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Chapter 2: Family Support Services and Agreements

Policy 2.3: Voluntary Care Agreements

Effective Date of Policy:
November 14, 2017

Amendment Date of Policy:

Policy Statement

Families are assisted to make safe, appropriate temporary care arrangements for children and youth when no less disruptive measures are available or appropriate.

Outcomes

- Families receive the support they need for the care of their children.
- The needs of children and youth, including their safety, well-being and development, are met while they are placed in an alternate living arrangement under Voluntary Care Agreements (VCAs).
- The need of children and youth for permanency is met by timely reunification with their parents, or if that is not in the child's or youth's best interests, timely planning for permanency.

Standards

- 2.3(1)** When using a VCA to assist parents in making temporary alternative care arrangements for their children or youth, ensure that the VCA includes information outlined in the procedures section entitled: Entering into a Voluntary Care Agreement.
- 2.3(2)** Develop a concurrent permanency plan consistent with policy 6.2.

Procedures

- Before considering the use of a VCA, determine that less disruptive measures such as an Extended Family Program agreement are not

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- appropriate or available. For information on the Extended Family Program see chapter 4 – Out of Care policies.
- Involve the parents and with their consent, members of their support group or circle.
 - Consistent with policy 6.1, within 30 days of first service contact with the family, explain the importance of physical, relational, cultural and legal permanency for children, and wherever possible support the family to care for their children and youth at home by identifying permanency options outlined in policy 6.1.
 - Continuously consider the child's or youth's views as appropriate to their developmental level in all aspects of a VCA, including the development and implementation of the agreement, as well as reviewing, renewing and terminating the agreement.
 - If a child protection concern exists before or during the provision of a VCA, promptly report the concerns and reasons for it to a delegated child protection worker.

Considering whether to use a Voluntary Care Agreement

- When determining whether to use a VCA consider the following criteria:
 - An assessment of the parents' current circumstances determines that they are temporarily unable to care for the child or youth;
 - No less disruptive means and services are available and appropriate to assist the parents to care for the child or youth;
 - The plan to have the child or youth in care under a VCA is in their best interests;
 - As much as possible, the agreement meets the child's or youth's needs for continuity and permanence in family relationships;
 - The parents are committed to participating in services as part of the agreement, including maintaining contact with the child or youth as specified in the agreement;
 - A plan to enhance the parents' and the child's or youth's capacity for timely reunification can be developed and supported;

Involving a Child or Youth in the Voluntary Care Agreement Process

- When considering and developing the VCA, if possible find out the child's or youth's views about the agreement, and explain what the agreement

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will mean for them before the agreement is signed e.g. living with another family.

- If the child or youth does not agree with the initial plan or the renewal of the VCA:
 - Speak privately and in person with the child or youth and encourage them to fully express their opinions; and
 - If the child who is 12 years of age or over continues to refuse to consent, consult with a supervisor or team leader to determine whether an alternate option, such as a referral to a community agency or entering into a Youth Agreement, is the best plan for the child/youth.
 - If the child is under the age of 12 and does not want to consent, consult with a supervisor or team leader to determine whether continuing with the VCA or an alternate option is the best plan.



When a Child or Youth is Aboriginal

- If the child or youth resides on reserve, or has access to off-reserve services from a Delegated Aboriginal Agency, explore with the parents:
 - The members of their circle that may include elders, spiritual leaders, relatives, service providers and community members,
 - The possibility for other culturally appropriate services to be provided to the family by the community and/or an Aboriginal organization;
 - The potential for those services to reduce the child's or youth's need for placement outside their home under a VCA.
 - Include information in the VCA that addresses preserving the child's or youth's cultural identity. Discuss with the parents services that are available through the Aboriginal community or the identified Delegated Aboriginal Agency and whenever possible, involve the community or agency in planning.

Discuss with the parents the importance of involving their Aboriginal community in order to maintain or enhance their child's or youth's sense of identity and cultural permanency.

- If the parents do not consent to Aboriginal community involvement, consider the service delivery principles of the *Child Family and Community Service Act* (CFCSA) and determine whether an agreement can be made that is in the best interests of the child or youth without involving the Aboriginal community.

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Entering into a Voluntary Care Agreement

- Have the parents sign Form CF0609 '*Consent for Disclosing Information to a Third Party*' to allow confidential information to be shared when necessary.
- When a child or youth has been in care within the previous 12 months, consider this time spent in care when calculating whether an agreement would exceed the maximum time periods set out in Section 6(7) of the CFCSA.

 With supervisor's or team leader's approval, decide upon the initial terms of the VCA with the parents and, where appropriate, the child or youth. The initial terms of the agreement must not exceed:

- 3 months for children under 5 years of age; and
 - 6 months for children/youth 5 years of age and older.
- Ensure that the VCA includes:
 - A description of the care plan for the child or youth including where the child or youth will be placed,
 - A commitment to keep the parents informed of the child's or youth's progress and to involve the parents in decisions affecting the child or youth,
 - The parents' commitment to maintain contact with the child or youth, including details of the contact, and
 - Time frames for the initial and any renewed VCA that are consistent with the section 6 of the CFCSA.
 - The guardianship responsibilities that are transferred from the parents (e.g. consent to necessary health care).
 - The number of days' notice required if the parents wish to terminate the agreement. (The parents must receive a minimum of 7 days' notice if the agreement is being terminated.)
 - Review the terms of the agreement and any commitments made by the Director and the parents.
 - Discuss the agreement with the child or youth and inform them about their rights under Section 70 of the CFCSA.
 - Document the terms of the VCA using Form CF0322 – the VCA template.

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- Complete a Maintenance Agreement, using Form CF2615, in all cases where required (refer to reference guide: [Parental Contribution to a Child's Care.](#))
- Ensure that the start and end dates of the VCA and the Maintenance Agreement are identical as they both take effect the first day the child or youth is in care and terminates on the same day the child or youth leaves care.
- Where applicable, provide the parents with a copy of the approved and signed Maintenance Agreement form.
- Advise the parents that they will not receive the Federal Canada Child Benefit or the Provincial Family Bonus during the time the child/youth is in care and advise him/her to contact Canada Revenue Agency with any questions.
- If the child or youth is Aboriginal, with the parents' consent notify the child's or youth's band and the band representing each parent that the child or youth is coming into the care of the Director.



Children and youth who are the subject of a VCA are 'in care' and must have an [Interim Care Plan](#) completed within 30 days of coming into care and a Care Plan completed within 6 months of coming into care. A Concurrent Permanency Plan that is documented in the Care Plan is also completed within 6 months of coming into care. Refer to policy 6.2 for developing a Concurrent Permanency Plan.

Refer to Appendix A for a checklist of the tasks involved in preparing for and entering into an agreement.

Approving and Signing a Voluntary Care Agreement

- When determining which parent should sign the Agreement, refer to Appendix B: *Developing, Reviewing and Signing Agreements*.
- Obtain the signature of the parties to the agreement, including a child 12 years of age or older, or a youth.
- Obtain supervisor's or team leaders's approval and signature.
- Once the agreement is signed, provide a copy of the VCA and the Care Plan to:
 - The parents;
 - The child 12 years of age or older, or youth, unless the information may cause harm to either of them;



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- The caregiver;
- The Aboriginal community if involved, and only with consent of the parent(s).



Consent means the consent of a parent of a child under 12 years of age or the consent of both parents and a child or youth 12 years of age or older, as appropriate to the child or youth's developmental level and ability. If the child or youth aged 12 years of age or older is not able to provide consent due to their developmental level and ability, the parents may consent on their behalf. For this child or youth, consent should be obtained before the agreement is signed.

Reviewing and Amending a Voluntary Care Agreement

- Review a VCA at any time at the request of the child or youth, the parents, the child or youth's worker and, if involved, a representative of the child's or youth's Aboriginal community, or as circumstances warrant.
- Meet with the parents and the child or youth to review the agreement and discuss whether the agreement meets the needs of parents and child or youth based upon their circumstances.
- Consult with the caregiver to obtain their views about whether the agreement is meeting the needs of the child or youth being cared for.
- Discuss the child's or youth's and parents' progress towards resolving the issues that led to the child or youth coming into care.
- Consider amending the agreement when:
 - Some of the clauses in the agreement no longer address the child's or youth's or parents' needs;
 - There is non-compliance with any of the terms of the agreement;
 - There is a significant change in the child's or youth's circumstances, including changes in their out-of-home living arrangements.
 - Amend the agreement as necessary in consultation with the parents and the child or youth, with any amendments initialled by the parties to the agreement.

Reviewing an Agreement Prior to Expiration

- At least two weeks prior to the expiration of an agreement, meet with the parents and child or youth to:
 - Review the child's or youth's and parents' progress towards resolving the situation that led to the child or youth coming into care;

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- Review the child's or youth's concurrent permanency plan with the child or youth and their parents and discuss any actions that need to be undertaken;
- Decide whether to renew the agreement;
- Agree on the services required to assist in the child's or youth's transition to home, if the agreement is not renewed.

Renewing a Voluntary Care Agreement

- Ensure that the total length of the VCA (including all renewals) does not exceed the following timelines, as described in Section 6(7) of the CFCSA:
 - 12 months, if the child or the youngest child who is the subject of the Agreement was under 5 years of age on the date of the initial Agreement;
 - 18 months, if the child or the youngest child who is the subject of the Agreement was 5 years of age or over but under 12 years of age on the date of the initial Agreement; and
 - 24 months, if the child or youth or the youngest child or youth who is the subject of the Agreement was 12 years of age or over on the date of the initial Agreement.



The maximum period allowed for agreements is not necessarily in the child/youth's best interests. Agreements should not last longer than is necessary.

- Complete the following to ensure all activities have been undertaken when renewing a VCA:
 - Review and update the child's or youth's Care Plan that includes the Concurrent Permanency Plan;
 - Obtain supervisor's or team leader's approval;
 - Sign a new VCA with the parents;
 - Sign a new Maintenance Agreement (if required) with the parents.
- Complete the renewal at least two weeks before the existing agreement expires to ensure that the caregiver continues to receive payment and that the parents is correctly billed for maintenance.



The Concurrent Permanency Plan

- See policy 6.2 '*Developing and Implementing the Concurrent Permanency Plan*'

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For Non protection situations

- Throughout the time of the agreement and when reviewing the agreement, continue to discuss with parents, the child's circle, and the child or youth if possible, the importance of permanency and options to achieve it including support services so that the child or youth can return home safely.
- As soon as possible and within 6 months of a child or youth being placed involve the parents, the child's circle, the child or youth as fully as appropriate to their maturity and developmental capacity, and use collaborative practices to start developing a plan that addresses the child's or youth's need for permanency.

For Protection situations

- Throughout the time of agreement continue to discuss with parents, the child's circle and the child or youth if possible, the importance of permanency and options to achieve it.
- Consistent with policy 3.8 of the Child Protection Response policies, discuss the need for concurrent planning with a supervisor or team leader during completion of the first Reunification Assessment.
- Concurrent planning is completed before the next Reunification Assessment is conducted (i.e. within 6 months) unless supervisory approval is obtained and documented on the Reunification Assessment. See [policy 3.8](#) for more information.

Ending a Voluntary Care Agreement

- End a VCA when:
 - It is in the child's or youth's best interests to do so and/or if there is a change in the parents' or child's or youth's wishes, circumstances or behaviour making the VCA ineffective,
 - The parents provide written or verbal notice of cancellation within the timeframe specified in the agreement.



A VCA is automatically terminated when:

- *The child or youth is removed under Section 30 of the CFCSA (see section below entitled 'Deciding Whether to Remove a Child')*
- *The agreement expires (including a 30 day extension);*
- *The youth reaches age 19;*
- *The child or youth dies;*

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- *The youth marries.*

Deciding Whether to Remove a Child



- In consultation with a supervisor or team leader, determine whether to remove the child or youth under Section 30 of the CFCSA when:
 - The agreement has been expired for 30 days and the parents are unwilling or unable to resume care of the child or youth;
 - There is no plan to renew the agreement as the parents' whereabouts are unknown;
 - It is determined that the child or youth needs protection and the agreement no longer protects the child or youth;
 - There is no other suitable plan or out-of-home living arrangement for the child or youth; and the maximum time periods specified in section 6(7) of the CFCSA have already been reached.



Documentation

Document the following information on the file with the VCA:

- Alternative options and why they were not used;
- The criteria for using a VCA have been met;
- Goals for the child or youth;
- The services the family has agreed upon to achieve the established goals;
- Details of services and the out-of-home placement;
- Beginning and end dates of the agreement including renewals;
- The responsibilities of the parents, the yourself and others, including the caregiver and service providers, in achieving the goals under the plan;
- The responsibilities of the child or youth where appropriate, under the plan;
- Details of arrangements for contact between the parents and the child or youth;
- Reasons for a renewal;
- Confirmation that the parents will resume care of the child or youth when the agreement ends;
- Concurrent Permanency Plan in the Care Plan if the child or youth cannot return home;

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- Reasons for ending the VCA.

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Appendix A: Checklist

Complete the following checklist to ensure all activities have been undertaken when preparing and entering into a VCA.

- Explain and discuss the importance of permanency with the parents and ways of supporting them so that wherever possible, the child can remain safely with them.
- Complete a Voluntary Care Agreement (VCA) using Form CF0322.
- Provide and review with the parents, “Information to Parents about Contributing to Their Child’s Care” included as Appendix B of the reference guide ‘[Parental Contribution to a Child’s Care](#)’
- Complete a Maintenance Agreement if the family’s income qualifies.
- If the Maintenance Agreement is to be waived or the financial contribution decreased, obtain approval from a Team Leader or Director of Operations or DAA equivalent depending upon the structure and practice of the SDA or DAA.
- Obtain supervisor’s or team leader’s approval and signature for the Maintenance Agreement.
- Complete a Consent to Disclosure of Information using Form CF0609 if required.
- If the child or youth is Aboriginal, determine whether to involve the Aboriginal community.
- Speak with or otherwise communicate with the child or youth prior to entering into an agreement to obtain and consider the child’s or youth’s views and explain the effect of an agreement.
- Provide the child or youth with a copy of the booklet *Know Your Rights: A guide for young people in care*.
- Plan the agreement with the child or youth and parents, including establishing goals and identifying means to achieve those goals.
- Confirm that the services offered in an agreement are available, including out-of-home placement.
- Advise the parents of the option to seek independent legal advice before signing an agreement.

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- Confirm with the parents the number of days' notice required if the parents wishes to terminate the agreement and the number of days' notice of termination they can expect from the Director.
- Advise the parents that they are not eligible to receive the federal Canada Child Benefit or the provincial Family Bonus benefits for the child or youth from the first day of the month following the child or youth coming into care, and that the Federal government may require the parents to return any money received from those benefits after that date. Advise the parents to contact the Canada Revenue Agency with any questions.
- Sign the VCA and have the parents and the child or youth, if appropriate, sign the VCA.
- Obtain supervisor's or team leader's approval and signature for the VCA.
- Provide a copy of the VCA and Maintenance Agreement to the parents, the child or youth and the caregiver.
- Within 30 days of the child or youth's admission to care, develop an Interim Care Plan.
- Ensure the Interim Care Plan includes information about where the child or youth will be placed.

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Appendix B: Developing, Reviewing and Signing Agreements

Before entering into an agreement with an individual it is important to determine their identity, their capacity to understand the agreement and to determine if they have the authority to sign it.

Identification

- Confirm the individual's personal identity and obtain proof by making copies of or recording the numbers on two pieces of either primary or secondary personal ID (e.g., birth certificate, Social Insurance, Medical Services CareCard, Status Card, BC ID, driver's license, passport), one of which is picture ID, and place this documentation in the file holding the agreement;
- Confirm their family relationship to the child or youth who is the subject of the agreement by asking to view and make copies of the child's or youth's birth certificates or other documentation that would lend proof to stated parental, custodial or guardian relationships;
- When formal identification is not available, do not proceed with the agreement until necessary identity and relationships are confirmed.

Authority to Sign an Agreement

Before entering into an Extended Family Program Agreement, a Voluntary Care Agreement, a Special Needs Agreement or a Support Service Agreement that authorizes the child to be placed outside the parental home, determine which parent should sign the agreement.

Determine if there is a court order or agreement:

- If the order or agreement was made under the former *Family Relations Act*, a parent who has custody or guardianship is a guardian under the *Family Law Act* and has parental responsibilities and parenting time. The guardian's parental responsibilities and parenting time are as described in the order or agreement;
- If a parent is a guardian and has the parental responsibility of day-to-day care, control and supervision, even for only part of the time, that parent should also sign the agreement along with the parent who exercises day-to-day care, control and supervision most of the time.

If there is no court order or agreement:

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- If parent B is a guardian and exercises the parental responsibility of day-to-day care, control and supervision, even for only part of the time, s/he should also sign the agreement along with parent A who exercises day-to-day care, control and supervision most of the time;
- If parent B is a guardian and is not exercising the parental responsibility of day-to-day care, control and supervision:
 - discuss with parent A who has day-to-day care, control and supervision how s/he should consult with the parent B regarding the agreement; and
 - explore with the parent A who has day-to-day care, control and supervision if s/he feels that parent B could jeopardize the voluntary agreement.

Developing the Agreement

Discuss and review the terms of the agreement with those determined to have authority to enter into the agreement to ensure as much as possible the person signing the agreement understands the terms and agrees to them.

- Draft the agreement according to the agreed upon services to be provided;
- Review the agreement with a supervisor or team leader for approval;
- If not approved by the supervisor or team leader:
 - Revise the agreement as required; or
 - Terminate the process in favour of a different course of action.

Demonstrated Capacity and Understanding

- When presenting the agreement to an individual for the first time, review and explain the important aspects and terms of the agreement that include:
 - The responsibilities and implications involved with entering into the agreement;
 - That by signing the agreement, they are consenting to the disclosure/sharing of any personal and file information associated with the agreement.
- Based on the explanation provided, ask the individual questions, the response to which will demonstrate understanding or not.
- Recommend that the individual seek advice from an independent third party before signing the agreement.
- If demonstrated capacity and understanding is in question:
 - Request that the individual involve a third party to provide advocacy on their behalf in regards to their capacity and understanding; and/or

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- Consult with a supervisor or team leader and consider other possible courses of action.

Signing the Agreement

- Address any questions that the individual has about their responsibilities and any implications of entering into the agreement.
- If the individual agrees with the terms:
 - Present the agreement and any pertinent schedules/appendices to the individual for his/her signature.
 - Ensure the agreement is signed by a delegated representative of a CFCSA director as required in individual policies for the specific type of agreement being signed.
 - Provide copies to each signatory to the agreement.
- If the individual is not in agreement with the terms:
 - Revise the terms of the agreement to address concerns; or
 - Consult with the supervisor or team leader and consider other possible courses of action.

Note: Revising an agreement could be very minor, in which case, a few words might be changed and initialled in the pertinent spots. Major changes will require re-printing, which may or may not require a re-scheduling for signatures.

Youth Agreements

For information on Youth Agreements, where “youth” are the individuals entering an agreement, refer to the [Standards for Youth Support Services and Agreements](#)