



CHILD, YOUTH AND FAMILY ENHANCEMENT ACT

*Licensing Requirements for
Residential Facilities*

September 2004

Alberta



**BUILDING
STRONG FAMILIES**

Child, Youth & Family
ENHANCEMENT ACT

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INTRODUCTION

In 2001, Iris Evans, Minister of Alberta Children's Services, announced the review of the *Child Welfare Act*. The recommendations contained in the resulting report, *Strengthening Families, Children and Youth*, were further considered in drafting the *Child Welfare Amendment Act*.

The recommendations and proposed legislation was based on research and information obtained through a community consultation process that involved over 140 meetings and the receipt of over 600 submissions from stakeholders across the province.

The *Child Welfare Amendment Act* was introduced in the Legislative Assembly on March 4, 2003 and received Royal Assent on May 16, 2003. Further amendments to the *Child Welfare Act* were made on March 15, 2004 and received Royal Assent on March 30, 2004.

When the *Child Welfare Amendment Act* comes into force, the *Child Welfare Act* will be renamed the *Child, Youth and Family Enhancement Act* (**Enhancement Act**).

Through evidence-based practice, the *Enhancement Act* further supports the development and well being of children, youth and families while keeping children and youth safe and protected. The *Child, Youth and Family Enhancement Act* enables the achievement of Children's Services' vision and mission through the core business.

VISION

"Strong children, youth, families and communities"

An Alberta where children and youth are valued, nurtured and loved, and develop to their potential supported by enduring relationships, healthy families, and safe communities.

MISSION

Working together to enhance the ability of families and communities to develop nurturing and safe environments for children, youth and individuals.

CORE BUSINESS

The Ministry's core business encompasses the following:

- Promoting the development and well-being of children, youth and families.
- Keeping children, youth and families safe and protected.
- Promoting healthy communities for children, youth and families.

This document was designed to provide an increased understanding of the changes involved in licensing as required by the *Child, Youth and Family Enhancement Act*. For specific amendments to the *Child Welfare Act* and further updates visit www.child.gov.ab.ca/enhancementact.

LICENSING OF RESIDENTIAL FACILITIES

The goal of the new licensing provisions is to ensure quality of care and accountability for children in the custody or guardianship of the director. The licensing requirements are intended to be coordinated with the contracting process, accreditation/certification process, as well as approval and annual review process for foster homes. The director can only place children in residential facilities, which includes foster homes and child and youth facilities, that are licenced under the *Enhancement Act*.

The goal of the licensing requirement is to ensure that children in the custody or guardianship of the director are provided for in a consistent manner as per legislated provincial standards which includes regulations and policy. For foster parents, the regulations and policy are based on the approval process that has always been part of the requirements to become a foster parent. The licensing process will be implemented in a way that balances the requirements to ensure quality of care while being respectful of the individual family systems of foster parents.

This document identifies the licensing requirements, including the sections of the *Enhancement Act*, and the regulations and policies to support the licensing process. Throughout the document, legislation, regulation and policy are referred to. The following provides a summary of the areas:

- The *Child, Youth and Family Enhancement Act* is the law or legislation.
- Regulations are part of the legislation and identify the rules of the law. For example, the foster home assessment is regulated and required by law.
- Policy is an additional requirement that governs practice and provides parameters for compliance by caseworkers and others, including foster parents and child and youth facilities. Policy also assists in the interpretation of the regulation.

In applying the standards, the regions (meaning Child and Family Services Authorities or CFSAs and Delegated First Nation Agencies or DFNAs) will identify the most suitable role for implementation of the licensing requirements. Although there may be some variance in implementation among the regions, for the purposes of this document the role of **licensing officer** will be used. It is acknowledged in some regions the foster care support worker will be the licensing officer for foster homes.

In implementing the licensing function within the regions, including the investigation activities that may occur within the residential facility, coordination will occur between the foster care worker (if different than the licensing officer), caseworker and licensing officer for foster homes, and coordination between the contract manager, licensing officer and caseworker for all child and youth facilities.

The first part of the document outlines Part 3 of the *Enhancement Act*, which includes the requirements for licensing of residential facilities. Following this section, the licensing regulations and policy requirements are identified for foster homes and child and youth facilities along with the regulated foster home assessment report.

PART 3 OF THE CHILD, YOUTH AND FAMILY ENHANCEMENT ACT: LICENSING OF RESIDENTIAL FACILITIES

DEFINITION

SECTION 105.1

In this Part, “residential facility” means a facility that provides residential care to a child in the custody or under the guardianship of a director and includes a secure services facility, a foster home and a group home, but does not include a facility that primarily provides medical care, educational services or correctional services.

LICENCE REQUIRED

SECTION 105.2

- (1) No person shall operate a residential facility unless that person holds a subsisting residential facility licence issued by the Minister under this Act.
- (2) If a person is operating a residential facility that is not licenced under the *Social Care Facilities Licensing Act* when this section comes into force, subsection (1) does not apply to that person until 18 months after the date this section comes into force.
- (3) If a person is operating a residential facility that is licenced under the *Social Care Facilities Licensing Act* when this section comes into force, subsection (1) does not apply to that person until the licence under that Act expires.

APPLICATION FOR LICENCE

SECTION 105.3

- (1) An application for a residential facility licence or a renewal of a residential facility licence must
 - (a) be made to the Minister in a form satisfactory to the Minister, and
 - (b) state the maximum number of persons intended to be accommodated or cared for in the residential facility.
- (2) On considering an application for or renewal of a residential facility licence, the Minister may issue a residential facility licence and impose terms and conditions in the licence.
- (3) Unless otherwise specified in the licence, the term of a residential facility licence is one year from the date of its issue.
- (4) A residential facility licence issued under this section must
 - (a) identify the residential facility that may be operated under the licence, and
 - (b) state
 - (i) who may operate the residential facility,
 - (ii) the maximum number of children, other than children of a foster parent, who may reside in the residential facility,
 - (iii) the term of the licence, if the term is other than one year from the date of issue, and
 - (iv) any conditions to which the licence is subject.

VARYING A LICENCE

SECTION 105.31

The Minister may, on the application by a licensee in a form acceptable to the Minister, vary the terms or conditions to which the licence is subject.

STANDARDS

SECTION 105.4

A holder of a residential facility licence must ensure that the residential facility meets the requirements of the regulations, and the residential facility licence holder may not charge more for residential facility services than the rates provided for by the regulations.

Note: No regulations have been developed in relation to rates.

INSPECTION

SECTION 105.5

- (1) Subject to subsection (2), for the purposes of ensuring compliance with this Act, the regulations and any conditions to which a residential facility licence is subject, the Minister or a person authorized by the Minister may
 - (a) at any reasonable hour enter a residential facility other than a private dwelling place and inspect it,
 - (b) enter a residential facility that is a private dwelling place and inspect it with the consent of the owner or operator of the private dwelling place,
 - (c) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,
 - (d) inspect and take samples of any material, food, medication or equipment being used in a residential facility, and
 - (e) perform tests, take photographs or make recordings in respect of a residential facility.
- (2) When a person removes any books, records or other documents under subsection (1)(c), the person must
 - (a) give to the person from whom those items were taken a receipt for those items, and
 - (b) forthwith make copies of, take photographs of or otherwise record those items and forthwith return those items to the person to whom the receipt was given.
- (3) When a person takes samples of any material, food, medication or equipment under subsection (1)(d), the person must
 - (a) give to the person from whom those items were taken a receipt for those items, and
 - (b) on that person's request, return those items to that person when those items have served the purposes for which they were taken.
- (4) If entry is refused or cannot be reasonably obtained under subsection (1) or a person interferes with the Minister or a person authorized by the Minister in exercising rights and performing duties under this section, an application may be made to the Court of Queen's Bench by way of originating notice for an order that the Minister or a person authorized by the Minister may,
 - (a) at any reasonable hour enter the residential facility and inspect it,
 - (b) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,
 - (c) inspect and take samples of any material, food, medication or equipment being used in the residential facility, and
 - (d) perform tests, take photographs or make recordings in respect of the residential facility, and the Court may, on being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.
- (5) An application under subsection (4) may be made ex parte, if the Court considers it proper.

ORDER AFTER INSPECTION

SECTION 105.6

If a residential facility has been inspected under section 105.5 and the Minister is of the opinion that

- (a) this Act, the regulations or a condition of a residential facility licence is not being complied with, or
- (b) the residential facility is not providing proper care.

The Minister may in writing order the person operating that residential facility to take measures as specified in the order within the time limits specified in the order.

VARIATION, SUSPENSION OR CANCELLATION OF LICENCE

SECTION 105.7

- (1) When the Minister is of the opinion that
 - (a) a residential facility licence holder is not providing proper care to a child who resides in the licence holder's residential facility,
 - (b) the premises described in the residential facility licence have become unfit or unsuitable for a residential facility,
 - (c) a residential facility licence holder has not complied with
 - (i) this Act, the regulations or a condition of the residential facility licence,
 - (ii) an order made under section 105.6, or
 - (iii) any other enactment that applies to a residential facility.

The Minister may, by notice in writing to the residential facility licence holder, vary, suspend or cancel the residential facility licence and terminate the licensee's contract with the Crown to provide residential facility services.

- (2) Every contract between the Crown and the owner or operator of a residential facility is deemed to contain a provision that the Crown may terminate the contract without notice and without damages payable by the Crown to the owner or operator if the owner or operator fails to comply with an order issued under section 105.6 or if the residential facility licence is suspended, cancelled or expired.

DEFINITION OF A RESIDENTIAL FACILITY

As per the legislation, section 105.1 defines *residential facility* as:

“A facility that provides residential care to a child in the custody or under the guardianship of a director and includes a secure services facility, a foster home and a group home, but does not include a facility that primarily provides medical care, educational services or correctional services.”

Note: Also included in the definition are facilities that provide care to a child through an Individual Service Plan and emergency shelters.

Under section 105.2(1), anyone operating a residential facility requires a licence, which includes foster homes and all child and youth facilities. In obtaining a licence, the definition of residential facility as per section 105.1 of the *Enhancement Act* requires that all residential facilities providing care to a child in the custody or guardianship of the director must be licenced. To meet the definition the CFSA or DFNA must have a contractual agreement in place with the facility.

Living situations that are not captured by the definition of residential facility include:

- Supported Independent Living situations.
- Independent Living situations.
- Kinship Care placements.

Kinship care homes are not captured by the definition of residential facility, therefore licensing is not required. However, adherence to provincial standards will continue to be required. These are currently under development.

The following identifies the ‘interpretation’ section 1 of the regulation, which includes the definitions of *foster homes* and *child and youth facilities*.

RESIDENTIAL FACILITIES LICENSING REGULATIONS AND POLICY REQUIREMENTS

Section I of the regulations provides definitions and an interpretation of the definitions.

REGULATION – SECTION 1

- (1) In this Regulation,
 - (a) “Act” means the *Child, Youth and Family Enhancement Act*;
 - (b) “child and youth facility” means any residential facility as defined in section 105.1 of the Act, except a foster home;
 - (c) “child and youth facility licence” means a licence authorizing the holder to operate a child and youth facility;
 - (d) “foster child” means a child who is in the custody or under the guardianship of a director and is residing in a foster home;
 - (e) “foster home” means a residential facility as defined in section 105.1 of the Act
 - (i) that is the home of the holder of a foster home licence, and
 - (ii) in which care is provided to foster children in a family setting;
 - (f) “foster home licence” means a licence authorizing the holder to operate a foster home.
- (2) For the purposes of Part 3 of the Act, “residential facility licence” means
 - (a) a foster home licence, or
 - (b) a child and youth facility licence.

The following provides clarification on a number of areas involved in licensing:

a) Fee for Service Agreement/Standing Offer Agreement/Contracts

Where a contractual agreement exists and the residential facility has obtained a licence, but no children are currently placed in the facility, the licence continues to be applicable until the date of expiry.

The contracting process and the issuing of a licence is one process which is coordinated. New facilities that commence operation on or after proclamation must become licenced under the *Enhancement Act* prior to accepting placements.

b) Facility-Based Licensing

The licence is facility-based, thus the following applies:

- In situations where a foster family moves, an assessment of the physical space of the new home will be required to ensure compliance with regulated standards. Following the assessment, the licence may have to be varied to reflect the new physical space (including at a minimum, the new location address).
- In situations, where an agency has several different facilities, each facility (i.e. group home) would be licensed.
- In situations where the facilities are all on one site at one legal address, then one licence can be issued to include all the facilities.

c) Coordination of *Social Care Facilities Licensing Act* and the licensing requirements under the *Enhancement Act*

- For facilities that are in operation at the time of proclamation, but are not licenced under *Social Care Facilities Licensing Act* (for example, foster homes caring for less than 4 children), the facility has up to 18 months from proclamation within which to become licensed.
- The *Social Care Facilities Licensing Act* will be amended so the licensing requirements under the *Enhancement Act* are no longer included in the *Social Care Facilities Licensing Act*. In other words, all residential facilities that meet the definition of a residential facility in the *Enhancement Act* will require a licence only from the *Enhancement Act*, and the *Social Care Facilities Licensing Act* will no longer apply.
- When a residential facility licence is obtained through the *Enhancement Act*, the licence obtained under the *Social Care Facilities Licensing Act* is no longer in effect as there is no further jurisdiction under the *Social Care Facilities Licensing Act* to continue to licence and monitor the residential facility.
- For those facilities that have a licence under the *Social Care Facilities Licensing Act* and require a licence under the *Enhancement Act*, the licensee will have until the expiration of the *Social Care Facilities Licensing Act* licence to become licensed under the *Enhancement Act*.

The following applies to situations where the applicant for a licence is planning on providing care to a child in the custody or guardianship of the director under the *Enhancement Act* and is also providing care to a child that would normally require a licence under the *Social Care Facilities Licensing Act*:

- The applicant will need to obtain a licence under the *Enhancement Act*. The residential facility is only required to have one licence, which is obtained through

the *Enhancement Act* as it takes precedence over the *Social Care Facilities Licensing Act*. However, the licensing officer may require that additional standards be met to ensure the adequate care of all children in the facility.

- In instances where there is temporarily no child in the custody or guardianship of the director in the residential facility, the *Enhancement Act* licence would continue to apply until the expiration or cancellation of the licence.
- The facility will need to initiate an application under the *Social Care Facilities Licensing Act* prior to the expiration of the *Enhancement Act* licence in the following instance:
 - The facility is no longer providing care to children in the custody or guardianship of the director, the facility has no intention of accepting future placements of children under the custody or guardianship of the director, and the facility is continuing to provide care to a child that would require their facility to be licenced under the *Social Care Facilities Licensing Act*.

d) Inter-Authority Protocols and Licensing Requirements

The current Inter-Authority Protocols apply to the recruitment, licensing, contracting and placement of children in a facility that is geographically located in that region. The protocols clarify the following:

“Facilities include but are not limited to foster homes, treatment homes, secure treatment facilities, group homes, women’s shelters, day cares and “safe” houses.”

The facility is normally under the Authority of the CFSA or DFNA in which it is geographically located unless other arrangements have been negotiated to the satisfaction of the CFSA or DFNA involved. A number of situations can arise which may result in inter-authority involvement of the facility:

- 1. Recruitment of facilities by non-resident Authorities.*
- 2. Contracting with facilities by non-resident Authorities.*
- 3. Placement in the facility of non-resident children, families or individuals.*

The Inter-Authority Protocols and protocols between the CFSA and DFNA are currently being reviewed and re-drafted to provide further direction on licensing of residential facilities.

If a facility has a contractual agreement with another CFSA/DFNA other than the one in which the facility physically resides, the contracting CFSA/DFNA must provide a letter in support of the licensing process for the facility to submit along with their application for a licence.

The following provides an interim strategy pending the redraft of the protocols:

- Each CFSA and DFNA is responsible to licence in their region.
- For those facilities that are operating in a region, but are offering services to a different region, the region where the facility is located would issue the licence and monitor the residential facility. However, coordination would need to occur with the region that is providing the contractual agreement.

Rationale: *The process will assist the region (where the facility is located) in ensuring that the facility has met and is monitored to the standards. Due to distance, it may be time consuming and costly to ensure these requirements are met by a region that is providing the contract. This will ensure that the region the facility is operating in is aware of all placements of children within their region.*

- For those facilities operating in a CFSA but are offering services to a DFNA, the region where the facility is located would be responsible to process, issue and monitor the residential facility. The CFSA would need to coordinate with the DFNA that is providing the contractual agreement.

PART I – LICENSING OF FOSTER HOMES

I. OVERVIEW

The issuing of the foster home licence is coordinated with the approval process for foster care. To further clarify, it is one process in which the licensing requirements are met through the approval of the foster home process. The licence is issued upon caregivers meeting all the requirements to become a foster home. The standards that are identified through the regulations and policy are based on the current approval process to become a foster home.

The licence is required to be renewed on an annual basis, and is coordinated with the annual foster home review to ensure the process is streamlined for foster parents.

The following identifies the regulations and policies that apply to the approval of a foster home's licence, the annual review and renewal of the licence, as well as ongoing requirements to maintain the licence. Again, these are based on the current requirements to become a foster parent.

A licensed foster home status indicates to the community that the home meets the Ministry's licensing requirements, standards, and criteria for providing care to a child in the custody or guardianship of the director.

The following section identifies a summary for:

- A)** The application process to obtain an initial foster home licence.
- B)** The renewal of a foster home licence, including foster parents that have a licence under the *Social Care Facilities Licensing Act*.
- C)** The transitional requirements for foster homes that are currently approved to foster, and do not have a licence under the *Social Care Facilities Licensing Act*.
- D)** Ongoing requirements for all foster homes to maintain their licence.

Following this, the specifics of regulations and policy which includes the requirements for the application or renewal of a foster home licence will be discussed in more detail.

A) APPLICATION FOR AN INITIAL FOSTER HOME LICENCE

An application for an initial licence must be in writing and include all of the requirements necessary for approval and issuing of the foster home licence. This is similar to the current requirements to apply and obtain approval to become a foster parent.

All required information must be received before a licence is considered. *The Enhancement Act* regulation section 3, 4 and 5, and the supporting policy must be complied with to obtain a licence to foster.

The following describes the requirements under section 3 of the regulation, which includes the initial application process for new applicants to be approved as a licensed foster home:

- The Application Form
- Criminal Record Check
- Intervention Record Check (previously a CWIS check)
- Medical References
- Personal References
- Additional Information.

Section 4 of the regulation outlines the requirements for the initial issuing of a licence, which includes:

- The Foster Home Assessment Report
- Up-to-date criminal record checks
- Compliance to any training, as per the current requirements, and

- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that will be part of the foster home assessment process and are required in order to obtain approval for a foster home licence.

B) RENEWAL OF A FOSTER HOME LICENCE INCLUDING FOSTER PARENTS THAT HAVE A LICENCE UNDER THE SOCIAL CARE FACILITIES LICENSING ACT

The renewal of the foster home licence is coordinated with the annual review of the foster home. The applicant does not need to complete all the initial requirements that were involved in obtaining their initial licence.

Section 3(4), 4 and 5 of the regulations applies specifically to obtaining a renewal of the foster home. This will be further discussed in the document.

Section 3(4) requires that the application for renewal must be made at least 60 days prior to the expiry of the licence and include any required information.

Section 4 outlines the requirements for renewal which include:

- Foster Home Assessment Report
- Compliance to ongoing criminal record checks
- Compliance to any training, as per the current requirements, and
- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that are part of the annual review process when foster parents apply for a renewal of their licence.

C) FOR FOSTER PARENTS WHO ARE APPROVED TO FOSTER PRIOR TO NOVEMBER 1, 2004, AND DO NOT HAVE A LICENCE UNDER THE SOCIAL CARE FACILITIES LICENSING ACT

The following outlines the process to obtain a licence for approved foster parents who are currently providing care to children who are in the custody or guardianship of the director, or who have been approved to foster and may be on hold or currently do not have a placement in their home.

To obtain a licence the foster home will need to comply with the regulations and policy standards. Overall, these are reflective of the current requirements to foster.

The licensing officer will complete a review of the foster home file prior to issuing the licence to ensure that the foster home is compliant with the requirements regarding regulations section 3, 4 and 5 and supporting policy. Additional information may be required to meet the requirements to approve and issue a licence. It should be noted that ongoing compliance is required for the other sections of the regulations (this will be discussed further).

Regulation section 3 requires the following:

- The results of a criminal record check dated up to three years prior to the date of application for a licence (regulation section 3(3)).
- Confirmation that the foster parents or any adult living in the home have not placed a child to be in need of intervention services in any jurisdiction outside Alberta. This is included in the initial home assessment process (see regulation section 3(2)(b) for more detailed information about this requirement).
- That the medical references are on the foster home file. Medical references are part of the current requirement to foster (regulation section 3(2)(c)).
- That the personal references are on the file as this was part of the initial application process (regulation section 3(2)(d)).
- Compliance to any other requirements that are listed under regulation section 3(2)(e).

Regulation section 4 requires:

- Foster Home Assessment Report
- Up-to-date criminal record checks as per the regulatory requirements
- Compliance to any training, as per the current requirements, and
- Compliance to applicable health and safety legislation.

Section 5 includes a number of areas that are part of the annual review process when foster parents apply for their initial licence.

D) ONGOING REQUIREMENTS

Section 6, 7, 8, 9, 10, and 11 of the regulations and supporting policy are ongoing requirements for foster parents. These are part of the current duties and responsibilities of foster parents that will be discussed later in this document.

2. DEFINITION

REGULATION – SECTION 2

In this Part, “licence holder” means the holder of a foster home licence.

3. APPLICATION FOR A LICENCE OR RENEWAL OF A LICENCE

An application for an initial licence must be in writing and include all of the requirements necessary for approval and issuing of the foster home licence.

All required information must be received before a licence is considered. No child can be placed in the foster home prior to the foster home being licenced.

REGULATION - SECTION 3(1)

An application under section 105.3 of the Act for a foster home licence or a renewal of a foster home licence may be made only by an adult individual.

POLICY

Regional internal processes will ensure that the licensing application process is clear and coordinated with other requirements for the applicant. The regional internal procedures will coordinate the licensing process to ensure that it is one process that encompasses the approval and annual review of foster parents, as well as the contracting process for agencies providing foster care, to ensure a seamless process for applicants.

The intent is for the applicant to make one submission to the region that would include requirements for both licensing and contracting, or approval and renewal of the foster home licence.

CRIMINAL RECORD CHECK

REGULATION - SECTION 3(2)(a)

An application for an initial foster home licence must be accompanied with the following:

subject to subsection (3), the results of a criminal record check, dated not earlier than 6 months prior to the date of the application, with respect to the applicant and any other adult residing with the applicant;

REGULATION - SECTION 3(3) ALSO APPLIES.

Where a foster home is being operated immediately before the coming into force of this Regulation, the results of the criminal record check to be provided under subsection (2)(a) may be dated up to 3 years prior to the date of the application.

POLICY

An Application to Foster a Child must be accompanied by the criminal record check.

It is required to ask the applicants if children who are between the ages of 12-17 years have had involvement with the criminal justice system, as well as the details of the incident.

INTERVENTION RECORD CHECK

(completed through the Child and Youth Information Module or CYIM)

REGULATION - SECTION 3(2)(b)

An application for an initial foster home licence must be accompanied with the following:

a written consent, in a form satisfactory to the Minister, from the applicant and any other adult residing with the applicant authorizing the Minister to obtain information from any jurisdiction in which that person has resided in the 5 years immediately preceding the date of the application for the purpose of determining if that person has caused a child to be in need of intervention in that jurisdiction;

POLICY

The intervention record check is a current requirement. This was previously called a Child Welfare Information System (CWIS) check. Under the *Enhancement Act*, the intervention record check will be completed through the Child and Youth Information Module or CYIM.

MEDICAL REFERENCE

REGULATION - SECTION 3(2)(c)

An application for an initial foster home licence must be accompanied with the following:

a reference from a physician or registered nurse concerning the general physical and mental health of the applicant;

POLICY

The applicant must supply a positive medical report confirming their capacity to foster. It is preferred that foster parents obtain the required information from a physician.

PERSONAL REFERENCES

REGULATION - SECTION 3(2)(d)

An application for an initial foster home licence must be accompanied with the following:
references from 3 individuals concerning the ability of the applicant to operate a foster home.

OTHER INFORMATION

REGULATION - SECTION 3(2)(e)

An application for an initial foster home licence must be accompanied with the following:
any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to operate a foster home.

POLICY

The applicants must provide additional information to confirm the following:

- The applicant is at least 18.
- Cohabiting applicants have had a stable relationship for at least the past 12 months.
- No major illness or trauma has occurred in the past 12 months.
- Each applicant has completed the entire “pre-service” training program or training as required by the region.
- The family is capable of representing a foster child, working and collaborating with the CFSA/DFNA staff and other professionals, working with the child’s extended family, maintaining confidentiality and supporting the achievement of the child’s permanency plan.
- The community resources usually needed by a foster child are available.
- The family manages within its current income and their income is stable.
- The home is structurally sound with adequate sleeping, eating and storage space to accommodate a foster child. The sleeping area is easily evacuated in an emergency. The foster child has a separate bed unless the caseworker or licensing officer approves sharing.
- Any crib or playpen meets the standards in the Cribs and Cradles Regulations of the *Hazardous Products Act (Canada)*.
- The applicant must provide evidence of general liability insurance for the residence upon initial application and renewal.

- The licence holder is required to contact the CFSA/DFNA of any changes in insurance, including cancellation of insurance.

RENEWAL OF A LICENCE

REGULATION - SECTION 3(4)

An application for a renewal of a foster home licence must be made to the Minister at least 60 days before the expiry of the licence and must be accompanied with any information the Minister considers necessary to enable the Minister to assess the ability of the applicant to continue to operate a foster home.

POLICY

An application for renewal of a foster home licence must be made 60 days prior to the expiry of the licence. The licensing officer will forward any required documentation to the foster parent. The annual review must be coordinated with the licence renewal of the foster home as it is a regulated requirement.

4. CONDITIONS PRECEDENT TO ISSUING A LICENCE

HOME ASSESSMENT

REGULATION - SECTION 4(a)

Before issuing a foster home licence or a renewal of a foster home licence, the Minister may conduct an assessment of the applicant and prepare a report in the form set out in the Schedule for the purpose of determining the applicant's ability to operate a foster home,

POLICY

A foster home assessment (as per the regulated format – located at the back of the document) of the applicant must be completed to determine personal suitability prior to a licence being issued. An update to the regulated home assessment must be integrated into the annual review process to renew the licence. An annual assessment form is available through the regional CFSA/DFNA office.

CRIMINAL RECORD CHECK

REGULATION - SECTION 4(b)

Before issuing a foster home licence or a renewal of the licence, the Minister may require the applicant to provide the results of a new criminal record check with respect to the applicant and any other adult residing with the applicant if the most recent criminal record check was carried out more than 3 years prior to the date of the application.

POLICY

The applicant is required to report any criminal charges that occur following the completion of the original criminal records check and prior to the three year regulated requirement.

TRAINING REQUIREMENTS

REGULATION - SECTION 4(c)

Before issuing a foster home licence or a renewal of the licence, the Minister may require the applicant to complete training with respect to the operation of a foster home.

POLICY

The applicant is required to complete the training as per the foster care model or as requested by the licensing officer.

HEALTH AND SAFETY REQUIREMENTS

REGULATION - SECTION 4(d)

Before issuing a foster home licence or a renewal of the licence, the Minister may require the applicant to provide evidence that the foster home to be operated is in compliance with applicable health and safety legislation.

POLICY

On First Nation communities under Federal jurisdiction, the regulations concerning the physical structure do not apply. Specifically, this includes municipal requirements (land use and zoning), safety codes (building code and fire prevention) and the *Public Health Act* regulations. The licensing officer shall request verification of compliance to the corresponding physical structure laws that apply on reserve, for example any areas relating to building code and fire prevention.

Public Health Act

In coordination with the *Public Health Act* Institutions regulation and the *Enhancement Act* regulations, a health inspection is required for 4 or more placements.

The licensing officer will refer the applicant for a public health inspection when the foster home is in the process of being licenced to provide care to 4 or more children or youth.

In exceptional circumstances when there is a health concern, the licensing officer may refer the applicant or holder of a licence for a public health inspection if the facility is being licenced to provide care to less than 4 children.

The licensing officer will advise the foster parent if an additional inspection will be required upon application for renewal of the licence. The completion of health inspections and frequency will continue as per the current requirements for 4 or more children.

Safety Codes Act and Municipal Bylaws

If applicable, compliance with the municipal bylaws governing land use and zoning may be required. The licensing officer will assist foster parents in obtaining the necessary information to ensure their home is compliant with any municipal requirements.

If applicable, compliance with the *Safety Codes Act* may be required (includes building code and fire prevention). If applicable, the applicant must contact the local jurisdiction to obtain approval of the residence under the *Safety Codes Act*.

- For example, foster parents are required to have fire extinguishers and smoke detectors. Other related building codes apply such as obtaining a building permit when renovations are made to the foster home.

Transitional Directive

For foster homes that have had inspections completed under the *Social Care Facilities Licensing Act*, the licensing officer will review the existing inspection reports and accept them as applicable to the licensing application under the *Enhancement Act*. The licensing officer has the discretion to request that a re-inspection be completed if there have been significant changes to the home since the original inspection or concerns exist.

5. ISSUANCE OF LICENCE

REGULATION - SECTION 5

The Minister may issue a foster home licence or a renewal of a foster home licence if the Minister is satisfied that:

- (a) neither the applicant nor any other individual residing with the applicant poses a risk to children,
- (b) the applicant is suitable to operate a foster home,
- (c) the environment of the foster home is conducive to the health, safety and well being of children, and
- (d) the applicant will comply, or has complied, with the Act, this Regulation and any terms or conditions imposed by the Minister.

6. NUMBER OF CHILDREN

REGULATION - SECTION 6

The maximum number of foster children that may reside in a licenced foster home

- (a) includes children who are placed in the foster home by a child welfare authority outside Alberta, and
- (b) does not include foster children placed in the foster home on a temporary basis, as determined by the Minister, where there is a need to provide temporary respite to the licence holder of the foster home where those foster children normally reside.

POLICY

Based on the assessment of the home, the licensing officer will identify a maximum number of children that can be placed in the foster home. This information is required to be recorded on the licence. This is based on a number of factors including compliance to foster care policy that provides parameters for identification of the number of placements a foster home can accept.

The maximum numbers are not impacted when a foster home provides respite, which includes vacation coverage.

Note: Respite is defined as short-term relief, such as a weekend, 1-2 days or vacation coverage. A vacation is normally viewed as a 2-3 week period. Respite is not an emergency placement following an apprehension.

All placements, including emergency placements, cannot exceed the maximum number of placements identified in the licence.

Note: Guidelines are being developed to determine the number of children to be licenced for the different classifications as per the foster care model.

7. LICENCE NOT TRANSFERABLE

REGULATION - SECTION 7

A foster home licence is not transferable.

POLICY

The licence is issued to a specific person and cannot be given or sold to another individual.

8. NOTICE OF CHANGES

REGULATION - SECTION 8(1)

A licence holder shall notify the Minister of the following:

- (a) any significant change to the residence of the licence holder, including
 - (i) a change of location, and
 - (ii) a change that alters the living space of the residence;
- (b) any change in the residents of the foster home;
- (c) any change in circumstances that may affect the ability of the licence holder to continue to operate a foster home.

POLICY

To ensure compliance with the regulation and policy, the licensing officer will inspect the facility when a change has occurred prior to varying the licence.

NOTIFY CHANGE OF LOCATION

REGULATION - SECTION 8(2)

A notification under subsection (1)(a) of a change in location of the licence holder's residence must be provided to the Minister within a reasonable time prior to the date of relocation.

POLICY

As the licence is specific to a foster parent (licence holder) at a specific address, written notification of changes must be provided 30 days prior to the move to ensure the foster care provider and facility will continue to meet the regulated and policy requirements, including the provision of quality of care for children.

UPDATE HEALTH AND SAFETY STANDARDS

REGULATION - SECTION 8(3)

If the Minister has been notified of a change under subsection (1)(a), the Minister may require the licence holder to provide to the Minister updated evidence that the foster home is in compliance with applicable health and safety legislation.

POLICY

In instances where concerns have been identified in the residential facility, the licensing officer will request an inspection from the appropriate resource, such as through the *Safety Codes Act* or municipal bylaws. For additional information see section 4(d) of the regulation.

CRIMINAL CHECK FOR NEW PERSONS IN THE HOME

REGULATION - SECTION 8(4)

If the Minister has been notified of a change under subsection (1)(b), the Minister may require the licence holder to provide to the Minister the results of a criminal record check with respect to any new resident of the foster home.

POLICY

An intervention record check is also required for any adult living in the foster home.

9. PROHIBITIONS

REGULATION - SECTION 9

A licence holder shall not, with respect to a foster child residing in the foster home,

- (a) inflict or permit to be inflicted any form of physical punishment, verbal or physical degradation or emotional deprivation,
- (b) deny any basic necessities, or
- (c) practise or permit to be practised any disciplinary measure expressly prohibited by the Minister.

POLICY

Children and youth need guidance to help them make appropriate behaviour choices. To support children and youth, foster parents complete training in approved guidance strategies that encourage self-control, self-respect and respect for others. Any behavior that is intended to ridicule, humiliate, degrade, insult or undermine the dignity and self-worth of a child is not allowed. In addition, the basic necessities such as medication, food, shelter and clothing must not be denied.

Visitation between children, youth and significant people in their lives such as family and extended family must not be denied as a form of discipline.

Note: The existing policy requirements pertaining to foster homes which involve discipline also apply.

10. INCIDENT

REGULATION – SECTION 10

- (1) In this section, “incident”, in respect of a foster child residing in a foster home, means
 - (a) a serious illness of or injury to the child,
 - (b) a serious change in the child’s health,
 - (c) an error in the administration of prescribed medication to the child,
 - (d) an adverse reaction to medication by the child,
 - (e) the death of the child,
 - (f) an unauthorized absence of the child from the foster home,
 - (g) the commission by the child of an offence under an Act of Canada, or
 - (h) any other occurrence that may seriously affect the health or safety of the child.
- (2) A licence holder shall report each incident to the Minister in the manner required by the Minister.

POLICY

When a critical incident occurs, the foster parents are required to contact the child’s caseworker immediately as per the current requirements.

Foster parents should document the information and may use the provincial form, which is the critical incident report. The information must be forwarded to the child’s caseworker in the CFSA/DFNA by the following working day. In some situations it may not be possible for foster parents to have the means to forward the report the following day (i.e. no fax). In these situations, the information should be communicated to the child’s caseworker by phone, followed by forwarding the written information through the mail to the caseworker. The dialogue between the caseworker and the foster parents will ensure that the foster parents have shared all the necessary information to assist them in managing the situation.

In the case of an extreme incident such as a death, serious injury or abuse, the foster parents are required to contact the CFSA/DFNA *immediately*. If the extreme incident occurs outside business hours, the foster parents are required to contact the on-call or crisis worker *immediately*.

The person receiving the information will provide it to the required personnel for licensing and case management as per regional critical incident reporting policy.

(Point of Clarification: Section 10 (g) of the regulation refers to a criminal act under federal law committed by any child residing in the foster home.)

II. DUTIES OF LICENCE HOLDER

REGULATION - SECTION 11

A licence holder shall ensure that section (a) to (i) are adhered to.

POLICY

Children and youth need to be in an environment that is safe and supportive at all times.

The following regulations (**'a' to 'i' bolded**) and policy must be followed:

(a) The licence holder maintains first aid certification.

POLICY: Foster parent(s) must complete first aid training. The licence holders must hold a valid First Aid Certificate (If the home is a two parent home, then both parents will need to ensure they have the required level of training in this area). A St. Johns certificate or equivalent is required. This should be completed within 90 days of obtaining the licence and may be a condition of the licence.

(b) The foster home and grounds are maintained in a manner that ensures the safety of children.

POLICY: The foster home and grounds must be well maintained as specified in the Provincial Safety Checklist.

(c) Meals and snacks are provided to foster children in accordance with the Canada Food Guide or a similar food guide, and are provided at appropriate times and in sufficient quantities in accordance with the needs of each child.

POLICY: Foster parents need to be aware of children who have food allergies and/or special diets. Other similar food guides may include the Aboriginal Food Guide. Food preparation must be developmentally appropriate. Foster parents need to ensure foods that present a risk of choking are not served or are modified before serving. For example, hot dogs and grapes should be sliced lengthwise.

(d) Non-prescription medication and toxic chemicals are stored in a safe manner and are not readily accessible by children.

POLICY: Toxic chemicals are inaccessible to small children.

(e) Prescription medication other than medication that is self-administered by a child is stored in a locked container that is inaccessible by children.

(f) All firearms are trigger locked.

POLICY: Any weapon is locked in a secure space and locked with a trigger lock (*Note: The Ministry will pay for trigger locks*).

(g) All ammunition is stored in a locked container separate from any firearm and that the container is inaccessible to children.

(h) Emergency evacuation procedures are practised regularly.

POLICY: As required by the regulations, all residents of the home must be familiar with the emergency evacuation procedures, and practice the procedures on a monthly basis.

(i) Fire extinguishers and smoke alarms are installed and maintained in the foster home in accordance with applicable legislation.

POLICY: Foster parents should ensure, on a monthly basis, that fire extinguishers and smoke detectors are in working condition.

Foster parents will have portable records for the purpose of emergency evacuation.

The information must include:

- The full name of each child
- The name, address and phone number of each parent or caseworker/guardian
- The name and phone number of an emergency contact person as designated by the parent or caseworker/guardian, and
- Specific information regarding medical information, treaty number, health care number, any medication, health concerns and allergies of the child.

CLASSIFICATION EXPECTATIONS OF FOSTER FAMILIES

Further to the requirements described above, foster parents are also expected to be familiar with and follow the current expectations as described in the *Foster Care Classification Expectations*.

SUMMARY

Overall the requirements have not changed from the current policy to become approved as a foster parent other than many of the requirements are now regulated. The following provides a summary of only the regulation requirements for licensing:

- I. An application process which includes:
 - Application
 - Criminal Record Check
 - Intervention Record Check
 - Medical Reference
 - Personal References

- Additional Information
2. Compliance to Conditions that are Precedent to Issuing a Licence
 - A foster home assessment is required (either initial assessment or annual review assessment)
 - Criminal Record Check Requirements
 - Training Requirements
 - Health and Safety Requirements
 3. Issuing of a Licence
 - The licence can be issued when all the requirements have been met.
 4. Number of Children
 - The maximum number of children is identified on the licence.
 5. Licence is not Transferable
 6. Notice of Changes
 - Foster parents are required to contact their licensing officer regarding any changes that may impact the licence. Some of these changes are regulated.
 7. Notify Changes of Location
 - Foster parents are required to contact the licensing officer when they move as the licence is facility based, and the licence will need to be varied.
 8. Update Health and Safety Standards
 - Ongoing compliance to the health and safety standards is required.
 9. Criminal Record Check for New Persons Living in the Home
 10. Prohibitions
 - Ongoing requirements to ensure children are well cared for by the foster parents.
 11. Reporting of Incidents
 - Foster parents are required to contact the caseworker regarding any critical incidents.
 12. Duties of a Licence Holder
 - These ongoing requirements assist in ensuring the safety and well-being of foster children.

PART 2 - LICENSING OF CHILD AND YOUTH FACILITIES

OVERVIEW

Regional internal processes will ensure that the licensing application process is clear and coordinated with other requirements for the applicant. The regional internal procedures will coordinate the licensing process with the contracting process to ensure a seamless process for applicants.

The intent is for the applicant to make one submission to the region that would include requirements for both licensing and contracting. Requirements for licensing and related contracting processes will be communicated to applicants to ensure there is an understanding of the responsibilities of all parties.

As per the legislation, the licence needs to identify the maximum number of children who may reside in the facility. The maximum number of children who may reside in a licenced child and youth facility includes the placement of all children who are placed in the facility by another agency or authority. These children may or may not be children in the custody or guardianship of the director of the *Child, Youth and Family Enhancement Act*, regardless the number of children will be included in the licence.

The following section identifies a summary for a number of areas:

- A)** The application process to obtain an initial child and youth facility licence which includes:
 - Facilities that are currently providing care to children in the custody or guardianship of the director, but do not have a licence through the *Social Care Facilities Licensing Act*.
- B)** The renewal of a child and youth facility licence including those facilities that have a licence under the *Social Care Facilities Licensing Act*.
- C)** Ongoing requirements for all child and youth facilities to maintain their licence.

A) APPLICATION PROCESS TO OBTAIN AN INITIAL LICENCE

An application for an initial licence must be in writing and include all the requirements necessary for approval and issuing of the licence. This section also applies to facilities that are currently providing care to children in the custody or guardianship of the director, but do not have a licence through the *Social Care Facilities Licensing Act*. The application for a licence will be coordinated with the contracting process.

Regulation section 13(1) and (2), and section 14 and 15, along with supporting policy must be complied with prior to obtaining a licence.

The following provides a summary of the requirements under regulation section 13(1) and (2):

- Identifies those who can apply for a licence
- Criminal record check
- Intervention record check
- References
- A list of contract and staff positions, including job descriptions and qualifications
- A description of the facility's program and procedures.

Section 14 of the regulation outlines the conditions that are required to issue the licence:

- Evidence of the applicant's partnership or corporate status
- Compliance to applicable zoning, health and safety legislation.

Section 15 identifies a number of requirements that must be met prior to issuing the licence.

B) RENEWAL OF A LICENCE, INCLUDING THOSE CHILD AND YOUTH FACILITIES THAT HAVE A LICENCE UNDER THE SOCIAL CARE FACILITIES LICENSING ACT

The following outlines the process to obtain a licence for child and youth facilities that require a renewal of their licence, including those facilities that are currently licenced under the *Social Care Facilities Act* and require a licence under the *Enhancement Act*.

The licensing officer will complete a review of the contract to ensure the applicant is compliant with regulation section 13(1) and (3), and sections 14 and 15, as well as supporting policy. Additional information may be requested to ensure compliance with the requirements.

The following summarizes the requirements under regulation section 13(1) and (3):

- Identifies those who can apply for a licence.
- Identifies that the renewal must be made at least 60 days prior to the expiration of the licence.
- Requires the report of any changes in the information already provided as per the regulation section 13(2)(d) or (e), which includes:
 - A list of contract and staff positions, including job descriptions and qualifications
 - A description of the program and procedures
- Report of any changes in the partners, board members or CEO, and
- Any additional information requested.

Section 14 of the regulation outlines the conditions that are required to issue the licence:

- Evidence of the applicant’s partnership or corporate status
- Compliance to applicable zoning, health and safety legislation.

Section 15 identifies a number of requirements that must be met prior to issuing the licence.

C) ONGOING REQUIREMENTS

Regulation sections 16 to 31 identifies the ongoing requirements for child and youth facilities to maintain their licence.

REGULATIONS AND POLICY

The following identifies the regulation and policy requirements for licensing of child and youth facilities.

12. DEFINITION

REGULATION – SECTION 12

In this Part, “licence holder” means the holder of a child and youth facility licence.

13. APPLICATION

REGULATION - SECTION 13

- (1) An application under section 105.3 of the Act for a child and youth facility licence or a renewal of a child and youth facility licence may be made only by
 - (a) an adult individual,
 - (b) a partnership, or
 - (c) a body corporate.
- (2) An application for an initial child and youth facility licence must be accompanied with the following:
 - (a) the results of a criminal record check, dated not earlier than 6 months prior to the date of the application, with respect to the following:
 - (i) if the applicant is an individual, the applicant;
 - (ii) if the applicant is a partnership, the partners;
 - (iii) if the applicant is a body corporate, the chief executive officer;

- (b) if the applicant is a body corporate, confirmation that the results of a criminal record check with respect to each board member, dated not earlier than 6 months prior to the date of the application, have been obtained by the applicant;
 - (c) if the applicant is an individual,
 - (i) a written consent, in a form satisfactory to the Minister, from the applicant authorizing the Minister to obtain information from any jurisdiction in which the applicant has resided in the 5 years immediately preceding the date of the application for the purpose of determining if the applicant has caused a child to be in need of intervention in that jurisdiction, and
 - (ii) references from 3 individuals concerning the ability of the applicant to operate a child and youth facility;
 - (d) a list of contract and staff positions, including a job description for each position and the qualifications and experience required for each position;
 - (e) a written description of the applicant's proposed program and procedures, including
 - (i) the goals and objectives of the program;
 - (ii) the applicant's organizational structure;
 - (iii) program, financial and personnel administration;
 - (iv) recruitment and screening of employees and volunteers;
 - (v) admission and discharge criteria;
 - (vi) planning, monitoring and evaluation of care to be provided to children;
 - (vii) maintenance of records of children residing in the facility;
 - (viii) any health or educational services available to children residing in the facility;
 - (ix) supervision of children;
 - (x) security of children and staff;
 - (xi) disciplinary measures and use of restraints;
 - (xii) use of isolation;
 - (xiii) emergency procedures;
 - (xiv) handling of allegations of abuse by staff and volunteers;
 - (xv) administration of medication;
 - (xvi) orientation process for children;
 - (f) any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to operate a child and youth facility.
- (3) An application for a renewal of a child and youth facility licence must be made to the Minister at least 60 days before the expiry of the licence and must be accompanied with the following:

- (a) if there has been a change in any of the information referred to in subsection (2)(d) or (e) since that information was last provided by the applicant, a statement of the changes;
- (b) if the applicant is a partnership or body corporate, any change in the partners, board members or chief executive officer since that information was last provided by the applicant;
- (c) any other information the Minister considers necessary to enable the Minister to assess the ability of the applicant to continue to operate a child and youth facility.

POLICY

All required information must be received before a licence is considered. An application for an initial licence must be in writing and meet all of the policy and regulatory requirements. To avoid duplication for the applicant, the application should be coordinated with the contracting process.

Prior to a licence being issued and upon the application for renewal of the licence, a thorough review of documentation must be completed to ensure compliance with the requirements.

Child and youth facilities must be accredited from a Ministry approved accrediting body as per the contract.

14. CONDITIONS PRECEDENT TO ISSUING LICENCE

REGULATION - SECTION 14

Before issuing a child and youth facility licence or a renewal of a child and youth facility licence, the Minister may require the applicant to provide

- (a) if the applicant is a partnership or body corporate, evidence of the applicant's partnership or corporate status, and
- (b) evidence that the child and youth facility to be operated is in compliance with applicable zoning, health and safety legislation.

POLICY

Public Health Act, Safety Codes Act and Municipal Bylaws

On First Nation communities under Federal jurisdiction, the regulations concerning the physical structure do not apply. Specifically, this includes municipal requirements (land use and zoning), safety codes (building code and fire prevention) and the *Public Health Act* regulations. The licensing officer shall request verification of compliance to the corresponding physical structure laws that apply on reserve, for example any areas relating to building code and fire prevention.

Public Health Act

In coordination with the *Public Health Act* Institutions Regulation and the *Enhancement Act* regulations, a health inspection is required for 4 or more placements.

The licensing officer will refer the applicant for a public health inspection when the facility is in the process of being licenced to provide care to 4 or more children or youth.

In exceptional circumstances when there is a health concern, the licensing officer may refer the applicant or holder of a licence for a public health inspection if the facility is being licenced to provide care to less than 4 children.

The licensing officer will advise the facility if an additional inspection will be required upon the application for renewal of the licence. The completion and frequency of health inspections will continue as per the current requirements for 4 or more children.

Safety Codes Act and Municipal Bylaws

If applicable, the applicant should contact the local jurisdiction to obtain approval of the residential facility under the municipal bylaws.

Where applicable compliance with the *Safety Codes Act* is also required (includes building code and fire prevention). The applicant should make a request to the local jurisdiction to obtain approval of the residential facility.

15. ISSUANCE OF LICENCE

REGULATION – SECTION 15

The Minister may issue a child and youth facility licence or a renewal of a child and youth facility licence if the Minister is satisfied that

- (a) the applicant and the individuals who will be associated with the operation of the child and youth facility are suitable to operate a child and youth facility,
- (b) the environment of the child and youth facility is conducive to the health, safety and well being of children,
- (c) the premises of the child and youth facility provide children with adequate space for activities of normal daily living, and
- (d) the applicant will comply, or has complied, with the Act, this Regulation and any terms or conditions imposed by the Minister.

POLICY

Children and youth need to receive care in an environment that is safe and ensures that at all times they will be well supervised according to their developmental and treatment needs.

The environment must respect and support individuality and normal development. The facility and all furnishings must be clean and maintained to ensure health and safety.

16. LICENCE NOT TRANSFERABLE

REGULATION – SECTION 16

A child and youth facility licence is not transferable.

17. NOTICE OF CHANGES

REGULATION - SECTION 17

- (1) A licence holder shall notify the Minister forthwith of the following:
 - (a) if the licence holder is a partnership or a body corporate, any change in the partners, board members or chief executive officer;
 - (b) any significant change in the licence holder's program and procedures.
- (2) If the Minister has been notified of a change under subsection (1)(a), the Minister may require the licence holder to provide to the Minister
 - (a) the results of a criminal record check with respect to the new partner or chief executive officer, or
 - (b) confirmation that a criminal record check with respect to the new board member has been obtained by the licence holder.

POLICY

A holder of a child and youth facility licence shall notify the licensing officer in writing of any significant changes in the program, including staffing changes that may impact the delivery of the program.

To assess the ongoing suitability of the program to meet the needs of children and youth, any significant program modifications must be approved prior to implementation.

18. CONDITIONS RELATING TO STAFF

REGULATION – SECTION 18

- (1) A licence holder shall ensure that each staff member who works directly with or has unsupervised access to children residing in the facility and each volunteer who has unsupervised access to children residing in the facility

- (a) is an adult,
 - (b) provides character references satisfactory to the licence holder,
 - (c) provides a criminal record check and an intervention record check to the licence holder, both dated not earlier than 6 months prior to commencing work at the facility, and every 3 years thereafter,
 - (d) has, within 3 months of commencing work at the facility, completed a first aid course that includes CPR training,
 - (e) maintains the first aid certification referred to in clause (d), and
 - (f) has received information with respect to safety precautions to be followed when working alone.
- (2) In subsection (1)(c), “intervention record check” means a review of records by a director to determine if an individual has caused a child to be in need of intervention.

POLICY

Individuals providing care to children and youth need to renew intervention and criminal record checks every 3 years, which is checked and documented by the facility supervisory staff.

If a criminal record exists, the information should be documented and consideration given to the nature and circumstances of the offenses.

In hiring staff or using volunteers, including practicum students, the licence holder is responsible to ensure implementation of written agency policies and procedures.

To ensure awareness of the facilities policies and procedures including confidentiality provisions, the facility director shall ensure that all employees and volunteers receive an orientation within 24 hours of commencement.

19. RECORDS

REGULATION – SECTION 19

A licence holder shall, in a manner satisfactory to the Minister,

- (a) maintain a record of admissions to the facility and discharges and absences from the facility, and
- (b) maintain personnel records of all employees and volunteers.

20. OTHER RECORDS

REGULATION – SECTION 20

- (1) A licence holder shall maintain a record for each child who is in the custody or under the guardianship of a director and residing in the facility for the period during which the child resides in the facility.
- (2) A record referred to in subsection (1) must include the following:
 - (a) the name, birth date and gender of the child;
 - (b) the date of and reason for admission or discharge;
 - (c) the name, address and telephone number of a director's delegate who is responsible for the child;
 - (d) the facility's plan of care for the child;
 - (e) a record of all case conferences, including admission, planning, family and discharge conferences;
 - (f) records of any medical, dental, optical, physical, developmental or emotional conditions relevant to the care of the child;
 - (g) an immunization and health care history of the child, including appointment dates, reasons for referral, names of physicians and follow up required;
 - (h) a record of any therapeutic diet prescribed for the child by a physician;
 - (i) a record of the child's school attendance, including the child's report cards and a contact name and phone number for the school the child is attending;
 - (j) daily observations and comments by employees and volunteers about the child;
 - (k) a record of any isolation of the child in accordance with section 24;
 - (l) a record of any physical restraint of the child;
 - (m) a list of approved contacts for the child;
 - (n) any other information relative to the child considered appropriate by the licence holder or provided or required by a director.
- (3) The Minister may exempt a licence holder from the requirements of subsection (1) in respect of a child who is placed in the child and youth facility on a temporary and short term basis.

POLICY

The caseworker is required to provide the child and youth facility with any information that may be necessary to provide care to the child or youth. This may include any historic information such as education and health records. Also, the caseworker must provide the facility with the plan of care for the child or youth (i.e. concurrent plan).

The facilities plan of care for the child should be coordinated with the ministry's plan of care, specifically the concurrent plan or the youth's transition to independence plan.

The facility must ensure the protection of records of the personal information of clients against risks such as unauthorized access, collection, use, disclosure, destruction or theft as per the FOIP legislation.

Temporary or short-term residency as per section 20(3) of the regulation is defined as a maximum of three calendar days.

21. NOTICE OF POLICIES AND PROCEDURES

REGULATION – SECTION 21

A licence holder shall keep a copy of facility policies and procedures on the premises of the facility, and shall make the policies and procedures available to employees, volunteers, residents, guardians of children and the Minister.

22. PROVIDING INFORMATION ABOUT FACILITY

REGULATION – SECTION 22

A licence holder shall ensure that on admission to a child and youth facility, a child receives information appropriate to the child's developmental age with respect to

- (a) the rules of the facility, and
- (b) the complaint process of the facility.

POLICY

Children and youth shall receive an information package from the facility staff upon admission to ensure their awareness of the rules of the facility, the dispute resolution process, administrative and appeal procedural rights, and their right to contact the Child and Youth Advocate.

23. PROHIBITIONS

REGULATION – SECTION 23

A licence holder shall not, with respect to a child residing in the facility,

- (a) inflict or permit to be inflicted any form of physical punishment, verbal or physical degradation or emotional deprivation,

- (b) deny any basic necessities,
- (c) use or permit the use of face down restraints,
- (d) use or permit the use of any other form of physical restraint unless the purpose is to protect the child or others and, in that case, only to the degree and duration necessary,
- (e) encourage or condone punishment of the child by any other child,
- (f) exclude or permit the exclusion of the child from entry to the facility as a form of punishment, or
- (g) practise or permit to be practised any disciplinary measure expressly prohibited by the Minister.

POLICY

Children and youth need guidance to help them make appropriate behaviour choices.

Facility personnel have the responsibility to use guidance strategies that encourage self-control, self-respect and respect for others. To achieve this the following applies:

- The facility director is responsible to ensure that front-line staff are trained in the use of appropriate and positive forms of behavior management and discipline.
- The intervention utilized needs to be appropriate to the circumstances and the needs of the child, as well as consistently followed by all staff.

Visitation between children, youth and significant people in their lives such as family and extended family must not be denied as a form of discipline.

24. ISOLATION OF CHILD

REGULATION – SECTION 24

- (1) A licence holder shall not establish a room for the purpose of isolating a child without the approval of the Minister.
- (2) A licence holder shall ensure that
 - (a) a child is isolated only to ensure the child's safety or the safety of others,
 - (b) a child is not kept in an isolation room without adult supervision,
 - (c) the name of the child, the length of isolation and the reason for isolation are recorded and placed on the child's file, and
 - (d) procedures approved by the Minister for the isolation of children are followed.

POLICY

If isolation or locked confinement is used, a critical incident report must be completed and forwarded to the child's caseworker in the CFSA/DFNA not later than the following day.

Isolation:

Isolation is the removal of a child or youth from social interaction to a designated room as approved in the program submission of the licence holder.

If isolation to a designated room is in excess of twenty (20) minutes (unlocked confinement) the following procedures apply:

- record the name of the client, length of time and reason for confinement;
- document the supervision and assessment of the ability of the child or youth to resume self-control at a minimum of five (5) minute periods;
- approval of the agency director (or designate) for any period of confinement which extends beyond four (4) hours;
- approval of the regional CFSA Chief Executive Officer/Director of DFNA for any confinement which extends beyond six (6) hours.

Locked Confinement:

Locked Confinement is the restriction and isolation of a child or youth to a locked room. This method of discipline is only permitted in Intensive Treatment programs, Secure Services Facilities and Protective Safe Houses as approved by the Minister.

With approval of the facility director or designate, the following applies to the use of locked confinement:

- record the name of the client, length of time and reason for confinement;
- document the supervision and assessment of the ability of the child or youth to resume self-control at a minimum of five (5) minute periods;
- can only be used in a designated room (which is not their bedroom);
- can only be used until the child or youth has regained control and are no longer presenting a security risk or a danger to self or others;
- with the approval of the agency director (or designate) for any period of confinement beyond 45 (forty-five) minutes;
- in consultation with a clinician for any confinement which extends beyond 2 (two) hours;

- with approval of the agency Executive Director for any period of confinement which extends beyond four (4) hours;
- with approval of the regional CFSA Chief Executive Officer or Director of DFNA for any confinement which extends beyond six (6) hours;

25. INCIDENT

REGULATION – SECTION 25

- (1) In this section, “incident”, in respect of a child who is in the custody or under the guardianship of a director and residing in a child and youth facility, means
 - (a) a serious illness of or injury to the child,
 - (b) a serious change in the child’s health,
 - (c) an error in the administration of prescribed medication to the child,
 - (d) an adverse reaction to medication by the child,
 - (e) the death of the child,
 - (f) an unauthorized absence of the child from the facility,
 - (g) the commission by the child of an offence under an Act of Canada, or
 - (h) any other occurrence that may seriously affect the health or safety of the child.
- (2) A licence holder shall
 - (a) report each incident to the Minister forthwith in the manner required by the Minister, and
 - (b) institute any corrective measures that may be required to prevent a similar incident from occurring in the future.

POLICY

To ensure consistent reporting practice, a critical incident report must be completed when an “incident” occurs as defined in the regulation, section 10(1). The documentation should occur on the Critical Incident Report Form.

The licence holder is required to forward the critical incident report to the child’s caseworker in the CFSA/DFNA by the following working day.

When an incident is reported, the licence holder will review the information to determine if any immediate action is required.

In the case of an extreme incident such as a death, serious injury or abuse, the licence holder is required to contact the CFSA/DFNA immediately. If the extreme incident occurs outside business hours, contact the on-call or crisis worker immediately.

The person receiving the information will provide it to the required personnel for licensing and case management as per regional critical incident reporting policy.

26. EMERGENCY PROCEDURES

REGULATION – SECTION 26

A licence holder shall ensure that

- (a) emergency telephone numbers and procedures are posted in a prominent place in the facility, and
- (b) emergency evacuation procedures are made known to all employees, volunteers and children.

POLICY

Staff need to be able to contact local resources for emergency assistance at all times to ensure the safety of residents. The facility director must ensure that current telephone numbers for all resources important to the operation and safety of the child and youth facility are readily available to staff at all times.

All staff must know the location of emergency telephone numbers and have ready access to that information. All information must be updated on a regular basis.

Emergency evacuation procedures must be practiced and documented on a monthly basis.

27. SAFETY OF FACILITY

REGULATION – SECTION 27

A licence holder shall ensure that the facility and grounds are maintained in a manner that ensures the safety of children.

28. PROVISION OF FOOD

REGULATION – SECTION 28

A licence holder shall ensure that

- (a) staff and volunteers are aware of any food allergies or special dietary requirements of the children residing in the facility;

- (b) meals and snacks are provided to the children residing in the facility in accordance with the Canada Food Guide or a similar food guide, and are provided at appropriate times and in sufficient quantities in accordance with the needs of each child.

POLICY

Children and youth need to be served sufficient quality, variety, and quantity of food at appropriate times to ensure their daily nutritional needs are met. The facility director must ensure that:

- Staff are aware of all allergies and food restrictions, as well as hazardous foods that can cause choking.
- Staff use approved nutritional guidelines such as the Canada Food Guide or Aboriginal Food Guide to establish a standard for achieving a balanced diet.
- Staff prepare meals and snacks that must include a variety of well-balanced, nutritious foods and take into account medical, cultural and/or religious restrictions.

29. MEDICATIONS

REGULATION – SECTION 29

- (1) A licence holder shall ensure that
 - (a) a record is kept of all medications prescribed to a child by a physician,
 - (b) subject to subsection (2), prescription medications are administered to a child only under the general supervision of a staff member, and in accordance with the prescription instructions, and
 - (c) a record is kept of all medication administered to each child, other than self administered medication, including
 - (i) the type of medication,
 - (ii) in the case of prescription medication, the period for which the medication is prescribed, and
 - (iii) the dosage to be administered, when each dosage is administered and the name of the staff member who administered the dosage.
- (2) A licence holder may allow a child to assume responsibility for self administration of medication if authorized by the child's guardian.

POLICY

The facility director must ensure that all staff are trained in the proper and safe methods of administering medications. Staff designated to administer medication must have a valid first aid certificate.

The following applies:

- Prescribed medications are in the original container and are labeled with the resident's name, name of the physician, date of issue, and instructions for administration.
- Prescribed medications are in the original container with an intact label and the resident's name.
- There is a defined method of recording the administration of medication including date, resident's name, name of medication, date and time medication is to be administered, amount of medication to be administered, and signature of the staff member who administered the medication.

The program must have policies and procedures addressing exceptional circumstances related to the following:

- A resident's refusal to take medication
- A medication error, adverse effects or other emergency situations, and
- The circumstances under which residents are allowed to manage and administer their own medications.

Upon meeting the minimal requirements, facilities can determine additional requirements for the administration of medication and other processes that may need to be followed i.e. obtain direction from a physician.

30. STORAGE OF MEDICATION

REGULATION – SECTION 30

A licence holder shall ensure that

- (a) all prescription medication other than medication that is self administered is stored in a locked container that is inaccessible by children,
- (b) non prescription medication and toxic substances are stored in a safe manner and are not readily accessible by children, and
- (c) universal precautions are followed by staff and volunteers.

POLICY

Medications must be stored in containers with functioning locking mechanisms for both refrigerated and non-refrigerated medications in the facility. Containers storing medications must be consistently locked.

31. DANGEROUS ITEMS IN FACILITY

REGULATION – SECTION 31

A licence holder shall ensure that firearms, weapons, ammunition and explosive substances are not permitted in the facility.

SCHEDULE: HOME ASSESSMENT REPORT FOR FOSTER HOME APPLICANT

This is the information required in the home assessment as per the Regulation.

PART 1: APPLICANTS' INFORMATION

Applicant: Provide information about each applicant

- Name on birth certificate
- Other names, if any
- Address, street, city, province, postal code
- Telephone (residence, business, cellular), e mail
- Birthdate (year, month and day), birthplace
- Marital or adult interdependent relationship status
- Racial origin
- Ethnic origin
- Registered Indian
- Band name
- Metis
- Metis settlement name or community
- Health as supported by medical
- Education
- Employment
- Religion
- Languages spoken
- Brief family history: (include parenting style, familial relationships, significant childhood experiences, views of extended family on this application)
- Involvement with legal and child intervention systems: (include criminal record checks and intervention record checks within the last 6 months for applicants and everyone aged 18 or over living in the home)
- Personality

PART 2: FAMILY DYNAMICS

Describe the following:

- Family composition
- Relationship dynamics
- Previous marriage(s) or long term relationships
- Communication patterns
- Autonomy of individual family members
- Ability to solve problems and handle crisis
- Emotional interactions
- Family traditions
- Philosophy on child rearing
- Modes of behaviour control
- Interests and hobbies
- Social support network

PART 3: HOME AND COMMUNITY

Describe the following:

- Physical space
- Safe environment assessment (includes safe storage of medications and weapons, if any)
- Availability of resources
- Community involvement
- Contact with professional agencies

PART 4: CHILD DESIRED

Is assessment for a specific child? If yes, describe the relationship and involvement with child and birth family:

- Age
- Male / Female
- Racial origin
- Sibling group
- Acceptable background characteristics
- Acceptable special needs
- Acceptability of birth family contact

- Acceptability of sibling contact
- Acceptability of an abandoned child with no background information
- Acceptability of a child who has lived in an institution
- Acceptability of legal risk placements
- Compatibility of applicants and child desired
- Does assessment worker agree with applicants' choices?

PART 5: INCOME

Describe the following:

- The source and level of income and expenditures (include T4 slips)
- The effect of a placement on family's finances

PART 6: UNDERSTANDING AND MOTIVATION FOR PROPOSED PLACEMENT

Describe the following:

- Applicants' understanding of the legal, social, interracial, emotional aspects of proposed placement
- Applicants' plans to promote child's cultural/racial/religious heritage and identity

PART 7: REFERENCES

- References (3 references for each applicant, regarding suitability) - include relationship to applicant if any, on what basis judgement is made about applicant's potential/actual parenting ability and summary of results of interview(s).

PART 8: OVERVIEW OF HOME ASSESSMENT PROCESS

- Date of personal visits (include amount of time spent at each interview and location of interviews)
- Persons interviewed (include confirmation that each person living in the home was interviewed separately and as a family)
- Parent preparation training date completed
- Applicants' training and activities in support of their application

PART 9: SUMMARY OF OUTCOME OF ASSESSMENT

- Report prepared by
- Position
- Date report prepared
- Report reviewed by
- Position
- Date report reviewed
- Report reviewed by applicants: signature and date

PART 10: PLACEMENT SUPPORTS

- Needed supports and services
- Arrangements for the provision of the identified supports/services

PART 11: RECOMMENDATION / APPROVAL OF ASSESSOR

- Assessor Recommendation
- Approved
- Not Approved (provide brief summary)
- Approved by Supervisor
- Opinion of the child in respect of the application (if applicable)
- Opinion of the child's birth parents in respect of the application (if applicable)

