

The Stages of a “Child Protection” Investigation

A STAGE-BY-STAGE OVERVIEW FOR PARENTS AND CAREGIVERS

Who is investigating me?

The Ministry of Children and Family Development (MCFD) is a BC government ministry that has the legal authority to protect children from what it believes to be abuse and neglect. It has offices throughout BC that carry out “child protection” activities.

An Indigenous Child and Family Service Agency (ICFSA) is an agency that has been delegated (given) “child protection” powers by MCFD and serves a specific Indigenous Nation or community. MCFD’s policies and procedures apply to ICFSAs.

MCFD or ICFSA workers (“workers”) have the power to screen, investigate, and respond to child safety concerns. They might be called child protection workers, child safety workers, or social workers. Supervisors are called team leaders.

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STAGE ONE

Receiving a Report

MCFD and ICFSAs learn about children who might need protection from reports made by professionals and community members.

Everyone in BC has a legal duty to contact MCFD or an ICFSA if they believe a child needs protection from abuse or neglect. MCFD and ICFSAs must then screen every report they receive (unless they transfer the report to a child’s Indigenous Nation).

If someone made a report about your child, this doesn’t mean your child was actually harmed or is at risk.

What if my child is Indigenous?

MCFD or an ICFSA might be required to transfer your case to your child’s Indigenous Nation. This means the Nation will investigate the safety concerns.

Sometimes MCFD or an ICFSA will do the investigation rather than the Nation. Specific rules and protections apply in these cases. A representative of your child’s Nation can participate in the investigation process, including by providing you with legal and cultural advocacy.

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STAGE TWO

The Screening Assessment

A worker will review the report.

They will decide if the report contains child safety concerns that need to be investigated. In an emergency situation (that is, when the worker believes your child is at risk of immediate harm), they will send someone to check on your child right away.

You have rights during an investigation.

If possible, talk to a lawyer about exercising your rights in your specific situation. You might be eligible for free legal help from Legal Aid BC and, if you're Indigenous, an Indigenous Justice Centre. Their services start from the moment MCFD or an ICPSA contacts you about a report or investigation.

Learn more about your investigation rights:
westcoastleaf.org/family-investigations

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STAGE THREE

The Investigation

There are two types of investigations.

FAMILY DEVELOPMENT RESPONSE ASSESSMENT

Used in most cases, this is supposed to be a collaborative investigation process where you will cooperate with each stage of the investigation.

CHILD PROTECTION INVESTIGATION

This process is used in cases where there are severe safety concerns or where the worker believes collaborating with you isn't possible. It can go ahead without your cooperation.

In both types of investigations, a worker will usually try to:

- Talk to you, your child, and any other parents or adults in the home. A worker can talk to your child without telling you beforehand.
- Create a safety plan that addresses your child's safety during the investigation.
- Collect information from other sources, such as the police, doctors, counsellors, and teachers.
- Visit your home to see your child's living situation.

What does cooperation mean during an investigation?

Even if you participate in a "collaborative" investigation process, you might feel scared and intimidated. You might feel like your "cooperation" is not really voluntary or free. This is natural when the person who is investigating you has the power to remove your child or do other things that would disrupt your family.

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STAGE FOUR

After the Investigation

In many cases, the investigation will find that your child is safe, and your case will be closed.

However, if the investigation finds that your child needs “protection,” MCFD or an ICFSA can take a range of actions.

The most serious action is removing your child from your care. MCFD or an ICFSA can only remove your child if they believe (a) your child is in immediate danger or (b) there is no less disruptive way to protect your child.

Is there bias in my case?

Bias and discrimination affect who is reported to MCFD or an ICFSA and how workers respond to reports. Indigenous families are disproportionately involved in the “child protection” system because of colonialism and anti-Indigenous racism.

Other families at higher risk of contact with this system include Black families, racialized families, poor families, single-mother families, and families where a parent or child has a disability.

LEARN MORE

Learn more about your rights during investigations at westcoastleaf.org/family-investigations



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