

What We Heard

A review of the Children and Youth
Care and Protection Act



Children, Seniors and Social Development

Introduction

The Children and Youth Care and Protection Act was proclaimed on June 30, 2011, and is the legislation that governs some of the programs and services delivered by the Department of Children, Seniors and Social Development including the Protective Intervention, In Care and Youth Services Programs. To access the Act, visit:

www.assembly.nl.ca/Legislation/sr/statutes/c12-2.htm.

The Act provides the authority to intervene when a child or youth is being, or is at risk of being, maltreated by their parent(s); and, to place a child or youth in out-of-home care when they cannot safely live at home.

The Act requires the Minister of Children, Seniors and Social Development to review this legislation, and the principles on which it is based, every five years. The Act also states that the review must include public consultations. The 2016 review focused on the following areas; however, the department welcomed any other input or suggestions respondents wished to provide:

- Improving information sharing between the department and other stakeholders
- Supporting prevention services for children in need of protection
- Enabling the department to license and make regulations for out-of-home placements
- Identifying options to improve permanency planning for children and youth
- Improving services to youth in need of protection
- Strengthening services to Indigenous children and youth

Engagement Process

The legislative review was publically announced on June 30, 2016 with the launch of an online discussion guide. Those interested in participating were encouraged to contribute to the review through mail, email or telephone submission. In addition to welcoming public submissions, the department developed an engagement process to invite input from a broad range of individuals and stakeholders. The engagement process occurred between July 1 and December 31, 2016. Over 30 organizations participated through written submissions, virtual or in-person dialogue sessions, focus groups, or audience-specific questionnaires. One hundred and seventy three responses were received from surveys distributed to children, youth and families receiving services from the department and youth services staff.

Results

Participants were asked to provide comment on six key questions, in addition to any other feedback they wished to provide. Participants provided a tremendous amount of feedback and the following provides a summary of input received related to each of these areas.

Question:

How could the department enhance information sharing to ensure services are provided in the best interests of children and youth, while still protecting the right to privacy?

The Department of Children, Seniors and Social Development collects sensitive and personal information about children, youth and families involved in the child protection system. To ensure information is kept confidential and used only as required to deliver services, the ability to share this information with others is governed by the Act.

Participants suggested that:

- The department should share information with other service providers to improve the coordination of services and supports for children and families.
- They would be better positioned to support children and families if the department shared relevant information with them.
- The department increase the use of case conferencing as a means to support information sharing and collaboration among those involved with a family.
- The department provides social workers with clear guidelines about what information can be shared, and with whom, to ensure children receive the supports they require.
- The department consider using the “circle of care” approach used in the health system as an effective model for coordination of services and sharing of information.
- Processes should be developed to share information about Indigenous children, youth and families receiving services from the department with representatives of the Indigenous government or organization.

Question:

How can prevention services be strengthened to support families and reduce risk of maltreatment to children?

The Act provides social workers with the authority to assess and investigate information that a child is, or may be, at risk of maltreatment by the action, or lack of action, of a parent. The purpose of the Act is to promote the safety and well-being of children and youth who are in need of protective intervention. The supports and services families require may be provided by the Department of Children, Seniors and Social Development, other government departments or service providers within the community.

Participants provided the following comments related to prevention services:

- Consider how government can provide families with the early intervention supports they need to prevent child maltreatment from occurring.
- Consider changing the purpose of the legislation to include voluntary prevention services.
- Maintain the focus on child protection under the Act.
- Consider developing a cross-departmental initiative to provide prevention and early intervention supports to families.
- Consider whether the placement of social workers in schools would provide increased access to support for families.
- Consider ways to improve access to services that families need including mental health and addiction counselling and parent skills training.
- Ensure families are supported to access services they need (e.g., transportation and babysitting to attend a service).
- Consider ways government can support community organizations that currently provide, or have the interest and expertise to provide, prevention services to families.
- When developing programs, consider the range of services families need including prevention, support and child protection intervention.

Question:

What do you think about the department's approach to enhance the current options for out-of-home care and increase accountability through licensing and establishment of regulatory standards?

The Department of Children, Seniors and Social Development is considering legislative changes to the Act that would allow the department to license external agencies and establish regulations to recruit, approve, and train staff in out-of-home placements for children and youth in care. This approach would provide an opportunity to enhance current options for out-of-home care by expanding the range of available placements and ensure agencies deliver high-quality services as defined by the department's policies and legislative regulations.

Participants offered the following feedback regarding a licensing and regulation regime:

- Many participants supported the department moving in this direction, particularly if it resulted in increased accountability for service providers.
- Some participants were against the involvement of for-profit agencies in the delivery of care to children in out-of-home placements.
- Government must ensure strong legislation, policy, regulation and oversight are in place to support this approach.
- Develop a rigorous licensing process to ensure agencies have the capacity of delivery quality care to children and youth.
- Some participants felt that this approach could be successful for both family-based and residential group care, while others were concerned about the potential impact on foster families and cautioned against creating a multi-tiered system of care for children.
- Consider changing the department's service delivery model as it relates to foster parent recruitment, training and support to better sustain the foster care program.
- Consider ways to increase the number of available family-based care options for children and youth.

Question:

How can the department improve permanency planning for children in care?

When the Department of Children, Seniors and Social Development becomes involved with a family, the goal is to make a plan for the child in his or her best interests. The department works with families to provide services to allow children to safely stay at home. However, sometimes risks cannot be reduced and an out-of-home placement is necessary. In all instances, the department acts to ensure that children have permanent plans to ensure the child's safety, health and well-being.

Participants provided the following feedback on permanency planning for children in care:

- Consider ways to support families to prevent maltreatment from occurring, or re-occurring, so children can remain safely at home, or return home if they have been taken into care.
- Consider ways to provide intensive services to families to prevent removal or immediately after removal occurs to support children returning home, when possible.
- Maintain the temporary custody order timelines provided in the Act as these are satisfactory.
- Consider ways to reduce wait times and increase availability of services families need to mitigate identified risks in their home.
- Consider ways to address delays in court proceedings including available court time and timely access to legal aid services for parents.
- Consider implementing family group conferencing as a means to resolve child protection matters outside of court.
- Prioritize adoption planning for children who are in continuous custody and available to be adopted.
- Consider ways to ensure permanency for older children in care.
- Ensure disability related supports are considered when developing permanent plans for children and youth.
- Consider ways to improve placement stability for children and youth in care.

Question:

How can the Youth Services Program be more responsible to ensure it meets the unique needs of vulnerable youth?

The department provides services to youth in need of protection under the voluntary Youth Services Program. The Minister of Children, Seniors and Social Development has been directed to conduct a review of the Youth Services Program to ensure it is responsive to the unique needs of vulnerable youth and does not discriminate based on whether a youth was in the care of the department when they turned 16 years old.

Participants suggested that the department consider the following regarding services to youth:

- Increasing the definition of child from 16 to 18 to provide greater access to services, including a duty to report maltreatment and an ability to be removed from parental care.
- Increasing the age at which youth can choose to leave continuous custody by removing a youth's ability to "opt-out."
- Supporting youth having choice in the type of services they require and wish to receive, especially once they reach 16 years of age.
- Making the Youth Services Program less restrictive, especially for youth who are unable to meet current eligibility requirements or who leave the program and would like to come back.
- Expanding the eligibility criteria so all youth determined to be in need of protective intervention receive the same level of service, regardless of whether they were in care at 16.
- Ensuring youth have timely access to services including mental health and addiction counselling, life skills development, education, and employment support.
- Improving access to safe and affordable housing options for youth.
- Developing semi-independent transitional housing options would support youth to gain independence.
- Improving the coordination of services across government departments and across the transition from child/youth services to adult systems.
- Supporting youth through the Youth Services Program past the age of 21, with some suggesting support be provided until age 24 or 25.

- Improving supports to youth in rural communities.
- Developing policies to better support young parents accessing the Youth Services Program.
- Collaborating with community service providers to deliver services to youth.
- Enhancing financial support to allow youth to maintain a better standard of living.
- Minimizing the financial disincentives to employment by allowing youth to keep more of their financial allowances when they attain a part time job.

Question:

How can the Act be enhanced to recognize the unique needs of Indigenous children, youth and their families?

In Newfoundland and Labrador, the Department of Children, Seniors and Social Development is responsible for providing child protection services to all children, youth and families. The Act currently references “culture, identity and community connections”; however, the uniqueness of Indigenous culture is not explicitly referenced in the Act.

Participants recommended the following to recognize Indigenous children, youth and families in the Act:

- Define Indigenous child and youth and include specific reference to the unique Innu, Inuit and Mi’kmaq identities.
- Add considerations to the best interests principles to acknowledge factors that are unique to Indigenous culture, including the importance of connection to culture, language and community for Indigenous children and youth.
- Require information sharing between CSSD and designated individuals in Indigenous communities throughout involvement with a family, including when any court action is taken.
- Ensure culture is considered when planning services for the child, youth or family, especially where children are taken into care.
- Add specific placement considerations that must be taken into account when Indigenous children are placed outside of their home.
- Require the development of cultural continuity plans for children placed in non-Indigenous homes.

- Ensure representatives of Indigenous governments or organizations have an opportunity to be involved in planning for services for Indigenous children.
- Implement Family Group Conferencing as a means to resolve child protection matters outside of court.
- Ensure cultural competency training is available for departmental staff and foster parents.
- Support access to prevention services within Indigenous communities.
- Create an Indigenous Child Advocate or Ombudsman.
- Develop provisions which would allow Indigenous governments or organizations to deliver child protection services as delegated agencies.

Other Things We Heard

In addition to comments on the six identified areas for review, the following feedback was offered:

- Consider whether the Act may be amended to provide authority to intervene when children and youth run away from home and their safety cannot be ensured.
- Consider ways to improve the child protection response where custody and access disputes exist between the parents of the child.
- Consider the increasing population of new Canadians in the province and ensure these families are provided with supports and services that are culturally sensitive.
- Consider the need for disability related supports for children, youth and families receiving services under the Act.
- Consider requiring individuals to report suspected maltreatment directly to the department, rather than the department or the police.
- Consider ways to better train and mentor new social workers and reduce staff turnover to improve the quality of supports and service to children, youth and families.

Next Steps

Thank you to everyone who participated in this review process by providing a written submission, joining a focus group discussion, or completing a questionnaire. Your input is critical to the review of the Act and efforts to strengthen and improve the legislation guiding the child protection, in care and youth services programs in this province.

As we go forward, participant input will be considered along with research and best practice information to identify ways in which the legislation may be improved.