



**Custodianship and Emergency Services:  
Are you ready?**

Languages Canada Annual Conference  
February 21, 2018

*Jennifer Wilson*

# Canada Homestay Network

Jennifer Wilson, Managing Director



Depth of Experience

**52%** Percentage of CHN students who are minors



Breadth of Experience

**>65,000** Students Served



Credentials

**23** Years as a Family Business



Purpose

**+**

Not for Profit  
Education & Collaboration

# Outline



**Definitions; Understanding Risk**



**Best Practices**



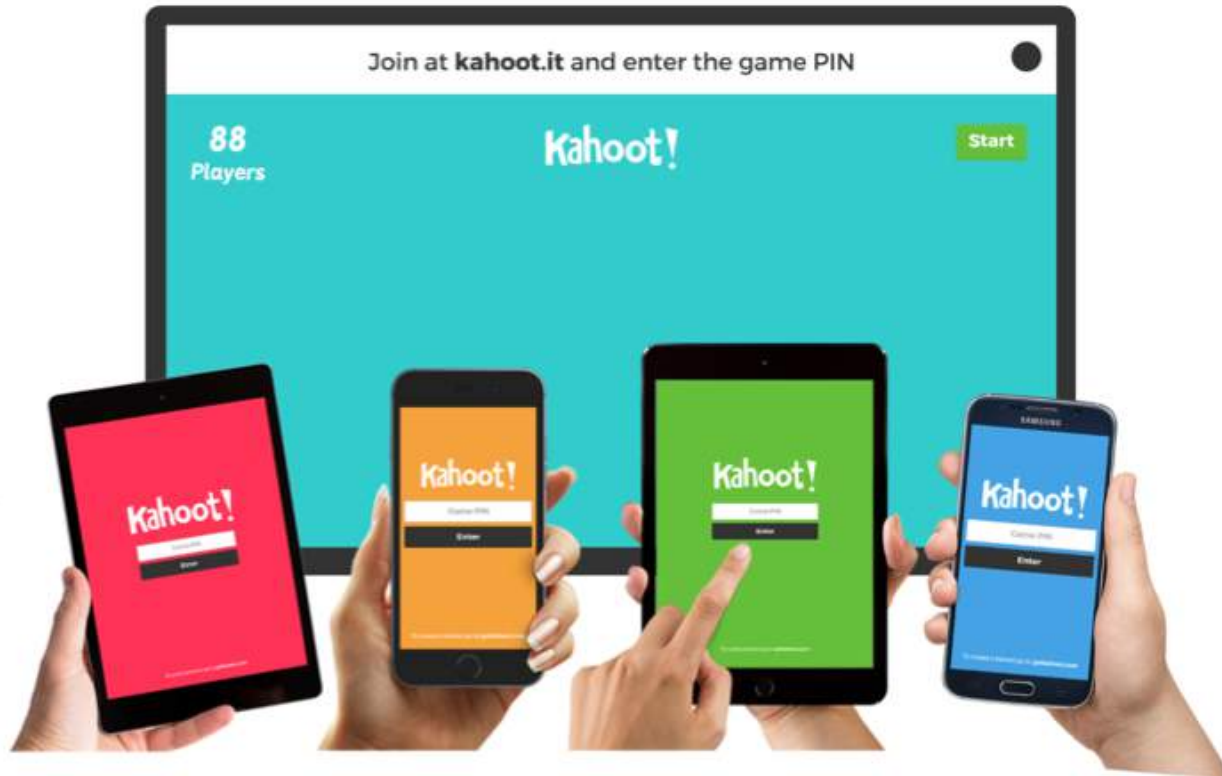
**Partnering: Why, How**

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What is the best part about hosting?  
- *“Your house is filled with fun.”*



**Ready to join?**



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# Understanding Risk

Consider the likelihood of an event, and the potential impact of that event.

————— Impact —————→

	Negligible	Minor	Moderate	Significant	Severe
Very Likely	Low Med	Medium	Med Hi	High	High
Likely	Low	Low Med	Medium	Med Hi	High
Possible	Low	Low Med	Medium	Med Hi	Med Hi
Unlikely	Low	Low Med	Low Med	Medium	Med Hi
Very Unlikely	Low	Low	Low Med	Medium	Medium

↑ Likelihood



# Understanding Risk

## How to Manage Risk

- Avoidance
- Mitigation
- Retention
- Transfer



"We've considered every potential risk except the risks of avoiding all risks."



# Definitions

## Liability

The legal responsibility that arises from a wrongful action or inaction. Negligence is one kind of liability.

## Duty of Care

The responsibility one party has to ensure that their actions or inactions do not cause harm to others.

## Standard of Care

The level of care that a reasonable and prudent person would provide under normal circumstances.





# Definitions

- Guardianship
  - Office of the Public Guardian and Trustee
- **Custodianship**
  - **Immigration and Refugee Protection Act**
  - Policy Manual “OP12 Students”
- Other words
  - Custodial Guardianship; Guardianship/Custodianship; etc.





# Definitions



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## Operational bulletins and manuals

Immigration, Refugees and Citizenship Canada (IRCC) and Canada Border Services Agency employees consult operational bulletins (OBs) and manuals for guidance in the exercise of their functions and in applying the Immigration and Refugee Protection Act, the Citizenship Act and their Regulations.

IRCC is changing the way program delivery information is presented. The modernized format combines the latest operational guidance and policy—including OBs—into one place.

This new web-friendly format (now called Program Delivery Instructions) is being developed in phases, by business line. This page will be updated as new business lines become available.



# Definitions



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→ [Temporary Residents: Students](#)

## Study permits: Guidelines on minor children

- 1 This section contains policy, procedures and guidance used by Immigration, Refugees and Citizenship Canada staff. It is posted on the Department's website as a courtesy to stakeholders.

### Who is a minor?

In Canada, each province or territory defines the age of majority. Anyone under the age of majority at the time of their arrival in Canada is considered to be a minor child.

- The age of majority is 18 in Alberta, Manitoba, Ontario, Prince Edward Island, Quebec and Saskatchewan.
- The age of majority is 19 in British Columbia, New Brunswick, Newfoundland and Labrador, Nova Scotia, the Northwest Territories, Nunavut and the Yukon.

### Is a study permit required? [A30(2)]

Minor children already in Canada are authorized to study without a study permit at the pre-school, primary or secondary level if

- they are either accompanying parents [claiming refugee status](#) or are claimants themselves;
- one of their parents (biological or adoptive) is a Canadian citizen or permanent resident;
- one of their parents (biological or adoptive) is authorized to work or study in Canada; this includes temporary residents who are
  - work permit holders.



# Definitions

## When a custodian is required

The term “custodianship” is more appropriate for the purposes of a study permit application than the legal term “guardianship”, as guardianship involves an individual being legally appointed to manage the affairs of an individual as opposed to being deemed to have custody of the student.

[Section A39](#) states that a foreign national is inadmissible for financial reasons if they are or will be unable to support themselves. In the case of a minor child, officers must be satisfied that adequate arrangements are in place for the care and support of the child while in Canada.

Consult the [standard custodianship declaration form \(PDF, 1.02MB\)](#) for either the parent(s) or guardian(s), and the custodian.

A custodianship declaration is not required when the minor child is accompanied by at least one parent.

## Mandatory custodianship requirement (under 17 years of age)

If an applicant is less than 17 years of age at the time of application, a custodian in Canada will continue to be required. The applicant must submit a notarized declaration signed by the parent(s) or legal guardian(s) in the country of origin, as well as one signed by the custodian in Canada, stating that arrangements have been made for the custodian to act in place of a parent. Officers must be satisfied that adequate arrangements are in place for the care and support of the minor student. The parent(s) or legal guardian(s), and the appointed custodian must acknowledge that the custodian will reside within a reasonable distance to the minor applicant’s intended residence and school. The custodianship declaration should include the information and signature of both parents, where applicable.

## Discretionary custodianship requirement (17 to 18 or 19 years of age)

Applications from minors between 17 years of age and the applicable provincial or territorial age of majority at the time of application should be assessed on a case-by-case basis. In assessing whether the custodianship requirement should be applied, officers may exercise discretion in requesting additional documentation or an interview. Officers should be satisfied with respect to whether an applicant can provide care and support to themselves while in Canada.

Officers should consider factors such as the following:

- Level of study – the applicant’s intended level of academic study (those attending secondary school should normally require a custodian)
- Level of independence – the applicant’s current or past living arrangements and whether previous studies were completed away from their principal residence
- Financial capacity – the applicant’s financial self-sufficiency outside of parent(s) or guardian(s) (e.g., scholarship, government sponsorship)
- Travel experience – the applicant’s previous travel history, participation in international exchange programs, etc.
- Accessibility of the parent(s) or guardian(s) – the location of the applicant’s parent(s) or guardian(s) and their accessibility for institutions and medical



# Definitions

***For 17 year olds... Officers should consider factors such as the following:***

- **Level of study** – the applicant’s intended level of academic study (those attending secondary school should normally require a custodian)
- **Level of independence** – the applicant’s current or past living arrangements and whether previous studies were completed away from their principal residence
- **Financial capacity** – the applicant’s financial self-sufficiency outside of parent(s) or guardian(s) (e.g., scholarship, government sponsorship)
- **Travel experience** – the applicant’s previous travel history, participation in international exchange programs, etc.
- **Accessibility of the parent(s) or guardian(s)** – the location of the applicant’s parent(s) or guardian(s) and their accessibility for institutions and medical centres to contact them in case of emergency situations
- **Informal arrangements** – whether arrangements (less formal than custodianship) have been made to provide support and care for the minor student
- **Risk environment** – the applicant’s safety and well-being in relation to risk indicators for irregular child migration and the potential for exploitation or trafficking



# Definitions

## *What IRCC checks:*

- **Level of study**
- **Level of independence**
- **Financial capacity**
- **Travel experience**
- **Accessibility of the parent(s) or guardian(s)**
- **Informal arrangements**
- **Risk environment**

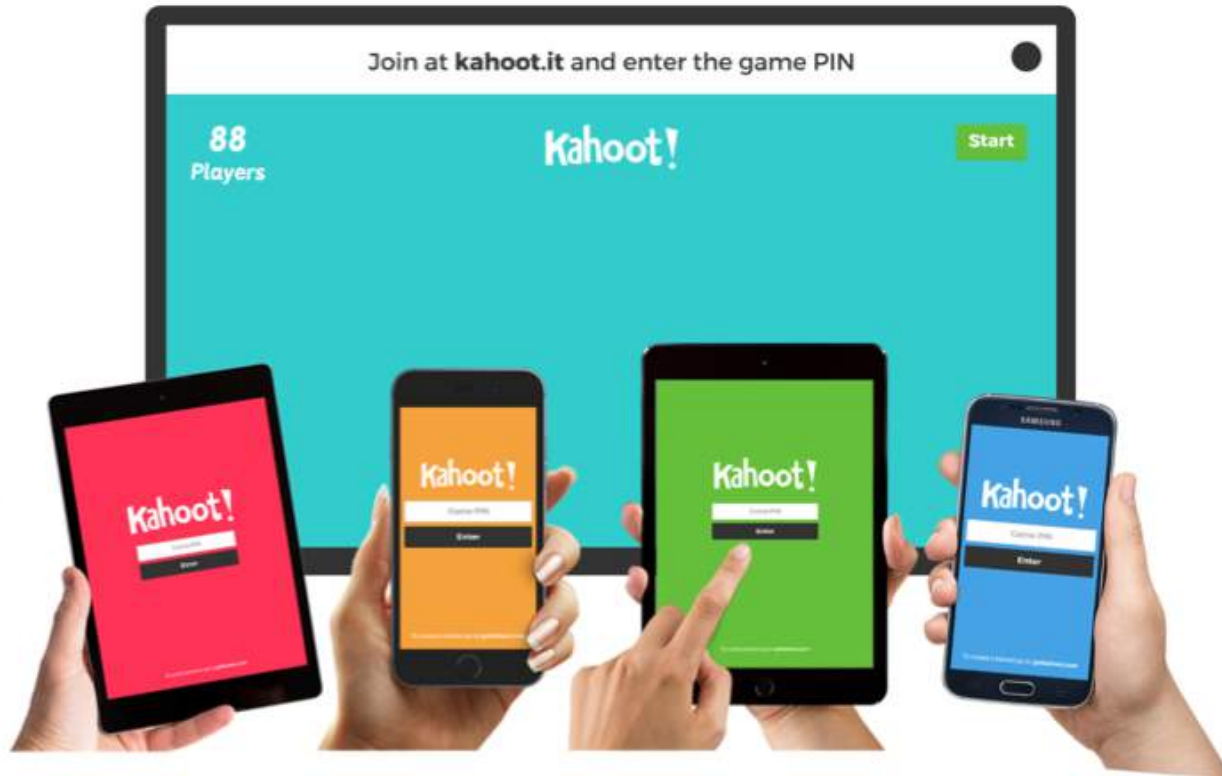
## *What we are agreeing to do:*

- **Monitor academic progress/standing**
- **Monitor and manage behavioural issues**
- **Hold them accountable to paying fees**
- **Support them through a life experience**
- **Make decisions in emergencies**
- **Ensure they are housed and fed well**
- **Ensure they follow the laws of Canada**





**Ready to join?**



**Get your phone, tablet or laptop out now!**



# Best Practices for Custodianship & Emergency Services

## *Standard of Care ~ Risk Mitigation*

### What could go wrong?

- Behavioural issues/ emergencies
- Academic issues
- Medical issues/ emergencies
- Host emergencies → emergency relocations

### How will you guard against these risks?

As custodian, do you know your scope, powers, and limitations?





# Best Practices for Custodianship

## Contracts and Waivers

- Code of Conduct/ Student Participation Agreement w/ Disclaimers and Waivers
- Host Agreement w/ Disclaimers and Waivers
- Indemnification clauses
- Employment contracts
- Marketing materials and Service Listing
- On-line Pre-Departure Orientation

**Do you clearly identify consequences for students?**







# Best Practices for Custodianship



## Due Diligence

- Host network/accommodation
- Airport pickup/arrival services
- Any outside providers who will have access/interaction with minors

## Goodwill

## Legislative and Statutory Obligations



# Best Practices for Custodianship

## Service Standards

- Notarizing & Sending custodianship documents
- Safe arrival
- Student connection
- Written reports
- Academic monitoring





# Best Practices



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## Prepare to study in Canada

Choosing a school, college  
or university

Designated learning  
institutions list

Get the right documents

**Minor children**

Find out if your child  
needs a study permit

## Minor children – Study in Canada

In Canada, each province and territory decides the age when a person is considered an adult. This is known as the age of majority. A person under the age of majority is considered a "minor child."

Province/Territory	Age of Majority
Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan	18
British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon	19

## Special requirements for minors

### Support for a minor child in Canada

The immigration officer must be convinced that minor children who travel to Canada to study have the care and support they need to come to Canada.



# Best Practices

## Support for a minor child in Canada

The immigration officer must be convinced that minor children who travel to Canada to study have the care and support they need to come to Canada.

Minor children must either:

- come with a parent or legal guardian or
- have a custodian in Canada.

A custodian is a responsible adult (Canadian citizen or a permanent resident) who takes care of and supports the child.

## How to appoint a custodian?

To appoint a custodian you need to send us the [Custodianship declaration form \(PDF, 1.02MB\)](#) with your application. The two pages look similar, but:

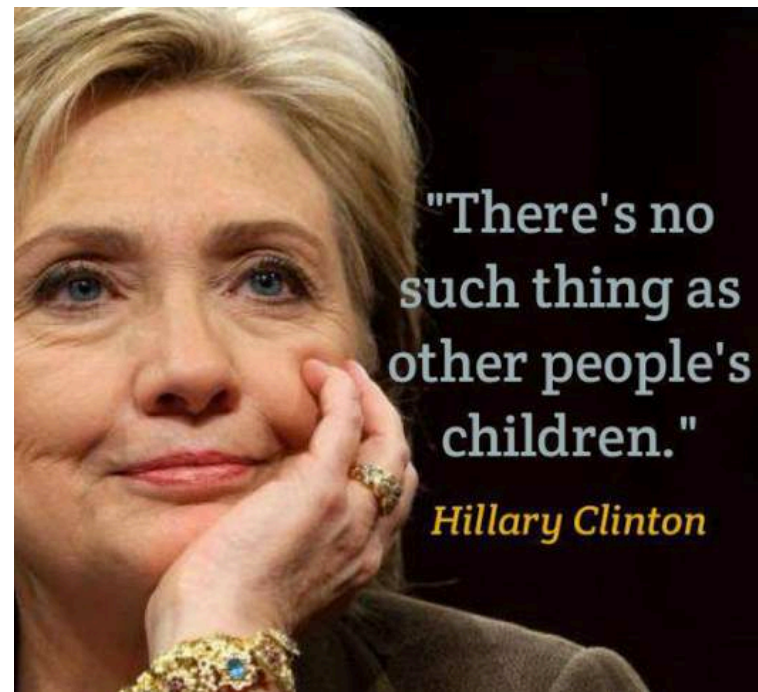
- the first page needs to be signed by the custodian and notarized (certified by a lawyer or notary) in Canada.
- the second page needs to be signed by the parents or legal guardians of the minor child and notarized in their home country.



# Best Practices for Custodianship

## Policies and Planning

- Internal Custodianship policies
- Define your mission and focus and stay within them. *Is this activity within your scope?*
- Primary emergency contacts for each campus and with each partner; police; hospitals; embassies, etc. (\*offline\*)
- Access to personal information and emergency contacts
- Support and communication for emergencies
- Safety orientation for students
- Social media policy
- Plan for Breaches, Terminations
- 24 hour contact numbers
- Debriefing and follow up on incidents
- Training
- Emergency host families





# Best Practices for Emergency Services



## Policies and Planning

- Emergency Management Committee
- Well-defined Emergency Response Protocol
- 24/7: Backup 'ring group'; VM to Email; Local work number vs. toll-free work number, Answering service?
- Give students Contact Card
- 1<sup>st</sup> language support
- Holiday / peak season coverage
- Publicizing the service/number
- Compensation? Unions?
- Training
- Social media policy
- Primary emergency contacts for each campus and with each partner; police; hospitals; embassies, etc. (\*offline\*)
- Support and communication for emergencies
- Emergency host families



# Best Practices for Custodianship & Emergency Services

## Preparation and Training

- On-line Pre-Departure Student / Host Orientations
- Mental Health First Aid (MHFA) <http://mentalhealthfirstaid.ca/en>
- Duty of care, standard of care
- Self-care
- Customer service, verbally abusive people
- Debriefing (CCISF)
- [http://globaled.us/safeti/program\\_audit\\_checklist.asp](http://globaled.us/safeti/program_audit_checklist.asp)

## THE CANADIAN CRITICAL INCIDENT STRESS FOUNDATION

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### WELCOME ET BIENVENUE TO THE C.C.I.S.F

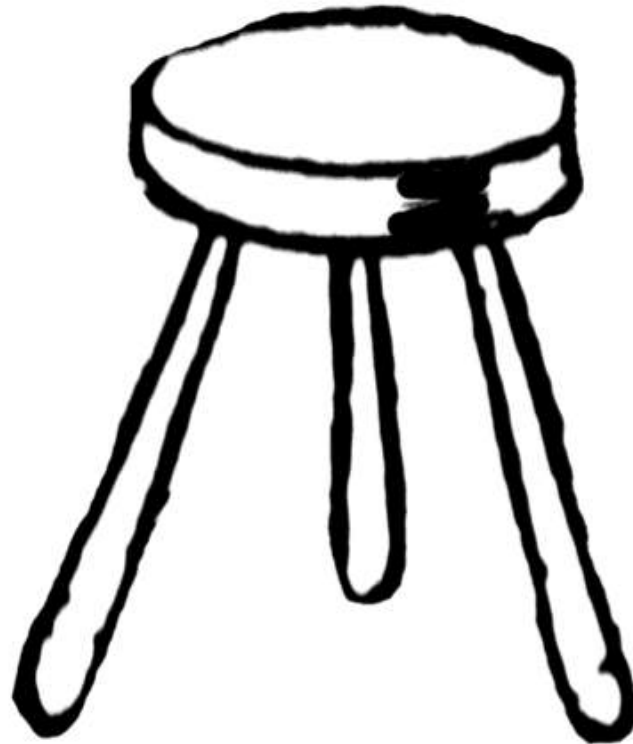
The CCISF is a national charitable organization dedicated to the mitigation of disabling stress and the fight against Post Traumatic Stress Disorder. We are Canada's leader in providing organizational support, education, team development, training and family support for our Emergency Services.



# Best Practices: final thoughts on risk mitigation

## Risk Mitigation: CHN's Three-Legged Stool

1. We define what custodianship means;
2. We provide due diligence around the 'care and support'
3. We carry comprehensive insurance







# 1. We Define Custodianship

 Canada Homestay Network Society

## SUPPLEMENTARY FORM TO IMM 5646 CUSTODIANSHIP DECLARATION: PARENTAL/LEGAL GUARDIAN CONSENT FOR CUSTODIANSHIP

STUDENT INFORMATION			
Student's full name	Citizenship	Date of Birth YY/MM/DD	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
PARENTS/GUARDIANS INFORMATION (Preferably from both parents/guardians)			
	Parent/Guardian 1	Parent/Guardian 2	
Full name			
Date of birth	YYYY/MM/DD	YYYY/MM/DD	
Home address			
Telephone number			
Email			

I/We, \_\_\_\_\_ and \_\_\_\_\_ (names of parents/guardians), the parents/guardians of the said student, \_\_\_\_\_ (name of Student), hereby grant full custodianship to a representative of the CANADA HOMESTAY NETWORK SOCIETY (the "Custodian"), as long as the student is enrolled and in good standing at his/her school in Canada ("School"), or until the Student reaches the age of majority in the province in which he/she resides, whichever occurs first (the "Custodianship Term"). I/We also declare as follows:

- That I/we am/are the Parent(s) or the Legal Guardian of the Student;
- That this form supplements and modifies the Citizenship and Immigration Canada ("CIC") custodianship declaration IMM 5646 under which I/we granted/will grant the Custodian full custodianship of the Student ("Form IMM 5646").
- That I/we appoint the Custodian and any qualified person who is duly authorized by the Custodian to act for and in the place and stead of the Custodian (the "Custodian's Representative") to ensure that the Student is provided with accommodation in a homestay personally inspected and approved by CHN, with homestay hosts (the "Hosts") personally interviewed and approved by CHN, where the Student will have three (3) meals per day.
- That I/we give permission to the Custodian, and for the Custodian's Representative, and where applicable, any teacher and/or other appropriate staff member of the School and/or the Hosts, to arrange for medical attention for the Student in the event of illness or injury of which any of the foregoing persons has knowledge.
- That this appointment is conditional upon me/us agreeing to and signing the CHN Student Homestay Application (the "SHA") and the CHN Student Participation Agreement (the "SPA") in respect of the Student.
- That as a further condition of this appointment, I/we will ensure that the Student will at all times during the Custodianship Term (i) be enrolled in the School and while enrolled will be in good standing at the School; (ii) reside with and be in good standing with the Hosts; and (iii) be in compliance with the terms of the SPA during the Custodianship Term, failing which I/we agree to be bound by and be liable for the consequences of such failure as set out in the SPA for the Student.
- That as a further condition of this appointment, and in furtherance of the interests of the Student, I/we hereby direct the Student and the School to provide the Custodian and/or the Custodian's Representative with timely access to any information concerning the Student's performance, behaviour and other experience at the School including without limitation, course/subject selection, academic reports, correspondence, memoranda, assessments, test results and extra-curricular activities, as well as timely notice of and the right to attend any meetings, case conferences or interviews regarding the Student. I/we hereby confirm that I/we consider the sharing of such information with and otherwise giving access to the Custodian and/or the Custodian's Representative as provided above in this Clause are essential to the proper exercise of this appointment and of the role of a custodian and as such hereby declare that this shall constitute my/our consent under applicable privacy legislation in Canada to do so.
- That this appointment (and the grant of custodianship under Form IMM 5646) will immediately terminate (i) if the Student ceases to be enrolled and in good standing at the School or any other school in Canada approved by CHN, (ii) upon the termination or expiration of the SPA; or (iii) if the Student is expelled from the CHN International Participant Homestay Program in accordance with the SPA. CHN reserves the right to notify CIC if this appointment is terminated.

- Permission to use Custodian's representative
- Permission to seek medical attention
- Conditional on signing the SPA
- Conditional on being in good academic standing
- Must be living with a CHN host
- Permission to share personal information, transcripts, etc.

Signature of parent/guardian (1)	Date YYYY/MM/DD	Signature of parent/guardian (2)	Date YYYY/MM/DD



## 2. We Provide Due Diligence

### *What we are agreeing to do:*

- Monitor academic progress/standing
- Monitor and manage behavioural issues
- Hold them accountable to paying fees
- Support them through a life experience
- Make decisions in emergencies
- Ensure they are housed and fed well
- Ensure they follow the laws of Canada



- Supplemental Form
- SPA
- 24/7 on call
- Partner w/ clients
- Values





### 3. We Carry Insurance



# CHN Fees 2018-19

**\$150 - Minors, per month**

**\$75 - Adults, per month (emergency services only)**





# Case Questions

## Scope, Limitations and Powers of Custodians

- I took a student to the doctor and we got consent from the parents to have urine and blood tests done. The parents then revoked their permission. Do we and can we override their decision?
- Can a custodian give permission to or stop a student from doing certain things? i.e.: piercings, tattoos etc. What powers does a custodian have?
- Does the custodian document become void once a student turns 18/19 (becomes an adult)? In other words, if I am the custodian of a student, does my legal responsibility for them end as soon as they turn 19? (If they are in our program when they turn 19 years old)
- Could a student or parent of a student sue the custodian?



# Case Questions

## Student with Suicidal Thoughts

- Do you know the scope, powers, and limitations of the custodian?
- How do you respond?

**What policies/procedures do you have in place to ensure that a student remains safe while in your care?**





# Case Questions

## Underage student pregnancy

- Do you know the scope, powers, and limitations of the custodian?
- How do you respond?





## Case Questions

**A student has something that a host doesn't want in their home**

- Do you know the scope, powers, and limitations of the custodian?
- How do you respond?







## Case Questions

**A student holds a knife to the throat of another student on school property.**

- Do you know the scope, powers, and limitations of the custodian?
- How do you respond?





## Case Questions

**A student brings unlabelled herbal medications from their home country.**

- Do you know the scope, powers, and limitations of the custodian?
- How do you respond?





# Reminders



- This is high risk, with high stakes. Don't minimize your responsibilities
- If you didn't write it down, it didn't happen!
- There's no time limit on how people process critical incidents
- You have a tremendous resource in each other

AND

- **Appreciate how much goes right!**

# Thank you!

We would be happy to hear from you!



[www.canadahomestaynetwork.ca](http://www.canadahomestaynetwork.ca)



1.877.441.4443



[national@canadahomestaynetwork.ca](mailto:national@canadahomestaynetwork.ca)



*“Sometimes, you are lucky and get students who are like little blessings sent to you on loan.”*