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February 8, 2017

Information Note
Department of Children, Seniors and Social Development

Title: Statutory Review of the *Children and Youth Care and Protection Act (CYCP Act)*

Issue: To inform the Premier in his capacity as Minister of Labrador and Aboriginal Affairs of CSSD's intention to conduct further discussion with Aboriginal governments and organizations regarding potential amendments to the *CYCP Act*.

Background and Current Status:

- The *CYCP Act* guides the delivery of child protection, in care and youth services programs in this Province.
- A statutory review of the *CYCP Act* was announced on June 30, 2016.
- Six major policy issues were identified for consideration during the review:
 - Improving information sharing between CSSD and other stakeholders;
 - Supporting prevention services for children in need of protection;
 - Enabling CSSD 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; and,
 - Strengthening services to Aboriginal children and youth.
- Public consultations occurred between September 1 and December 31, 2016. Stakeholders were invited to participate in focus groups, provide a written submission or complete a questionnaire.
- CSSD received submissions from the Miawpukek First Nation (MFN), the Innu Nation (IN) and the Nunatsiavut Government (NG).
- The Nunatukavut Community Council (NCC) and the Qalipu First Nation (QFN) were invited to participate, however responses were not received.

Analysis:

- The MFN, IN, and the NG each provided input during the consultation process and several common themes emerged.
- Themes included improving information sharing; notifying Aboriginal representatives of child protection involvement and court matters; and, acknowledging Aboriginal culture when considering the child's best interests and out-of-home placement needs.
- CSSD has identified several legislative amendments that would support many of the recommended actions proposed by Aboriginal governments/organizations including:
 - Defining Aboriginal child/youth;
 - Reflecting the need to consider the uniqueness of Aboriginal cultures in the General Principle of the *CYCP Act*;
 - Requiring cultural continuity planning to occur for children removed from the care of a parent;
 - Requiring information sharing about child protection and court matters with designated Aboriginal representatives; and,

- Adding placement considerations for Aboriginal children in care.

Action Being Taken:

- Further research and analysis is being completed in relation to these potential changes to the *CYCP Act* and these recommendations will be fully examined in a Cabinet submission that will seek authority to draft amendments to the *CYCP Act*.
- Prior to completing this Cabinet submission, CSSD intends to discuss these possible recommendations with the MFN, IN and NG to determine whether they would support these policy directions.
- Although they did not participate in the public consultation process, CSSD intends to seek input from the QFN and NCC on these policy directions, as changes related to service delivery to Aboriginal people would potentially affect their members.
- The feedback received through these discussions will further inform CSSD's submission to Cabinet and future policy direction for services to Aboriginal children, youth and families.
- CSSD advised the Labrador and Aboriginal Affairs Office (LAAO) of its intention to conduct further discussion with Aboriginal governments and organizations in the Province and LAAO are supportive of this approach.

Prepared/Approved by: J. Barnes/R. Healey/B. Cooper
Reviewed by: P. Howe/E. Day, Cabinet Secretariat
Ministerial Approval: Received from Hon. Sherry Gambin-Walsh

February 8, 2017