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## Eligibility for Children Out of the Parental Home (COPH)

### General Principle

Administering authorities provide assistance to children out of the parental home (COPH) if:

- The child resides in the relative's home,
- The child's parent placed the child with the relative,
- The child's parent does not reside with the relative, and
- The Ministry of Children and Family Development (MCFD) determines that there is no evidence of a level of risk to the child in the home that compromises the home as an appropriate place for the child.

The parents are expected to contribute toward the cost of caring for the child.

Administering authorities administer the COPH program and work with the MCFD After Hours office.

### Policy

#### *Definitions*

The following definitions apply only to the Children Out of the Parental Home (COPH) Program:

**Child** – An unmarried person under 19 years of age who is not a person with disabilities. (See Chapter 8.1, "Persons with Disabilities")

**Relative** – In relation to a child, does not include the child's parents. A relative may include a person connected with the child by blood, marriage, or who has a significant cultural or traditional responsibility to the child.

## **Eligibility**

As of January 1, 2010, all **new** COPH placements must be screened by MCFD as a condition of eligibility for COPH assistance to determine if there is evidence of risk to the child in that placement.

The COPH Program replaces the Guardian Financial Assistance (GFA) Program. (Refer to the Section on File Review in this Chapter for the process to determine ongoing eligibility for recipients of former GFA benefits.)

- (1) A person who applies for COPH assistance must:
  - (a) complete and submit to the administering authority the *Children Out of the Parental Home Application* (COPH 01) form, and
  - (b) submit a signed *Children Out of the Parental Home Screening Consent* (COPH 02) form, a written authorization that permits the information from:
    - i. the relative of the child with whom the child is residing, and
    - ii. each person who is 18 years of age or older who is residing in the home

to be used and disclosed by MCFD in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director, in order for the administering authority to make a determination concerning the eligibility for COPH assistance.

- (2) A child may be eligible for COPH assistance only if **all** of the following criteria are met:
  - (a) the child resides with his or her relative,
  - (b) the child's parent placed the child with the relative,
  - (c) the child's parent does not reside with the relative, and
  - (d) MCFD determines there is no evidence of a level of risk to the child in the home that compromises the home as an appropriate place for the child.
- (3) A child is **not** eligible for COPH assistance if:
  - (a) the child ceases to meet all the eligibility criteria conditions set out in (2) above,
  - (b) the relative with whom the child resides has entered into an agreement under section 8 of the *Child, Family and Community Service Act* in relation to the child,

- (c) the relative with whom the child resides or the parent of the child fails:
  - i. to provide accurate and complete information to the administering authority,
  - ii. to provide all of the authorizations requested by the administering authority,
  - iii. to attend in person at the office of the administering authority to complete a review when required to do, or
  - iv. to submit the forms required by the administering authority during an eligibility review.
- (d) the administering authority determines, based on a review of the application of the child provided on or after January 1, 2010 and information obtained under the authorization appended to the application, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child, or
- (e) the administering authority has conducted a review and determines, based on information collected during the review and information obtained under the authorization appended to the application, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.

There is no income and asset testing of the child, and there is no requirement for the child to seek employment.

### **Relative Employment Obligations**

There is no requirement to seek employment for a COPH relative who is a single person and who is in receipt of income assistance, when the COPH child meets either of the following criteria (See Chapter 3, Application and Assessment and Chapter 4, Eligibility):

- has not reached three years of age, or
- has a physical or mental condition that, precludes the relative from leaving home for the purposes of employment.

## ***Treatment of Income***

### **Financial Contributions by the Parents**

Parents have the primary responsibility for, and are expected to contribute toward the support of their children. There is **no** exemption on parent's financial contribution toward the cost of caring for the child in the relative's home and it must be deducted from the COPH income assistance monthly entitlement.

### **Canada Pension Plan (CPP) Orphan Benefits and Child of a Disabled Contributor Benefits**

Both CPP paid to orphans and benefits for a Child of a Disabled Contributor are not considered parental contributions and therefore do not affect the COPH assistance payments.

### **Canada Child Tax Benefit (CCTB)**

The relative may apply for the Canada Child Tax Benefit (See Chapter 11.1, Categories of Child Benefits). If eligible, all CCTB program benefits including BC Family Bonus and BC Earned Income Benefit will automatically be directed to the relative.

CCTB program benefits payments, including retroactive payments, are exempt as income and do not affect the COPH assistance payments.

## ***Eligibility for Supplements***

Recipients of COPH assistance may be eligible for:

- an incentive allowance (See Chapter 9.1, Incentive Allowance)
- a special needs allowance (See Chapter 9.2, Special Needs Allowance)
- a school start-up supplement, if a non-status child eligible for COPH is attending school full-time (See Chapter 9.6, School Start-up Allowance)
- a special transportation allowance (See Chapter 9.10, Special Transportation)
- a guide animal allowance (See Chapter 9.11, Guide Animal Allowance)
- additional health supplements if equivalent payment for the services is not available through the non-status child's parents (See Chapter 10, Non-Status Health Benefits)
- a natal allowance (See Chapter 11.9, Natal Allowance)
- a diet allowance (See Chapter 11.10, Diet Allowance)

- an infant formula allowance (See Chapter 11.11, Infant Formula Allowance)

Recipients of COPH assistance are **not** eligible for any of the following:

- December Supplement Allowance (See Chapter 11.5, December Supplement Allowance)
- Supplement for lost or stolen family bonus cheques (See Chapter 11.2, Family Bonus Top-up Allowance)

### ***Determining Risk***

To determine that there is no evidence of a level of risk to the child in the home that compromises the home as an appropriate place for the child, MCFD will conduct screening checks on behalf of the administering authority on the following persons, as part of the COPH application process:

- the relative who is applying for COPH assistance on behalf of the child;
- any other person age 18 years or older who lives in the relative's home, either full-time or part-time.

The screening checks will consist of:

- a Prior Contact Check: a review of any records of previous involvement that MCFD may have had with the individual;
- a CORNET check: a check of information about criminal charges and convictions (including convictions that have been pardoned), probation, stays of proceedings, alternative measures and unsealed Young Offender offences from British Columbia's correctional system.

Each person age 18 or over living in the relative's home must provide written consent for MCFD to conduct the screening checks.

If any person age 18 or over refuses consent, the child's application for COPH assistance will be denied and if there is existing COPH child (ren) living in the relative's home, all COPHs will be ineligible for further COPH assistance.

Based on the results of the checks, MCFD will inform the administering authority that the relative's household shows "no evidence of risk," or shows "evidence of risk."

If MCFD informs the administering authority that the screening checks show *no evidence of risk*, and the applicant meets the other eligibility criteria for COPH assistance, the COPH application will be approved.

If MCFD informs the administering authority that the screening checks show *evidence of risk*, the COPH application will be denied and MCFD will determine if a child protection investigation is warranted.

As MCFD determines whether or not there is evidence of risk to the child, the administering authority will know only the results of MCFD's screening, not the information that led to those results. If the relative disputes or disagrees with the findings from the MCFD screening, or wants more information about the screening results, the relative should be directed to contact the COPH Screening Information Contact at the MCFD After Hours Office or appropriate First Nations Child and Family Services (FNCFS) agency.

The decision to deny or discontinue COPH assistance based on MCFD determination of "evidence of a level of risk to the child in the home that compromises the home as an appropriate place for the child" is not open to appeal.

Relatives caring for a COPH must record information about a change in the household composition on the *Children Out of the Parental Home Monthly Renewal Declaration* (COPH 04) form. If another person age 18 or over moves into the home or a dependent child in the home turns 18, that person must consent to be screened by MCFD for continued eligibility.

### ***Determining if a person age 18 or older is living part-time in the relative's home***

The purpose of the screening requirement is to ensure the child's safety, if the factors suggest a person age 18 or older is living in the relative's home part-time, that person should be included in the Screening Check.

The following factors should be considered to determine whether a person age 18 or older is living in the relative's home part-time:

- whether the person's living arrangement is consistent with aspects of occupying the relative's home as a place of residence;
- the frequency and duration the person is residing in the relative's home;
- if during periods of residing in the relative's home, the person is unsupervised with the child.

Some examples where the person may be considered living part-time in the relative's home are:

- the person receives mail at the address of the home, indicates it as their place of contact, or contributes to duties associated with living in the home;

- the person is attending school where commuting between two residences is necessary and is staying overnight at the relative's home on a regular basis such as five nights per week for six months; or
- the person is employed where commuting between two residences is necessary and is staying overnight at the relative's home on a regular basis such as two nights per week for an indefinite amount of time.

Some examples where the person may not be considered living part-time in the relative's home are:

- the person does not receive mail at the address of the home, does not indicate it as their place of contact, or does not contribute to duties associated with living in the home;
- the person is staying overnight at the relative's home on a temporary basis such as one night per month; or
- the person is visiting the relative's home for a three week vacation.

### ***Eligibility Effective Date***

The effective eligibility date for COPH Assistance for all applicants is the date on which a complete *Children Out of the Parental Home Application* (COPH 01) form is submitted to the administering authority and all the eligibility criteria are met.

No COPH assistance may be provided to the applicant until the administering authority has received correspondence from the MCFD After Hours Office to confirm that the screening checks result shows “no evidence of risk that compromises the home as an appropriate place for the child to reside.”

### ***File Management***

Information and documents collected during the administration of the COPH program are the property of the administering authority. The administering authority must ensure that the documents are up-dated with current information to support eligibility and program compliance review.

Administering authority must ensure that records containing personal or confidential information on their clients are kept in a secured area and protected by restricting their access to authorized Department of Indian Affairs and Northern Development (DIAND) staff, and to the administering authority's authorized employees who administer the COPH Program (See Chapter 2, Social Assistance Files).

## Duty to Report Child Welfare Concerns

As in all other cases where there are child welfare concerns, any administering authority employee who has reason to believe that a child has been, or is likely to be, abused or neglected has a legal duty to report the matter to MCFD, or to the appropriate First Nations Child and Family Services (FNCFS) agency under the *Child, Family and Community Service Act*. See the following reference links for details:

- Appendix 4.1, Protection of Children – Duty to Report Suspected Child Abuse and Neglect, in Volume 3 “Appendices” of the *Social Development Policy, and Procedures Manual, BC Region* for procedures and
- MCFD’s *The B.C. Handbook for Action on Child Abuse and Neglect for Service Providers* at

[http://www.mcf.gov.bc.ca/child\\_protection/pdf/handbook\\_action\\_child\\_abuse.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf)

## Procedures

Requirement	Documentation and Forms
Eligibility & Screening Check	<ul style="list-style-type: none"> <li>• Identification for the child</li> <li>• BC Medical Services Plan Care Card for the child</li> <li>• <i>Children Out of the Parental Home Application</i> (COPH 01)</li> <li>• <i>Children Out of the Parental Home Screening Consent</i> (COPH 02)</li> <li>• <i>Fax Cover Sheet</i> (COPH 03)</li> </ul>
Approval, Denial, Discontinue, or Reduce COPH	<ul style="list-style-type: none"> <li>• <i>MCFD result of the screening checks</i></li> <li>• <i>Correspondence to client (see Sample Letter Templates for COPH):</i> <ul style="list-style-type: none"> <li>- <i>No Evidence of Risk – Approve COPH</i> (COPH SL1)</li> <li>- <i>Refuse to Consent - Deny New and Inform Discontinue Existing COPH</i> (COPH SL2)</li> <li>- <i>Refuse to Consent - Inform Discontinue Existing COPH</i> (COPH SL3)</li> <li>- <i>Evidence of Risk - Deny New and Inform Discontinue Existing COPH</i> (COPH SL4)</li> <li>- <i>Evidence of Risk Screening Result - Inform Discontinue Existing COPH</i> (COPH SL5)</li> <li>- <i>Not Screening Related – Inform Deny, Discontinue, Reduce COPH</i> (COPH SL6)</li> </ul> </li> <li>• <i>Budget and Decision Form (901-25)</i></li> <li>• <i>Children Out of the Parental Home Monthly Renewal Declaration</i> (COPH 04)</li> </ul>

It is the responsibility of the client to provide documents to verify their eligibility for the appropriate benefit.

Details of the verification and original documents or copies of originals that are stamped “certified true copy” are to be placed on the client’s file. For further details on documentation requirements (See Chapter 3, Application and Assessment).

### **Processing an Application for COPH Assistance**

Prior to completing a Children Out of the Parental Home (COPH) application, the BSDW must explain the COPH eligibility criteria to the child’s parent(s) and/or relative and provide a copy of the following handouts:

- COPH Information about Screening Checks Requirement, and
- The New COPH Screening Requirements - Questions & Answers.

Complete a *Children Out of the Parental Home Application* (COPH 01) form with a relative as follows:

1. Obtain proof of placement by the parents in one of the following ways:
  - a. the parent signs section 2 of *the Children Out of the Parental Home Application* (COPH 01) form, or
  - b. where it is not possible to obtain the parental signature on application form, a written statement authorizing the placement of the child in the relative's home, signed by the parent, may be considered adequate documentation, or
  - c. legal guardian to sign the application form and place a copy of the legal guardianship and custody agreement on file.
2. Obtain identification for the child and retain a copy of the ID on the COPH file (See Chapter 3.3, Identification and other Documentation). If available, make a copy of the child's BC Medical Services Plan Care Card for the file.

If the caregiver does not have the child's birth certificate and needs to apply for it, the BSDW worker may:

- provide direct payment to the government agency to cover the cost of the birth certificate,
- issue payment from the Special Needs budget, and
- attach a copy of the birth certificate application to the *Budget and Decision* (B&D) (901-25) form and provide a copy of the signed B&D form to the relative.

3. Ensure the relative returns a completed *Children Out of the Parental Home Screening Consent* (COPH 02) form from each person 18 years of age or older who resides either full-time or part-time in the relative's home. Retain a copy of the screening consents on COPH file.
4. Inform the relative that if a new adult moves into the home or a dependent has turned 18 they must contact the office immediately to determine whether the new person is required to consent to screening checks by MCFD. Failure to inform the BSDW will result in COPH assistance being discontinued.
5. Fax the completed screening consent forms as a package to the MCFD After Hours Office: (604) 739-3741 using the *Fax Cover Sheet* (COPH 03).
6. Record the date the screening forms faxed and keep a copy of all completed screening consent forms including the fax cover sheet on COPH file for records.
7. MCFD staff will provide the BSDW listed on the fax cover sheet with the results of the screening checks.

### **Screening Checks by MCFD**

1. Upon receipt of the signed consent forms, MCFD will conduct COPH screening checks [i.e., a Prior Contact Check (PCC) and a Corrections Network System (CORNET) check] on behalf of the administering authority.
2. It is expected that MCFD After Hours Office will take fifteen (15) working days to complete screening checks and inform the BSDW of the result if there are no other mitigating circumstances.
3. MCFD will send correspondence to the BSDW listed on the fax cover sheet to inform the BSDW of the results of the screening checks. Print the email or write case notes and retain a copy on all COPH files.
4. Ensure the appropriate action is taken based on the screening results and any other eligibility criteria for all COPH files.
5. If the BSDW has not received correspondence from the MCFD After Hours Office within seventeen (17) working days, the BSDW may contact the office at the following numbers:

(604) 660-4927 (Lower Mainland), or

Toll Free: 1 800 663-9122.

**No Evidence of Risk**

If the result of the MCFD screening shows "no evidence of risk" and if all other COPH criteria are met, approve the application and follow these steps:

1. Inform the relative that their application has been approved.
2. Provide them with an approval letter, using the *No Evidence of Risk – Approve COPH* (COPH SL1) sample letter template.
3. Keep a copy of the MCFD's notification of "no evidence of risk" on each corresponding COPH file.
4. Explain to the relative the obligation to report changes to household composition on the *Children Out of the Parental Home Monthly Renewal Declaration* (COPH 04) form on behalf of the child and include that any dependent child who turns 18, or any additional person age 18 or over, who begins living in the household will have to provide consent to be screened.
5. For each approved COPH file complete a *B&D* (901-25) form and enter the reason for denial and indicate annual audit review date under the "Comment" section, provide a copy of the signed *B&D* (901-25) form to the relative. Update the relevant information on each COPH assistance file.

**Evidence of Risk**

If MCFD screening shows "evidence of risk", deny the application and follow these steps:

1. inform the relative of the denial and that:
  - a) MCFD staff only informs the BSDW whether the screening result shows "evidence of risk that compromises the home as an appropriate place for the child to reside,"
  - b) MCFD staff does not share any information that led to the finding of the relative's household showing "evidence of risk" with the BSDW, and
  - c) MCFD will determine if a child protection investigation is warranted as a result of the screening checks and information regarding MCFD decision or investigation will NOT be shared with the BSDW.
2. Refer the relative who wish to seek clarification or review the MCFD screening checks result to contact the First Nations Child and Family Services agency or MCFD office which is listed in the MCFD After Hours correspondence informing the BSDW of "evidence of risk."

3. Inform the relative that the decision to deny or discontinue COPH assistance based on MCFD “evidence of risk” screening result cannot be appealed.
4. Provide the relative with a denial letter using *Evidence of Risk Screening Result - Deny New and Inform Discontinue Existing COPH* (COPH SL4) sample letter template.
5. If there are other COPH children residing in the relative’s home, provide the relative with a discontinue letter using *Evidence of Risk Risk Screening Result - Inform Discontinue Existing COPH* (COPH SL5) sample letter template for each COPH assistance file.
6. Retain copies of the MCFD notification of “evidence of risk,” the denial of and, if applicable, the discontinued COPH assistance letters in each corresponding COPH file.
7. For each denied or discontinued COPH file complete a B&D (901-25) form and enter the reason for denial under the “Comment” section, provide a copy of the B&D (901-25) form to the relative. Update the relevant information on each COPH assistance file.

### **MCFD Overturning the Original Screening Outcome after a Review**

In some cases, MCFD After Hours may overturn an original “evidence of risk” screening result after reviewing additional information provided by the relative or social workers from the local First Nations Child and Family Services agency or MCFD office.

If MCFD After Hours revises the original decision, the staff will advise the BSDW via e-mail or correspondence of a **new** “no evidence of risk” screening result. However, information that led to the revision of finding with not be shared with the BSDW.

Upon receipt of a new “no evidence of risk” screening determination from MCFD After Hours, the BSDW is to follow the procedures under the section “*No evidence of risk*” to process the COPH application.

### **Change in Household Composition**

COPH relative-caregivers are required to report the changes in the child's circumstances and any changes in the household composition by completing the *Children Out of the Parental Home Monthly Renewal Declaration* (COPH 04) form on behalf of the child every month. If the monthly renewal declaration indicates that the household composition has changed, the BSDW shall contact the relative for more information. Failure by the relative to report

changes could result in the cancellation of assistance for all COPH recipients in the home.

For COPH files opened after January 1, 2010, when a dependent child living in the COPH home turns 18 or another person age 18 or older moves into the COPH home and resides there either full-time or part-time, that person must consent to be screened as a condition of ongoing eligibility for COPH assistance. Complete the following steps when a person age 18 or older joins this household:

1. Provide the relative applying on behalf of the child with a *Children Out of the Parental Home Screening Consent* (COPH 02) form for each person residing in the home who is age 18 or older who has not yet been screened and inform the relative that they must return the completed form(s) to the administering authority in order to continue receiving COPH assistance.
2. Hold the cheque until the screening consent form(s) are returned fully completed back to the BSDW.
3. Fax all completed screening consent forms (for the same home) to the *Fax Cover Sheet* (COPH 03) form package to MCFD After Hours office at: (604) 739-3741.
4. Keep a set of all completed screening consent forms and fax cover sheet on each corresponding COPH file for records.
5. After receiving the screening results from MCFD After Hours, follow the procedures under the previous sections “No Evidence of Risk” or “Evidence of Risk” to advise the relative of the eligibility determination.

### **Persons in the Home Refuse to Provide Consent**

BSDW must take the following steps if any person age 18 or older refuses to provide consent:

1. Inform the relative that their application has been denied.
2. Provide them with a denial letter, using the *Refuse to Consent – Deny New and Inform Discontinue Existing COPH* (COPH SL2) sample letter template.
3. If there are other COPH children residing in the relative’s home, provide the relative with a discontinue letter using *Refuse to Consent - Inform Discontinue Existing COPH* (COPH SL3) sample letter template for each COPH assistance file.

4. For each COPH file complete a *B&D* (901-25) form and enter the reason for denial and discontinue under the "Comment" section, provide a copy of the *B&D* (901-25) form to the relative. Update the relevant information on each COPH assistance file.

### ***File Review***

COPH assistance cases, like other income assistance cases, are subject to audit file review at anytime or at least once every 12 months to establish the child's continue eligibility for assistance.

#### Review of former GFA cases:

Effective April 1, 2010, as part of their audit file review process to establish the child's ongoing eligibility for COPH assistance, parent(s) and/or relatives of all former GFA cases must complete the new *Children out of the Parental Home Application* (COPH 01) form.

In addition, the BSDW must ensure that

- The relative and each person age 18 or older living in the relative's home provide a completed *Children Out of the Parental Home Screening Consent* (COPH 02) form, and
- MCFD screening checks are conducted and the report on the screening result is kept on each file.

COPH assistance *may* continue to be provided to a child while the MCFD After Hours Office conduct the screening checks.

A child will *no* longer be eligible for COPH assistance if the BSDW receive a MCFD screening result indicating there is "evidence of risk that compromises the home as an appropriate place for the child to reside." All COPH assistance payments shall be discontinued immediately. (Follow the procedures under the section "Evidence of risk" to complete the review process.)

Ongoing eligibility will only be established and continued COPH assistance provided when the administering authority has received documentation from MCFD to indicate that the screening checks result is "no evidence of risk that compromises the home as an appropriate place for the child to reside."

Review of COPH cases:

The administering authority shall have the relative complete a new *Children Out of the Parental Home Application* (COPH 01) form and verify:

- information is completed fully,
- signed by parent(s) or written consent provided,
- signed by relative, and
- optional question is updated since last application (if applicable).

The administering authority shall also review the existing *Children Out of the Parental Home Screening Consent* (COPH 02) form and verify:

- each individual listed under section 5 of COPH 01 form has a signed COPH 02 form on file,
- MCFD screening check information is completed for each individual, and
- MCFD screening check result is “no evidence of risk that compromises the home as an appropriate place for the child to reside.”

If no additional people have moved into the relative’s home since their last application the relative will continue to be eligible for COPH assistance, the BSDW is to follow the procedures under the section “*No evidence of risk*” to process the COPH application.

If additional people have moved in since last application the administering authority must ensure:

- Each person age 18 or older living in the relative's home provide written consent by completing the *Children Out of the Parental Home Screening Consent* (COPH 02) form, and
- Ministry of Children and Family Development (MCFD) conduct the screening checks and report on the screening result.

COPH assistance *may* continue to be provided to a child while the MCFD After Hours Office conduct the screening checks on the people who have completed a new signed consent as part of the review process.

A child will *no* longer be eligible for COPH assistance if the BSDW receives a MCFD screening result indicating there is “evidence of risk that compromises the home as an appropriate place for the child to reside.” All COPH assistance payments shall be discontinued immediately, the BSDW is to follow the procedures under the section “*Evidence of risk*” to process the COPH application.

Ongoing eligibility will only be established and continued COPH assistance provided when the administering authority has received documentation from MCFD to indicate that the screening checks result is “no evidence of risk that compromises the home as an appropriate place for the child to reside.”