



Policy Name:	PROTECTION AND REMOVAL OF A CHILD		
Policy #:	OP 4.51.3	Last Updated:	2022-01-27
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

OP 4.51.1 *Child Under 12 Acting Contrary to Law*

1. PURPOSE

1.1. To ensure that Surrey Police Service (SPS) Members respectfully and safely consider the well-being and protection of Children who are under 19 years of age in accordance with the *Child, Family, and Community Service Act (CFCSA)*.

2. SCOPE

2.1. This policy applies to all SPS Members.

3. POLICY

3.1. The CFCSA ensures the safety and well-being of Children. The primary considerations are that Children are entitled to protection from abuse, neglect, threats and harm, and to be cared for in a nurturing and safe environment.

3.2. Members have obligations under the CFCSA, including the duty to report a Child in need of protection, and Take Charge of or remove a Child in need of protection.

4. PROCEDURE

4.1. Members may be required to carry out duties relating to the CFCSA, specifically:

- i. report to the Ministry of Children and Family Development (MCFD) a Child in need of protection;



- ii. report to MCFD a Child who commits an offence under federal or provincial laws as per s. 119(1)(n)(ii) of the *Youth Criminal Justice Act* (see OP 4.51.1 *Child Acting Contrary to the Law*);
- iii. enforce a court order if the Director MCFD is denied access to a Child;
- iv. take Charge of a Child in immediate danger;
- v. assist the Director MCFD in enforcing a Protective Intervention Order;
- vi. assist the Director MCFD in the removal of a Child; and
- vii. assist the Director MCFD in the enforcement of Custody Order.

4.2. Members will notify the Director MCFD and thoroughly document in a Police Record Information Management Environment (PRIME) General Occurrence report, all incidents relating to:

- i. Child protection;
- ii. Children in immediate danger;
- iii. enforcement of court orders;
- iv. removal of Children and Children needing to be prevented from contacting an inappropriate person; and
- v. any other circumstances relating to Child welfare.

4.3. Members may contact the After Hours MCFD office at 604-660-4927. The daytime office in Surrey can be reached at 604-502-5363, and is located at 110-7350 King George Boulevard, Surrey.

Child Protection

4.4. Under s. 13(1) CFCSA, a Child is in need of protection in the following circumstances:

- i. the Child has been or is likely to be, physically harmed by the Child's parent;
- ii. the Child has been, or is likely to be, sexually abused or exploited by the Child's parent;
- iii. if the Child has been or likely to be physically harmed, sexually abused or sexually exploited by another person and if the Child's parent is unwilling or unable to protect the Child;
- iv. if the Child has been or likely to be physically harmed because of neglect by the Child's parent;
- v. if the Child is emotionally harmed by:
 - a. the parent's conduct, or
 - b. living in a situation where there is domestic violence by or towards a person with whom the Child resides;
- vi. if the Child is deprived of necessary health care;
- vii. if the Child's development is likely to be seriously impaired by a treatable condition and the Child's parent refuses to provide or consent to treatment;
- viii. if the Child's parent is unable or unwilling to care for the Child and has not made adequate provision for the Child's care;
- ix. if the Child is or has been absent from home in circumstances that endanger the Child's safety or well-being;
- x. if the Child's parent is dead and adequate provision has not been made for the Child's care;

- xi. if the Child has been abandoned and adequate provision has not been made for the Child's care; and
- xii. if the Child is in the care of a director or another person by agreement and the Child's parent is unwilling or unable to resume care when the agreement is no longer in force.

4.5. If a Child is in need of protection, but the Child's health or safety is not in immediate danger, the Member will not Take Charge of the Child but will promptly report the circumstances to the Director MCFD and document the incident in a PRIME GO report.

4.6. Section 28 CFCSA empowers the Director MCFD to seek Protective Intervention Orders prohibiting undesirable persons from contacting a Child. Under s. 28(5) CFCSA a Member must assist the Director in enforcing a Protective Intervention Order.

Child in Immediate Danger

4.7. Under s. 27(1) CFCSA, a Member may, without a court order, Take Charge of a Child if the Member has reasonable grounds to believe that the Child's health or safety is in immediate danger.

4.8. Under s. 27(2) CFCSA, a Member may, without a court order and by force if necessary, enter any premises or vehicle or board any vessel for the purpose of Taking Charge of a Child if:

- i. the Member has reasonable grounds to believe that the Child's health or safety is in immediate danger; and
- ii. a person denies the Member access to the Child or no one is available to provide access.

4.9. Whenever a Member Takes Charge of a Child pursuant to s. 27 CFCSA, the Member will:

- i. take the Child to a Director or to a person or place designated by a Director; or
- ii. with the approval of a Director, return the Child to the Child's parent or take the Child to a person designated by the parent.

4.10. Members must submit a PRIME report outlining the grounds for Taking Charge of the Child, the disposition of the Child, and the name of the Director or designate involved.

4.11. In situations where a parent, guardian or caregiver is uncooperative with Members and/or a Director at the time the Child is being removed, Members may consider warning the uncooperative person against Obstructing a Peace Officer under s. 129 *Criminal Code* and pursuing arrest/charges if appropriate. Where there is a Court order in effect regarding the Child, anyone who violates the Court order may be chargeable under s. 127 *Criminal Code* (violating a court order).

APPENDIX A: DEFINITIONS

“Caregiver” is a person with whom a Child is placed by a Director and who, by agreement with the Director, is authorized to carry out the rights and responsibilities under the agreement of the Director.

“CFCSA” means the *Child, Family and Community Service Act*.

“Child” means a person under 19 years of age.

“Director” means a person designated by the Ministry of Children and Family Development under s. 91 CFCSA.

“MCFD” means the Ministry of Children and Family Development.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Parent” includes a person to whom guardianship or custody of a Child has been granted by a court of competent jurisdiction or by an agreement. This also includes a person with whom a Child resides and who stands in place of the Child’s parent or guardian.

“PRIME” means the Police Records Information Management Environment, the provincial police records management system.

"Protective Intervention Order" means an order made under s. 28 CFCSA.

"Remove" or "Take Charge" means to take a Child into the care of a Director MCFD.

“SPS” means the Surrey Police Service.

APPENDIX B: REFERENCES

Child, Family and Community Service Act, R.S.B.C. 1996, c. 46

Criminal Code, R.S.C. 1985, c. C-46

Youth Criminal Justice Act, S.C. 2002, c. 1