACP Social Worker identifies any immediate concerns related to the safety or well-being of the child during the GACP assessment, the GACP Social Worker must notify the CPSW, who will consider these concerns and the need for more intrusive measures to ensure the safety and well-being of the child.
- 3.22 If the GACP Social Worker assesses the care provider and/or their home and determines that the care provider does not meet the assessment standards, the GACP Social Worker will notify the CPSW of the decision in writing immediately. Upon this notification, a meeting will be scheduled immediately between the CPSW, the GACP Social Worker, and their respective Supervisors to discuss the decision, review the Family Intervention Plan, and terminate the temporary transfer of legal custody and guardianship or begin a court application.
- 3.23 When the termination of an agreement made under ss. 18(7) of the CYFSA (2023) requires 15 days written notice to all parties, the GACP Supervisor will consult with legal counsel to determine if a change in legal status of the child is needed.
- 3.24 After legal consultation, the CPSW will immediately notify the parent(s) of the decision, will work with the parent(s) to identify potential options (e.g. child coming into care or presenting a new least disruptive plan) and review the termination of the agreement.
- 3.25 During the assessment of the care provider(s), the GACP Social Worker will assess the level of risk of any identified safety concerns. Identified safety concerns will be discussed with the care provider, the parent, and the CPSW, and parties may be given an opportunity to mitigate the concerns.



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3.26 When a least disruptive plan is proposed by a parent for a child in the care of the Director, the GACP assessment must be completed prior to the child leaving care. If there are no noted concerns and upon approval by a supervisor, a visit plan for the child and the care provider may be developed, that includes the level of supervision required, prior to the assessment being completed.

3.27 The GACP Program: Out of Home Care (Stream One) service may close according to any of these circumstances:

- the child protection concerns have been mitigated to the extent that it is determined safe for the child to return to the care of the parent(s) following reunification planning with CPSW;
- a court application for placement of the child by the Director is not successful;
- a temporary transfer of legal custody and guardianship to another person who is not the parent of the child is terminated;
- the parent and care provider continue arrangements for the child with the care providers, after the CPSW determines an out-of-home safety plan for the child is no longer required;
- the child turns 18 years of age;
- the child voices concerns relating to the placement;
- the child no longer resides with the care provider;
- the care provider advises that they wish to close the GACP service;
- the child and/or care provider move out of the province;
- the care provider no longer meets the criteria for the GACP;
- the care provider and/or parent(s), if appropriate, no longer abides by the terms of their GACP Agreement(s);
- the child comes into the legal custody and guardianship of the Director;
- there is a parent with whom the child can safely reside;
- another person (who is not the care provider) assumes legal custody and/or guardianship of the child; or
- a GACP Childs Support Services (Stream Two) service is opened.



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### 4.0 REFERENCES

- 4.1 *Child, Youth and Family Services Act 2023 c.17 R.S.P.E.I. 1988, C-6.01*
- 4.2 *Government of Canada: An Act respecting First Nations, Inuit and Métis children, youth and families (2019)*
- 4.3 *United Nations Declaration on the Rights of Indigenous Peoples (2007)*
- 4.4 Cultural Connection Plan (Policy #2.1)
- 4.5 Compliance Guide (Policy #2.2)
- 4.6 Documentation Policy (Policy #2.6)
- 4.7 Grandparent and Alternative Care Provider Program: Child Support Services (Stream Two) (Policy #3.7)
- 4.8 Investigations Policy (Policy #3.1)
- 4.9 Voluntary Agreements of Custody and Guardianship Policy (Policy #3.8)