

Removal of a Foster Child from a Foster Home as per the Child and Family Services Act c80, section 51 subsections 1 - 3  
Flowchart Prepared by the Kinship & Foster Family Network of Manitoba

The child's agency may remove a child from a foster home if they feel that it is in the child's best interest to do so.

If a foster parent objects to this decision they may file an appeal with the agency.  
A Place of Safety is also able to appeal within specific guidelines.

If an appeal is filed, the foster child must remain in the foster home until a final decision is made **unless;**  
**one of the criteria listed in subsection 51(2) is met.**

The child is or might be in need of protection

The child has lived with the foster parents for less than a year and is being removed because of a planned adoption placement

The child is no longer in the care of an agency because a voluntary placement agreement or court order has been terminated

The child is being removed because of a planned placement, and pre-placement visits have taken place

**Appeal Process as per Foster Parent Appeal Regulation 185/2003 of the Child & Family Services Act.**  
**Flowchart prepared by the Kinship & Foster Family Network of Manitoba.**

**AGENCY.** Decision is made to remove the child from the Foster Parents.

**Within 2 calendar days** after informing the foster parents of the decision the agency must provide; the foster parents with written reasons for its decision, a copy of the Appeal Process Regulations, written notice of their right to request the Executive Director (ED) of the agency to review the decision, request a reconsideration by the agency's authority, and then to have an independent appeal.

**Within 12 days** after receiving the written reasons for the agency decision to remove the foster child, foster parents may object to the decision by filing to the agency ED a written request for the decision to be reviewed.

**Within 7 days** after receiving the request for a review and before reviewing the decision, the ED must offer the foster parents, in writing, an Alternate Dispute Resolution process (ADR).

The foster parents have **15 days** from the date they received the offer an ADR Process to advise the agency in writing whether they agree to the process of the above letter foster parent.

**Review by Alternate Dispute Resolution** Agency and foster parent resolve the issue. There is no time restriction on this process. If the ADR process is unsuccessful either the foster parents or the agency may notify the ED who must review the decision.

**Review by Agency Executive Director**  
Within **7 days** after being advised that the review by the ED is necessary and after reviewing the information, the ED must give a copy of the decision with reasons to both the foster parents and to the authority for the agency.

**AUTHORITY.** If unsatisfied with the decision of the ED the foster parent may request the Senior Executive Officer of the Authority to reconsider the matter. The request must be made, in writing, within **7 days** after the foster parents receive the decision of the ED. Within **7 days** after being advised of a request for reconsideration, the E.D. of the Agency must give the senior executive officer of the Authority copies of all pertinent documents. The senior executive officer of the Authority must make a decision and give a written copy to the foster parent within **30 days** after receiving the request for reconsideration.

**DIRECTOR.** If the foster parent is not satisfied with the decision of the Authority they may file a written notice of appeal to the Director of Child Protection Branch within **14 days** from receiving the authorities decision. This begins the within e process of the Independent Appeal.

**Independent Appeal Process as per Regulation 185/2003 of the Child & Family Services Act, assented**  
**Flowchart prepared by the Kinship & Foster Family Network of Manitoba**

**INDEPENDENT APPEAL.** If the foster parents are not satisfied with the decision of the Authority they may file a written notice of appeal with the Director of the Child Protection Branch of the Department of Families, within 14 days of receiving the Authorities decision.

The **DIRECTOR**, within **7 days** after receiving the notice of appeal, must give a copy of the notice to the agency and the Authority and request the Minister appoint an adjudicator.

Within **7 days** after receiving the notice of appeal the agency must file the following documents with the director:

- the foster parents request for review by the ED,
- all records on the foster home,
- all records the ED used to base the agency's decision,
- the decision of the ED and rational for the decision, and
- any other records that might be relevant to the appeal

The **AUTHORITY** must file following documents with the Director;

- the foster parent's request for reconsideration,
- all records the Authority used to make their decision,
- the authority's decision with rational, and
- any other records that might be relevant to the appeal.

Hearing must commence within **15 days** after the Minister appoints the adjudicator.

The foster parents or the agency can ask the adjudicator for an extension.

The Director must notify the agency and the foster parent, in writing, of the hearing date, time and place, at least **10 days** before the day of the hearing.

The Adjudicator, must within, **15 days** after the end of the hearing, give her/his decision and reasons for the decision in writing to the Foster Parent, the Agency, the Authority, and to the Director.  
**This decision is final.**