

<i>Child Protection Act R.S.P.E.I 1988, Cap. C-5.1</i>	<b>Program</b>	<b>Child Protection</b>	
	<b>Subject</b>	<b>Termination of a Voluntary Agreement for Temporary Custody and Guardianship</b>	<b>Policy # 1.8</b>
<b>Effective Date: July 5, 2010</b>		<b>Authorized by: Carol Anne Duffy</b>	
<b>Revised Date: February 3, 2014</b>		<b>Deputy Minister</b>	

## **1.0 PURPOSE**

- 1.1 When the Director of Child Protection and a parent(s) enter into a Voluntary Agreement for Temporary Custody and Guardianship of a child(ren), either party may terminate the Agreement by giving fifteen (15) days written notice to the other party.

## **2.0 POLICY STATEMENT**

- 2.1 Notice of Termination of a Voluntary Agreement for Temporary Custody and Guardianship must be in writing and provided in person or by registered mail.
- 2.2 The Director of Child Protection shall retain custody and guardianship of the child until expiry of the fifteen (15) days notice.

### **Director of Child Protection Termination of a Voluntary Agreement for Temporary Custody and Guardianship**

- 2.3 Following a Change of Legal Status Meeting where the decision is the Director of Child Protection will be terminating the Voluntary Agreement for Temporary Custody and Guardianship, the Child Protection Social Worker will prepare a Notice of Termination and make arrangements to inform the parent(s) of the decision. The Child Protection Social Worker will prepare the child to return home and discuss with the parent(s), a transition plan for the child.

### **Parent(s) Termination of a Voluntary Agreement for Temporary Custody and Guardianship**

- 2.4 Upon receipt of written notice of termination of a Voluntary Agreement for Temporary Custody and Guardianship from a parent(s), the Child Protection Social Worker will schedule a Change of Legal Status Meeting to discuss termination of the Voluntary Agreement for Temporary Custody and Guardianship. The purpose of the Change of Legal Status Meeting will be to decide if a court application is required or if the child should be returned to the parent(s), and if so, what services if any will be offered.

- 2.5 Prior to the Change of Legal Status Meeting, the Child Protection Social Worker will assess the views of the child. If the child is over the age of twelve (12) years, the Child Protection Social Worker will meet with the child to explain fully the reason for consideration of termination, consider the child's views and be satisfied that returning to the parent(s) is in the best interests of the child.
- 2.6 Following a Change of Legal Status Meeting where the decision is the Director of Child Protection is in agreement with the parent(s) decision, the Child Protection Social Worker will prepare the child to return home and discuss with the parent(s), a transition plan for the child.
- 2.7 Following a Change of Legal Status Meeting where the decision is the Director of Child Protection is **not** in agreement with the parent(s) decision and the Director of Child Protection has reasonable grounds to believe that the child would be in need of protection if returned to the parent(s), the Director of Child Protection may make application to the court on or before the date of termination. Unless the court otherwise orders, temporary custody and guardianship of the child remains with the Director of Child Protection pending the interim hearing.

### **Notification of Designated Representative of the Band**

- 2.8 Where a child is Aboriginal or is believed to be Aboriginal and entitled to be registered as a member of a Band, the Designated Representative of the Band shall be notified of the court application or the intent to return the child to the parent(s).

### **3.0 REFERENCES**

Change of Legal Status Meeting 1.12

Voluntary Agreement for Temporary Custody and Guardianship 1.7

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### **HISTORY:**

February 3, 2014 - Editorial and format changes