

Effective Date March 26, 2020

## WHAT YOU NEED TO KNOW

Maintaining connections and facilitating access between children, youth and their families is in the best interests of children and youth and is essential to their wellbeing especially now during the COVID-19 pandemic. The Federal Act requires directors to promote an Indigenous child's attachment and emotional ties to family members if consistent with the child's best interests. Maintaining connections and facilitating access will be increasingly challenging due to facility and office closures, social distancing and service providers being unable to provide transportation and supervision. Creativity is needed to maintain connections and facilitate access.

Due to the BC Provincial Health Officer's orders and recommendations and in light of the fact that a Provincial Emergency has been declared in BC, it has been determined that "in person" visits outside of caregivers' homes for children and youth in care are inconsistent with these directions.

**Effective March 26, 2020 all visits will be conducted virtually** (eg. Skype, telephone). It is important for children and youth in care to remain connected in a meaningful way to their family, extended family and community now more than ever. We recognize that we are in an unprecedented time and that we need to be focused on physical health while at the same time ensuring connections, belonging and attachment. We will ensure parents, children and youth have the supports they need to connect virtually and often. Staff are expected to ensure that children and youth in care have virtual connection to their families during this time that in person connection has been suspended.

How we work with families to ensure connection and social support is key to an individual's ability to be resilient in the face of our current environment. We will need to be creative with the ways that we keep children, youth, families and their communities connected, much the same as we have had to do in our own families and with each other. A trauma informed response includes: supporting multiple ways for communicating, e.g., video conference, email, phone or text and encouraging opportunities and methods for virtual in person contact, e.g., skype. Setting up and supporting regular family circles and check-ins.

There may be exceptional circumstances regarding the need for in person visitation, these will need to be approved by a Designated Director and they will need to follow the instructions of the Provincial Health Officer <https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer>.

Prior to submitting an exception for approval, you will need to consider the following:

- Is the in person visitation key to the child/youth's sense of safety/well-being and due to special needs/ circumstances virtual visitation is not an option (could escalate trauma/anxiety) and visitation can occur within the parameters of the instructions of the Provincial Health Officer;
- Is in person visitation for a child/youth in care with their family able to occur within the parameters of the instructions of the Provincial Health Officer and are all parties in agreement with the in person visitation (ex caregivers who will either facilitate the visit and/or have the child/youth return to their home following the visit)?

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Some examples of exceptional circumstances may include:

- visitation with a parent(s) is part of an imminent planned return to parent and in person visitation can be conducted in a manner consistent with the directions of the Public Health Officer;
- due to a family circumstance where in person visitation is in the child's best interest and visitation can be conducted in a manner consistent with the directions of the Public Health Officer (for example a breast feeding infant);
- palliative child/youth in care or family member and visitation can be conducted in a manner consistent with the directions of the Public Health Officer.

If there are exceptional circumstances, MCFD staff will need to speak with their supervisor who will consult with their designated director and DAA staff will need to speak with their supervisor and ED who will consult with the Designated Director for DAAs in Aboriginal Services Branch. If the designated director approves an exception, they will send an email to the Provincial Director of Practice, Michelle Wywrot with a cc to the Executive Director of Practice, Joanne White.

This decision regarding no in person visitation (unless exception is approved) for children and youth in care will be reviewed in 30 days or sooner if there are new directions or orders from the Provincial Health Officer.

#### **Court-ordered access:**

In many cases, the wording of access orders is "reasonable and supervised at the discretion of the Director". Given the orders and recommendations of the Provincial Health Officer and the importance of stable placements for children and youth, in-person visits are not considered reasonable at this time. Virtual access between children and their families and approved, in-person visits in exceptional circumstances is reasonable access. Delegated staff must ensure that children, youth and parents can frequently connect with one another virtually.

If an access order specifies in-person contact or dates and times for access, and the director is unable to comply with the order due to the suspension of in-person visits, delegated staff should seek parent's consent to vary access terms and remind parents of their right to legal counsel. If parents are represented by legal counsel, director's counsel should seek consent to vary access terms through parent's counsel. If parent's do not consent to vary the access terms, parents can determine whether to bring the matter to the court's attention. The Office of the Chief judge has communicated that applications to vary access orders are not considered urgent during the COVID-19 pandemic. As such, directors should not apply to vary access orders unless, after consultation with director's counsel, it is determined that such an application is urgent. Delegated staff should document all communication with parents,

### WHERE TO FIND MORE INFORMATION

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If you have further questions, please contact your Director of Practice

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