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Chapter 2: Family Support Services and Agreements

Policy 2.5 Parental Contribution to a Child's Care

Effective Date of Policy:

November 14, 2017

Amendment date of Policy:

Policy Statement

Pursuant to section 97 of the *Child, Family and Community Service Act* (CFCSA) parents remain responsible for contributing financially to the care of their child or youth when the child or youth is in care under the CFCSA unless: the child or youth is under a continuing custody order; or when the child or youth is in the custody of a person other than a parent under a CFCSA order; or when a youth agreement or section 8 agreement has been entered into respecting a child or youth.

Outcomes

- Parents who have the financial means continue to contribute to and support their child's or youth's care.

Standards

- 2.5(1)** When a child or youth is temporarily living away from the family home in an in-care or out of care living arrangement as described, inform the parents of their continuing responsibility to contribute financially to their child's or youth's care.
- 2.5(2)** When parents are able to contribute financially, seek to make a written agreement with them detailing the contribution.

Procedures

When to use a child maintenance agreement or apply for a maintenance order

- A child maintenance agreement with parents is completed:
 - Prior to a child being placed in care under a VCA or SNA or entering into a section 8 agreement or youth agreement;

- Whenever possible when an application is being made to the court for temporary custody by the director of a child as part of a child protection case.

Determining a parent's contribution to their child's or youth's care

- Determine the parental financial contribution to the child's or youth's care by completing an income test and by referring to the tables which modify the child support amounts payable under the Federal Child Support Guidelines. See reference guide: [Parental Contribution to a Child's Care](#)
- In addition to the parents providing a financial contribution, consider whether the parents are able and willing to provide in-kind contributions, such as clothing, transportation, school, recreational or activity fees, as well as other contributions related to their child's or youth's care.

*Note that in-kind contributions **do not impact** parents' obligation to contribute financially to the care of their child or youth.*

Waiving a parent's financial contribution with Team Leader Approval

- Consider waiving parents' financial contribution when:
 - In the case of a Youth Agreement, requiring the parents to contribute may not be in the youth's best interests;
 - In the case of a removal and subsequent custody order, requiring the parents to contribute financially may detract from the ability to work with the parents in returning the child or youth to their care;
 - The parents are experiencing unforeseen expenses related to the care of their child with special needs or their other children e.g. medical expenses, therapy or dental expenses not covered for a child in care;
 - The parent provides written confirmation that the total family income is derived from BC Employment or Disability Assistance (i.e., provincial income assistance benefits) <http://www.eia.gov.bc.ca/publicat/vol1/part3/3-3.htm>, Employment Insurance Canada or the Canada Pension Plan, or
 - The calculated financial contribution is under \$25.00 per month;
 - The services are required for less than 30 days.*

*When the contribution is waived because services are required for less than 30 days, review the decision after 30 days. If the services extend for longer than 30 days, determine maintenance in accordance with the procedures outlined in the reference guide: [Parental Contribution to a Child's Care](#) and backdate the maintenance to the first date of service provision.

When Parents Do Not Agree With a Contribution

Agreements:

- If agreement cannot be reached on the amount of contribution by the parents
 - Explain the parent's responsibility to contribute to the maintenance of their child as outlined in section 97 of the CFCSA and discuss reasons for their disagreement;
 - If the parents continue to disagree, offer and promote an alternative dispute resolution process to resolve the issue. If mediation is agreed to, refer the matter to a mediator on the approved mediation roster:
http://icw.mcf.gov.bc.ca/manuals/man_cfdev_cfcs.shtm#rcpm
 - If mediation or alternate collaborative planning and decision making process is not agreed to or if the process does not result in an agreement, consider whether to apply for a court order under section 97(5) of the CFCSA. (see section below)

Court Orders:

- Explain that a director can apply for a maintenance order under section 97(5) of the CFCSA
 - For parents with whom an agreement may be made under section 97(2) but where attempts to agree on the contribution have failed, consider applying for a court order.
 - For parents whose child is subject to an interim or temporary custody order placing the child with a person other than a parent, consider apply for a court order at the outset. (Section 97(2) does not allow maintenance agreements to be made with these parents.)

Completing the written maintenance agreement

- Complete the written agreement with the parents using Form CF2615 Child Maintenance Agreement.
- Provide the parents and the Financial Services Branch (MCFD) with signed copies.
- File a signed copy in the child's or youth's and parents' file.

Applying for a maintenance order

- Refer to reference guide: [Parental Contribution to a Child's Care](#)