
ACCESS TO STUDENTS – CHILD WELFARE

Background

The investigation of child protection complaints is the responsibility of child welfare workers from the local Child and Family Services, who may, where appropriate, be assisted by police services.

Under the Child, Youth and Family Enhancement Act, child welfare workers have the same rights as parents for those children who are temporary or permanent wards of the government (Child and Family Services). Furthermore, child welfare workers and police officers have the authority to apprehend a child where there is sufficient reason to believe that the child is in need of protective services. In such cases, Child and Family Services immediately assumes guardianship and other parental rights for the child (later confirmed or altered in Family Court).

Child welfare workers are authorized to apprehend a child from school premises during the course of an investigation.

School authorities have a responsibility to cooperate with the police and other civilian authorities. They also have a responsibility to students to function “in loco parentis” (in the place of parents) during school hours. Occasionally, circumstances may develop where school officials are asked by certain authorities for permission to interview a student or search a locker, personal property or person.

Assistance and information is available on the Alberta Human Services website or by clicking on the link: <http://www.humanservices.alberta.ca/abuse-bullying.html>

School officials are expected to cooperate with child welfare and other appropriate civilian authorities in the execution of their duties.

Procedures

1. The Division strongly encourages investigating officers and officials to conduct their investigation without recourse to interviews with students in school, unless they deem such interviews to be essential to proper investigation.
2. No person except school personnel, the parent or legal guardian of the student, law enforcement officers or child welfare workers shall be permitted to interview a student on school premises.

INTERVIEW BY CHILD WELFARE WORKERS

3. When Child and Family Services come to the school and make a request to interview or apprehend a student in the course of an investigation, school administrations should:
 - 3.1 Ask for identification.

- 3.2 Allow the Child and Family Services worker to interview the student while maximizing privacy.
- 3.3 If requested, allow Child and Family Services to apprehend the student while maximizing privacy.
- 3.4 Cooperate fully answering all questions Child and Family Services may have to the best of your ability and allowing them to speak with anyone employed by the school to further their investigation.
- 3.5 Not contact the parents/guardians as this is the role of Child and Family Services. The administration, should clarify with the case worker when contact with the parents/guardians will be made, particularly when an investigation commences near the end of a school day and the child's return home may be delayed because an investigation is still incomplete.
- 3.6 Not discuss the matter with the parents/guardians, instead, refer them to the Child and Family Services agents that conducted the investigation.
- 3.7 Not disclose whether or not the original referral was made by administration or a school employee. (Please refer to this link for more information on reporting abuse <http://www.humanservices.alberta.ca/abuse-bullying.html>)
- 3.8 Notify the Superintendent/Board Office or designate.

Reference: Section 11,32,33,52,53,197,222 Education Act
Child, Youth and Family Enhancement Act
Youth Criminal Justice Act
Freedom of Information and Protection of Privacy Act
Police Act