

## Care Responsibilities

This section covers roles and responsibilities with respect to the care and supervision of a child in foster care. It applies to child and family services agencies, foster parents and, when applicable, [service organizations](#) operating a foster home program.

[Legislation](#)  
[Policy](#)  
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### Legislation

The table below lists and describes relevant sections in the [Foster Homes Licensing Regulation](#) that pertain to the provision of foster care.

<b>Foster Homes Licensing Regulation</b>	
<b>Section</b>	<b>Content</b>
3(4)	Licensing considerations including capacity of the foster home and the suitability of the home environment
5	Exemptions relating to building construction and use, fire prevention and safety and public health
7-8	Limits on the number of children and mix of children and adults
18	Screening of persons who work with foster children and casual workers
19	Records of foster children to be kept by foster parents (licensees)
20	Discipline and behavioural management
21	Complaints – written grievance policies of licensing agencies and requirement for foster parents to assist a foster child
22	Incidents – definition, reporting and reviews
23	Emergency procedures
24-27	Space and accommodation
28-29	Equipment and supplies for the facility and foster children in the home
30	Meals
31-35	Health and safety – health care, medications and firearms
36-37	Visitors
38-41	Money and possessions of a foster child, personal allowance funds, and restitution or compensation

The other legislative requirements (federal, provincial and municipal) referred to in clause 3(4)(e) of the regulation pertain to applicable standards in legislation, regulations and by-laws governing building construction and use, fire prevention and safety and

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public health. These requirements are listed in the Foster Home Licensing Reference Manual distributed through the Child Protection Branch.

The duties of the Children's Advocate under [section 8.2](#) of *The Child and Family Services Act* include reviewing and investigating complaints and representing, other than as legal counsel, the rights, interests and viewpoints of children who receive or are entitled to receive services.

## Policy

[Complementary Roles](#)  
[Foster Home Environment](#)  
[Foster Home Placements](#)  
[Foster Child Health and Safety](#)  
[Foster Child Grievances](#)  
[Incident Reporting](#)  
[Incidents Involving Child Abuse](#)  
[Additional Foster Parent Responsibilities](#)

The following provincial policies apply to requirements in the [Foster Homes Licensing Regulation](#) directly related to the provision of foster care. They cover the respective roles of licensing, placing and [managing agencies](#) as well as foster parents.

### Complementary Roles

Licensing agencies, placing agencies and foster parents have complementary roles in the provision of foster care. Clarity as to these responsibilities and a cooperative team-oriented approach between agencies and foster parents are critical to the provision of quality foster care. The remainder of this section clarifies roles and responsibilities with respect to care responsibilities.

With the exception of the licensing of foster homes, licensing and placing agency responsibilities may also be carried out by a managing agency contracted or authorized by a licensing agency, child and family services authority or the Child Protection Branch to operate foster home programs. A licensing agency has full responsibility when it is also the placing and managing agency.

### Foster Home Environment

Licensing agencies are responsible for ensuring compliance with legislation, regulations and by-laws governing building construction and use, fire prevention and safety and public health. They may rely on a managing agency to complete inspections. Placing and

managing agencies and foster parents have a duty to inform licensing agencies of home environment issues.

## Foster Home Placements

Licensing agencies are responsible for coordinating the use of a foster home and ensuring compliance with placement limits in sections 7 and 8 of the [Foster Homes Licensing Regulation](#). Placing agencies determine whether a home is suitable for a specific child in collaboration with the licensing agency and are responsible for managing [placements](#) and [removals](#). Licensing and placing agencies may rely on a [managing agency](#) to carry out these responsibilities.

## Foster Child Health and Safety

Licensing agencies have primary responsibility to ensure compliance with sections 34 to 36 of the [Foster Homes Licensing Regulation](#) pertaining to health and safety practices, firearms and hunting devices. Placing agencies have primary responsibility to work with foster parents regarding health care and medications (see sections 31, 32 and 33 of the regulation). Licensing and placing agencies may rely on a [managing agency](#) to carry out these responsibilities.

In addition to the requirements in section 35 of the regulation, all reasonable steps must be taken to ensure the safety of children including the following:

- Hot tubs have a locked hard cover. Children using a hot tub must be appropriately supervised at all times based on their age and level of maturity.
- Children in the home are not exposed to second-hand smoke. Children under 16 years of age are not allowed to smoke.
- Swimming pools are locked. Once in the pool, children must be supervised at all times.

## Foster Child Grievances

The written grievance policy established by a licensing agency under section 21 of the [Foster Homes Licensing Regulation](#) must not in any way hinder a child's right to grieve the actions of a foster parent or other person in the home.

A licensing agency is responsible for ensuring that foster parents and others caring for children in a home understand its grievance policy and that it applies to a child placed by another agency. The child's worker must make sure the child understands how to lodge a

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complaint based on the policy of the licensing agency. Foster parents and workers must respond to grievances in accordance with [Standard 4](#) in this section.

The grievance policy of a managing agency must be consistent with and acceptable to the licensing agency. For example, the grievance policy for a foster home program operated by a service organization must be acceptable to the licensing agency.

## Incident Reporting

A licensing agency is responsible for advising foster families of its procedures for reporting incidents in compliance with section 22 of the [Foster Homes Licensing Regulation](#).

Licensing and placing agencies must advise each other of any reports received. Placing agencies must report an incident to the licensing agency and, when applicable, the managing agency. A managing agency must report an incident to the licensing and placing agency. The licensing agency is responsible for ensuring appropriate reviews are done and issues are addressed by all parties involved.

## Incidents Involving Child Abuse

Incidents involving an allegation of abuse by a foster parent or other care provider in the home must be dealt with as a [child protection referral](#). These situations are covered in detail in Section 1.3.4, [Provincial Child Abuse Investigations](#).

## Additional Foster Parent Responsibilities

In addition to the requirements and standards under Part 3 of the [Foster Homes Licensing Regulation](#), foster parents are expected to provide care and supervision to the best of their abilities to meet the needs of a child. These responsibilities are listed in detail in Section 6 of the provincial Foster Family Manual. The list is also available on-line at [www.gov.mb.ca/fs/childfam/fostercare](http://www.gov.mb.ca/fs/childfam/fostercare).

## Standards

- 1. Exemptions to Physical Environment Requirements** – The results of any exemptions allowed under section 5 of the [Foster Homes Licensing Regulation](#) are recorded and documented on the [foster home record](#) prior to a decision to license a foster home or renew a licence. The information and documentation must include:
  - a description of the home and details of any concerns relating to building construction and use, fire prevention, and safety and public health

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- documents received from an authority enforcing the applicable legislation, regulation or by-law
  - action or steps taken to address home environment issues
  - any restrictions on the use of the home due to the home environment

This standard also applies to a managing agency requested or contracted to conduct a foster home assessment. The managing agency must forward all relevant information and copies of letters or reports to the licensing agency for its foster home record.

2. **Foster Child Health and Safety** – Consistent with general [child placement](#) requirements, the child's worker and foster parents review a child's health and safety needs at the time of placement and during contacts as required under [Standard 3](#) in Section 1.1.4, Service Provision. The results and actions taken are noted on the agency's [child-in-care](#) record and the record of the child maintained by the foster parents (see section 19 of the [Foster Homes Licensing Regulation](#)).

This standard also applies to a managing agency requested or contracted to provide placement services. The managing agency must forward all relevant information and copies of letters or reports to the placing agency for its child-in-care record.

3. **Foster Home Incident Reporting** – Pursuant to section 22 of the [Foster Homes Licensing Regulation](#), a foster parent immediately reports an incident as defined in the regulation to the licensing and placing agency in the manner and form required by the licensing agency. Reports that indicate a child is or might be in need of protection are dealt with immediately as a child protection matter (see Section 1.3.4, [Provincial Child Abuse Investigations](#)).
4. **Foster Child Grievances** – Pursuant to section 21 of the [Foster Homes Licensing Regulation](#) and the foster child [grievance](#) policy in this section, foster parents are advised at the time of licensing of a child's right to grieve to the agency or the Children's Advocate. The covering letter when issuing or renewing a licence includes a reference to section 21 of the regulation and a copy of the licensing agency's grievance policies.
5. **Agency Reviews of Foster Grievances** – Complaints that indicate a child is or might be in need of protection are dealt with immediately as a child protection matter (see [Standard 3](#) above). For all other grievances, the worker reviews the complaint with the foster parent and child at a minimum during regular contacts required under [Standard 3](#) in Section 1.1.4, Service Provision. The results of the review and any further action taken or required are recorded on the child's file. Any concerns about

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the foster home are also reported to the foster home worker or coordinator responsible for licensing the home.