

Introduction

The *NWT Child and Family Services Act* (the *Act*) mandates the provision of protective and supportive services for children and families. The Department of Health and Social Services and the regional Health and Social Services Authorities are jointly responsible to fulfill the obligations under the *Act*.

The Department of Health and Social Services developed the *Child and Family Services Act* based on the following principles and in direct support to and recognition of the United Nations' *Convention on the Rights of the Child*.

The principles of the *Child and Family Services Act*:

- The paramount objective of the *Act* is to promote the best interests, protection and well-being of children;
- Children are entitled to protection from abuse and harm and from the threat of abuse and harm;
- Parents should use methods other than force by way of correction towards their children or in the discipline of their children;
- The family's well-being should be supported and promoted;
- Parents are responsible to care and provide for and to supervise and protect their children;
- Measures taken for the protection and well-being of children should as far as possible, promote family and community integrity and continuity;
- Communities should be encouraged to provide, wherever possible, their own child and family services;
- Children, where appropriate, and parents should participate in decisions affecting them;
- Children, where appropriate, parents, and adult members of the extended family should be given the opportunity to be heard and their opinions should be considered when decisions affecting their own interests are being made;
- There should be no unreasonable delay in making or carrying out a decision affecting a child;
- Services to children and their families should cause the least amount of disruption to the family and should promote the early reunification of the child with the family;
- Children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family;

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- Children removed from their family should be provided with a level of care adequate to meet their needs, within available resources, and consistent with community standards; and
- Consistent with the United Nations *Convention on the Rights of the Child*, adopted by the General Assembly of the United Nations on November 20, 1989, persons who have attained the age of 16 years but have not attained the age of majority and cannot reside with their parents should be supported in their efforts to care for themselves.

The spirit and intent of the *Act* is to protect children from abuse, harm and neglect demonstrated through practice standards. Standards include but are not limited to the following:

- Completing an assessment of all reported child protection concerns.
- Setting out factors that must be taken into consideration when determining the best interests of the child.
- Entering into a voluntary agreement with families prior to the emergence of protection concerns.
- Developing agreements with families that ensure services are developed to meet the child's and family's needs.
- Working in collaboration with the persons with lawful custody of the child and the community to develop a plan of care that will best meet the needs of the family and the safety of the child when there are protection concerns.
- Presenting to the Court those children who appear to be in the need of protection, and applying for custody on behalf of the Director of Child and Family Services.
- Using foster or group homes for children whose interests will be enhanced by such a placement, or another setting which best meets their individual needs.
- Entering agreements with youth 16 to 19 years of who require support services or are deemed unable to live with their family.
- Supporting and promoting the family as the basic unit of society and its well-being.
- Helping children and their families obtain support services as a means of prevention.
- Informing all children aged 12 years or older and those with legal custody of their rights and involving them in the decisions affecting those rights and their lives.

- Developing and maintaining good relationships with organizations striving to maintain optimum social well-being for all members of the community by:
 - Recognizing the different cultural values and practices;
 - Attending designated meetings with organizations; and
 - Promoting the involvement of the community in the provision of services fulfilling the mandate of the *Child and Family Services Act*.

The determination of the best interests of the child is an integral part of the *Child and Family Services Act* in the NWT. Recognizing differing cultural values and practices must be respected when determining a child's best interests.

Roles and Responsibilities

The Director of Child and Family Services

The Director of Child and Family Services is appointed by the Minister, and serves at the Minister's pleasure. The Director is ultimately responsible for the development of territorial policies, procedures and standards to guide the delivery of services under the *Act*.

The Director has the authority to delegate responsibilities to staff within the Health and Social Services Authorities. Delegation occurs at all levels within the Authority for a variety of reasons. Social workers and others employed by the Authorities may be appointed as Child Protection Workers and take on a number of responsibilities on behalf of the Director. However, there are specific items the Director is responsible for and may not delegate.

- Authorization for the apprehension of a child in situations where a parent does not provide, refuses, is unavailable or unable to provide consent to medical care or treatment for a child who requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering placing the child in need of protection.
- Submission of an annual report to the Minister in accordance with regulations.
- Appointment and revocation of Deputy Directors (Deputy Director's act on behalf of the Director in his/her absence).
- Appointment, revocation of Assistant Directors and the delegation of responsibilities.
- Appointment and revocation of Social Workers as Child Protection Workers.
- Authorization of Child Protection Workers or other authorized persons to perform duties of the Director.

The Assistant Directors of Child and Family Services

The Chief Executive Officers of the regional Health and Social Services Authorities are appointed as Assistant Directors of Child and Family Services. Assistant Directors are appointed by the Director to fulfill all the sections of the *Act* other than the identified items the Director may not delegate. In areas where the Director is referred to it is implied that as delegated, the Assistant Director is accountable for the action on behalf of the Director of Child and Family Services.

The Chief Executive Officers, Directors of Social Programs, Supervisors and Managers

Each Health and Social Services Authority's Chief Executive Officer (CEO) is responsible for the daily operations of programs and services provided under the *Child and Family Services Act*. Programs and services range from prevention and support to child and family services such as responding to child protection concerns.

Directors of Social Programs report to the CEO and provide leadership and direction to child and family services Supervisors and Managers within the authority. Supervisors and Managers oversee the work of frontline service providers, Child Protection Workers. Supervisors and Managers play a key role in assisting Child Protection Worker to manage cases, analyze child protection concerns while ensuring the best interest of the child is first and foremost in the decision process. Supporting the Child Protection Worker in understanding their responsibilities and meeting the standards of practice outlined in this Manual is a key component of the work of the Supervisor and Manager.

The Child Protection Workers

Child Protection Workers are appointed by the Director, and serve at the Director's pleasure. The Child Protection Workers ensure the well-being of all children and families in the NWT by investigating all reports of child protection concerns. Child Protection Workers must maintain the best interests of the child as the primary factor in decision making. Other elements Child Protection Workers must consider when making plans and/or decisions include:

- The child's safety;
- The child's culture, linguistic and ethnic heritage;
- The child's spiritual beliefs;
- The child's physical, mental and emotional level of development and needs;
- The child's views and preferences, if they can be reasonably ascertained;
- The child's relationship by blood or through adoption;
- The family's socio-economic circumstances;

- The child, family and community's strengths;
- The abilities of the extended family or significant others in the child's life; and
- The importance of continuity for the child.

"Child Protection Worker" is a statutory designation held by an individual; it may or may not be that individual's job title. An individual does not necessarily have to be a social worker in order to be appointed as a Child Protection Worker.

The Child and Family Services Manual

This Manual provides direction to Child Protection Workers in order to fulfill the mandate of the *Act* and the Government of the NWT's Child and Family Services Program.

These standards support quality child protection services building on the foundation principle that all decisions are to be made in the best interests of the child. The standards provide the minimum level acceptable for service delivery.

This Manual provides resources and information required to meet each Standard. Forms or the information gathered in the form is a mandatory requirement for compliance with the Standard. Where there are tools listed, these are resources that provide further information about the intent of the Standard or how to ensure compliance. Court documents are templates of court forms required by the court, ultimately ensuring compliance with the standard.

Confidentiality

Confidentiality refers to the non-disclosure of private and personal information. Throughout all aspects of a Child Protection Workers duties confidentiality must be maintained. Child Protection Workers gather information to inform a situation or matter. Information is used for the purpose of making decisions to protect the safety and well-being of children.

There are laws within the NWT and Canada that address the importance of and requirement to maintain confidentiality. These include the *Child and Family Services Act* and the *Access to Information and Protection of Privacy Act*. Standard six in the Standards of Practice directs social workers' responsibility to maintain confidentiality; "Social workers will safeguard the confidential nature of the professional relationship with clients and of the information obtained within that relationship".

Child Protection Workers are bound by these laws and must maintain confidentiality at all times unless information is required by a court of law to inform a child and family services case within the justice system. A judge may subpoena information from the

case file seeking assistance to resolve or provide legal direction to a child protection matter or issue.

Fundamental Terminology Used in this Manual

The **best interests of the child** is determined by considering a variety of factors such as who a child should reside with, what programs, services or supports a child and family may require, and the capacity of the parents and/or family to care for the child. These types of questions gather information to assist a Child Protection Worker to make decisions that ultimately protect the safety and well-being of the child.

A **Case Plan** identifies goals and desired outcomes and the steps necessary to reach them. A case plan is developed by the Child Protection Worker in collaboration with the family, and may be developed through a voluntary support agreement or when child protection concerns exist. In court a Case Plan is sometimes referred to as a Plan of Care Report.

A **Child and Family Services Committee** is a group of community volunteers helps increase community involvement and ensure values, culture and language are preserved for children and families facing child protection issues. The Committee works in collaboration with Child Protection Workers, children and families in community-based processes outside of the court system.

The **Child and Family Services Information System** (CFIS) is the Department of Health and Social Services' electronic system for collecting and retaining information or data on child and families involved with child protection services.

An **investigation** refers to the process of seeking further information about a child protection concern. An investigation may require an investigation plan to be developed outlining the detailed process to follow up and substantiate a concern or it may mean asking more questions of the reporter to identify how best to address the concern. For example a Child Protection Worker may believe there are grounds to complete a detailed Child and Family Services investigation or they may believe the situation should be referred to a more appropriate service agency.

A **Parent(s) or guardian(s)** is the person who is legally responsible for a child/youth under the age of majority (18 years). This person is responsible for decisions that are made that affect the child/youth.

A **Plan of Care Agreement** is a document in which all involved parties agree on the plans to improve the child's situation.

A **Plan of Care Committee** is led by the Child Protection Worker consisting of the child (if 12 years or older), parent(s) and/or guardian(s) and a support person for the family, often a family relative or friend. The Committee meets to discuss and plan the child's case plan with the end resulting in the signing of the Plan of Care Agreement.

A **Permanent or Temporary Custody Order or Supervision Order** is a legal direction given by a court. A permanent or temporary custody order places the child in the care of the Director of Child and Family Services identifying that the parent(s)/guardian is currently unable to care for the child and ensure their safety. The child may be placed in the care of the Director permanently, the Director taking on the role of the parent(s) or on a temporary basis while the parent is supported to resolve the issues that required the child to be taken into care. A Supervision Order can be provided when the child protection concern can be resolved without taking the child into care but supervision by Child and Family Services is ordered to make sure the child is well cared for while the family is supported to improve the situation for the child.

A **report**, sometimes referred to as a referral, is all information received by Child and Family Services regarding concerns about a child. A report that a child may be in need of protection may be received by telephone, in person or in writing.

Voluntary Service Agreements are agreements in which a child and family may access services from Child and Family Services without direction from the courts. A Voluntary Service Agreement is entered into with a parent(s) that requires support services to ensure the well-being and safety of the child.

Support Service Agreements are entered between a youth 16-18 years of age (until their 19th birthday), who is not living with their parent(s) or guardian(s) and requires support.

Child Protection Workers will find more detailed information on these and other terms in the variety of resources provided throughout the Manual. Further questions or the need for clarification should be directed towards Supervisors or Managers within the regional Authority.