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Legislative Review

Review of the *Children and Youth Care and Protection Act*
September 2017

Background

- The *Children and Youth Care and Protection Act (CYCP Act)* was proclaimed on June 30, 2011. The purpose is to promote the safety and well-being of children and youth who are in need of protection. The *CYCP Act* provides authority to deliver child protection, in care and youth services.
- The *CYCP Act* includes a provision for a statutory review every five years. This was publicly announced and commenced on June 30, 2016.
- From June 30 – December 31, 2016, CSSD conducted public consultations on the statutory review.
- On May 9, 2017, CSSD provided a presentation to SPC and subsequently was asked to return with options on how to enhance prevention services for children not on a child protection caseload and advise on whether legislative changes to the *CYCP Act* are required.
- On July 20, 2017, CSSD returned SPC with options and recommendations for prevention.

Review Process

- A discussion guide was posted online which outlined 6 key areas for the review.
- Over 30 organizations participated through in-person and virtual dialogue sessions, focus groups, and written submissions.
- 173 surveys were received from children, youth and families and CSSD staff.
- A *What we Heard* document was posted on line in April 2017 .
- A jurisdictional scan and review of child welfare literature was conducted to inform the recommendations for this review.

Proposed Legislative Changes

1. Information sharing

- CSSD will eliminate barriers that currently impede information sharing to ensure all relevant information is available to protect the safety and well being of children.

2. Prevention services

- CSSD will enhance the *CYCP Act* language to focus more on supporting parents on a child protection caseload to care for their children in their own home where it is in the best interest to do so.
- Options to enhance prevention services for children not on child protection caseload will be discussed later in this presentation.

Proposed Legislative Changes

3. Licensing and regulation of out-of-home placements

- CSSD proposes to include an enabling provision for licensing and regulation of foster homes and residential placements to improve quality and accountability of service providers and reduce the number of high cost residential placements (e.g., Individualized Living Arrangements) by increasing the number of foster homes.

4. Improve permanency planning

- CSSD will strengthen and support permanency planning provisions to support children and youth to reside with a relative or family friend on a permanent basis through the transfer of legal custody. This will result in obtaining legal permanency for children and youth in a more timely manner and less children living in foster homes and residential placements.

Proposed Legislative Changes

5. Enhance the Youth Services program

The Minister's mandate letter requires a review of the Youth Services program to remove discrimination based on whether a youth was in care before 16 and to enhance support to vulnerable youth.

CSSD proposes amendments to address the Ministers mandate letter, the youth services program review and better align our legislation with the rest of Canada:

1. Allow youth to receive services up to their 21st birthday regardless of whether they were in care on their 16th birthday (\$1.2 M).
2. Remove the requirement for youth to be in an educational or rehabilitative program in order to receive services (no immediate cost).
3. Extend the age for mandatory reporting of child maltreatment from the 16th birthday to the 18th birthday (\$150 K).
4. Remove the option for youth to leave continuous custody before their 18th birthday (\$75 K).
5. Provide additional staffing to align with the CSSD staffing model to support the proposed amendments (\$200 K).

Proposed Legislative Changes

6. Improve services to Indigenous children, youth and families

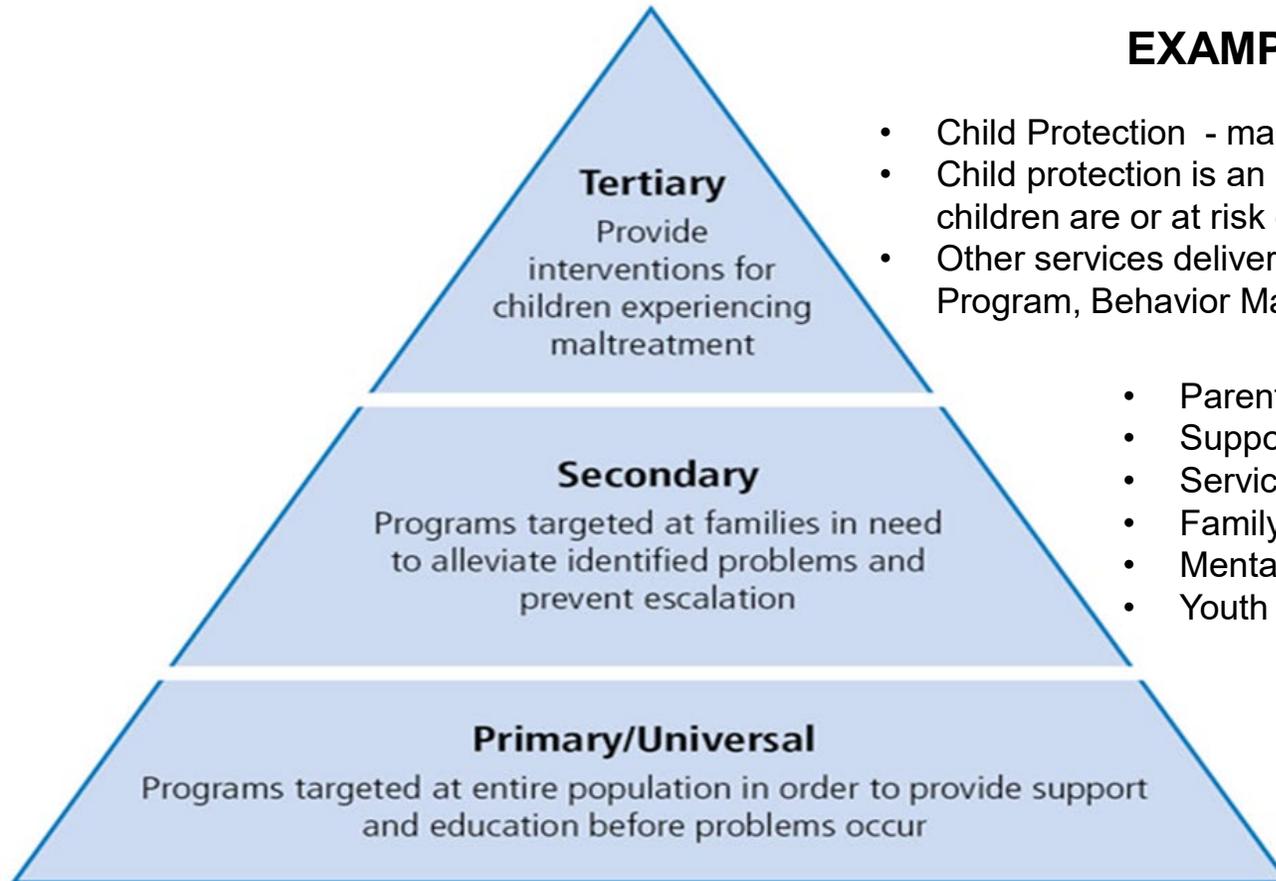
- CSSD proposes amendments in the *Act* to recognize the uniqueness and importance of Indigenous culture and support collaboration with Indigenous Governments/Organizations by increasing involvement in case planning and decision making to help address the overrepresentation of indigenous children in care.
- The proposed amendments will also support cultural continuity planning, to maintain connections to culture and community, when children are removed due to safety issues.
- CSSD also proposes enabling provisions for delegation of service delivery to allow Indigenous Governments/Organizations to deliver child welfare services.

Other Amendments

Minor legislative adjustments

- These amendments are technical in nature and address process and procedural issues identified by CSSD staff and Department of Justice and Public Safety.
- All proposed amendments are outline in Annex B.

Types of Prevention



EXAMPLES OF PREVENTION IN NL

- Child Protection - mandated program under the *CYCP Act*
 - Child protection is an intensive assessment based program targeted at families where children are or at risk of maltreatment.
 - Other services delivered under the protection program include: Triple P Parenting Program, Behavior Management Services, counselling and financial services.
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- Parent support groups and programs (Janeway Resource Center)
 - Support and assistance to expecting and new mothers (HCS - Public Health)
 - Services for families that have children with special needs (Community Living)
 - Family Resource Centers (EECD)
 - Mental Health and Addictions (HCS)
 - Youth Outreach
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- Drug Awareness and Resistance Education (DARE)
 - Students Taking Responsibility in Violence Education (STRIVE)
 - Safe Sleep Campaigns
 - Nobody's Perfect Parenting Program

Jurisdictional Review - Prevention

- **Tertiary prevention** services, where a child is in need of protection, are delivered by the majority of Canadian child welfare jurisdictions (including NL) through the child welfare program.
- **Primary and secondary prevention** is generally shared across government and within communities.
- Jurisdictions have taken the approach that effective prevention and early intervention services require a collaborative cross-departmental and cross-sector approach. Integration with other government departments is necessary, as many of the services children, youth and families require are not delivered under one department or agency.
- Some jurisdictions have initiated frameworks for prevention and early intervention that focus on community partnerships and capacity building.

Best Practices – Prevention

- Research on prevention highlights that a proactive and early approach to service provision is critical to supporting vulnerable families and mitigating risk issues that are exacerbated when supports are not provided.
- Protective factors are necessary in order to have healthy children, families and communities. Services should be accessible in the community and non-stigmatizing in order to support families.
- Community agencies are critical to providing secondary prevention services and the role of government is to set policy, standards and to provide oversight and monitoring.

Options:

1. Proceed with proposed amendments to enhance tertiary prevention and address secondary prevention through policy and program development (recommended)

- Proceed with drafting all proposed amendments and approve \$1.6 million to implement the recommended legislative amendments associated with all 5 enhancements to the Youth Service program.
- CSSD make improvements to tertiary prevention services for the child protection program and provide a leadership role in the development of secondary prevention services through the establishment of a division to lead this work pending Budget 2018-19 approval process.

2. Proceed with proposed amendments and legislate secondary prevention services in the *CYCP Act*

- Proceed with drafting all proposed amendments and approve \$1.6 million to implement the recommended legislative amendments associated with all 5 enhancements to the Youth Service program.
- Include a family services provision in the *CYCP Act* to allow the department to develop and deliver secondary prevention services to vulnerable families

Time Lines

- Bill passed (3 readings) - Fall 2017
- Phased Proclamation
 - June 30th, 2018 - Early proclamation of amendments to support information sharing and service delivery to Indigenous children, youth and families.
 - December 30th, 2018 – Proclamation of remaining Bill.