

Child Protection: What You Need to Know About Investigation

Ministry of Children and Family Development



INTRODUCTION:

Most children grow up in families where they are safe and secure. But for some there may be concerns about their safety – these children need our help.

If there are concerns about a child's safety, a child welfare worker has a legal duty to respond under the **Child, Family and Community Service Act**. A child welfare worker will assess any concerns and determine what actions will help make a child safe. This could include providing services to your family or support in your family home, or looking at placing the child in the care of friends or relatives.

If there are concerns about a child's safety, a child welfare worker has a legal duty to respond under the Child, Family and Community Service Act.

Sometimes the action needed to make your child safe involves an investigation into the safety concerns. **This pamphlet gives you an overview of the child protection investigation process.**

WHAT DOES A CHILD WELFARE WORKER DO?

Child welfare workers provide child welfare services, and respond to reported concerns about a child's safety and care. They can work for the Ministry of Children and Family Development (MCFD) or a delegated Aboriginal Child and Family Services agency.

Child welfare workers are **qualified professionals** trained to:

- » receive, assess and respond to reports about child protection concerns,
- » help ensure children are safe, and
- » help children and families with their problems.

WHAT HAPPENS AFTER A CHILD WELFARE WORKER ASSESSES A REPORT?

The child welfare worker has **a number of options** after making an assessment:

- » **Take no further action**, if the child is safe and there is no need for further involvement.
- » **Refer the family to support services** if the child is safe, but the family could use some help. Services are based on needs, and could include home support, counselling and parenting classes.

- » **Offer youth services** if the concerns are regarding a youth ages 16 to 18, to develop a plan to reduce risk and help the youth access the support of relatives, friends and community services.
- » **Conduct a family development response assessment** with the family's agreement, which evaluates the family's strengths and needs to care safely for the child, and with their input develops a plan to provide them with support services.
- » **Conduct a child protection investigation.**

A child protection investigation allows the child welfare worker to make an informed decision about what actions are necessary to protect a child's safety and help the family.

WHAT IS A CHILD PROTECTION INVESTIGATION?

A child protection investigation allows the child welfare worker to make an informed decision about what actions are necessary to protect a child's safety and help the family. It is a **fact-finding process** and involves the child welfare worker:

- » seeing and interviewing the child and any other vulnerable children in the household;
- » directly seeing the child's living situation;
- » seeing and interviewing the parent(s);
- » reviewing any existing case records and files;
- » gathering information from people like extended family, community and service providers who may have relevant knowledge of the child or family;
- » developing a plan with parents, if needed, (and possibly extended family, community members and service providers) for the child's safety while the investigation takes place; and
- » involving necessary professionals, like doctors and police, if required.

If the child is Aboriginal, the child's band or community may also be involved.

WHEN DOES AN INVESTIGATION BEGIN AND HOW LONG DOES IT LAST?

If there are urgent and immediate concerns about a child's safety and well-being, the child protection investigation must begin immediately. If the concerns are not immediate, the

investigation will begin as soon as possible and at least within five days. It is usually completed within 30 days.

Parents are informed about the child protection investigation before the child is interviewed unless doing so puts the child's safety at risk. The child welfare worker will explain the reason for the investigation and how it will be carried out to the family.

WHAT HAPPENS AFTER THE CHILD PROTECTION INVESTIGATION?

If at the end of the investigation, the child welfare worker concludes the child does not need protection, the worker's involvement will end, or the worker may refer the family to voluntary support services in the community.

If the child welfare worker decides a child needs protection, the worker will identify steps to protect the child's safety, which may include:

- » developing a plan for **support services** to keep the child safe in the family home;
- » if a child is not in immediate danger, offering planning and decision-making processes, like **family group conferences, mediation or traditional decision-making**, that involve the family and community in making plans to keep the child safe without having to go to court;
- » with the consent of the parents, having the child **live outside the home** under arrangements like a care agreement with family or friends, or in foster care under a Voluntary Care Agreement, until it is safe to return; or
- » **going to court** to request:
 - » an order for **essential health services**
 - » an order to **remove an offender** from the child's home, or to stop that person from contacting or interfering with the child
 - » an order that allows the **child welfare worker to supervise the child's care in the family home** (supervision order), or

- » if the child has been removed from the home because she or he is in immediate danger or there is no other way to keep her or him safe at that time, an order to:
 - » **return the child to the parent**, under the supervision of a child welfare worker, or
 - » **place the child with a friend or relative**, under the supervision of a child welfare worker, or
 - » **place the child in the care of the Ministry or a delegated Aboriginal agency.**

The child welfare worker will choose the option that is least disruptive to the child and protects the child's safety and well-being.

WHAT HAPPENS WHEN A CHILD IS REMOVED FROM THEIR FAMILY HOME?

If there are no other ways to keep a child safe, then the child will be removed from the family home and a court process begins.

In court, a family court judge hears the evidence prepared by the child welfare worker, and then decides where the child will live until he or she can safely return home. Usually the child will stay with family members, friends or a foster family during this time. Whenever possible, the child will be placed with a foster family from the same cultural and language background.

More information on the child protection court process can be found in the brochure, ***Child Protection: What Happens When You Go to Court.***

WHAT RIGHTS DO PARENTS HAVE THROUGHOUT THE INVESTIGATION PROCESS?

Parents have a right to:

- » know the reason for the investigation and the action that will be taken by the child welfare worker;
- » speak with the child welfare worker about safety, health or well-being concerns;
- » know what the child welfare worker thinks the parents need to do to ensure the child will be safe;

The child welfare worker will choose the option that is least disruptive to the child and protects the child's safety and well-being.

Talk to the child welfare worker to find out what rights parents and children have throughout the child protection investigation process.

- » access the ministry's complaint process;
- » involve an advocate or support person during the investigation;
- » talk to outside advocates about the way the child welfare worker is doing his or her job, or about the care the child is receiving; and
- » request a copy of their family service file through the **Freedom of Information and Protection of Privacy Act**.

WHAT RIGHTS DOES MY CHILD HAVE THROUGHOUT THIS PROCESS?

At any age, your child has the right to have his or her views heard and considered.

If your child is Aboriginal, he or she has the right to have his or her community told of the concerns in the family home and of the investigation process.

Your child **must be advised of all their rights** if she or he comes into care.

RESOURCES

This pamphlet is part of a series of informational brochures on child protection. Visit www.mcf.gov.bc.ca/child_protection/publications.htm to view:

- » Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report
- » Family Development Response
- » Child Protection: What You Need to Know About Investigation
- » Child Protection: Your Role as a Relative
- » Options for Parents and Families: Collaborative Planning and Decision Making
- » What is Child Protection Mediation?
- » Family Group Conferencing factsheets

FOR FURTHER INFORMATION, QUESTIONS OR ADDITIONAL HELP:

- » Contact your local **Ministry of Children and Family Development** office the number can be found in the blue pages of your local phone book, or visit www.gov.bc.ca/mcf/index.html
- » Visit the ministry's **Complaints Process** webpage if you have a concern about something to do with the ministry and your case is not in court. www.mcf.gov.bc.ca/complaints/index.htm
- » Contact a delegated **Aboriginal Child and Family Services** agency the number can be found in the white pages or online at www.mcf.gov.bc.ca/about_us/aboriginal/delegated/pdf/agency_list.pdf
- » Contact the **Representative for Children and Youth**. The office supports and advocates on behalf of children, youth and families who need help with the child protection system. Call toll-free: 1-800-476-3933 or visit www.rcybc.ca
- » Contact your local **Member of the Legislative Assembly** (MLA). Look in the blue pages of your phone book under "British Columbia – Members of the Legislative Assembly" to find the office number.
- » Contact the **Office of the B.C. Ombudsman**. The office is responsible for investigating complaints about the practices of provincial public agencies. Call toll-free: 1-800-567-3247.
- » Read the **Legal Services Society's** "Parents' Rights, Kids' Rights, A parent's guide to child protection law in BC" at: www.lss.bc.ca/assets/pubs/parentsRightsKidsRights.pdf

Local Information:

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To receive additional copies of this pamphlet, fax a request to the Distribution Center - Victoria at 250 952-4559 or phone 250 952-4460. This pamphlet is also available online at: www.mcf.gov.bc.ca/child_protection/publications.htm

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