

Foster Parent Appeals Regulation

The *Foster Parent Appeals Regulation* sets out the procedures and timelines for removing a child under section 51 of the Act. The table below highlights procedures and timelines for foster parents, the placing agency and the agency's mandating authority.

Procedures and Timelines for Removal of a Child from a Foster Home

| Section | Provision | Timeline |
|----------------|--|-----------------|
| 2 | An agency must give foster parents written reasons for its decision to remove a foster child, written notice of their right to a review, reconsideration and appeal, a copy of this regulation. | 2 days |
| 3 | Foster parents may object to a decision to remove a foster child by filing a written request for a review with the executive director of the agency. | 12 days |
| 4(1) | The executive director must offer the foster parents, in writing, an alternative process to resolve their dispute with the agency. | 7 days |
| 4(1.1) | The foster parents have up to 15 days from the day they receive the offer of an alternative process to advise whether they agree to the process. | 15 days |
| 4(2) | Foster parents and the agency may resolve their dispute through an alternative process. If not, either party may advise the executive director accordingly. | |
| 5 | The executive director must review the decision to remove the foster child if the foster parents did not agree to an alternative process or it was unsuccessful or the time line (see 4(1.1)) has expired. The executive director must give a copy of the decision to the foster parents and the agency's mandating authority. | 7 days |
| 6(1) | If not satisfied with the decision of the executive director, foster parents may request, in writing, a reconsideration by the senior executive officer of the agency's mandating authority. | 7 days |
| 6(2) | The agency must send agency and other records used by the executive director in making a decision to the mandating authority. | 7 days |
| 6(3) | The senior executive officer of the authority must make a decision and give a copy to the foster parents. | 30 days |

| | | |
|---|--|---------|
| 7 | If not satisfied with the decision of the senior executive officer, the foster parents may file a notice of appeal to the Child Protection Division in writing . | 14 days |
| 8 | The parties to the appeal are the foster parents and the agency that removed the foster child. | NA |
| 9 | The director (Child Protection Division must give a copy of the notice of appeal to the agency and its mandating authority and request the minister to appoint an adjudicator. | 7 days |

Sections 10 and 11 of the regulation pertain to the appointment of adjudicators. Sections 12 through 20 apply to procedures and timelines with respect to adjudication hearings and decisions.

Counting Days

When counting days we are counting 'calendar' days as per Manitoba's *Interpretation Act*, C.C.S.M. c. 180.

May, 2018