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Bill to Replace the *Children and Youth Care and Protection Act*

Presentation to Cabinet

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. The review was publicly announced and commenced on June 30, 2016.
- A discussion guide was posted online which outlined 6 key areas for the review.
- From June 30 – December 31, 2016, CSSD conducted public consultations on the statutory review and completed a jurisdictional scan and review of child welfare literature.
- A What we Heard document was posted online in April 2017.

Changes in 6 main areas

- Due to the large number of required amendments, Legislative Counsel has decided to repeal and replace the current *CYCP Act* with a new *Act*.
- The new *Act* entitled *Children, Youth and Families Act* is child and youth centred, family focused and culturally responsive.

Substantive amendments were aimed at:

1. Improving information sharing to assist in the protection of children and youth
2. Enhancing the focus on maintaining children and youth in their family homes
3. Expanding permanency options for children and youth in foster care
4. Strengthening service delivery to Indigenous children, youth and their families
5. Identifying and supporting youth in need of protection
6. Developing a licensing regime for out of home placements

Information Sharing

Amendments will assist in eliminating barriers that currently impede information sharing to ensure all relevant information is available to protect the safety and well being of children and youth.

- Revisions will clarify that a director or manager can disclosure information:
 - when it is in the **best interest** of a child or youth
 - for case planning and integrated service delivery purposes
 - for a criminal court proceeding, an investigation by the Chief Medical Examiner under the *Fatalities Investigations Act* and/or the Child Death Review Committee and the Child and Youth Advocate.
- A social worker can obtain information about the parent if it is required to determine if a child is in need of protection or remains in need of protection.
- When a person refuses to release information a court order can be made to produce the record.

Maintaining Children and Youth at Home

Purpose of Act

- Promote the safety and well-being of children and youth who are in need of protective intervention by offering, where available and appropriate, services that are designed to maintain, support and preserve the family unit where it is in the best interest of children and youth.

General Principle of Act

- In determining the best interest of a child or youth a new factor is included that recognizes the importance of the family as the preferred environment for the care and upbringing of a child or youth.
- To maintain a child and youth centered *Act*, it is clarified in the general principle section that if there is a conflict between the safety, health well-being of a child or youth and the family unit, the child or youth's safety, health and well-being prevails.

Permanency Planning

- Permanency planning focuses on returning children to their family as soon as it is safely possible or placing them in an alternate permanent family home.
- Amendments will expand and support permanency planning efforts to enable more children and youth to reside in an alternate permanent family home with a relative or person significant to them, as opposed to remaining in foster care.
- Amendments will assist in obtaining permanency for children and youth in a more timely manner and result in fewer children and youth aging out of foster care with limited family support or connections.

The new provisions:

- Provide the judge with the authority to order a transfer of permanent custody before all temporary custody orders have expired
- Outline a process for transferring custody after a manager has continuous custody of a child
- Require a social worker to include a description of the arrangements made or being made for the child's stability and permanency when filing the plan for the child with the court

Indigenous Children and Youth

Amendments will address Indigenous involvement in service coordination and planning, information sharing, and inclusion of cultural and community connections in decision making regarding a child or youth.

New provisions will:

- Define Indigenous children and youth
- Acknowledge the uniqueness of Indigenous cultures in NL
- Require a cultural connection plan for Indigenous children and youth who are removed from their families be included in the plan that is filed with the court
- Require placement considerations for Indigenous children and youth who are in foster care so that they can maintain connections to their culture and community
- Require notice of protective intervention hearings and other hearings pertaining to the supervision and custody of Indigenous children and youth be served to Indigenous representatives
- Establish the ability for Indigenous representatives to be heard in court
- Enhance sharing of information with Indigenous Government/Organizations to keep children safe and where possible, at home with families and in their own communities and culture

Youth Services

Will assist in identifying and supporting youth who are in need of protection and remove restrictions so that all vulnerable youth under a youth services agreement can receive services until their 21st birthday.

Amendments will:

- Increase the scope of duty to report maltreatment to include youth (age 16 & 17)
- Remove the option for youth to leave continuous custody before their 18th birthday
- Allow youth under a youth services agreement to receive services up to their 21st birthday regardless of whether they were in care on their 16th birthday
- Remove the requirement for youth to be in an educational or rehabilitative program in order to receive services

Licensing and Regulation

New provisions permit the licensing and regulation of agencies, family based and residential placement operators through non-government entities to:

- increase the number of family based homes (e.g., foster homes)
- enable the expansion of Pilots with service providers (e.g., Key Assets Family Based Pilot)
- strengthen accountability of service providers

New provisions will enable the Minister to:

- license agencies to recruit, assess, train and approve foster homes on behalf of CSSD
- license non-government entities to establish and operate family based and residential placements to provide care to children and youth in foster care
- make regulations to support a licensing regime

Concerns raised by HRS:

- Proceeding prior to conclusion of Bargaining would require disclosure of intent

Minor Legislative Adjustments

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.

Summary of Financial Implications

Legislative changes relating to Youth Services		Low	Medium	High
1	Increase the scope of duty to report maltreatment to include youth (age 16 & 17)	225,000	300,000	412,500
2	Remove the option for youth to leave continuous custody before their 18th birthday	1,959,000	3,215,000	4,592,000
3	Allow youth under a youth services agreement to receive services up to their 21st birthday regardless of whether they were in care on their 16th birthday	412,500	750,000	1,162,500
4	Remove the requirement for youth to be in an educational or rehabilitative program in order to receive services	637,500	1,275,000	1,987,500
5	Additional staff to maintain the staffing model	199,600	199,600	399,200
	TOTAL	3,433,600	5,739,600	8,553,700
Services to promote the enhanced focus on maintaining children and youth in their family home				
1	Expand Triple P Parenting Program			465,000
2	Expand counselling services			326,000
4	Family preservation model			900,000
	TOTAL			\$1,691,000

Recommendation

- Approve the Bill entitled the *Children, Youth and Families Act (CYF Act)*, as well as drafting of necessary regulations, and hold it for introduction into the House of Assembly until collective bargaining has been completed.
- It is anticipated CSSD will require approximately 12 months to develop the associated new policies, clinical practice procedures, regulations, and implement training for front-line staff.
- Cost of legislative changes to the youth services program is estimated at \$5.7 million annually, phased in over 2 fiscal years effective in 2019/2020 fiscal year
- Other related costs include services to promote the enhanced focus on maintaining children and youth in their family home estimated at \$1.7 million annually, phased in over two fiscal years effective in 2019/2020 fiscal year.