



SAFE RELEASE OF CHILDREN CHILD CARE

COMMUNITY CARE FACILITIES LICENSING PROGRAM

This Information is being provided to assist Licensees in the development of an appropriate policy for their facility regarding the release of a person in care from a child care facility.

Background

The intent of the following sections of the Child Care Licensing Regulation (CCLR) is to ensure the safety of children in care by establishing that only a parent, or a person who has been authorized in writing by a parent, is permitted to pick up a person in care at a child care facility.

Section 49 states:

- (1) A licensee must ensure that a parent has reasonable access to his or her child while the child is in the community care facility.

Section 56 states:

- (1) A licensee must keep current records of each of the following:
 - (a) written policies and procedures for the safe release of children.

Section 57 states:

- (2) A licensee must keep, for each child, a record showing the following information:
 - (j) a record of any person who is not permitted access to the child.
- (3) A licensee must have in writing from a parent, and maintain at the community care facility, consent
 - (b) to release a child to someone other than the parent.

Section 50 states:

If a person is identified under section 57 [records for each child] as a person who is not permitted access to a child, a licensee must take reasonable steps to prevent that person from accessing the child.

These requirements aim to provide additional safeguards to children in care and to facility staff by ensuring that the Licensee and staff are prepared to handle situations that may arise when someone other than the parent or authorized person arrives to pick up a person in care. Authorized persons can change from time to time in accordance with changes in living arrangements, custody orders, etc.

Guidelines

- In developing written policies as per Section 56(1)(a) of the CCLR, the Licensee may wish to consult the suggested resources, which are included under the reference section of this Infosheet. The Licensee may also wish to consult with his/her solicitor.
- If a Licensee is concerned about releasing a person in care to a person under a certain age, the Licensee could develop a written policy that restricts the minimum age of the persons authorized by the parents to remove a person in care from the facility.
- In situations when an individual who appears to be incapable of providing safe care is “not permitted access to a children” attempts to remove a child in care from the facility, the Licensee/staff member is obligated to consider the health and safety of all involved, including other children in care, staff and him/herself. For the situation where an individual who appears to be incapable of providing safe care the policy could include offering to call a friend or relative to pick up the individual and the person in care.
- Policy should also address when staff will contact the Ministry of Children and Family Development and/or the Police. The Licensee/staff member should always consider whether a child is in need of protection in accordance with Section 13 of the *Child, Family and Community Service Act*. If the Licensee/staff member believes a child will be at risk, a report should be made to the Ministry of Children and Family Development. If an individual chooses to drive a vehicle while impaired, staff should report this to the Police.
- The Licensee/ staff should document the occurrence in the facility’s daily logbook.

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References

Section 1 of the Child Care Licensing Regulation defines “parent” to mean the parent of a child, or if applicable:

- (a) the child’s guardian;
- (b) the person legally entitled to custody of the children; or
- (c) the person who usually has the care and control of the child.

Helpful resources include:

- *INFORM Guide: An Administration Manual for Non-Profit Child Care in BC*, Child Care INFORM , a program of Westcoast Child Care Resource Centre, 2006 (Chapter 8: Legal Issues and Liability) www.wstcoast.org
- *Taking Care: A Child Abuse Prevention Manual for Canadian Early Childhood Educators*, ECEBC, 1997, (Chapter 5: Communicating with Parents)
- *Policies and Procedures for Child Care Programs – Tough and Sensitive Issues*, Child Care INFORM, a program of Westcoast Child Care Resource Centre, 2001/2002. www.wstcoast.org