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NLR 38/19 - Children, Youth and Families Regulations under the Children, Youth and Families Act

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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

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REGULATION 38/19**

Children, Youth and Families Regulations
under the
Children, Youth and Families Act

Amended by:
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**NEWFOUNDLAND AND LABRADOR
REGULATION 38/19**

Children, Youth and Families Regulations
under the
Children, Youth and Families Act

(Filed June 20, 2019)

Under the authority of section 107 of the *Children, Youth and Families Act*, I make the following regulations.

Dated at St. John's, June 20, 2019.

Lisa Dempster
Minister of Children, Seniors and Social Development

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Short title

1. These regulations may be cited as the *Children, Youth and Families Regulations* .

[38/19 s1](#)[Back to Top](#)**Interpretation**

2. (1) In these regulations

- (a) "Act" means the *Children, Youth and Families Act* ;
- (b) "caregiver" means an individual approved by a family-based placement provider licensee to provide daily care and supervision for children and youth in a facility operated by a family-based placement provider licensee;
- (c) "departmental policies" means policies and procedures established by a provincial director, as amended from time to time;
- (d) "licensee" means, except in Parts II and III and unless the context indicates otherwise, a person who holds
 - (i) an agency licence,
 - (ii) a family-based placement provider licence, or
 - (iii) a residential placement provider licence;
- (e) "life book" means a collection of items, information and other mementos that capture developmental milestones and other important life events of a child or youth while residing in a foster care placement;
- (f) "staff" means employees of a family-based placement provider licensee or residential placement provider licensee who provide
 - (i) daily care and supervision to children and youth placed in a facility operated by a residential placement provider licensee, or
 - (ii) support to caregivers in relation to children and youth placed in a facility operated by a family-based placement provider licensee; and
- (g) "student" means an individual who is working in a facility as a requirement of an accredited post-secondary program in which the individual is enrolled.

(2) For the purposes of sections 3, 6, 15, 20 and 23 a document is considered to be current where it is no more than 6 months old.

[38/19 s2](#)**PART I
LICENCES**[Back to Top](#)**Application for a licence**

3. (1) In addition to the requirements in subsection 71(5) of the Act, an individual applying for a licence shall provide

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- (a) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police;
 - (b) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police;
 - (c) a description of the file storage and security arrangements, including the method to be used to provide backup files in the event of loss;
 - (d) proof of insurance coverage in accordance with these regulations or a letter from an insurance company showing the intent to provide insurance coverage in accordance with these regulations;
 - (e) a copy of the applicant's policies and procedures; and
 - (f) any other documentation or information that a provincial director considers necessary.
- (2) In addition to the requirements in subsection 71(5) of the Act, a corporation applying for a licence shall provide
- (a) a copy of its articles of incorporation and by-laws and a current Certificate of Good Standing;
 - (b) the names and addresses of the directors and officers of the corporation;
 - (c) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police for each director and officer of the corporation;
 - (d) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police for each director and officer of the corporation;
 - (g) the documentation and information referred to in paragraphs (1)(c) to (f).
- (3) Where a director or officer of a corporation resides outside the province, the director or officer shall provide the documents referred to in paragraphs (2)(c) and (d) or equivalent documents from an appropriate policing agency in the jurisdiction where the director or officer resides.

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Issuance of licences

4. (1) A provincial director may issue a licence where he or she is satisfied that the applicant
- (a) is a resident of the province or where the applicant is a corporation, that the corporation
 - (i) is incorporated under the laws of the province, and
 - (ii) has a permanent office in the province; and
 - (b) satisfies the requirements in subsection 3(1) or 3(2).
- (2) A licence shall be valid for a period of not more than 3 years from the date of issue.
- (3) A licence is non-transferrable.

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Conditions of licences

5. (1) A licence is subject to the following conditions:

- (a) a licensee shall only provide those services for which it has a licence;
- (b) a licensee shall comply with the Act, these regulations and departmental policies; and
- (c) a licensee shall comply with all measures determined by an inspector, social worker, manager or provincial director to be necessary to ensure the safety and well-being of children and youth.

(2) In addition to the conditions referred to in subsection (1), a licence may contain other terms and conditions consistent with the Act and these regulations.

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Licence renewals

6. (1) A licensee who applies to renew a licence under section 72 of the Act shall provide

- (a) a statement confirming that the documentation and information provided under section 3 at the time of the application for a licence, or under this section at the time of the last licence renewal, has not changed or, where there has been a change in the documentation or information, a statement setting out the change;
- (b) a current Certificate of Insurance providing proof of insurance coverage in accordance with these regulations;
- (c) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police;
- (d) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police; and
- (e) any additional documentation or information that a provincial director considers necessary.

(2) Where a person applying to renew a licence is a corporation the documentation referred to in paragraphs (1)(c) and (d) shall be provided for each director and officer of the corporation.

(3) Where a director or officer of a corporation resides outside the province, the director or officer shall provide the documents referred to in paragraphs (1)(c) and (d) or equivalent documents from an appropriate policing agency in the jurisdiction where the director or officer resides.

(4) A provincial director may renew a licence where the licensee

- (a) currently holds a valid licence;
- (b) satisfies the requirements in subsection (1) and where the licensee is a corporation the requirements in subsection (2) and (3);
- (c) is operating in a manner that is in the best interests of children and youth; and
- (d) has complied with the requirements of the Act, these regulations and the terms and conditions of his, her or its licence.

(5) A licence renewed under this section may contain terms and conditions consistent with the Act and these regulations.

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(6) A licence renewed under this section shall be valid for a period of not more than 3 years from the date of expiry of the previously valid licence.

[38/19 s6](#)[Back to Top](#)**Licence shall be posted**

7. A licensee shall post his, her or its licence in a prominent position in public view in his, her or its head office.

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8. (1) A licensee shall immediately surrender his, her or its files and records related to children and youth who reside or have resided at the licensee's facilities and any other files and records requested by a provincial director to a provincial director where his, her or its licence is

(a) not renewed; or

(b) revoked.

(2) Notwithstanding subsection (1), where a provincial director requests that a licensee transfer all or some of his, her or its files and records to another licensee, the licensee shall transfer the requested files and records to the other licensee.

[38/19 s8](#)[Back to Top](#)**Requirements where licensee cancels or does not renew licence**

9. Where a licensee cancels his, her or its licence or does not renew his, her or its licence, the licensee shall

(a) advise a provincial director in writing;

(b) provide for the transfer of files and records to a provincial director or another licensee as directed by a provincial director; and

(c) advise a provincial director of all matters which may require immediate attention and the information necessary to enable him or her to address those matters.

[38/19 s9](#)[Back to Top](#)**Advertising by a licensee**

10. (1) A licensee shall only advertise in accordance with subsections (2) and (3).

(2) The advertising of services provided by a licensee and promotional material about a licensee shall be truthful and accurate and not be misleading to the public.

(3) The advertising or promotional material referred to in subsection (2) shall not

(a) identify a child or youth who is in, or has been in, a foster care placement;

(b) claim that a licensee can guarantee placement of a child or youth; or

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- (c) claim that the services of a licensee are superior to those of another licensee or the department.

[38/19 s10](#)[Back to Top](#)**Prohibition**

11. (1) A family-based placement provider licensee shall not accept an application to become a caregiver from an applicant who is a foster parent unless the applicant provides proof that he or she has received approval from a manager or provincial director to apply to become a caregiver.

(2) An agency licensee shall not accept an application to become a foster parent, and a family-based placement provider licensee shall not accept an application to become a caregiver from an applicant who is an employee of the department unless the applicant provides proof that he or she has received approval from a manager or provincial director to apply to become a foster parent or caregiver.

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12. A licensee shall receive compensation from the department in accordance with a funding agreement entered into with the minister.

[38/19 s12](#)**PART II
AGENCY LICENSEE**[Back to Top](#)**Definition**

13. In this Part, "licensee" means a person who holds an agency licence.

[38/19 s13](#)[Back to Top](#)**Duties of an agency licensee**

14. (1) A licensee shall ensure that

- (a) its policies and procedures relating to the recruitment and assessment of foster parent applicants comply with departmental policies;
- (b) a home assessment for foster parent applicants is completed in accordance with departmental policies;
- (c) all interviews required to be conducted when completing a home assessment comply with departmental policies; and
- (d) training provided to foster parent applicants complies with the training requirements outlined in departmental policies.

(2) Where a licensee approves a foster parent applicant, the licensee shall

- (a) notify a manager in writing; and

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- (b) provide a copy of the home assessment referred to in subsection (1) and all supporting documentation to a manager.

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Educational and employment requirements

15. (1) A licensee may only allow an individual to perform functions and duties as required under the Act or these regulations on behalf of the licensee where the individual provides the following documentation to the satisfaction of a licensee:

- (a) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police;
- (b) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police;
- (c) a current Child Protection Clearance Check which grants clearance;
- (d) 3 references from individuals not related to the individual;
- (e) proof that he or she is registered under the *Social Workers Act* as a practising member; and
- (f) proof that he or she has worked a minimum of 5 years as a registered social worker.

(2) Where a licensee is the individual performing the functions and duties under the Act or these regulations, the individual shall satisfy the requirements in subsection (1) to the satisfaction of a provincial director.

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Confidentiality and retention of information

16. (1) Licensees and employees shall keep confidential all information that comes to their knowledge as a result of their involvement in the recruitment, assessment, training and approval of foster parent applicants.

(2) Notwithstanding subsection (1), information may be disclosed without consent

- (a) to an inspector, social worker, manager or provincial director while he or she is exercising powers or carrying out duties or functions under the Act or these regulations;
- (b) for the purpose of complying with a subpoena, warrant or court order; and
- (c) where required by the Act or these regulations or by another Act or regulations.

(3) A licensee shall retain all information and documentation referred to in subsection (1) until directed to provide the information to a provincial director.

(4) A licensee shall ensure that information and documentation referred to in subsection (1) is stored in a safe and secure manner.

(5) Where a licensee becomes aware of the unauthorized possession or use of information or documentation referred to in subsection (1), the licensee shall

- (a) immediately notify a social worker or manager;

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- (b) immediately provide a detailed report regarding the unauthorized possession or use of the information to a social worker or manager; and
- (c) make every reasonable effort to prevent the reoccurrence of unauthorized possession or use of information.

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17. (1) A licensee shall maintain, to the satisfaction of a provincial director,
- (a) Comprehensive General Liability insurance with a minimum limit of \$5,000,000; and
 - (b) Professional Liability insurance with a minimum limit of \$2,000,000.
- (2) Where requested by a provincial director, a licensee shall immediately provide a Certificate of Insurance.
- (3) A licensee shall ensure that the department is listed as an Additional Insured on all required insurance policies.

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**PART III
FAMILY-BASED PLACEMENT PROVIDER LICENSEE AND
RESIDENTIAL PLACEMENT PROVIDER LICENSEE**

[Back to Top](#)**Definition**

18. In this Part, "licensee" means a person who holds
- (a) a family-based placement provider licence; or
 - (b) a residential placement provider licence.

[38/19 s18](#)[Back to Top](#)**Duties of a family-based placement provider licensee**

19. (1) A family-based placement provider licensee shall ensure
- (a) its policies and procedures relating to the recruitment and assessment of caregiver applicants comply with departmental policies;
 - (b) a home assessment for caregiver applicants is completed in accordance with departmental policies;
 - (c) all interviews required to be conducted when completing a home assessment comply with departmental policies;
 - (d) training provided to caregiver applicants complies with the training requirements outlined in departmental policies;
 - (e) caregiver applicants obtain the certifications referred to in subsection 23(4) before being approved as caregivers; and

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- (f) staff employed in a facility operated by a family-based placement provider licensee satisfy the requirements in section 23.

(2) Where a family-based placement provider licensee approves a caregiver, the family-based placement provider licensee shall

- (a) notify a manager in writing;
- (b) provide a copy of the home assessment referred to in subsection (1) and all supporting documentation to a manager; and
- (c) ensure that adequate support and monitoring is provided to the caregivers in the facility.

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Educational and employment requirements

20. (1) A family-based placement provider licensee may only allow an individual to perform functions and duties as required under the Act or these regulations on behalf of the family-based placement provider licensee where the individual provides the following documentation to the satisfaction of the family-based placement provider licensee:

- (a) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police;
- (b) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police;
- (c) a current Child Protection Clearance Check which grants clearance;
- (d) 3 references from individuals not related to the individual;
- (e) proof that he or she is registered under the *Social Workers Act* as a practising member; and
- (f) proof that he or she has worked a minimum of 5 years as a registered social worker.

(2) Where a family-based placement provider licensee is the individual performing the functions and duties under the Act or these regulations, the individual shall satisfy the requirements in subsection (1) to the satisfaction of a provincial director.

(3) Notwithstanding paragraph (1)(f), a registered social worker who was employed by a family-based placement provider licensee at the time of the coming into force of these regulations, is not required to provide proof that he or she has worked a minimum of 5 years as a registered social worker.

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Referrals and placements

21. (1) Where a family-based placement provider licensee receives a referral for the placement of a child or youth in a facility operated by the family-based placement provider licensee, the family-based placement provider licensee shall

- (a) accept the referral;
- (b) determine whether the child or youth being referred can, at the time of the referral, be matched with a caregiver in a facility operated by the family-based placement provider

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licensee; and

- (c) where the child or youth can be matched with a caregiver in a facility operated by the family-based placement provider licensee at the time of referral, accept placement of the child or youth in the facility or where the child or youth cannot be matched with a caregiver in a facility operated by the family-based placement provider licensee at the time of referral, retain the referral until the child or youth

- (i) can be placed with a caregiver in a facility operated by the family-based placement provider licensee, or

- (ii) no longer requires the placement.

(2) Where a residential placement provider licensee receives a referral for placement of a child or youth in a facility operated by the residential placement provider licensee, the residential placement provider licensee shall

- (a) accept the referral; and

- (b) place the child or youth in accordance with departmental policies.

(3) A residential placement provider licensee shall not

- (a) refuse to accept a child or youth referred to the residential placement provider licensee where there is a vacancy in a facility operated by the residential placement provider licensee; or

- (b) refuse to continue the placement of a child or youth.

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Notice of closure

22. (1) Where a licensee intends to close one or more of its facilities, the licensee shall provide notice to a provincial director as follows:

- (a) 30 days written notice where the licensee intends to close at least one but less than one half of the facilities operated by the licensee;

- (b) 60 days written notice where the licensee intends to close at least one half but less than all of the facilities operated by the licensee; and

- (c) 120 days written notice where the licensee intends to close all of the facilities operated by the licensee.

(2) Where the department no longer requires the placement of children or youth in facilities operated by a licensee, the department shall provide notice to the licensee as follows:

- (a) 30 days written notice where the department no longer requires placement of children or youth in at least one but less than one half of the facilities operated by the licensee;

- (b) 60 days written notice where the department no longer requires placement of children or youth in at least one half but less than all of the facilities operated by the licensee; and

- (c) 120 days written notice where the department no longer requires placement of children or youth in all of the facilities operated by the licensee.

(3) Notwithstanding subsection (2), a provincial director may immediately close a facility where he or she determines that closure of the facility is in the best interests of children or youth.

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(4) Where a licensee intends to cancel or not renew his, her or its licence or where his, her or its licence is not renewed or is revoked, sections 8 and 9 apply.

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Qualifications

23. (1) A licensee shall only employ staff in a facility operated by the licensee who

- (a) are over the age of majority;
- (b) completed a post-secondary educational program in the field of child and youth care from an accredited post-secondary institution or an equivalent combination of education and experience;
- (c) provide 3 references from individuals not related to him or her;
- (d) provide a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police;
- (e) provide a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police; and
- (f) provide a current Child Protection Clearance Check which grants clearance.

(2) Notwithstanding paragraph (1)(c), a staff member who was employed at a facility operated by a licensee at the time of the coming into force of these regulations, is not required to provide 3 references.

(3) A licensee shall ensure that before commencing employment or caring for children or youth in a facility operated by the licensee, staff and caregivers

- (a) have knowledge of child and youth development and the impact of maltreatment on children and youth;
- (b) have knowledge and understanding of cultural identity and diversity;
- (c) have the ability to care for children and youth with challenging, trauma based behaviours; and
- (d) sign an oath regarding confidentiality.

(4) A licensee shall ensure that before commencing employment or providing care for children or youth in a facility operated by the licensee, staff and caregivers have the following certifications:

- (a) first aid certification which includes training relating to administering cardiopulmonary resuscitation to children and youth;
- (b) crisis management training certification satisfactory to a provincial director; and
- (c) suicide intervention training certification satisfactory to a provincial director.

(5) A licensee shall ensure that all staff and caregivers at a facility operated by the licensee obtain the certifications referred to in subsection (4) within 6 months of the date the licensee was issued a licence.

(6) A licensee shall ensure that all staff and caregivers at a facility operated by the licensee

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(a) provide the following documents every 3 years and at any other time when requested by an inspector, social worker, manager or provincial director:

(i) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a certified criminal record check from the Royal Canadian Mounted Police,

(ii) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police, and

(iii) a current Child Protection Clearance Check which grants clearance; and

(b) renew the certifications referred to in subsection (4) before expiry of the certification.

(7) Where a staff member is not able to

(a) complete the certifications referred to in subsection (4) before commencing employment; or

(b) renew the certifications referred to in subsection (4) before they expire,

a licensee may allow the staff member 60 days in which to complete or renew the certifications.

(8) Where subsection (7) applies the licensee shall ensure that until the staff member's certification is completed or renewed that the staff member work with a staff member whose certification is valid.

(8.1) Notwithstanding subsection (4) and paragraph (6)(b), a provincial director may exempt a caregiver or a caregiver applicant from the requirement to obtain or renew one or more of the certifications referred to in subsection (4) where

(a) the licensee submits a written request to a provincial director; and

(b) the provincial director is satisfied that exceptional circumstances exist which justify granting the exemption.

(9) An exemption granted under subsection (8.1) may be subject to the terms and conditions that a provincial director may impose.

(9) A licensee shall ensure that

(a) caregivers, staff and students are aware of their duty to report possible maltreatment in accordance with the Act, these regulations and departmental policies;

(b) only staff are included for the purposes of staffing ratios; and

(c) students in the facility operated by the licensee have

(i) a current Certificate of Conduct from the Royal Newfoundland Constabulary or a current certified criminal record check from the Royal Canadian Mounted Police,

(ii) a current Vulnerable Sector Check from the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police, and

(iii) a current Child Protection Clearance Check which grants clearance.

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Confidentiality and retention of information

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24. (1) Licensees, staff, caregivers and students shall keep confidential all information that comes to their knowledge as a result of

- (a) the involvement in the recruitment, assessment and training of caregivers; and
- (b) the placement of children and youth in a facility operated by a licensee.

(2) Notwithstanding subsection (1), information may be disclosed without consent

- (a) to an inspector, social worker, manager or provincial director while he or she is exercising powers or carrying out duties or functions under the Act or these regulations;
- (b) for the purpose of complying with a subpoena, warrant or court order;
- (c) where required by the Act or these regulations; and
- (d) where necessary to ensure the immediate health or safety of a child or youth placed in a facility operated by the licensee.

(3) A licensee shall retain all information and documentation referred to in subsection (1) until directed to provide the information and documentation to a provincial director.

(4) A licensee shall ensure that information and documentation referred to in subsection (1) is stored in a safe and secure manner.

(5) Where a licensee becomes aware of the unauthorized possession or use of information or documentation referred to in subsection (1), the licensee shall

- (a) immediately notify a social worker or manager;
- (b) immediately provide a detailed report regarding the unauthorized possession or use of the information to a social worker or manager; and
- (c) make every reasonable effort to prevent the reoccurrence of unauthorized possession or use of information.

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Household safety

25. (1) A licensee shall ensure that each facility operated by the licensee

- (a) provides a home environment;
- (b) is located in a residential area in a community;
- (c) complies with all applicable residential building codes;
- (d) has a home inspection completed at least annually by an inspector from the Department of Service Newfoundland and Labrador and complies with all recommendations in the inspection;
- (e) has safety policies and procedures that are accessible for all caregivers and staff;
- (f) has all medications, chemicals and other products in the facility that the licensee considers harmful to the children and youth in the facility secured and out of reach of the children and youth;
- (g) has an evacuation plan which is

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- (i) posted in a public area,
 - (ii) shared with children and youth upon placement, and
 - (iii) reviewed and practiced at regular intervals;
- (h) are equipped with smoke alarms, smoke detectors, carbon monoxide detectors and fire extinguishers that are installed and maintained in accordance with manufacturer's specifications and applicable fire and safety regulations and guidelines;
- (i) contains all necessary safety equipment required for the children and youth residing in the facility and that the equipment complies with all applicable safety standards;
- (j) has a well maintained first aid kit;
- (k) has a list of emergency contact numbers posted in a public area; and
- (l) has a copy of
- (i) the Act and these regulations,
 - (ii) the licensee's policies and procedures, and
 - (iii) any other policies and procedures required by a provincial director.
- (2) In addition to the requirements in subsection (1), a family-based placement provider licensee shall ensure that each facility operated by the family-based placement provider licensee has a home safety checklist completed in accordance with departmental policies.
- (3) Notwithstanding paragraph (1)(f), where a social worker or manager determines that medications, chemicals and other products in a facility which a staff member or a caregiver has determined not to be harmful to the children and youth are harmful to the children and youth, the staff and caregivers shall treat those products as harmful and ensure that they are secured and out of reach of the children and youth.
- (4) A licensee shall ensure that at each facility the licensee operates
- (a) each child or youth has his or her own bedroom;
 - (b) all bedrooms have a door and at least one exterior window that satisfies egress standards;
 - (c) a child or youth's bedroom is large enough to accommodate the child or youth's needs and there is appropriate space to store clothing and display personal belongings; and
 - (d) each child or youth has his or her own bed with a mattress and bedding.
- (5) Notwithstanding paragraph (4)(a), one or more children or youth may share a bedroom where a social worker or manager determines it is appropriate.

[38/19 s25](#)[Back to Top](#)**Vehicle safety**

26. A licensee shall ensure that all vehicles used by staff or caregivers to transport children and youth

- (a) are covered by an automobile liability insurance policy with a minimum limit of \$2,000,000 and includes business use coverage, accident benefits coverage and

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endorsements for carrying passengers;

- (b) contain all necessary safety equipment required for the transportation of children and youth, including car seats and booster seats, and that the equipment is used in compliance with the *Highway Traffic Act* and all applicable safety standards;
- (c) are in safe working condition;
- (d) comply with the requirements of the *Highway Traffic Act* ; and
- (e) are only operated by persons with a valid driver's licence.

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Programming and services

27. (1) A licensee shall provide programming and services that

- (a) reflect best practices in child and youth care;
- (b) engage children and youth in daily life events for therapeutic purposes;
- (c) are specialized, structured and focused on objectives and goals that meet the needs of children or youth;
- (d) are unique to each child or youth's needs, including the child or youth's eventual transition from the facility operated by the licensee;
- (e) are developed in collaboration with existing community resources that provide services to children and youth;
- (f) support the child or youth's connection with his or her culture, heritage, traditions, community, language and spirituality;
- (g) are supportive of diversity in children and youth as it relates to gender identity, gender expression and sexual orientation;
- (h) recognize that children and youth and their families have unique strengths, resiliencies and capacities that should be encouraged; and
- (i) meet the needs of children and youth in the areas of relationships, communication, social skills and life skills.

(2) Where a child or youth presents with specific identified needs or diagnoses, the licensee shall ensure that specific programming is available to meet the needs of the child or youth.

(3) Where a youth is under a Youth Services Agreement, the licensee shall ensure that the services outlined in the Youth Services Plan are available to meet the needs of the youth.

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Daily care and supervision

28. (1) A licensee shall ensure that at each facility operated by the licensee

- (a) a high quality of care in a safe, nurturing environment for children and youth is provided;

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- (b) 24 hour supervision, guidance and support by trained caregivers or staff for all aspects of the child or youth's life is provided;
- (c) there is a model of care that addresses the physical, psychological, social, behavioural, developmental, emotional, cultural and spiritual needs of children and youth;
- (d) policies and procedures are developed to ensure that daily routines and rules are consistently applied based on the individual needs of each child and youth;
- (e) a variety of nutritious meals and snacks that follow the Canada Food Guide or other similar nutrition and dietary guidelines are provided, including foods specific to a child or youth's diet or culture or any foods necessary to meet any special dietary or medical needs of a child or youth;
- (f) all children and youth are appropriately supervised based on their age and developmental level;
- (g) articles or substances that a child or youth has that are illegal or may place him or her or someone else at risk are either safely stored or removed;
- (h) each child and youth receives a weekly allowance based on his or her age and developmental level;
- (i) age and developmentally appropriate toys, games, books and activities are provided;
- (j) a child or youth's involvement in age and developmentally appropriate social and recreational activities that are of interest to the child or youth are arranged, encouraged and supported;
- (k) any special medical needs of a child or youth are met;
- (l) health care, including necessary acute care and routine medical, dental, and vision care is arranged by staff or caregivers and provided by a qualified healthcare practitioner or other healthcare provider in a timely manner;
- (m) opportunities to develop and practice life skills are provided to each child or youth;
- (n) a child or youth's attendance in an education program or an alternative program is arranged, encouraged and supported;
- (o) educational supports in accordance with direction from the school district are arranged, encouraged and supported where a child or youth requires either additional support with school work or is not attending school;
- (p) transportation for children and youth to attend programs, activities, medical appointments, family access visits and other activities included in the in care plan for the child or youth is provided in accordance with departmental policies;
- (q) staff and caregivers work with a child or youth's biological family and significant others to maintain relationships between the child or youth and his or her family and significant others as requested by a social worker or manager;
- (r) supervised and unsupervised access between children and youth and their family and significant others, as required by a social worker or manager, are facilitated, documented and where required, supervised in accordance with departmental policies;
- (s) a life book is created and maintained for each child or youth in accordance with departmental policies; and
- (t) a child or youth's privacy is protected in accordance with departmental policies.

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(2) A licensee shall immediately notify a social worker and provide assistance in accordance with departmental policies where a child or youth is

- (a) absent without permission;
- (b) missing; or
- (c) abducted.

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In care planning

29. (1) A licensee shall assign staff members or caregivers to be members of a team involved in planning for children and youth placed in a facility operated by the licensee.

(2) A licensee shall ensure that staff and caregivers consult with and update the child or youth's social worker or manager and members of the team referred to in subsection (1) regarding decisions relating to the child or youth's care and planning for the child or youth.

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Medical consent

30. (1) A licensee shall not provide medical consent for a child or youth residing in a facility operated by the licensee unless the licensee has the prior approval of a social worker or manager.

(2) Where a child or youth residing in a facility is required to take medication, the licensee shall ensure that the administration of the medication is provided and documented in a manner satisfactory to a social worker or manager.

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Discipline and crisis management

31. (1) A licensee shall not use any form of discipline that violates

- (a) a child or youth's right to proper care, protection, safety or security; or
- (b) departmental policies.

(2) The use of aggressive or assaultive behaviours, either verbal or physical, shall not be permitted.

(3) A licensee shall implement policies for responding to and managing the behaviours of children and youth, including

- (a) the promotion of positive behaviours;
- (b) proactive strategies to prevent volatile situations; and
- (c) programming to address situations that require crisis intervention and the de-escalation of volatile situations.

(4) A licensee shall ensure that staff and caregivers

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- (a) understand the impact of maltreatment, trauma, loss and grief on a child or youth's behaviour; and
 - (b) are familiar with a range of effective disciplinary techniques and implement those techniques appropriately.
- (5) A licensee shall ensure that in each facility that the licensee operates, physical restraint is
- (a) only used when it is part of a departmentally approved behavioural plan or as a last resort where there is a serious risk of harm and the existing range of interventions cannot effectively ensure safety; and
 - (b) never used as a consequence for behaviour.
- (6) Where paragraph (5)(a) applies, the licensee shall seek to resolve the incident as quickly and safely as possible and shall ensure the least restrictive form of physical restraint is used.
- (7) A licensee shall ensure that
- (a) all staff and caregivers have valid crisis management training approved by a provincial director and are competent in the appropriate use of physical restraint;
 - (b) any use of physical restraint is documented in an incident report and submitted to a social worker or manager in accordance with departmental policies; and
 - (c) where the child or youth is supported by a behaviour management specialist with the department, a copy of the incident report is provided to the behavioural management specialist.

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32. (1) A licensee shall maintain, to the satisfaction of a provincial director,
- (a) property insurance and where applicable, tenants and contents insurance;
 - (b) Comprehensive General Liability insurance with a minimum limit of \$5,000,000; and
 - (c) Professional Liability insurance with a minimum limit of \$2,000,000.
- (2) Where requested by a provincial director, a licensee shall immediately provide a Certificate of Insurance.
- (3) A licensee shall ensure that the department is listed as an Additional Insured on all required insurance policies.

[38/19 s32](#)[Back to Top](#)**Investigations**

33. (1) Where an inspector conducts an investigation under section 80 of the Act, the inspector may
- (a) enter a facility with or without advance notice to the licensee, caregivers or staff;

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- (b) make copies, extracts, photographs or videos of records that the inspector considers relevant to the investigation; and
- (c) conduct interviews with caregivers, staff and any other person the inspector determines relevant to the investigation.

(2) Nothing in subsection (1), derogates from the authority of a manager to address the best interest of a child or youth in his or her custody by providing direction to a licensee in regard to the care provided to a child of youth placed with the licensee.

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Record keeping and reporting

34. (1) A licensee shall maintain a written record for each child or youth residing in a facility operated by the licensee.

- (2) A record referred to in subsection (1) shall include
 - (a) the name, date of birth, cultural identity and other demographic information regarding the child or youth;
 - (b) the name, address and contact information for the social worker and manager responsible for the child or youth;
 - (c) the date the child or youth was placed in the facility;
 - (d) a list of approved contacts for the child or youth;
 - (e) the individualized programming plan for the child or youth;
 - (f) information relating to contact and visits that occurred between the child or youth and staff or caregivers at the facility before the child or youth's placement in the facility;
 - (g) information relating to meetings, case conferences and other planning activities;
 - (h) information relating to the child or youth's medical, dental, vision, developmental, psychological and emotional health including information relating to the child or youth's immunization and health care history, qualified health practitioners and other healthcare providers and any required follow up and appointments;
 - (i) information relating to medical consents;
 - (j) information regarding any therapeutic needs prescribed for the child or youth by a qualified health practitioner or other healthcare provider;
 - (k) information regarding any special diet or dietary needs prescribed for the child or youth by a qualified health practitioner or other healthcare provider;
 - (l) information relating to the child or youth's school attendance, including the child or youth's report cards and contact information for the school the child or youth is attending;
 - (m) daily observations and necessary information as provided by the licensee, caregivers or staff regarding the child or youth;
 - (n) log recordings where the licensee is required by a social worker or manager to complete log recordings;
 - (o) information relating to all incident reports in accordance with departmental policies;

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- (p) placement end date and reason for placement ending; and
- (q) any other information regarding the child or youth that the licensee considers appropriate or that is required by a social worker or manager.
- (3) A licensee shall ensure that all documents relating to a child or youth are
 - (a) kept in a secure location;
 - (b) dated and signed by a caregiver or staff; and
 - (c) kept in the child or youth's file.
- (4) A licensee shall comply with departmental policies regarding incident reporting.
- (5) A licensee shall establish protocols for log recordings and ensure that where a social worker or manager requires the licensee to complete log recordings, that each facility operated by the licensee maintain the following log recordings for each child or youth residing at the facility:
 - (a) log recordings containing information regarding the daily activities and interactions of the child or youth in the facility, including information regarding the child or youth's behaviour, appointments, family contact and significant events or incidents; and
 - (b) log recordings containing information regarding the administration of prescription and non-prescription medications including information regarding the type of medication, the time and method by which the medication was administered and the signature of the individual who administered the medication.
- (6) In addition to the log recordings referred to in subsection (5), each facility shall, where required by a social worker or manager, maintain a log which is used to convey information relevant to the care of children or youth between staff and caregivers.
- (7) A licensee shall ensure that all log recordings are
 - (a) dated, detailed, accurate and legible;
 - (b) completed by staff or caregivers and shared with other staff or caregivers as necessary; and
 - (c) provided to an inspector, social worker, manager or provincial director on request.
- (8) A licensee shall immediately report concerns regarding
 - (a) any condition of the home that may pose a risk to child or youth safety; and
 - (b) alleged or observed staff or caregiver misconduct related to the care of a child or youth, including the maltreatment of a child or youth and any action taken by the licensee.

[38/19 s34](#)[Back to Top](#)**Notice of change**

35. (1) A licensee shall immediately notify a social worker or manager where
- (a) the address of a facility changes; or
 - (b) changes are made to the structure or configuration of a facility.

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(2) A family-based placement provider licensee shall immediately notify a social worker or manager where there is a change in the individuals residing in a facility.

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PART IV REPORTS

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Reports

36. A licensee shall provide statistical reports, clinical reports and other reports in the form required by a provincial director where requested by a provincial director.

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PART V INDIGENOUS REPRESENTATIVE

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Indigenous representative

37. (1) An Indigenous government or organization may designate one or more Indigenous representatives.

(2) Where an Indigenous government or organization designates one or more Indigenous representatives it shall notify the minister, in writing, of the name of each Indigenous representative.

(3) An Indigenous representative designated under subsection (1) may designate a person as an acting Indigenous representative to perform the duties of the Indigenous representative where the Indigenous representative is absent or unable to act.

(4) Where an acting Indigenous representative is designated under subsection (3),

(a) the Indigenous representative shall notify the Indigenous government or organization of the designation and the time period in which the person designated will be acting as the Indigenous representative; and

(b) the Indigenous government or organization shall immediately provide that information to the minister in writing.

(5) Where an Indigenous government or organization replaces a person appointed under subsection (1), the Indigenous government or organization shall immediately notify the minister, in writing of the change.

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PART VI COMMENCEMENT

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Commencement

38. These regulations come into force on the date the Act comes into force.

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