

**Child and Family All Nations Coordinated Response Network  
(ANCR)**

**Abuse Investigations  
Program Manual**

**April 2013**



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## Program Description

In accordance with the *Joint Intake and Emergency Services by Designated Agencies Regulation, 186/2003*, Section 8(b), pursuant to the Child and Family Services Authorities Act, the Child and Family All Nations Coordinated Response Network, Abuse Investigation Program (AIP) investigates and assesses all allegations of child abuse on behalf of all child and family services (CFS) agencies in Winnipeg, Headingley, and East and West St. Paul. This responsibility includes abuse investigations involving intrafamilial, third party, position of trust (including day care and school division settings) and foster home allegations. The AIP refers all allegations against CFS agency staff or allegations against residential child care facility staff to the Provincial Abuse Investigators at the Child Protection Branch. The AIP is responsible for the coordination of four Child Abuse Committees that represent the four CFS Authorities.

### Service Definitions

The AIP acts as a resource to agencies and other ANCR programs by providing specialized services in the area of abuse investigation. It is the role of the Abuse Investigators to establish joint working relationships with the Case Manager while the allegation is under investigation. They are not expected to carry out regular case management activities with the exception of the immediate removal of a child to ensure safety.

### Jurisdiction

The Child and Family All Nations Coordinated Response Network's (ANCR) AIP is responsible for investigating those allegations of abuse which occur in Winnipeg, Headingley and East and West St. Paul, as is detailed in the *Joint Intake and Emergency Services by Designated Agencies Regulation, 186/2003*, Section 8(b) pursuant to the Child & Family Services Authorities Act. If there is an incident of alleged abuse that occurred outside of ANCR's jurisdiction but one of the involved parties resides in ANCR's jurisdiction, the ANCR AIP can be approached to provide courtesy service to the investigating agency such as conducting interviews of those parties, arranging for medical exams and/or arranging for police interviews. This request can be made in the form of a letter to the ANCR Crisis Response Program (CRP) Supervisor or via an ANCR Abuse Referral form.

### Mandate

Part (c) of Section 17(2) of the *Child and Family Services Act* identifies "a child is in need of protection where the child is abused or is in danger of being abused". The Act defines abuse as follows:

Abuse is defined as "an act or omission by any person where the act or omission by any person results in

- (a) Physical injury to the child
- (b) Emotional disability of a permanent nature in the child or is likely to result in such a disability; or

*(c) Sexual exploitation of the child with or without the child's consent."*

Section 18.4 (1) of *the Act* further states that:

*Where an agency receives information that causes the agency to suspect that a child is in need of protection, the agency shall immediately investigate the matter and where, upon investigation, the agency concludes that the child is in need of protection, the agency shall take such further steps as are required by this Act or are prescribed by regulation or as the agency considers necessary for protection of the child. (See Appendix A)*

For the purposes of this Manual, physical, sexual and emotional abuse are defined as follows:

- 1) "Physical abuse" means an act or omission which results in harm to the child. It may involved hitting a child a single time, or it may involve a pattern of incidents. It also includes behavior such as shaking, choking, biting, kicking, burning, poisoning, holding a child under water, or any other harmful or dangerous use of force or restraint. It also includes failure to provide reasonable protection for the child from physical harm.
- 2) "Sexual abuse" means any exploitation of a child, whether consensual or not, for the sexual gratification of any person and includes, but is not necessarily restricted to sexual molestation, sexual assault and the exploitation of the child for the purposes of pornography or prostitution.
- 3) "Emotional abuse" means acts or omissions of any person that have caused or could cause serious behavioural, cognitive, emotional or mental disorders. The acts or omissions include, but are not restricted to;
  - a. Any unwillingness or inability to provide appropriate care, control, affection or stimulation for a child;
  - b. Making inappropriate demands upon a child;
  - c. Deliberate isolation of the child (such as forcible confinement);
  - d. Exposing a child to frequent family violence tending to produce permanent or long term emotional disability, including
    - i. Non organic failure to thrive;
    - ii. Developmental retardation;
    - iii. Serious anxiety, depression or withdrawal;
    - iv. Serious behavioural disturbances.

The Abuse Investigation Program will assess and evaluate all requests for abuse investigation services in accordance with the provisions of *the Act*.

## Location

The AIP is located at the Child and Family All Nations Coordinated Response Network (ANCR) at 835 Portage Avenue, Winnipeg, Manitoba.

## Staffing

The AIP consists of 38 staff members, including:

- Program Director – 1
- Supervisors – 3
- Abuse Investigators – 22
- Child Exploitation Investigators – 2
- Administrative Support – 3
- Child Abuse Coordinator – 1
- Child Abuse Coordinator Administrative Support – 1

The Supervisors and Child Abuse Coordinator report to the AIP Director, who in turn reports to the ANCR Associate Executive Director of Service.

## Goals

- To ensure that children receive protective services related to abuse as outlined in the *Child and Family Services Act*.
- To deliver efficient, well conducted investigations which in turn create high quality control mechanisms and a standardized approach to investigating allegations of abuse against children.
- To ensure compliance with the provincial Child Abuse Committee Regulations.

## Objectives

- To provide abuse investigation services utilizing a consistent approach in all investigations.
- To provide abuse investigation services by specially trained investigators.
- Provide thorough assessments on all referrals.
- Facilitate a team approach which is critical to the goals of the program.
- Manage Child Abuse Committee functions for each of the four respective Authorities.

## Key functions and Activities

- Receive referrals on allegations of child abuse.
- Assess referrals according to the AIP criteria and protocol.
- Investigate all referrals according to protocol.
- Establish a joint working relationship with the ANCR or on-going service case manager.

- Access qualified interpreters for abuse interviews where children or their families have limited or no English proficiency in order to communicate with the family.
- Establish effective collaborative working relationships with all parties involved in the investigation including, but not limited to, school officials, law enforcement, medical personnel, foster parents.
- Make referrals to external or internal programs and facilitate case transfers to the appropriate on going family service agency when required.
- Provide investigative services for sexually exploited children.
- Coordinate and chair Child Abuse Committees within the Abuse Investigation Program.

## ***Roles and Responsibilities***

The responsibility of the Abuse Investigation Program is to ensure that children receive protective services as outlined in the *Child & Family Services Act, the Child and Family Services Authorities Act* and the Child and Family Services Standards Manual

The Abuse Investigation Program (AIP) is responsible to ensure that families receive appropriate and timely services including protective services related to abuse of child. The function of the AIP is to investigate allegations of child abuse or child sexual exploitation and formulate conclusions to indicate the outcome of investigations. The AIP is also responsible to ensure that children and families requiring ongoing services are transferred to a mandated CFS agency in a timely manner.

The role of the Abuse Investigator is limited to the investigative function and does not include case management.

The AIP coordinates Child Abuse Committees on behalf of each of the four authorities, providing review of all cases of abuse and position of trust investigations. The Child Abuse Committee oversees decision making related to the registration process.

## **Abuse Investigation Services**

- Complete abuse investigations based on ANCR Abuse Investigation Program Criteria.
- The AIP responds to child protection emergencies involving allegations of abuse.
- Conduct forensic or global interviews on children, alleged offenders, family members and others involved in the investigation.
- Refer matters related to abuse to the Child Abuse Committee and hold committee meetings as per regulations.
- The AIP works collaboratively with the Child Protection Centre to coordinate medical examinations pertaining to children who have suffered or have potentially suffered injuries the result of abuse.

- The AIP refers all matters to Law Enforcement Agencies where abuse to a child has occurred or is suspected to have occurred.
- The AIP works collaboratively with Law Enforcement Agencies to coordinate response related to criminal investigation the result of abuse to a child.
- Complete required Safety Assessments when necessary, a Safety Plan and the Probability of Future Harm on all allegations of Abuse.
- Complete Structured Decision making tools when required.
- Ensure a comprehensive and thorough history has been completed on the family.
- Make referrals to the ANCR Early Intervention or Intake program when appropriate.
- Make referrals to other external programs and services as needed.
- Determine the Authority of Service for cases requiring ongoing services by completing the Authority Determination process (ADP).
- Complete the case transfer process.
- Complete case closure process with an Abuse Investigation Report including identification of outcome of investigation.
- Meet court ordered requirements related to Family and Criminal Court matters.

## ***Referral Process***

The AIP receives Abuse Investigation referrals internally for all new intakes and externally from all other child and family service agencies on their open cases.

The Abuse Investigation Program receives intakes referred from the Crisis Response Program, After Hours Program, the Intake Program, Early Intervention Program or External Child Welfare Agencies based on the ANCR Abuse Investigation Program Criteria. Referrals are completed on the Intake Module for internal referrals and ANCR Abuse Referral Form for external referrals and forwarded to the appropriate AIP Supervisor.

### **1) Crisis Response Program Referrals**

Crisis Response Program social workers may receive calls related to suspected or confirmed abuse of a child.

#### **Cases determined as Abuse Only Cases**

When the only issues identified in the Intake Module **Issue Management Screen** are physical, sexual and/or emotional abuse issues the file is referred to the Abuse Investigation Program (AIP) as an Abuse Only Case.

In the event of apprehension on an Abuse Only case, duties related to the case management of the file are assigned to the Intake Program.

Additional information received by the After Hours Program or Crisis Response Program on an Abuse Only Case will be forwarded to the AIP supervisor for response.

- The information may be documented in the form of a case note, after hours report or forwarding of written correspondence.

When issues related to child neglect emerge on an Abuse Only Case, a referral is made to the Intake Program for joint response.

### **Cases determined as Abuse and Intake Cases**

When the issues identified in the Intake Module **Issue Management Screen** include other child welfare issues, in addition to abuse, the file is assigned to the Intake Program **and** Abuse Investigations Program. The Intake Program is responsible for case management activities, the Abuse Investigations Program is responsible for abuse investigation services.

Additional information received by the After Hours Program or Crisis Response Program on an Abuse and Intake Case will be forwarded to the Intake supervisor for response with a copy to the AIP Supervisor.

- The information may be documented in the form of a case note, after hours report or forwarding of written correspondence.

## **2) After Hours Program Referrals**

During the course of providing After Hours Service Delivery to a family, the after hours social worker may receive information that causes them to believe that a child has been or may be abused. The After Hours Social worker uses the Intake Module and Issue Management Screens to record the concern. The report is reviewed by the After Hours Supervisor (Crisis Response Supervisor after 1:00am) then forwarded to the Abuse Investigation Program.

In the event that an abuse matter is indicated in a case open to an external on going child welfare agency, the After Hours Social Worker adds the applicable information to the Intake Module and sends the report to the assigned case worker. A copy of the report is forwarded to the Abuse Investigation Program.

## **3) Intake Program Referrals**

During the course of providing intake service delivery to a family, the Intake Worker may receive information that causes them to believe that a child has been or may be abused. The assigned intake program social worker adds the applicable abuse issue to the Intake Module Issue Management Screens and labels the case note "referral to abuse". The Intake Program supervisor will refer to the appropriate Abuse Investigations Program supervisor.

In the event that the Intake Program is closing or transferring a case during an on going abuse investigation, AIP will be notified of the transfer or closing and the case will be managed as an Abuse Only case.

## **4) Early Intervention Program Referrals**

When the Early Intervention Program is managing a case where an abuse referral is required, the information is referred to the AIP supervisor using Intake Module case note recordings and selection of appropriate Issue Management screens.

In the event that the Early Intervention Program is closing or transferring a case during an on going abuse investigation, AIP will be notified of the transfer or closing and the case will be managed as an Abuse Only case.

## **5) External Child Welfare Agency Referrals**

Referrals from all external child welfare agencies are received by the Abuse Investigation Program at ANCR where the alleged abuse has occurred within ANCR jurisdiction. A prescribed form is available for use by external child welfare agencies (See Appendix C) and can be faxed or emailed to the Abuse Investigation Program. The Abuse Investigation Program acts as an auxiliary service for external child welfare agencies in completing required abuse investigations.

Collaboration and information sharing between Abuse Investigation Program and external child welfare agencies occurs with all investigations as per the ANCR Internal Communications Protocol with External Child Welfare Agencies during an Abuse Investigation (See Appendix D) External child welfare agencies maintain responsibility for child welfare service delivery in accordance with Child and Family Services Standards Manual. If during the course of duties by the Abuse Investigation Program children are deemed to be at imminent risk, they will take steps to provide safety to the children and immediately notify the external child welfare agency of the steps taken. In the event that alleged offenders or child victims are known to move to another jurisdiction, the Abuse Investigator will notify the appropriate child welfare agency.

## **6) Sexual Exploitation Investigations at ANCR**

The Abuse Investigation Program has two child exploitation investigators who conduct abuse investigations with children and youth who are at risk or alleged to be sexually exploited including children in care. ANCR Sexually Exploited Youth Investigators participate as team members to an association of agencies to pursue the common goal of reducing the sexual exploitation/trafficking of children and youth. Formal partnerships between ANCR, the Province of Manitoba's StreetReach Initiative, Winnipeg Police Service, external partner Agencies and community based non government funded organizations supports a multi system collaborated response to sexually exploited children and youth.

ANCR's Child Exploitation investigators focus on the following objectives;

- Work to reduce and eliminate the sexual exploitation of children and youth by assisting in the provision of opportunities and strategies for children and youth to recover from sexual exploitation.
- Identify and investigate the alleged offenders who are sexually abusing children and youth in the sex trade.

- Coordinate services with law enforcement to find missing children and youth who are alleged to be sexually exploited.

ANCR's Child Exploitation investigators work within the FNN/FNS Abuse Unit under the supervision of the FNN/FNS Abuse Unit Supervisor. New Referrals involving sexual exploitation of children and youth may be assigned to one of the two Child Exploitation Investigators by the FNN/FNS Abuse Unit Supervisor. External child welfare agencies can make referrals related to their open child in care or protection cases using the ANCR Sexually Exploited Youth Referral Form which is received and reviewed by the FNN/FNS Abuse Unit Supervisor (See Appendix E).

## ***Abuse Investigations Program Assignment***

The Abuse Investigation Program is comprised of three Abuse Intake Units. Case assignment is divided with all external referrals assigned to one unit and new internal referrals assigned in the two remaining units. All new internal referrals are assigned according to culture of origin data. Families affiliated with the General Authority and Metis Authority are assigned to the General/Metis Abuse Unit. Families affiliated with the First Nations Northern Authority or First Nations Southern Authority are assigned to the FNN/FNS Abuse Unit. In the event that cultural data is unavailable, the cases are assigned on rotation between GA/Metis Abuse Unit and FNN/FNS Abuse Unit. The All Nations Abuse Unit offers auxiliary services and accepts all external referrals from on going service agencies where abuse is alleged to have occurred on their open cases. The Program Director also has the ability, when necessary, to assign cases to balance workload.

### **Previously closed cases**

Cases that have been closed for less than 30 days are treated as open cases by ANCR. If ANCR is notified that a child has been abused or is at risk to be abused, Crisis Response Program or After Hours Program advises the agency that most recently closed the case. That external child welfare agency completes the abuse referral forms to initiate service from the All Nations Abuse Unit.

Cases that have been closed for more than 30 days are treated as new cases.

### **Abuse Only "Spin off" Cases**

When the Abuse Investigation Program learns through the course of a referred investigation that abuse has occurred or may have occurred with another child, an Abuse only "spin off" case is created by the Abuse Investigation Program.

### **Abuse Investigations Program Referrals to Intake**

During the course of an investigation the Abuse Investigator may become aware of other non-abuse child welfare issues (i.e. Neglect) that require further assessment and investigation. The Abuse Investigator will make a referral to the Intake Program using the Intake Module and Issue Management Screens to record the concern. The Abuse Supervisor reviews the referral

information and conveys the data to the appropriate Intake Supervisor then to the Crisis Response Program Administrative worker.

### **Dispute Resolution Protocol**

It is recognized that from time to time there will be differences between the Abuse Investigations Program and the case managing agency. It is recognized that the case manager has the final decision regarding case management decisions. If an abuse investigator is concerned about a case management decision, this should be discussed with the case manager. If it is not resolved, the abuse investigator can bring their concerns forward to their Abuse Investigation Supervisor. The AIP Supervisor will then discuss the issue with the case managing supervisor. If the two supervisors are unable to come to a resolution, the AIP may request a systems meeting to resolve issues.

## ***Emergency Response by the Abuse Investigation Program***

***Abuse Emergencies are defined as responses to child protection concerns that require immediate action to ensure the safety of the child.*** An Abuse Investigator will respond to immediate safety concerns and facilitate interventions including apprehension if they are the only Child & Family Services worker present and if the apprehension of the child is necessary to ensure their immediate safety. This responsibility encompasses any child protection concern that affects the safety of children, including neglect and abuse incidents. Subsequent to emergency responses, ANCR Intake or external family service agencies will assume case management duties and responsibilities.

Emergency response to new referrals from Crisis Response Program, After Hours Program, Intake Program or Early Intervention Program where children are suspected to be at immediate risk of abuse are assigned within the Abuse Investigation Program on a rotational basis between the GA/Metis Abuse Unit and the FNN/FNS Abuse Unit. Cases managed by All Nations Abuse Unit that require emergency response are the responsibility of the referring external child welfare agency and in accordance with the Child and Family Services Standards Manual.

## ***Abuse Investigation Criteria***

The CFS Act defines abuse as “an act or omission by any person where the act of omission results in:

1. Physical injury to the child,
2. Emotional disability of a permanent nature in the child or is likely to result in such a disability, or
3. Sexual exploitation of the child with or without the child’s consent.”

*The Child and Family Services Act (the Act)* section 17 (2) (c) states that “a child is in need of protection where the child is abused or is in danger of being abused”.

Section 18.4 (1) of *the Act* further states that:

Where an agency receives information that causes the agency to suspect that a child is in need of protection, the agency shall immediately investigate the matter and where, upon investigation, the agency concludes that the child is in need of protection, the agency shall take such further steps as are required by this Act or are prescribed by regulation or as the agency considers necessary for protection of the child.

The AIP will assess and evaluate all requests for abuse investigation services in accordance with the above three provisions of *the Act*.

Referrals will be assessed and accepted based upon the following three types of suspected abuse:

## **1. Physical Abuse**

### **A. Physical Injury**

A child has an alleged physical injury as a result of an act or omission of a person.

### **B. Physical Discipline**

Allegation of physical discipline which involves any of the following factors:

- The use of an object/implement
- An injury to a child as a result of physical discipline
- Physical discipline was administered to the child's head
- The child is under the age of two or over the age of twelve (in accordance with Section 43 of the Criminal Code of Canada)
- Physical discipline was conducted in a manner that was degrading, inhuman, or harmful

### **C. Physical Altercations between Siblings**

- Allegations of physical abuse between siblings in which one sibling is in a position of trust/authority over the other sibling;
- There is a significant age difference between the siblings; or
- There is a serious injury as a result of the altercation.

### **D. Positions of Trust**

- Allegations of physical abuse of a child by someone that is in a position of trust, such as, but not limited to, a teacher, employer, foster-care provider or child-care provider.

## **2. Sexual Abuse**

### **A. Sexual Exploitation**

Allegations of individuals coercing, luring or engaging a child, under the age of 18, into a sexual act, and involvement in the sex trade or pornography, with or without the child's consent, in exchange for money, drugs, shelter, food, protection or other necessities.

## **B. Age of Consent**

Allegations that involve the sexual activity of someone younger than 16 years old will be investigated by the Abuse investigation Program as follows (*see appendix for Section 150.1, Sub 1 of the Criminal Code of Canada*).

### Situations where a Youth is 12 or 13 years of age

Sexual contact with a person who is within **2 years** of the youth's age is legal, providing the following conditions are present

- There is consent between the two parties
- The sexual partner is not in a position of trust or authority
- The sexual partner is not in an exploitative relationship with the youth
- The youth is not in a relationship of dependency with the sexual partner

### Situations where a Youth is 14 or 15 years of age

Sexual contact with a person who is within **5 years** of the youth's age is legal, providing the following conditions are present;

- There is consent between the two parties
- The sexual partner is not in a position of trust or authority
- The sexual partner is not in an exploitative relationship with the youth
- The youth is not in a relationship of dependency with the sexual partner

### Situations that allege sexual activity of someone with a cognitive delay

Refer to the Abuse Investigation Program.

## **C. Intrafamilial Sexual Abuse**

All situations involving intrafamilial sexual interactions with a child or children under the age of 18.

## **D. Positions of Trust**

Sexual activity between a child under the age of 18 and someone that is in a position of trust; such as but not limited to a teacher, employer, foster-care provider, child-care provider.

## **E. Sexual Behavior between children**

Sexual behavior by children that is problematic and is not age-appropriate.

This will be assessed using the following criteria:

- age difference between children;
- size difference between children;
- type of sexual activity;
- the occurrence of threat or coercion.

**F. 3<sup>rd</sup> Party Sexual Abuse**

- Any third party allegation of sexual abuse of a child under the age of 18 will be investigate by the Abuse Investigation Program.

**G. Past Abuse**

- Abuse that may have occurred in the past is reported to an agency where the person having this information reasonably believes the child is currently in need of protection.
- Adults who come forward can make a report to an agency in order to determine whether there is an immediate need to investigate and determine whether there are children who are or may be currently at risk. These individuals are encouraged to provide the police with a statement if the alleged offence(s) fall under the purview of the Criminal Code of Canada.
- The agency may also be in receipt of community referrals to do current assessments on individuals who in the past have been placed on the Child Abuse Registry and may now be involved in the care of young aged children and/or are requesting to be involved in community activities involving children.

**H. Child Pornography**

- Reporting and investigating Child Pornography are now additional requirements of abuse investigation based on amendment to the Child and Family Services Act that came into effect in April, 2009, specifically as a reporting entity record and the designation of the Canadian Centre for Child Protection Inc. as a reporting entity for the purpose of receiving reports of child pornography under subsection 18 (1.0.1) of the *Child and Family Services Act*.

**I. Cybertip**

- In carrying out duties under subsection 18.7 of the Act, Cybertip which is
- Canada's national tip line for reporting the online sexual exploitation of children through the Centre for Child Protection accepts referrals.
- Cybertip analyzes a child pornographic report and on concluding that the representation, material or recording is potentially illegal, reports the matter to law enforcement in the appropriate jurisdiction.
- Cybertip also reports the matter to ANCR if within the jurisdiction of Manitoba.

- Law enforcement is responsible for investigation of reports of or instances of child pornography and decides whether a person will be charged with an offence under the Criminal Code.

### **3. Emotional Abuse**

- Defined under Section 1(1)(b) of the *Child and Family Services Act*, abuse is an act or omission by any person where the act or omission results in “emotional disability of a permanent nature in the child or is likely to result in such a disability”
- these acts or omission are likely to have a serious, emotional impact.
- an abuse investigator may need to collaborate with law enforcement, medical facilities and others in gathering evidence to establish a serious and persistent pattern of abuse likely to cause emotional disability of a significant nature.

### **Child Deaths**

- The Abuse Investigation Program follows up on all new intakes involving child deaths.

## ***Abuse Investigation Procedures***

The Abuse Investigation Program process involves the gathering and assessment of information to determine if abuse has occurred to a child.

### **1. Review of Referral Information**

- Review abuse referral.
- Verify demographics of persons attached to the referral.
- Review response time on issues identified and determine response time required.

### **2. Information Gathering**

- Complete a history check on CFSIS/Intake Module and review past involvement with any child and family service agency. This may require contact with Out of Province agencies if abuse data is evident in other jurisdictions outside of Manitoba.
- In the event that an external child welfare agency is currently involved with the child, communication with the assigned social worker or foster care social worker is required.
- Determine if there have been previous abuse investigations involving the alleged offender or the family. This data will be required to be considered in the current assessment and investigation.
- Complete a Criminal Risk Assessment on alleged offenders or persons involved in an investigation where necessary.
- Identify if criminal interviews required by Law Enforcement are to precede the ANCR Abuse interview upon children, parents, witnesses to abuse or alleged offenders.

- Complete an Abuse Registry Check on CFSIS where necessary or required.
- Collateral organizations such as schools, daycares, victim services, hospitals or other community based organizations may be contacted where required to obtain information pertinent to the investigation. The Personal Health Information Act (PHIA) allows for the sharing of personal health information without the consent of the individual to facilitate a child protection investigation.

### **3. Interview Victim**

- The AIP will conduct forensic or global interviews on children in accordance with interviewing principles utilized by ANCR abuse investigators.
  - Children should be interviewed alone in a quiet, safe place. In intra-familial cases, this should be done away from the family home if possible. Exceptions could be made if the child is very young or presents with special needs that require the support of someone he/she knows.
  - Certain school divisions require that the child be specifically asked if/who they would like in the room during the abuse interview. This person should be notified of the interview process beforehand, be neutral to proceedings and be a silent observer only during the interview.
  - Children with disabilities may demonstrate difficulties in communication. It is important that the specific condition or disability be identified. The assistance from others who have an understanding of the nature and impact of the disability to the interview may be required.
- If the Alleged victim does not reside in ANCR's jurisdiction, a request for courtesy service should be forwarded to the Designated Intake Agency (DIA) in which the victim resides to interview the child on ANCR's behalf.

### **4. Interview with Siblings, Witnesses and Non Offending Parents**

- Interviews with siblings of the child victim or potential witnesses to the abuse event and non offending parents/caregivers are required. (See Appendix E for Client Contact Policy)
- ANCR Client Contact Policy override is available only when the abuse matter being investigated is a third party allegation, the parents of the children are protective and the alleged offender has no further relationship or involvement with the family.
  - Policy override provisions include a case note to be added to Intake Module by the Abuse Supervisor in consultation with the Abuse Director citing the reasons to support the override.
- Parental consent is to be considered in all child interviews. Child interviews may be required in the absence of parental consent when the parent is the alleged offender or intrafamilial abuse is alleged with an adult living in the home of the child victim.

### **5. Arrange Medical Appointment**

- As per section 2 of the Child Abuse Regulation 14/99 when it is the investigator's preliminary opinion that a serious physical injury or sexual exploitation of the child

has occurred, the investigator will immediately consult with a duly qualified medical practitioner and if necessary and appropriate, arrange for a medical of that child.

- The ANCR Abuse Investigation Program primarily consults and coordinates all medical interventions with the Child Protection Centre. The Child Protection Centre should be used for cases of complex physical abuse and for all cases of sexual abuse.
- Private practitioners may be used to document minor physical injuries.
- Child Protection Centre may at times book a future appointment for the child at the hospital sexual assault clinic.
- In cases where the AIP is in receipt of photographs concerning alleged injuries, the CPC may be consulted for their opinion.

## 6. Report to Law Enforcement for Investigation

- As per section 2 of the Child Abuse Regulation 14/99, where it is ***suspected that a child is or might be abused*** the abuse investigator is required to notify law enforcement.
- Police should be notified immediately after interviewing the victim if there is a disclosure. In cases where the worker is unsure of procedures, the abuse supervisor should be consulted.
- Referrals to law enforcement occur with Winnipeg Police Service, RCMP or local police detachments based on jurisdiction of where the abuse incident occurred. Letters or prescribed forms are used by the Abuse Program to communicate with Law Enforcement.

## 7. Interview Non-Offending Parents

- In cases of intrafamilial abuse investigations, both parents are notified that the agency is conducting an investigation. Specific details of the allegations are not shared with the parents only in the event that a criminal investigation is pending and such data has the potential to contaminate a criminal investigation related to a child.
- The non-offending parent should be interviewed after the children but prior to the parent alleged to have abused the child.
- Child welfare investigative questions related to family functioning consistent with Structure Decision Making tools are required related to Safety Assessment and Probability of Future Harm.
- Caregiver Strengths and Needs and Children's Strengths and Needs are a requirement on cases that will be transferred to an external child welfare agency.

## 8. Interview Alleged Offender

- Alleged Offenders are to be interviewed by an ANCR abuse investigator regarding the alleged abuse.
- In cases where a criminal investigation is occurring, the timing of the offender interview by the Abuse Investigator is required to be coordinated with law enforcement.

- Interviews with alleged offenders should occur after the completion of all other interviews.
- If the alleged offender requests to have legal counsel present for the interview, the ANCR abuse investigator should consult with supervisor for follow up with agency counsel.
- Alleged offenders may decline the opportunity to be interviewed by the ANCR abuse investigator. In this event the remaining steps of investigation including determination of conclusion will proceed.
- If the alleged offender resides outside ANCR jurisdiction, a referral must be completed to the Designated Intake Agency (DIA) which provides service to the community in which the alleged offender resides. The referral should include a request to interview the alleged offender on ANCR's behalf as well as a recommendation to conduct a risk assessment in regards to any children residing with the alleged offender.
- Steps to contact alleged offenders must include the following;
  - Phone call to known numbers.
  - Field to known addresses.
  - Written letter with dated return response deadline.
  - If not response, Registered letter with original letter attached.
  - Identification and recording of any other source of information available to suggest location of alleged offender.

If the steps outlined do not result in contact with alleged offender, ANCR abuse investigator can proceed with remaining steps of investigation including determination of conclusion.

## 9. Report to Employer

As per the *Child and Family Services Act*, Section 18.2(1)

*“Where the director has reasonable grounds to believe that a person has caused a child to be in need of protection or has failed to report information in accordance with section 18, the director may report the matter to the body or person that governs the professional status of the person or certifies, licenses, or otherwise authorizes or permits the person to carry on his or her work or occupation”.*

Consultation with the Abuse Investigations Program Supervisor and/or Director will occur prior to notification of employers.

The Director of Child and Family Services is responsible for advising employers of anyone confirmed to be on the Child Abuse Registry and employed in their organization. The AIP director would convey employment information to the Branch upon discovery of this matter.

## 10. Child Abuse Committee Referral Form

In accordance with the Child Abuse Regulation Section 7(1), where an agency believes that a child is or might be abused, the agency shall refer the matter to the

appropriate child abuse committee within 30 days of receiving such information.

Referral criteria includes:

- Admission by alleged offender
- Disclosure of abuse by child
- Medical exam completed
- a witness observed the abuse
- criminal charges laid
- matter relates to child pornography
- matter involves position of trust

In these instances a prescribed form is filled out by the Abuse Investigator and forwarded to the ANCR Abuse Investigation Program Child Abuse Coordinator.

## ***Abuse Conclusion Guidelines***

### **Forming the Conclusion Decision**

Conclusion decisions are formed jointly between the Abuse Investigator and Abuse Supervisor. The following factors are considered when formulating conclusion;

- 1) Disclosure from Victim** – A disclosure from a child is perhaps the most compelling reason to believe a child has been abused. Obtaining a statement from a child in a skilled and supportive manner assists in determining the conclusion. The quality of the statement is based on numerous factors such as the skill of the interviewer, the age and developmental level of the child, the extent of trauma to the child, the timing of the interview (how long after the event), the setting etc. Credibility of the child victim is included in the assessment that leads to the conclusion decision.
  
- 2) Hearsay Evidence** – Hearsay evidence is information given by a person not based on personal knowledge but based on information received from others. In other words, the child may tell a teacher about an incident. This information is used in the assessment of the case. Credibility of person who relays the “hearsay” information is included in the assessment that leads to the conclusion decision.
  
- 3) Physical Evidence** – In the course of conducting an investigation, the Abuse Investigator may become aware of physical evidence which supports the disclosure of the child. This could be medical evidence, objects observed in the home consistent with the abuse of the child, child sex abuse images, photographs etc.
  - a. In medical examinations of children, physical findings as well as interviews by medical staff sometimes support the disclosure. The agency requires a written statement from the physician to specify and confirm physical findings of abuse.
  - b. When medical findings exclusive from other criteria confirm that the child has been abused, a confirmed finding of abuse is required. In these cases if there is no confirmation to link the medical findings of abuse to a specific

individual, a secondary conclusion statement is necessary to indicate details related to the individual alleged.

**4) Behavioural Indicators** – Behavioural indicators for sexual or physical abuse which are compelling reasons to believe that abuse has occurred and to be considered when formulating conclusion decisions include:

- a. self-mutilation
- b. age-inappropriate sexual play
- c. bizarre, sophisticated or unusual sexual behaviour or knowledge; creating and playing out sexual scenarios with toys and dolls
- d. one parent accuses the other of hurting the child
- e. partial confession
- f. denial of any awareness of serious injury
- g. explanation of abuse event vague or implausible
- h. explanation of abuse event impossible for age/developmental level of child
- i. young child or baby accused of inflicting own injury
- j. sibling accused of injury
- k. delay in seeking medical help
- l. adult (s) present at time of injury does not come to hospital

Psychological or psychiatric reports can be helpful in outlining in more detail the relationship of behavioural symptoms with the allegations made and should become a part of the abuse investigation if available.

**5) Witness to Abuse** – In conducting an investigation, other persons who were witnesses to the abuse should be interviewed. These could be siblings, the other parent, extended family, neighbors and community collaterals. These sources may be able to verify certain patterns of behaviour which support the allegation. Credibility of person who is witness to the abuse is included in the assessment that leads to the conclusion decision.

**6) Admission of the Offender** – The alleged offender will sometimes partially or fully admit to the allegation. The ANCR Abuse Investigation will allow the alleged offender an opportunity to speak to the allegations. This opportunity will be coordinated with law enforcement in the event a criminal investigation is being pursued. Non abuse related questions, such as those required by Structured Decision Making, are to occur with alleged offenders who are listed in the family group as providing care to children.

- 7) **Multiple Victims** – Independent disclosures from a variety of parties can support the allegation of abuse. Credibility of multiple disclosures should be assessed if stories are literal and identical, the same language is used to describe the events/chronicled in the same way and/or alleged victims have had a chance to collaborate on stories.
- 8) **History of Offending** – Previous allegations or conclusion decisions regarding past behaviours that suggest or confirm abuse may support current allegations and are to be considered in the formulation of assessment and conclusion decisions.
- 9) **Current Charge and Conviction** – If the person has been charged and convicted for the current allegation, agencies use this information as confirmation that abuse has occurred.

## ***Abuse Conclusion Outcomes***

The following is a list of conclusions to be used by Abuse Investigators. In typical investigations one Abuse Conclusion outcome is formed per abuse allegation.

- **Substantiated**
  - It has been determined that the balance of evidence indicates that abuse has occurred, or that there is sufficient information and evidence to support an allegation of abuse.
  - If the abuse occurred in the context of *inappropriate physical discipline* or a *parent-teen conflict*, this should be noted. This information will be valuable to the abuse committee in their determination of whether or not abuse occurred and whether or not to register the alleged offender. It will also be valuable to any assigned case manager while completing case planning with the family.
- **Unsubstantiated**
  - There is insufficient information and evidence to support the allegation of abuse.
  - As previously mentioned, if the incident was one of *inappropriate physical discipline* this should be noted.
- **Inconclusive**
  - The information and evidence cannot support or refute the allegation of abuse. There is not enough evidence to substantiate abuse but there remains a suspicion that abuse has occurred.
- **Incomplete**
  - The investigation is not able to be concluded at this point as it is not completed. Examples of an incomplete investigation could be when an investigation is

opened to the AIP in error or a child is not willing to participate in the interview process.

### **Conclusion formation with young children alleged to have abused**

Special consideration should be given to abuse conclusions when the allegation is made against someone under the age of 12. Child Welfare Records including Abuse Investigation Reports should carefully record all data to ensure full understanding of future readers as to the nature and content of the concerns.

- Children under the age of 12 alleged to have abused a child should be referred to as ***child who is alleged to have caused abuse*** rather than alleged offender.
- If the abuse investigator concludes that the incident was not one of abuse but rather that of ***sexual behavior between similar aged children*** the investigation can be concluded as unsubstantiated. An explanation to the conclusion is required.
- If the abuse investigation indicates use of coercion, threats, physical harm, significant age difference between children and the conclusion is that abuse has occurred, abuse can be substantiated. An explanation to the conclusion is required.

### ***Child Death or Serious Injury to a Child***

The Abuse Investigation Program receives new referrals related to child deaths. The matter is considered a new referral if there has been no child welfare services provided to the child or family for a period greater than 30 days.

All new referrals require investigations in accordance with Abuse Program Investigation Procedures. In addition to the regular steps of investigation, the Abuse Investigations Program Director and Supervisor are responsible for ensuring that Section 1.7.4 of the Child and Family Standards are complied with. This may involve the completion of a Death of a Child in Care Report, Death of a Child Not in Care Report or a Serious Injury Report.

Collaboration and information sharing with the Child Protection Centre, Chief Medical Examiner's office, Office of the Children's Advocate, Law Enforcement or other Agencies may be required by the Abuse Investigations Program.

Any case of child death or serious injury to a child where external child welfare agencies are open to the child as a child in care case or to the family as a protection or voluntary service case may require the services of the ANCR Abuse Investigation Program. If ANCR has had contact with the child or family within the past year AIP is responsible for completing the relevant report.

If the child death or serious injury is related to abuse, the external child welfare agency will request ANCR Abuse Investigation Program to conduct the investigation on their behalf if the

incident took place within ANCR jurisdictional boundaries. External Child Welfare Agencies are asked to utilize the ANCR Abuse Referral Form. External Agencies in these circumstances can verbally indicate the request for ANCR to conduct investigation as a means of expediting initiation of investigation.

Collaboration and information sharing with external child welfare agencies, Child Protection Centre, Chief Medical Examiner's office, Office of the Children's Advocate, Law Enforcement or other Agencies may be required by the Abuse Investigations Program.

## ***Foster Home Abuse Investigations***

The Abuse Investigation Program is responsible for investigations into allegations of abuse in licensed foster homes within ANCR jurisdiction. Allegations against staff of residential care facilities including emergency shelters are the responsibility of the Provincial Investigations Coordinator at the Child Protection Branch.

The Abuse Investigation Program may receive new referrals from the After Hours Program or Crisis Response Program pertaining to allegations that a foster parent has abused a child. An external child welfare Agency may also make referrals to ANCR Abuse Investigation Program when a foster child has alleged abuse in their foster home.

In addition to the regular steps required in an abuse investigation, the abuse investigator considers the following:

- Identification of all children in the home including biological, adopted and children in care, children over 18 years of age and any other children who recently resided with the foster parents.
- Identification of all support services working with the foster family, including educational, therapeutic or medical.
- Confirmation of foster home licensing agency. Contact and coordination with licensing agency personnel regarding abuse investigation.
- Confirmation and contact with all other mandated child welfare agencies and the social workers assigned to coordinate investigation.

Collaboration and information sharing between ANCR Abuse Investigation Program and external child welfare agencies occurs with all investigations as per the ANCR Communications Protocol. External child welfare agencies maintain responsibility for child welfare service delivery in accordance with Child and Family Services Standards Manual. If during the course of duties by the Abuse Investigation Program children are deemed to be at imminent risk, they will take steps to provide safety to the children and immediately notify the external child welfare agency of the steps taken. All other forms of communication between ANCR and external child welfare agencies will be in accordance with the ANCR Communication Protocol.

Upon completion of the investigation, a copy of the Abuse Investigation Report is provided to:

- The family's social worker(s) and supervisor(s)
- The Foster care worker/Supervisor

A letter will be provided to the licensing agency informing them that an investigation has occurred and the outcome of the investigation.

As the Abuse Investigation Report is a confidential record under Section 76(3) of the *Child and Family Services Act*, this report will not be placed on the Foster Home file. ANCR correspondence to the licensing agency will advise that the report is to be handled in accordance with Section 76(3).

## ***Daycare Investigations***

ANCR Abuse Investigation Program completes abuse investigations when daycare providers in home daycares or daycare facilities within ANCR jurisdiction are alleged to have abused a child. In addition to the regular steps required in an abuse investigation, the following factors are to be considered:

- Number of children in the daycare setting exposed to the alleged abuse.
- Number of daycare providers who are witness to or participated in the alleged abuse.
- Number of children having left the daycare immediately prior to abuse allegations being referred.
- Daycare licensing criteria is required to be confirmed.
- Coordination of investigation with daycare directors, Community Social Services Department and Manitoba Early Learning Department.
- Provide a Notice of ANCR Investigation to Manitoba Child Daycare Department.
- Provide a Conclusion of Daycare Investigation Letter to Manitoba Child Daycare Department.

The abuse investigator will work with abuse supervisor/director when making a determination of risk that may impact the employment of daycare providers alleged to have abused a child. Coordination and communication of these decisions may involve AIP providing recommendations to Manitoba Child Daycare regarding notification of parents. Upon formulation of conclusion decision, recommendations by AIP may be made to Manitoba Child Daycare Department regarding risk factors to consider regarding their employee or home daycare provider.

## ***Cybertip Investigations***

On April 15, 2009, mandatory reporting of child pornography was proclaimed in Manitoba. Manitoba became the first Canadian province to make it mandatory for all citizens to report child pornography. The *Child and Family Services Act* was amended to include child pornography in the definition of child abuse.

The legislation includes the following measures:

- The definition of child pornography in the Child and Family Services Act mirrors the definition in the Criminal Code.
- An informant's identity will be kept confidential except as required in judicial proceedings or by consent.
- It is illegal to retaliate against an informant.
- Police will have to advise an employer when an employee having access to children in the workplace is charged with a related offence.
- Cybertip.ca will report annually to the legislature on its actions under the bill, under the auspices of the Canadian Centre for Child Protection.

Under the law, if a Manitoban sees something they believe to be child pornography they are required to report it to [Cybertip.ca](http://Cybertip.ca). The goal of mandatory reporting is to facilitate the reporting of children in need of protection. All reports relating to a child victim and/or suspect in Manitoba are forwarded to child and family services and Manitoba law enforcement so they can coordinate investigations into the allegation and ensure children are protected from abuse.

In carrying out duties under subsection 18.7 of *the Child and Family services Act* a referral to Cybertip may be required. Cybertip is Canada's national tip line for reporting the online sexual exploitation of children through the Centre for Missing and Exploited Children. Cybertip analyzes a child pornographic referral report and on concluding that the representation, material or recording is potentially illegal, reports the matter to law enforcement in the appropriate jurisdiction.

Cybertip also reports the matter through a shared network portal to ANCR if the alleged offender resides within Manitoba. These referrals are received and managed at ANCR by the Abuse Investigation Program if the alleged offender is identified to reside within ANCR jurisdiction.

For more detailed information please access [www.cybertip.ca](http://www.cybertip.ca)

## ***Handling of Child Pornographic Material***

It is illegal to access/possess or distribute child pornography. If unavoidable, ANCR agency staff must be vigilant when handling possible child pornography. It should be stored in a secure manner and handed over to law enforcement as soon as practicable.

**"child pornography"** means

- (a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

- (i) that shows a child engaged in, or depicted as engaged in, explicit sexual activity, or
  - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ of a child or the anal region of a child,
- (b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a child that would be an offence under the *Criminal Code* (Canada),
- (c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under the *Criminal Code* (Canada), or
- (d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under the *Criminal Code* (Canada);

## ***Investigation with the Winnipeg Child Advocacy Centre***

ANCR has participated in collaboration with the Winnipeg Police Services, RCMP, all four CFS Authorities, Manitoba Justice, Manitoba Family Services and Labour, and the Winnipeg Regional Health Authority in the development of a Winnipeg Child Advocacy Centre. Child Advocacy Centres (CACs) exist across North America. They are a seamless, coordinated and collaborative approach to addressing the needs of child victims or children who have witnessed a crime. Child Advocacy Centres reduce system-induced trauma by providing a child-oriented setting for child victims or witnesses and their families.

The goal of a Child Advocacy Centre is to minimize the number of interviews and questions directed at the child, thereby keeping further traumatic impact to a minimum. This reduction in trauma enables children to provide stronger evidence, which can lead to an increase in charges laid, guilty pleas, convictions and appropriate sentences.

Child Advocacy Centres help children and families navigate the interrelated justice, health and child welfare systems in a number of ways. These include:

- Providing the child with a safe and comfortable environment in which to be interviewed by professionals
- Minimizing the number of interviews for the child
- Improving communication between agencies supporting young victims.

The use of video technology at Child Advocacy Centres has proven to be an effective method for gathering valuable information to help the child and the investigation. CACs may also provide education and training to professionals on the best practices for interviewing child victims and witnesses.

The ANCR Abuse Investigation Program will participate in a number of interviews at the centre. Referrals to the Winnipeg Child Advocacy Centre will be made by Winnipeg Police Services or the Abuse Investigations Program. The ANCR Abuse Investigator will observe the interview, initially to be completed by Winnipeg Police Service, on a time delay. The Abuse Investigator will then have the opportunity to obtain any further information needed from the alleged victim. An AIP interview of siblings, witnesses and parents can also occur at the centre. The family-friendly facility is available to AIP

investigators for the purposes of completing the steps of investigation. Case specific and monthly coordination and information sharing will occur between ANCR, the Winnipeg Police Service and the Winnipeg Child Advocacy Centre.

## ***Records Management***

The Abuse Investigation Program creates an abuse investigation case that remains within the program until the investigation is complete. Once the investigation is complete, the file remains with ANCR but any or all parts may be copied for any external mandated child welfare agency working with the child and family as per *the Child and Family Services Act*.

The Abuse Investigation File will contain the following:

- Correspondence to the case manager informing them of the assigned abuse investigator.
- Copies of emails of permanent value (see Provincial Standard 1.7.1)
- Case notes regarding all client, collateral and agency contact.
- Collateral information with law enforcement including any referral forms by AIP to law enforcement.
- Any and all medical reports or medical based information pertaining to the victim.
- Child Abuse Committee referral form.
- ANCR Abuse Investigation Program Referral Form or ANCR SEY Referral Form if provided.
- Abuse Investigation Report.

All abuse investigations will be opened on the Intake Module. The final investigation report is not added to the IM/ CFSIS system until the report has been completed, supervisory consultation has occurred with the assigned investigator confirms and records conclusion decisions and a final approval by the abuse supervisor of the entire report is achieved.

The AIP will remain involved with a case until the investigation is complete, including situations where the case has been transferred to an external child welfare agency. Cases are converted or “flipped” from IM to CFSIS at the point of transfer and the subsequent abuse investigation report is added to CFSIS Protection or Child in Care Case when finalized.

## ***THE PROVINCIAL CHILD ABUSE REGISTRY***

The Child Abuse Registry is established and maintained by the Director of Child and Family Services in accordance with *The Child and Family Services Act*.

- The Province of Manitoba maintains a provincial child abuse registry. Its primary purpose is to protect children. Under certain circumstances, organizations and employers can access the registry to determine whether persons who will have the care

of children or have unsupervised access to children are known to have been involved in the abuse of a child.

- All names and information on the Child Abuse Registry are confidential. Access to the registry is restricted and is only allowed in specific circumstances. The general public does not have access to this registry.

### **How is a name placed on the Registry?**

There are three points of entry for listing a name on the registry:

1. A person was found guilty or pleaded guilty to an offence involving the abuse of a child in a court either in or outside of Manitoba;
2. A family court has found a child to be “in need of protection” due to abuse; or
3. An agency’s Child Abuse Committee (CAC) has reviewed the case and formed an opinion that a person has abused a child.

ANCR must notify an individual that it intends to enter the person’s name on the registry. The individual is notified of the objection process and may object within 60 days of receiving the notice. They are also provide information regarding the appeal process through the Court of Queen’s Bench.

### **Child Abuse Committee Coordination**

The *Child and Family Services Act*, Section 19(1) states that:

*“each agency shall, in accordance with the regulations, establish a child abuse committee to review cases of suspected abuse of a child and to advise the agency concerning what actions, if any, may in its opinion be required to protect the child or other children.”*

ANCR coordinates four child abuse committees. Each committee represents one of the four Child and Family Service Authorities including First Nations of Northern Manitoba Child and Family Services Authority, First Nations of Southern Manitoba Child and Family Services Authority, The Metis Child and Family Services Authority and the General Child and Family Services Authority. These committees are coordinated and managed within the Abuse Investigation Program by the Child Abuse Committee Coordinator. The Child Abuse Committees managed at ANCR are mandated to review matters within the jurisdictional boundaries at ANCR.

### **Recruitment of Committee Members**

The Abuse Investigation Program will be responsible for the establishment and recruitment of committee membership with the four authority based Child Abuse Committees. This will be completed in consultation with each of the four authorities. ANCR will submit each committee membership List to the appropriate authority for approval. Each authority based committee will be a joint child abuse committee composed of ANCR and the corresponding authority agencies,

as well as the mandatory members as required under Section 3(2) of the *Child Abuse Regulation*:

3(2) Mandatory composition of committee

A child abuse committee established by an agency shall consist of the following five persons:

- (a) the agency's child abuse coordinator
- (b) a duly qualified medical practitioner employed, retained or consulted by the agency to review cases of suspected child abuse for the agency;
- (c) a police officer representing a law enforcement service operating in the area within the agency's jurisdiction;
- (d) a representative of a school division located within the area of the agency's jurisdiction;
- (e) a staff member of the agency, other than the child abuse coordinator

### **Orientation and Training of Committee Members**

The orientation and training of all child abuse committee members will be facilitated by the Child Abuse Coordinator. Training and orientation will be delivered as outlined in the training curriculum and manual that was developed through the initiative of the Provincial Advisory Committee on Child Abuse.

### **Oath of Confidentiality**

In accordance with Section 76 of *The Child and Family Services Act*, all records and information regarding the proceedings in front of an agency Child Abuse Committee are confidential. Therefore, it is a membership requirement that all Child Abuse Committee Members must sign the ANCR Oath of Confidentiality.

### **Referral Process**

Abuse investigations conducted at ANCR will be referred to the Abuse Coordinator for review in accordance with Section 7 of the Child Abuse Regulation which states:

*Where an agency, including a designated agency, believes that a child is or might be abused, the agency shall refer the matter to an appropriate child abuse committee, determined in accordance with subsection (2) within 30 days after receiving information that causes it to so believe.*

Abuse Investigators are required to submit a Child Abuse Committee Referral form to the Child Abuse Coordinator as a means of inclusion of the matter in committee proceedings. The Child Abuse Coordinator will determine if the abuse referral is required to proceed to an Abuse Committee for further review. Conclusion decisions by AIP where abuse is substantiated are reviewed by the Child Abuse Coordinator then forwarded to the appropriate Child Abuse Committee and placed on the committee agenda for presentation.

Investigations that alleged abuse by someone in a position of trust are reviewed by the Child Abuse Coordinator then forwarded to the appropriate Child Abuse Committee and placed on the committee agenda for presentation.

Conclusion decisions by AIP that are inconclusive are reviewed by the Child Abuse Coordinator and shared with committee members in the form of a “profile”. A profile is a synopsis of the events related to abuse. Committee members are to discuss, provide feedback and recommendations related to these inconclusive cases.

The Child Abuse Committee Coordinator has discretion to recommend a presentation to the Child Abuse Committee by the AIP investigator for all investigations as they see fit. Conclusion decisions where unsubstantiated findings are formed by the AIP are reviewed by the Child Abuse Committee Coordinator and logged for statistical purposes.

Investigations which involve multiple victims that are receiving services from more than one agency and/or authority will be referred to the Child Abuse Committee which represents the culture of the majority of the victims.

Communication with the Child Abuse Registrar by the Child Abuse Coordinator occurs where required or necessary.

### **Frequency and Structure of Committee Meetings**

In accordance with Section 9 of the Child Abuse Regulation which states;

*A child abuse committee shall meet within 30 days after a matter is referred to the committee and after that time as required*

ANCR Child Abuse Coordinator will facilitate monthly meetings with each of the four Child Abuse Committees.

The Abuse Coordinator will ensure that adequate information related to the abuse matter is presented at the committee level. This information usually includes the abuse investigation report and any updates available from external child welfare agencies providing on going services to the child or family. Cases will be presented to the Committee in one of two ways:

1. A verbal presentation to the Child Abuse Committee including;
  - a. Presentation by the Abuse Investigator as to the steps taken during the course of investigation and conclusion decisions formed.
  - b. Presentation and update information to be provided by social workers at external child welfare agencies with an open case to the child or family involved in the abuse investigation. In the event the social worker is unavailable to attend, a written update is appropriate.
2. Review and presentation of the written abuse investigation report and its conclusion decisions by the Child Abuse Coordinator to the Child Abuse Committee.

## Committee to Formulate Opinion

Under section 19(3) of the *Child and Family Services Act*, Committees have the responsibility to form an opinion on whether the person abuse the child, whether the name of the person should be entered in the registry; and report the outcome of its decision to the agency. The Child and Family Services Abuse Regulation, requires that the committee determine:

1. Has the alleged offender abused the child?
2. Should the alleged offenders name be entered onto the Manitoba Child Abuse Registry?

## Opinions Available to Abuse Committees

- 1) Referrals to the Child Abuse Committee will be **closed** when the committee has reached a decision about whether abuse has occurred and if the alleged offender should be registered.
- 2) A committee may decide to legally serve the alleged offender with a **Notice of Opportunity to Provide Information** to the Committee. This will allow the committee further information with which to formulate their opinion.
- 3) When a decision is made to put forward the name of an alleged offender on the *Child Abuse Registry*, the alleged offender will be legally served with a **Notice of Intended Registry on the Child Abuse Registry** .

The Child Abuse Coordinator facilitates discussion to ensure that the Committee thoroughly assesses all information that is available before making a decision. The Child Abuse Coordinator may track criminal proceedings and outcomes of investigations within the criminal justice system with Law Enforcement or the Crowns Office to assist in decision making by Child Abuse Committees.

Once the committee forms an opinion, that information is shared with AIP and any external child welfare agency connected to the case. Child Abuse Committees may make recommendations to Agencies respecting conclusion decisions or case management activities to be considered.

## Appeals Process

Alleged offenders have the right to appeal the decisions made by Child Abuse Committees. Such matters are heard by the Manitoba Court of Queens Bench.

The Child Abuse Coordinator is responsible for processing all legal requirements related to the service of *Notice of Opportunity to Provide Information* and *Notice of Intended Registry on the Child Abuse Registry* and subsequent appeal processes.

## Conflict of Interest

Any situation where there is an actual, potential or perceived conflict of interest between a committee member's private affairs and their responsibilities as a child abuse committee member, he/she shall disclose this to the Child Abuse Coordinator and provide all relevant facts of the situation, in order that a decision can be provided. This may include limiting the committee member's role to a non-voting, advisory capacity or having the said committee

member absent from any discussion regarding the presentation and discussion around which case is a conflict of interest.

## Documentation

Documentation of Abuse Committee processes includes the following:

- Meeting Agenda
- Meeting Minutes
- Notice of Opportunity to Provide Information, Form CA-1
- Notices of Intended Entry on Child Abuse Registry, Form CA-3
- Submission to the Child Abuse Registry, Form CAR-2.

CFSIS is used by the Abuse Coordination Administrative Worker to track all maltreatment screen data related to committee decision making. All Committee data is held within ANCR records management systems.

## Appendix A – Definition of a Child in Need of Protection

*The Child and Family Services Act*, C.C.S.M. c. C80 (1985). Retrieved on February 21, 2013 from <http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>

### Illustrations of child in need

17(2) Without restricting the generality of subsection (1), a child is in need of protection where the child

- (a) is without adequate care, supervision or control;
- (b) is in the care, custody, control or charge of a person
  - (i) who is unable or unwilling to provide adequate care, supervision or control of the child, or
  - (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or
  - (iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;
- (c) is abused or is in danger of being abused, including where the child is likely to suffer harm or injury due to child pornography;
- (d) is beyond the control of a person who has the care, custody, control or charge of the child;
- (e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;
- (f) is subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;
- (g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or
- (h) is the subject, or is about to become the subject, of an unlawful adoption under *The Adoption Act* or of a sale under section 84.

S.M. 1986-87, c. 19, s. 8; S.M. 1989-90, c. 3, s. 3; S.M. 1997, c. 47, s. 131; S.M. 2008, c. 9, s. 3.

**Appendix B – Abuse Investigation Referral Form**

<b>CHILD AND FAMILY ALL NATIONS COORDINATED RESPONSE NETWORK</b>		
<b>ABUSE INVESTIGATION REFERRAL FORM</b>		
<b>835 PORTAGE AVE</b>	<b>FAX: (204) 944-4250835</b>	<b>E-MAIL :</b>
<small>ANCRABUSEREFERRALS@GOV.MB.CA</small>		
<b>SUPERVISOR (REFERRAL CONSULTS): (204) 944-4026</b>		

<b>Assigned Worker:</b> _____ <b>Telephone Number:</b> _____ <b>Email Address:</b> _____ <b>Agency Address:</b> _____ <b>Postal Code:</b> _____	<b>Supervisor:</b> _____ <b>Telephone Number:</b> _____ <b>Email Address:</b> _____ <b>Authority:</b> _____  <b>Date Sent to ANCR:</b> _____
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SEXUAL ABUSE       PHYSICAL ABUSE       EMOTIONAL ABUSE

**FAMILY SURNAME(S):** \_\_\_\_\_

BIOLOGICAL PARENTS / LEGAL GUARDIANS	Birth date	Age	Current Address	Phone #
<b>Mother:</b>				
<b>Father:</b>				
<b>Significant Other to Family/ Relationship:</b>				
<b>Significant Other to Family/ Relationship:</b>				

X	CHILDREN (Full names and all who resided in home at time of incident) <small>mark with an "X" for the alleged victim(s) of abuse</small>	M/F	Birth Date	Age	Current Address / Phone	Status: <b>Not in care, TW, PW, App. VSG,VPA</b>
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

<b>Children's Special Needs:</b>	
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CURRENT PLACEMENT OF ALLEGED VICTIM			
Name of Caregiver:		Address & Phone:	
Licensing Agency:		Placement Date:	
<input type="checkbox"/> Foster Home <input type="checkbox"/> Emergency Shelter <input type="checkbox"/> Res. Care <input type="checkbox"/> POS <input type="checkbox"/> Other; please explain: _____			
CURRENT SCHOOL / DAY PROGRAM INFORMATION			
Name of Child:		School & Phone:	
Name of Child:		School & Phone:	
Name of Child:		School & Phone:	
Name of Child:		School & Phone:	

ALLEGED OFFENDER			
FOSTER PARENT <input type="checkbox"/> YES <input type="checkbox"/> No   if yes, Licensing Agency: _____ Foster Care Worker / Phone #: _____			
Full Name:		Male / Female:	
Birth date and Age:		Occupation:	
Address:		Phone number(s)	
Relationship to victim:		Home:	
		Cell:	
		Work:	
<i>If under 18 yrs identify parents:</i>		Address & Phone #:	
<i>Children in home of alleged offender:</i>		Relation:	
		Relation:	
		Relation:	
		Relation:	
Does the alleged offender have other birth children <u>not</u> residing in the home:		<input type="checkbox"/> YES <input type="checkbox"/> No <input type="checkbox"/> Unknown	

**INITIAL ABUSE INCIDENT REFERRAL INFORMATION:**

Occurred When: \_\_\_\_\_ Occurred Where: \_\_\_\_\_

Please describe incident/ presenting problem: (Please do not attach Case Notes, Investigator may request at a later date)

## TRAUMA TO CHILD:

- |  |   |  |  |   |
|--|---|--|--|---|
| <input type="checkbox"/> Bruises                 | <input type="checkbox"/> Burns                | <input type="checkbox"/> Failure to Thrive     | <input type="checkbox"/> Intercourse           | <input type="checkbox"/> Bestiality         |
| <input type="checkbox"/> Welts                   | <input type="checkbox"/> No Physical Markings | <input type="checkbox"/> Fondling              | <input type="checkbox"/> Attempted Intercourse | <input type="checkbox"/> Munchausen's       |
| <input type="checkbox"/> Lacerations             | <input type="checkbox"/> Fractures            | <input type="checkbox"/> Digital Penetration   | <input type="checkbox"/> Freq. Runaway         | <input type="checkbox"/> Depression/Anxiety |
| <input type="checkbox"/> Neg. Peer Relationships | <input type="checkbox"/> Death                | <input type="checkbox"/> Enuresis / Encopresis | <input type="checkbox"/> Other Emotional       | <input type="checkbox"/> Other Physical     |
| <input type="checkbox"/> Shaken Baby             | <input type="checkbox"/> Dev. Delays          |  |  |   |
| <input type="checkbox"/> Other Sexual            |   |  |  |   |

➤ *If the concern is Child Sexual Exploitation, then the SEY Referral Form should be completed instead*

### Describe:

## MEDICAL EXAMINATION (IF COMPLETED):

Hospital/Clinic: \_\_\_\_\_

Date of medical examination: \_\_\_\_\_

Doctor: \_\_\_\_\_

Phone #: \_\_\_\_\_

Findings: \_\_\_\_\_

Letter from Doctor:  YES

NO

## Police Information (If Reported):

Date Reported: \_\_\_\_\_

Police Incident #: \_\_\_\_\_

Investigating Officer: \_\_\_\_\_

Charges / Outcome: \_\_\_\_\_

Has this been  
previously

Investigated by \_\_\_\_\_

Police?: \_\_\_\_\_

Other information: \_\_\_\_\_

### Safety Assessment / Plan:

*Has the family been disrupted pending an Abuse Investigation (ie. parent/child removed from home; visitation suspended):*

YES   
NO

**Summarize what steps have occurred to address the current incident and ensure the child's safety:**

*If available, please attach the Safety Assessment and Assessment of Probability of Future Harm*

## SIGNIFICANT OTHERS:

Please note all CIC workers, Agency, phone numbers, or any other person that could be relevant to this investigation:

## CHILD WELFARE HISTORY (VICTIM & FAMILY):

Have there been any previous abuse incidents concerning this child/family? Sexual Physical  
Emotional

**Other child welfare history:**

Domestic Violence     Mental Health of Child     Gang Affiliation     Exp. Parent Services      
Voluntary Family Service  
 Substance Abuse     Mental Health of Parent     Criminal Charges     Neglect     Other

Please summarize the child welfare history of the alleged victim and his/her family:

**RELEVANT CHILD WELFARE HISTORY (ALLEGED OFFENDER):**

**Known history:**

Previous Child Abuse Investigations     Substance Abuse     Gang Affiliation     Position of Trust  
 Criminal Charges     Mental Health     Violent Offences     Other

Please describe:

**OTHER RELEVANT DOCUMENTATION ON FILE (AVAILABLE UPON REQUEST):**

SDM Assessment Tools     Child Psych Assessment     Parental-Capacity Assessment  
 AFM Assessment  
 School Incident Report (Abuse disclosure)     Offender Assessment     Other Agency Records Not On  
CFSIS:

**WHO REPORTED THE ALLEGED ABUSE TO YOUR AGENCY?:**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Relationship to Victim: \_\_\_\_\_  
Organization, if applicable: \_\_\_\_\_

**\*\*\* PLEASE ENSURE THAT REFERRAL MEETS CRITERIA AND THAT FORM IS COMPLETED IN ITS ENTIRETY AND IS IN TYPED FORMAT. MISSING OR INCOMPLETE INFORMATION MAY DELAY THE INVESTIGATION.**

Worker

Supervisor

Date:



## **Appendix C - ANCR COMMUNICATIONS PROTOCOL WITH EXTERNAL CHILD WELFARE AGENCIES DURING AN ABUSE INVESTIGATION**

### **Introduction**

This Protocol provides a framework for consistent, quality services to children and families during an abuse investigation completed by ANCR when that case is being managed by an ongoing Agency.

The Protocol exemplifies the desire of ANCR and ongoing Agencies to cooperate and share information for mutual clients. It is based on the principle that the protection and best interests of children and families are the primary considerations in all decision.

ANCR agrees to openly share and communicate all information obtained in the course of abuse investigation with ongoing Agencies.

ANCR agrees to provide risk assessment data pertaining to the abuse investigation to ongoing Agencies to assist them in development of their continued case/visitation planning.

### **Definitions**

**ANCR Abuse Investigation Program-** Agency who as an auxiliary service conducts Abuse Investigations on behalf of ongoing Agencies for specific children referred to the Abuse Investigation Program, or, when new cases opened at Intake have been transferred to an ongoing Agency and an abuse investigation is underway.

**External Agency-**Agency who holds mandated responsibility for service delivery under the Child and Family Services Act including case and visitation planning.

**ANCR Abuse Referral Form-**The tool used by ongoing Agencies to refer children they are working with to ANCR for completion of an Abuse Investigation.

**All Nations Abuse Unit-**The ANCR abuse unit assigned to receiving all referrals from External Child Welfare Agencies.

**First Nations North/South Unit-** The ANCR abuse unit assigned to receive all new cases with cultural determination from the Northern or Southern Authority.

**General Authority/Metis Unit-**the ANCR abuse unit assigned to receive all new cases with cultural determination from the General or Metis Authority.

### **Communication Protocol and Schedules**

**Part One-**At the outset of assignment of cases within the All Nations Abuse Unit a letter confirming initiation of abuse investigation will be sent to External Child Welfare Agencies from the supervisor of the All Nations Abuse Unit.

For new cases transferred by ANCR to ongoing Agencies, the First Nations North/South Abuse Unit or the General/Metis Abuse Unit will include an IM case note in the transfer indicating that an ongoing abuse investigation is underway and the name of the abuse investigator identified.

**Part Two-** Within thirty days of the initiation of an abuse investigation or within thirty days of case transfer, an Investigation Update will be provided to External Child Welfare Agencies by the assigned investigator.

**Part Three-** While the ANCR abuse investigation is active, a Monthly Update Report will be submitted each month by the assigned investigator.

**Part Four-** A conclusion letter will be submitted advising of the finding of the ANCR Abuse investigation when all steps of investigation are complete by the assigned investigator.

**Part Five-** The abuse investigation report will be sent to the External Child Welfare Agency when paper requirements are completed by the assigned investigator and approved by the abuse supervisor.

The Protocol includes the following Schedules;

- Schedule A- Confirmation of Initiation of Abuse Investigation*
- Schedule B- Monthly Investigation Update*
- Schedule C- Conclusion Letter*
- Schedule D- Template of Abuse Investigation Report*

#### **Commitment to Protocol**

ANCR agrees to work cooperatively with other External Child Welfare Agencies to facilitate open communication respecting all details of abuse investigation respecting our mutual clients.

#### **Dispute Resolution**

In the event of a dispute between ANCR and an External Child Welfare Agency regarding communication or information sharing, the matter will be referred to the ANCR Abuse Supervisor or Abuse Director with a view to facilitate a mutually satisfactory resolution of the matter.

#### **Commencing of Protocol**

This Protocol comes into effect on April 1, 2013 on all new cases received by the program as of that date.

**Appendix D – Sexually Exploited Youth Referral Form**

<b>CHILD AND FAMILY ALL NATIONS COORDINATED RESPONSE NETWORK</b>	
<b>SEXUALLY EXPLOITED YOUTH REFERRAL FORM</b>	
<b>835 PORTAGE AVENUE</b>	<b>FAX: 944-4250</b>

<b>Assigned Worker:</b> _____ <b>Telephone Number:</b> _____ <b>Agency:</b> _____ <b>Address:</b> _____ <b>Email Address:</b> _____	<b>Supervisor:</b> _____ <b>Telephone Number:</b> _____ <b>Authority:</b> _____ <b>Date of Referral:</b> _____ <b>Email Address:</b> _____
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SEXUAL EXPLOITATION  PHYSICAL ABUSE FOR EXPLOITATION

**FAMILY SURNAME(S):** \_\_\_\_\_

BIOLOGICAL PARENTS / LEGAL GUARDIANS		Birth date	Age	Address
<b>Mother:</b>				
	Nee:			
<b>Father:</b>				
<b>Other:</b>				
	Relationship:			
<b>Other:</b>				
	Relationship:			

<b>X</b>	<b>CHILDREN (full names)</b> <small>(list in birth order- "X" if alleged victim of abuse)</small>	M/F	Birth Date	Age	Address / Placement	<b>Status:</b> <b>In home, TW, PW, VPA,</b>

<b>PHYSICAL DESCRIPTION OF CHILD:</b>	
---------------------------------------	--

<b>SPECIAL NEEDS:</b>	
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**WHAT DID THE YOUTH DISCLOSE AND/OR PROVIDE DETAILED INFORMATION AS TO ALLEGATION(S) MADE:**

Date(s) of this (alleged) abuse (from / to) and place where incident occurred:

**How long has the child/youth been sexually exploited?**

Explain (and attach) all relevant history concerning past abuse incidents:

**Police:**

Reported:

Police Incident #:

Investigating Officer:

Charges / Outcome:

Has this been previously investigated by Police:

Other information:

**MEDICAL:**

Date of medical examination:

Doctor:

Findings:

Letter from Dr. received:

**AWOL Information:**

Where does youth go when AWOL?

How frequent and for what length of time is youth AWOL?

Date(s) and location of most recent AWOL?

Harbouring Information:

Has this been reported to Missing Persons Unit?

Other information:

**SAFETY ASSESSMENT:**

What steps have been take to ensure the youth's safety?

\_\_\_\_\_  
Worker \_\_\_\_\_

Supervisor



## Appendix E – Client Contact Policy

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<b>Client Contact</b>	<b>Policy Category/Number</b>	<b>PSD 4</b>
	<b>Date Approved</b>	<b>May 7, 2012</b>
<b>Responsible Authority:</b> Associate Executive Director of Service	<b>Applicable to</b>	<b>All Staff</b>
	<b>Created by</b>	<b>Associate ED of Service</b>
	<b>Date Reviewed</b>	<b>Original</b>
	<b>Date Revised</b>	<b>Original</b>
	<b>Number of Pages</b>	<b>2</b>

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### 1.0 Policy Statement

ANCR is mandated to provide intake services on all reported allegations of abuse and neglect and all other requests for service eligible under the CFS Act in our jurisdiction. Highly skilled social workers conduct safety and risk assessments, using consistent tools and processes, to determine the services the child and family require. Face to face contact is an essential component of ANCR’s assessment and investigation processes.

### 2.0 Legislative Base

#### ***Child and Family Services Act, Section 18.4 (1)***

Where an agency receives information that causes the agency to suspect that a child is in need of protection, the agency shall immediately investigate the matter and where, upon investigation, the agency concludes that the child is in need of protection, the agency shall take such further steps as are required by this Act or are prescribed by regulation or as the agency considers necessary for protection of the child.

### 3.0 Child and Family Services Standards

The Child and Family Services Standards Manual (Volume 1, Agency Standards, Chapter 1, Case Management, Introduction) outlines the following:

The nature and frequency of contact with children are governed by the potential risk to a child and the service provided. Intake workers and case managers must see a child, that is, have direct face-to-face contact, to ensure the child is safe and receives appropriate services in relation to the following case management and service activities:

- Conducting a safety assessment to determine if a child is or might be in need of protection.
- Apprehending a child in need of protection.
- Assessing the risk to and needs of the child to determine what agency services or interventions are required.
- Involving a child in the planning process to help the child accept a service or prepare for a placement.
- Leaving a child found to be in need of protection in the family home or returning a child to the home.
- Contact with a child in care placed in a place of safety, foster home, group home, treatment centre or other child care facility.
- Placing or moving a child in care.

In the case of a child protection emergency, when time or distance prevents immediate face-to-face contact with a child, an intake worker or case manager may rely on the police, a health professional, school authority or community service provider to see the child and to confirm by email or telephone that the child was seen.

#### 4.0 Policy

- 4.1 Where there is an allegation of abuse or neglect of a child a safety assessment must be conducted on all children in the household. This requires *at minimum* that the worker observe and, where possible, interview the child in a safe environment.
- 4.2 The worker is required to meet standards for intake response times on all referrals (Child and Family Services Standard Volume 1, Chapter 1, Section 1.)
- 4.3 All investigations require face to face contact by the worker with the primary caregiver at their current place of residence before the intake disposition is determined.
- 4.4 Where possible, the worker will make direct contact with the person who is alleged to have caused a child to be in need of protection.
- 4.5 Any exceptions to this policy must be approved by the Supervisor. Exceptions may include:
  - The primary caregiver resides outside of ANCR's geographic jurisdiction
  - The worker is unable to locate the primary caregiver after repeated attempts.
  - The intake is attached to an on-going service provider agency who is currently providing service and is responsible for case management activities
  - An interview may not be an option due to a child's developmental stage or cognitive ability
- 4.6 Where case disposition determines ongoing service under part 3 of the act, the worker will continue to provide case management services which meet the standards for frequency of contact as outlined in Standard 1.1.4 (2) – Frequency of Contact.
- 4.7 Program Directors are responsible for the development of program manuals which further outline procedures for client contact.

#### 5.0 Policy Cross reference

- 5.1 Response times policy

