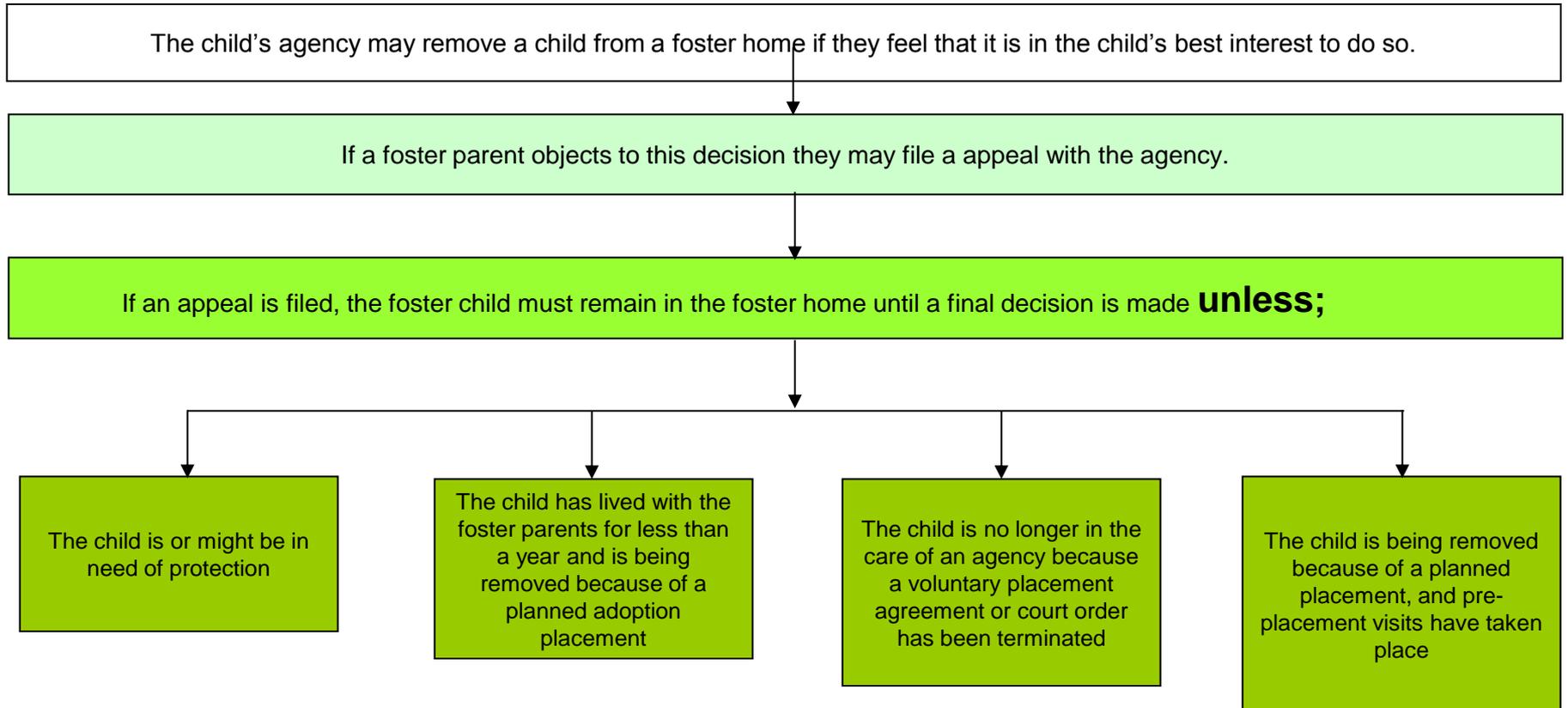


Removal of a Foster Child from a Foster Home as per the Child and Family Services Act c80, section 51 subsections 1 - 3
Flowchart Prepared by the Manitoba Foster Family Network
(NOTE: Red lettering is new as of May, 2018)



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

AGENCY. Decision is made to remove the child from the home

2 days after informing the foster parents of the decision the agency must provide the foster parent with written reason for its decision and 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 to have an independent appeal. They must also provide a copy of this regulation.

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

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

15 days from the date of the above letter foster parent decides whether or not to accept the ADR process and communicates the choice to the agency in writing.

Review by ADR

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

Review by ED

7 days after being advised that it is necessary and after reviewing the information, the ED communicates the decision and 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 can ask the Senior Executive Officer of the Authority to reconsider the matter. This request has to be made **7 days** from the time they 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 exec. officer of the Authority copies of all pertinent documents. The senior exec officer of the Authority must make a decision and give a copy to the foster parent within 30 days.**

DIRECTOR. If the foster parent is not satisfied with the outcome of the decision of the Authority they have **14 days** from receiving this decision to file a notice of appeal to the **Director** of the Child Protection Branch of the Department of Family Services and Housing of the Province of Manitoba. This begins the process of the Independent Appeal.

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

INDEPENDENT APPEAL. If the foster parents are unsatisfied with the decision of the Authority they have **14 days** to file a **written** notice of appeal with the Director of the Child Protection Branch of Family Services and Housing.

The **DIRECTOR** has 7 days from receiving the notice of appeal to notify the agency and the authority and request the Minister assign an adjudicator.

After the **AGENCY** is notified of the appeal they have **5 days** to provide the Director with;

- 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 **ADJUDICATOR** sets a hearing date for **15 days** after being assigned.

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

The **AUTHORITY** must provide the Director with;

- 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.

The Director must notify the agency and the foster parent of the hearing date at least 10 days before the day of the hearing.

The hearing can last as long and the Adjudicator feels necessary. The Adjudicator has 15 days from the end of the hearing to provide 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