



## **SOUTHERN FIRST NATIONS NETWORK OF CARE**

### **Agency Standards Foster Homes Kinship Home Licensing**

Effective: April 1, 2015

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### **Background**

The Aboriginal Justice Inquiry – Child Welfare Initiative (AJI-CWI) was launched in 2000 by the Manitoba government in partnership with First Nations and Metis leaders, in response to the Aboriginal Justice Inquiry Report (1991). The goals of the AJI-CWI are to: recognize the right of First Nations and Metis to control the development and delivery of child and family services to their peoples throughout Manitoba; and restructure the CFS system through legislation and other changes.

In 2003, by proclamation of *The Child and Family Services Authorities Act*, four new Authorities, including the First Nations of Southern Manitoba Child and Family Services Authority (the Southern First Nations Network of Care) were established. The Southern First Nations Network of Care is responsible for the management of the delivery of child and family services through its member agencies. In addition, the Southern First Nations Network of Care, in collaboration with its member agencies, is responsible for developing and implementing culturally appropriate standards for services, practices and procedures.

### **Introduction**

This standard pertains to the designation and licensing of Kinship Homes for children in need of protection under Part III of *The Child and Family Services Act*.

Kinship care is rooted in traditional connectedness between children, caregivers and community and has long been a custom in Aboriginal communities. Kinship care helps ensure children, including Aboriginal children, remain connected to their families and culture.

### **Definition**

In this standard, kinship care is defined as a family home that is approved to care for a specific child/ren because of a family connection or significant relationship to the child/ren such as:

- blood ties
- family ties
- common ancestry or
- community member

Kinship care is unique as it recognizes the importance of prior relationships between the child/ren, caregiver and community, as well as the child/ren's biological family, and is based on the understanding that these relationships require a unique approach to nurture and sustain.

## Legislation

### The Child and Family Services Authorities Act

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Under *The Child and Family Services Authorities Act*, the Authorities are responsible for developing culturally appropriate standards or services, practices and procedures.

Clause 19(1) of the Act requires authorities to ensure the development of appropriate placement resources for children.

Under section 20 of the *Child and Family Services Authorities Regulation*, the authorities and the director (Director of Child and Family Services) share the duty under clause 4(1)(j) of *The Child and Family Services Act* to ensure the development of appropriate placement resources for children.

Section 19 of this Act lists the duties of child and family services authorities. Clause 19(b) requires authorities to develop objectives and priorities for child and family services consistent with provincial objectives and priorities. Clause 19(c) requires authorities to ensure that culturally appropriate standards for services, practices and procedures are developed and under 19(d), authorities must ensure that culturally appropriate standards they develop are consistent with provincial standards, objectives, and priorities.

Section 31(1) of this Act specifies that the minister should consult with authorities before the Lieutenant Governor in Council makes regulations covering certain matters.

### The Child and Family Services Act

In accordance with *The Child and Family Services Act*, the Authorities are responsible for administering and providing for the delivery of child and family services in Manitoba.

Section 7 of this Act lists the duties of child and family services agencies. Clause (g) requires an agency to provide care for children in its care. Clause (l) requires an agency to develop and maintain child care resources.

Subsection 2(1) of *The Child and Family Services Act* defines best interests of a child and lists criteria that must be considered in making a decision about a child. Other than evidence issues in proceedings to determine whether a child is in need of protection, the best interests of a child must be the paramount consideration.

Section 26 of *The Child and Family Services Act* sets out a process whereby, if there is a situation where a person, perhaps a relative, is already caring for a child, and the situation requires an apprehension, the caregiver can still be included in the planning:

**Leaving child pending protection hearing** - 26(1) states The director, a representative of an agency or a peace officer who on reasonable and probable grounds believes that a child is in need of protection, may leave the child with or return the child to the person in whose charge the child

is and notify that person that an application respecting the child will be made to court pursuant to the provisions of this Part.

The *Foster Homes Licensing Regulation* 18/99, Part 4 Section 42 (a)(b) states that “Not later than March 14, 2004 the minister shall (a) review the operation of this regulation including consulting with such persons affected by it as the minister considers appropriate; and (b) if the minister considers it advisable, recommend to the Lieutenant Governor in Council that the regulation be amended”. As this ministerial review has yet to occur, in the best interest of children in the care, the Southern First Nations Network of Care will begin licensing kinship homes effective April 1, 2015.

The licensing of kinship homes under the Southern First Nations Network of Care Kinship Home Licensing Standard, which is culturally appropriate, is consistent with the provincial objectives and priorities as per the Authorities Act Clause 19(d). Further, this standard has been adapted and is consistent with the *Foster Homes Licensing Regulation*. As there are currently no references to kinship homes in CFS provincial standards, and until the pertinent regulations are changed to accommodate recognize kinship homes, child specific licences will include kinship homes. Furthermore, all references in this standard that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care.

## Standards

1. **Development and Management of Kinship Homes** – An agency’s organizational structure and staffing patterns include a capacity to develop, license and manage kinship home resources. The overall responsibility for this function is given to one or more supervisors, depending on the size and structure of the agency. This capacity is documented in agency organizational charts and job descriptions.
2. **Staff Orientation to Kinship Care** – Within three months of commencing employment, all workers and supervisors, as part of their orientation to the agency, receive information about the agency’s kinship care program. This orientation includes:
  - introduction to legislation and regulations pertaining to kinship homes
  - overview of the agency kinship care program
  - number and availability of kinship homes
  - roles and responsibilities of staff and kinship caregivers
  - effective use of kinship homes
  - selection and matching process
  - working with kinship caregivers
  - use of kinship homes for emergency placement of children
  - kinship home rates and rate approval process
  - administrative forms and procedures
3. **Kinship Care Worker Assignment** – An agency ensures that each kinship home has a worker assigned to provide supervision and support. In rural and northern agencies, the assignment may be to a worker with a general caseload.
4. **Orientation for Kinship Home Applicants** – A licensing agency ensures that a kinship home applicant receives an orientation to kinship care based on the agency approved curriculum within three months of accepting a written application for a license to operate a kinship home. The orientation may be provided individually or in groups. An agency may licence a kinship home

prior to completing the orientation process if it is satisfied that an applicant has met all other licensing requirements in Part 2 of the *Foster Homes Licensing Regulation*.

5. **Opening a Kinship Care Case** – A licensing agency worker will open an electronic case on the provincial case management system (currently a Foster Care Management case), for all new kinship caregiver applicants and licences being transferred.
6. **Kinship Management Record Content** – In addition to relevant record content requirements in Standard 5 of Section 1.7.1, Service Records, a Foster Care Management (FCM) record maintained by a licensing agency also contains:
  - completed forms and other documentation pertaining to the screening, assessment, approval, licensing and use of kinship homes
  - information on the bed capacity of the kinship home and the relationship of the child and their family to the Kinship caregiver (genogram)
  - current information on the placement and removal of children, the number of children in the home and the number of children with special needs
  - information on each kinship child in the home required under Standard 7 in Section 1.5.3, Placing Children
  - current support and respite services provided to each home including the total cost over basic maintenance
  - the name, address, phone number and email address of all placing workers

Assessments and contact recording may be stored electronically and printed when necessary for sharing with kinship caregiver applicants and others when appropriate.

7. **Record Confidentiality and Access** – Kinship Caregivers and Kinship Caregiver Applicants as the case may be, are advised of confidentiality and access provisions in section 76 of *The Child and Family Services Act* and provincial policy. The kinship home worker records on each FCM record that the kinship caregivers have been informed of these requirements and are prepared to comply with them.
8. **Closing a Kinship Care Electronic Case** – a licensing agency closes a FCM case when:
  - a kinship home ceases operations or kinship caregiver moves out of province
  - the agency refuses to issue a licence and the kinship caregiver applicant has not appealed or has unsuccessfully appealed the decision
  - the agency transfers a licence to another agency
  - the licence is cancelled, the agency does not intend to reinstate the licence, and the licensee has not appealed or has unsuccessfully appealed the decision.
9. **Maintaining Current Placement Resource List** – A licensing agency maintains a current list of all kinship home applicants and licensed kinship homes, including families and agency staff providing a place of safety. The list contains the following information from the FCM record (see Standard 6 above):
  - names and addresses of place-of-safety parents and kinship home applicants and parents and other relevant contact information
  - characteristics of children to be placed
  - bed capacity and current vacancies
  - children placed in the home including name, age, gender, date placed or discharged

- names of all other adults who are residing in the home
- all out-of-home resources attached to the children in care within the kinship home
- the name, address, phone number, agency and email address of all placing workers for each home in use

Child and family services agencies are required to use the Child and Family Service Information System and its successor to develop and maintain their kinship home resource lists.

**10. Processing Kinship Caregiver Applications** – When a decision is made to accept a kinship home application, a worker:

- explains the agency’s licensing process to the applicant(s) including requirements under Part 2 of the *Foster Homes Licensing Regulation* and any additional requirements of the agency,
- gives the applicant(s) an application form to be completed and signed, assisting the person as necessary in completing the form,
- requests each applicant and any other adult residing with the applicant(s) to obtain a criminal record check and provide the agency with the results of that check,
- obtains signed consents from each applicant and any other adult residing with the applicant(s) to conduct child abuse registry and prior contact checks (see Screening and Assessment in this section),
- obtains information as to the applicant(s) physical and mental health using the prescribed Declaration of Health and Fitness Form approved by the Southern First Nations Network of Care, and
- obtains references from four persons, only one of which will be from inside the family concerning the applicant(s) ability to protect, nurture and care for children; one reference to be completed as an interview.

**11. Initial Screening of Kinship Caregiver Applicants and Others** – On receiving signed consents to do child abuse registry and prior contact checks from each applicant and any other adult residing with the applicant(s), the worker initiates the appropriate checks to determine if an applicant or adult is listed on the child abuse registry, is or has been the subject of a child protection investigation, or is otherwise known to child and family services. The results of these checks and action taken are recorded on the kinship caregiver management file (see Screening and Assessment in this section).

**12. Kinship Caregiver Applicants Applying Elsewhere or Already Licensed** – In compliance with section 6 of the *Foster Homes Licensing Regulation*, a worker or coordinator takes all reasonable steps to determine if an applicant has applied to another agency for a licence to operate a foster home or is already licensed. The worker:

- asks an applicant if he or she has previously applied, was previously licensed, is currently applying to another agency for a licence, or is currently licensed by another agency,
- completes a prior contact check on CFSIS and, when necessary, through contacting other agencies in Manitoba or child welfare authorities in other provinces or territories, and
- if an applicant is currently applying for a licence with another agency or is currently licensed by another agency, advises that the agency cannot proceed with the application until the applicant withdraws the other application or ceases to be licensed by another agency.
- In addition, the worker requests use of the bed(s) if the foster parent chooses to care for their family member.

13. **Applicants and Others on the Child Abuse Registry** – On receiving confirmation from the Child Protection Branch that a kinship caregiver applicant or any other adult living with an applicant is listed on the child abuse registry, the worker:

- in the case of single person, advises the applicant of the results of the check and explains that the agency will not proceed with the application due to child protection concerns,
- in the case of a married or common-law couple, advises the person listed on the registry of the results of the check and, when necessary, explains to the couple that the agency will not proceed with the application due to child protection concerns, or
- in the case of an adult residing with the applicant(s), advises the adult of the results of the check and, if the adult is not prepared to move out of the home, explains to the applicant(s) that the agency will not proceed with the application due to child protection concerns.

14. **Persons Subject of a Child Protection Investigation** – When a kinship caregiver applicant or other adult residing with an applicant is or has been the subject of a child protection investigation but is not listed on the child abuse registry, the worker:

- obtains relevant information from the investigating agency or staff in the licensing agency to determine if the applicant(s) or adult poses a risk to children as defined in Section 1.1.0, Case Management,
- if the applicant or other adults in the home are considered to pose a medium or high risk to children, the Director of the Agency or their designate must be contacted for approval to move forward if it is determined that it is in the best interest of the child to do so,
- proceeds with the application if the applicant(s) or adult are considered to pose a low risk to children, subject to ascertaining through the assessment process if a licence should be issued (see Screening and Assessment in this section),
- if a decision is made not to issue a licence, advises the applicant of the right to appeal the decision of the agency to refuse to license the kinship caregiver.

15. **Persons with Criminal Record** – When a kinship caregiver applicant or other adult residing with an applicant has a criminal record, the worker:

- requests the applicant to obtain a copy of the content of the record and provide it to the agency,
- meets with the person, if necessary, to obtain more information about the person's record and to determine if the offences or convictions indicate the person is considered a risk to children,
- if the applicant(s) or adult are considered to pose a medium or high risk to children, the Director of the Agency or their designate must be contacted for approval to move forward if it is determined that it is in the best interest of the child to do so,
- proceeds with the application if the applicant(s) or adult are considered to pose a low risk to children, subject to ascertaining through the assessment process if a licence should be issued,
- if a decision is made not to issue a licence, advises the applicant of the right to appeal the decision of the agency to refuse to license the kinship home.

16. **Kinship Caregiver Assessments and Inspections** – To ensure compliance with subsection 3(4) of the *Foster Homes Licensing Regulation* and Screening and Assessment policy in this section, the worker:
- reviews the results of criminal record, child abuse registry and prior contact checks,
  - obtains the required medical information as per the Southern First Nations Network of Care Declaration of Health and Fitness Form and four personal references,
  - completes an assessment of the kinship home involving a minimum of two visits to the residence of proposed kinship home as well as in-office interviews that may be required to complete the kinship caregiver family profile, and
  - inspects the home environment and completes the foster home requirements and basement bedroom requirements checklists with the applicant(s).
17. **Third Party Kinship Home Assessments** – A service provider (individual or service organization) authorized or contracted to develop kinship home resources conducts kinship home assessments and inspections as required in Standard 7 above. The policy statement in Section 1.8.2, Human Resource Practices, regarding agency hiring practices applies to contracting individuals.
18. **Documenting the Application Process** – The worker records all relevant information relating to the screening and assessment of the kinship home applicant(s) on the kinship caregiver record (see Standard 6 in Section 1.5.1, Resource Management).

## Issuing a Licence

19. **Approving Kinship Caregiver Applications** – When an assessment of the kinship home application is completed, the program manager or supervisor responsible for the kinship home program reviews the information and documentation and makes a decision whether to recommend the home for licensing. In some agencies, the foster home coordinator may have managerial or supervisory authority. In others, the executive or regional director may both review and approve the application.
20. **Issuing a Kinship Home Licence** - When a kinship caregiver application is approved, a licence is issued on the form prescribed by the Director of Child and Family Services. The licence includes any terms and conditions (i.e. at this point in time a licence for kinship care homes is subject to a child specific licence) in accordance with section 4 of the *Foster Homes Licensing Regulation*. The executive or regional director or a person delegated in writing to act on behalf of or in the absence of the executive or regional director signs the licence. The licensing agency ensures the kinship home receives the licence and places a copy of the licence on the agency kinship home file.

Note: As there are currently no references to kinship homes licensing in CFS provincial standards, all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard.

21. **Licensing Places of Safety as Kinship Homes** – When an agency places a child under subsection 21(1) of *The Child and Family Services Act* in a family residence that is not licensed as a kinship home, the placing agency worker:

- advises the family that the placement cannot exceed one month unless the individual or couple applies for a kinship home licence in accordance with the policy for family residences in Section 1.4.2, Place of Safety,
- when applicable, gives the individual or couple an Application For A License To Operate And Maintain A Children’s Foster Home licensing application form to complete and return to the agency within one month from the date the child was placed in the home,
- completes an assessment of the kinship family home within six months from the date the child was placed, and
- if the home is approved (see Standard 9 above) issues a licence.

If the family decides not to proceed or the home is not approved for licensing, immediately initiates a plan to remove any children the agency placed in accordance with the policy for family residences in Section 1.4.2, Place of Safety.

In some instances, an agency other than the placing agency may assume responsibility for assessing the home and issuing a kinship home licence-

22. **Refusing to License a Kinship Home** – When an agency refuses to license a kinship home, the applicant is advised in writing of the decision within five working days from the date of the decision. The letter states the reasons for the agency refusing to license the home and advises the applicant of the right to appeal the decision, explaining the process for doing so. If children have already been placed in the home, the policy for family residences in Section 1.4.2, Place of Safety also applies.
23. **Renewing a Kinship Home Licence** – When an agency renews a licence pursuant to section 13 of the *Foster Homes Licensing Regulation*, the agency ensures the kinship home receives the licence renewal and places a copy of the renewal on the agency kinship home file.

## Transferring a Licence

24. **Kinship Home Information and Documentation** – Pursuant to subsection 13.1(5) of the *Foster Homes Licensing Regulation* and the Foster Homes Records policy in Section 1.5.1, Resource Management, on receiving an application to transfer a foster home (will include kinship home) licence to another agency, the licensing agency worker:
  - if the kinship home licence will expire within three months of the transfer date, completes the annual licensing review required under section 13.1(5) of the Regulation,
  - obtains a signed Kinship Family Release of Information consenting to the release of information from the FCM record,
  - when applicable, advises the foster parent(s) that access to the FCM record on CFSIS will be transferred to the new agency on completion of the transfer, and
  - forwards the information and documentation with a Kinship Family Information Cover Sheet signed by the foster/kinship home program manager or supervisor.
25. **Proposed Licensing Agency Response** – Pursuant to subsections 13.1(6), (7) and (8) of the *Foster Homes Licensing Regulation*, on receiving information and documentation from the licensing agency, the foster/kinship home program manager or supervisor in the proposed licensing agency:
  - countersigns the Kinship Family Information Cover Sheet and returns it to the program manager or supervisor in the licensing agency within five working days,



- reviews the information and documentation and, when considered necessary, requests additional information or documentation from the kinship family, and
  - advises the kinship caregiver(s) and the current licensing agency of its decision about approving the transfer at least one month prior to the expiration of the current licence.
26. **Licence Transfer Agreement** – Once agreement is reached to transfer a kinship home licence to another agency, the Foster Family Transfer Agreement form is completed and signed by the applicant(s) and the program managers or supervisors in the licensing and proposed licensing agencies.
27. **Former Licensing Agency Record** – On completion of the licensing transfer, the former licensing agency closes its FCM record effective the date of the transfer. For FCM records on CFSIS:
- electronically transfers the FCM case to the new licensing agency if the foster parent(s) authorized the new licensing agency having access to the record,
  - closes the FCM case if the Foster Family Release of Information form does not allow the new licensing agency to have access to the record, and
  - closes the facility record.
28. **New Licensing Agency Record** – The new licensing agency opens an electronic file on the Provincial system effective the date the licence is transferred. For CFSIS records, the agency moves the case from pending to open and creates a new facility record.

## Processing Licensing Appeals

29. **Agency Licensing Appeal Process** – All kinship home applicants and parents are informed in writing of their right to appeal a licensing decision under section 8 of *The Child and Family Services Act* and section 14 of the *Child and Family Services Authorities Regulation* and provided with a copy of the agency’s licensing appeal process. Kinship home applicants are given a copy as part of the home assessment process or in orientation sessions. Kinship caregivers are given a copy when a decision is made to suspend, cancel or not renew a licence. Agencies and the Southern First Nations Network of Care are also encouraged to make pamphlets or brochures on kinship care available in reception areas.
30. **Notifying Placing Agencies of Licensing Suspensions** – A licensing agency notifies all agencies that have placed a child in home of a decision to suspend or cancel a kinship home licence under Part 2 of the *Foster Homes Licensing Regulation*. All placing agencies are notified at least one month in advance of the decision unless circumstances prevent the licensing agency from doing so.

## Policies

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## Kinship Care

Our Elders have taught us that children are gifts from Creator and it is a family's responsibility to care for, protect, and nurture these gifts.

The purpose of kinship care is to protect and nurture children and to strengthen families. It is intended to provide children with an alternative residence until they can be returned home, adopted or graduate to independent living. For some children, however, remaining in long-term kinship care is the best plan for them.

Kinship families play an essential role in the delivery of child and family services. As members of an agency team that works with children and their families, they provide the stability of a family setting for children in care under *The Child and Family Services Act*.

## Placement in a Kinship Home

In accordance with the Provincial Case Management Intake Standard (1.1.1), agencies mandated by the Southern First Nations Network of Care will abide by the following placement priorities when deciding on a kinship placement resource for a child;

- immediate or extended family of the child regardless of residence
- other families within the child's community of origin
- other families of the same region or tribal council area as the child
- other families of the same racial, cultural or linguistic group as the child
- former care givers
- a placement resource that facilitates contact with a parent or guardian
- alternatives that meet the child's needs

## Agency Staff

Child and family services agencies are responsible for identifying, licensing and use of kinship homes through staff assigned to manage these resources.

An agency's kinship home management must complement and support its responsibilities to provide services to families and child protection services. Agencies and the Southern First Nations Network of Care are expected to ensure coordination of these functions.

Agencies may rely on assistance from the Southern First Nations Network of Care in carrying out their kinship home management responsibilities.

## Kinship Caregiver Recruitment

The Southern First Nation Network of Care and their agencies collectively share the responsibility to ensure there are kinship homes to meet the needs of children in their care through appropriate means including:

- approaching an individual or couple regarding a specific child
- approaching communities regarding children and families in care
- engaging the assistance of existing kinship care providers
- collaboration with other authorities and agencies engaging in local or regional recruitment campaigns
- participating in province-wide caregiver recruitment campaigns in collaboration with the Province of Manitoba

## Kinship Care Orientation and Training

The Southern First Nations Network of Care and its member agencies are expected to utilize these same funds for orientation and training for kinship caregivers. Given the cultural diversity of the communities under the Southern First Nations Network of Care, the specific orientation will be developed and provided by the licensing agency.

## Complaints Relating to Kinship Homes

As there are currently no references to kinship homes in CFS provincial standards, therefore as per this standard all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard.

There are six categories of complaints relating to kinship homes. Agencies under the Southern First Nations Network of Care are expected to respond to each category as follows:

**Child Protection (Including Abuse) Allegations** – This type of complaint involves an allegation that a child is or might be in need of protection as a result of an act or omission by a kinship care provider or other individual in the home. These situations must be dealt with as a child protection referral. These situations are covered in detail in Section 1.3.4, Provincial Child Abuse Investigations.

**Complaints about Kinship Homes other than Child Protection Allegations** – These are complaints other than allegations that a child is or might be in need of protection. They may pertain to concerns about the care and supervision of a kinship child, alleged violations of approved standards or failure by a kinship caregiver to report an incident involving a kinship child. In addition to requirements in Section 1.7.3, Complaint Review Process, agencies and their authorities are expected to resolve these complaints in a way that both respects the role of the kinship families and is in the best interests of the child.

**Complaints by Kinship Caregivers** – These are complaints made by kinship caregivers or other caregivers in a kinship home. They may pertain to such matters as lack of contact or support by an agency, lack of services or resources for a child, insufficient funding, the amount of respite provided, interference by parents of a kinship child and compensation for damages. Agencies and their authorities are expected to respond to these complaints as required under Section 1.7.3, Complaint Review Process.

**Appeals against Licensing Decisions** – These complaints pertain to the right of kinship home applicants and parents under subsection 8(2) of *The Child and Family Services Act* to appeal decisions made by

licensing agencies with respect to the issuing, suspension cancellation or renewal of a kinship home licence. This category is covered in Section 1.5.2, Licensing and Licensing Appeals.

**Grievances by Children in Kinship Care**– This category pertains to the right of foster children under section 21 of the *Foster Homes Licensing Regulation* to grieve the actions of a foster care provider. Policies and standards relating to this category are contained in Section 1.5.4, Care Roles and Responsibilities.

**Removal of Children** – This category pertains to the right of foster care providers under section 51 of *The Child and Family Services Act* to appeal an agency’s decision to remove a child. It is covered in Section 1.5.6, Removing Children.

## Managing Agencies

As there are currently no references to kinship homes in CFS provincial standards, therefore as per this standard all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard.

Mandated child and family services agencies have the legislative authority to licence kinship homes. This authority cannot be delegated. However, activities related to the development and management of kinship home resources may be carried out by a managing agency, for example, another mandated agency or a service organization such as a group home, treatment centre or family service agency. The licensing agency, however, continues to have legal responsibility for the operation and use of the home.

## Kinship Home Records

As there are currently no references to kinship home records in CFS provincial standards, therefore as per this standard all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard.

A kinship home record is a service record of a kinship home care giver created by a child and family services agency. It includes a FCM\_case created in the Child and Family Services Information System (CFSIS) and any other electronic or paper record created by an agency or service provider.

Kinship home records are voluntary service records under subsection 76(12) of *The Child and Family Services Act*. Foster care providers have a right to access information on the file subject only to limitations to access in subsections 76(4) to (8) of the Act.

## Kinship Care Child Maintenance

As there are currently no references to kinship care child maintenance in CFS provincial standards, therefore as per this standard all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Appropriate changes have been made where applicable.

Child maintenance refers to funding provided for the care and supervision of children in care. It does not apply to children who remain in their own homes through an order of supervision under clause 38(1)(a) or for whom an order of private guardianship is obtained under section 77 of *The Child and Family Services Act*.

This section provides an overview of child maintenance funding for children in foster care. Child maintenance policies and rates are covered in detail in Section 1.4.4, Child Maintenance.

Foster care child maintenance consists of basic maintenance and, when required, special/rate needs and exceptional circumstances funding. Payments made to foster care givers are normally not taxable and are seen by Canada Revenue Agency (CRA) as personal expenses unless the person is in the business of providing this service.

## Basic Maintenance

As there are currently no references to kinship care basic maintenance in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Appropriate changes have been made where applicable.

Basic maintenance is intended to compensate kinship caregivers and place-of-safety parents for the cost of providing care for a child in care. The Kinship Caregiver Chart of Accounts for basic maintenance consists of a *basic amount* paid to a care giver and an *agency allowance* to be used for children in care. The Child Protection Branch notifies all relevant parties by letter whenever there is a change or increase in basic maintenance.

The *basic amount* depends on the age of the child and the location of the home. Kinship Caregivers are entitled to the full basic amount each month. Agencies are not allowed to withhold any portion of it. For example, the allowance for replacement clothing is to be issued monthly rather than quarterly or semi-annually.

The *agency allowance* may be paid to kinship caregivers or administered by the agency. The agency allowance is to be used for costs for children in care related to activities such as sports and music, education costs including school supplies, special occasions such as birthdays and holidays, and other special costs.

Kinship caregivers are paid basic maintenance for the day a child is placed. They are not paid for the day a child is discharged or removed from the home unless a child is placed and removed from a home on the same day. Agencies are responsible for identifying situations where a foster parent receives a duplicate payment or is overpaid and for recovering these funds.

## Special Rate/Needs and Exceptional Circumstances Funding

As there are currently no references to kinship care special rate/needs and exceptional circumstances funding in CFS provincial standards, therefore as per this standard all references in this section that refer to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Appropriate changes have been made where applicable.

**Funding Allocations** – For children who are a provincial financial responsibility, the province allocates funds for additional maintenance for children in care through *Special Rates/Needs* and *Exceptional Circumstances* funding. These allocations are described in detail in Section 1.4.4, Child Maintenance.

**Agency Approval Processes** – Agencies are required to have internal processes for reviewing and approving special rate/needs funding requests. These processes provide for a consistent and rational approach to decision making. Agencies are encouraged to establish panels or committees consisting of a supervisor, a resource coordinator, an agency financial person, and designated front-line staff.

**Placing Agencies** – Placing agencies are responsible for assessing whether a child requires additional funding over basic maintenance in accordance with Standard 10 in this section. In this regard, placing agencies are also encouraged to consider funding agreements and contracts as well case planning factors such as home visits and parental contact.

**Managing Agencies** – When placing a child in a home managed by another agency, a placing agency should consult with the managing agency in deciding whether special needs funding is required and, if so, the rates and items to be paid. Managing agencies are responsible for coordinating services provided to the child and kinship home including the use of alternative care providers for respite.

**Care and Expenditure Reviews** – Care plans should be reviewed at least every six months to ensure they have been implemented and to make necessary changes based on an updated assessment of the child. Special rate funding must be reviewed at least once a year.

## Planned and Unplanned Absences

As there are currently no references to kinship planned and unplanned absences in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Changes have been made where appropriate.

Absences may be planned or unplanned. Examples of planned absences are summer camp and home visits. Unplanned absences include missing children. Policies and standards pertaining to absences are covered in detail in Section 1.4.5, Incidents and Absences.

**Placement Planning** – Placement planning for a child in care must include planning for planned and unplanned absences. Plans are discussed and agreed to in advance by the child’s worker and kinship caregivers. For unplanned absences, the worker and kinship caregiver discuss and agree as to what action is to be taken in the event a child goes missing. The plan identifies who is responsible for notifying the family or significant others of a child’s absence and return.

**Reporting a Missing Child** – Kinship Caregivers are required to immediately report a child as missing to the police and the placing or managing agency when a missing child is believed to be at risk or in danger due to such factors as the child’s age, medical condition, psychological state, history or behavioural patterns, and to other factors such as extreme weather.

**Reporting Return of a Missing Child** – When a missing child is found or returned, the kinship caregiver, placing agency and, when applicable, managing agency immediately notify the others as the case may be. Also, the placing agency or, when applicable, the managing agency ensures that the police and appropriate others are informed.

**Basic Maintenance during Absences** – A placing agency may pay basic maintenance to kinship caregivers for planned or unplanned absences up to 14 days providing the child is expected to return to the home. When a child is visiting his or her family as part of a discharge plan, the agency may continue to pay basic maintenance to the kinship caregiver for up to one month. A decision to continue to pay maintenance beyond 14 days should be made in advance by the placing agency. The kinship caregiver should be advised of this decision and any changes in payment.

**Fee for Service and Absences** – When a fee for service is part of the payment, a decision must be made whether or not it is continued. As a general rule, special rate funding is discontinued during a planned or unplanned absence unless the kinship caregiver is expected to continue providing services such as visiting the child in hospital, searching for a missing child, and meeting with workers or parents.

**Preparing Kinship Caregivers** – It is important that provincial and agency absence policies be discussed with and clearly explained to kinship caregivers as part of their orientation and when a child is placed in the home.

## Interpretation and Application

As there are currently no references to kinship homes in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Changes have been made where appropriate.

The Child Protection Branch has consulted with legal counsel regarding section 2 of the *Foster Homes Licensing Regulation*. The regulation applies to (regular) foster homes and respite foster homes. Foster parents must *ordinarily reside* in the home for both types of situations.

Consistent with the intent of the regulation, a home should not be licensed unless a kinship caregiver resides in the home for a minimum of five 24-hour days per week. It is up to the agency and the kinship caregiver to determine the specific days. However, it is not recommended that the kinship caregiver be in the home solely on days when kinship children are most likely to be out of the home.

If there are two adults in the home, they can both be considered kinship caregivers only if they are married or living in common-law. This interpretation is consistent with rulings by the Canada Customs and Revenue Agency, which allows only one person to be compensated as a foster parent.

## Screening and Assessment

Screening involves obtaining information about an applicant through appropriate checks and references. Assessment involves making a decision whether to licence a home through the steps listed in subsection 3(4) of the regulation and additional steps or processes that may be required by the Southern First Nations Network of Care.

An agency may use Kinship Caregiver orientation in combination with in-office interviews to assess applicants. Criminal record, child abuse registry and prior contact checks for licensing kinship homes involves the following:

**Criminal Record Checks** – The licensing agency is responsible for ensuring that criminal record checks are obtained on kinship home applicants and other adults living in the home.

**Child Abuse Registry Checks** – The licensing agency is responsible for obtaining a consent to request a child abuse registry check through the Child Protection Branch pursuant to subsection 19.3(2) of *The Child and Family Services Act*.

**Prior Contact Check** – The licensing agency is responsible for obtaining consent to do a prior contact check and for conducting the check through the Child and Family Services Information System (CFSIS) and other relevant electronic or paper records including, when applicable, records from the former Children’s Aid Society of Winnipeg, which is also available through the records clerk at the Child Protection Branch.

## Agency Staff, Volunteers and Board Members

For purposes of this section, *staff* means any person who is employed, retained or contracted by a child and family services agency or service area (regional office) and is involved in the delivery of services. This definition applies to part-time and casual as well as full-time staff.

Agency staff, volunteers or board members and, when applicable, their partners or spouses cannot be licensed to foster a child who is in care of the person's own agency or service area except when the person has a kinship ties to or an existing community or significant relationship with the child. The Southern First Nations Network of Care may allow for exceptions to this rule providing there is no real or apparent conflict of interest.

When a staff, volunteer or board member applies for a Kinship Caregiver licence from his or her own agency or service area the following procedures apply:

1. The applicant is advised of the above-noted policy and any decisions in regard to the application of the policy.
2. The Kinship Care Family Profile is completed.
3. For a staff person or volunteer, the licence is approved by the executive director of the licensing agency. For an executive director or agency board member, the licence is approved by another agency mandated by Southern First Nations Network of Care.
4. For a staff person, the placement is supervised by a staff member at least one and preferably two classification levels above that of the licensee. For an executive director, the placement is supervised by another agency mandated by the Southern First Nations Network of Care.
5. All financial arrangements beyond basic maintenance are approved by the agency's executive director and, by another agency mandated by the Southern First Nations Network of Care for an executive director or Board Member.

## Licensing Forms and Guidelines

As there are currently no references to kinship homes licensing forms and guidelines in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care. Changes have been made where appropriate, as per the Kinship Home Licensing Standard.

In addition to requirements in section 3 of the *Foster Homes Licensing Regulation*, licensing agencies must use provincial forms prescribed by the Director of Child and Family Services. Agencies mandated by the Southern First Nations Network of Care will use the Southern First Nations Network of Care approved forms where applicable and are also encouraged to use or adapt suggested provincial forms and guidelines.

The forms and guidelines are available through the Child and Family Services Information System (CFSIS) and are listed below in two tables. The Southern First Nations Network of Care forms are available on their website. The term "prescribed" in CFSIS refers to forms prescribed by regulation or required by the department.



**Table 1: Prescribed Forms for Foster Home Licensing**

<b>Form Name</b>	<b>Category</b>
Application for a Licence to Operate and Maintain a Children’s Foster Home	Foster Care
Application for a Child Abuse Registry Check by a CFS Agency – Other (Form CAR-CFSAO Rev 12/2013)	Child Abuse Registry
Application for a Prior Contact Check by a CFS Agency (Form PCC-CFSA Rev 12/2013)	Child Abuse Registry
Authorization for Release of Confidential Information	Admin.
Children’s Foster Home Applicant(s) Additional Information	Foster Care
Children’s Foster Home Requirements Checklist	Foster Care
Basement Bedroom Requirements Checklist	Foster Care
Children’s Foster Home Licence	Foster Care

**Table 2: Suggested Forms for Foster Home Licensing**

<b>Form Name</b>	<b>Category</b>
Kinship - Declaration of Health and Fitness	Southern First Nations Network of Care
Kinship Family Profile	Southern First Nations Network of Care
Kinship Caregiver Reference	Southern First Nations Network of Care
Foster Home Review/Re-Licensing Guidelines	Foster Care
Foster Family Release of Information	Foster Care
Foster Family File Information – Cover Sheet	Foster Care

## Licence Suspension or Cancellation

As there are currently no references to kinship homes license suspension or cancellation in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care. Changes have been made where appropriate, as per the Kinship Home Licensing Standard.

Suspension or cancellation of a Kinship Caregiver licence under section 15 of the *Foster Homes Licensing Regulation* applies only when the licensing agency forms the opinion that a kinship home should no longer be licensed due to concerns about the home as set forth in subsection 15(1) of the regulation. The decision to remove a kinship child is a separate process specific to the best interests of the child (see Section 1.5.6, Removing Foster Children).

## Kinship Caregiver Licensing Appeals

As there are currently no references to kinship homes caregiver licensing appeals in CFS provincial standards, therefore as per this standard all references in this section that refers to foster home/s, foster families or foster care will include kinship home/s, kinship caregiver/s or kinship care, as per the Kinship Home Licensing Standard. Changes have been made where appropriate.

Child and family services agencies and the Southern First Nations Network of Care are required to have licensing appeal processes that are based on sound legal principles and consistent with legislative requirements. The province encourages the four authorities to work together in developing these processes for the benefit of Kinship Caregivers and licensing agencies.

In addition to the timeline in subsection 8(2) of *The Child and Family Services Act*, agencies and authorities are also required to follow policies and standards in Section 1.7.3, Complaints and Reviews, upon receiving an appeal.