

**COMMUNITY SOCIETY TO END POVERTY IN NOVA SCOTIA
(CSEP-NS)**

c/o 2421 Brunswick St, Halifax, NS B3K 2Z4

November 19, 2015

Honourable Diana C. Whalen,
Chair
Law Amendments Committee
CIBC Building
Suite 802
1809 Barrington Street
P.O. Box 1116
Halifax NS B3J 2X1

Dear Ms Whalen,

I am writing on behalf of the Community Society to End Poverty in Nova Scotia (CSEP-NS) to follow up on my presentation to the Law Amendments Committee regarding proposed changes to the Children and Family Services Act. Unfortunately the notice for the meeting was relatively short and I was unable, in the time available, to provide a written response. I gather that there is no Hansard record for the Law Amendments Committee, but I would like to ensure that our concerns, as expressed in my presentation to the Committee, are available to all Committee members and would ask that this letter be circulated to them.

We attended several discussions hosted by the Halifax Society for Children, Youth and Families and a consultation session organized by the Department of Community Services. Bearing in mind CSEP's mission to promote the adoption of effective and holistic public policies to end poverty for all Nova Scotians, we submit the following concerns, observations, and questions about the proposed changes:

1. Both child development and poverty/income are recognized as social determinants of health and well-being. Research shows that there is also a relationship between poverty and child development which tends to show up in the early years, but can last a life-time (see http://cwrp.ca/infosheets/child_poverty). We believe, therefore, that if the well-being of children is central to the proposed changes, the government should be putting a great deal more emphasis on reducing child and family poverty through better social policies that include the provision of improved income support and social services. This issue is particularly pertinent, given that the Department of Community Services is in the process

of transforming the ESIA program which currently only provides limited income support for the poorest of the poor.

Moreover, if the well-being of children is the overall goal (which it should be), we urge the government to take a more holistic approach to child welfare, ensuring that all departments with mandates related to child welfare and well-being (Education, Justice, Health, Community Services) work together to provide services and support to low income families, with adequate funding. This could be achieved if the government adopted a provincial poverty reduction strategy based on the social determinants of health.

2. Though there is no comparable research in Canada, research in the US has shown that children from low SES families are at a five times greater risk of protection from child abuse and neglect compared to their upper SES counterparts (Sedlak et al., 2010). While there is not enough definitive research to indicate a causal relationship between poverty and child neglect or maltreatment, Canadian research in Quebec does show a relationship between low income and investigations for maltreatment and for out of home child placement. A study in Quebec (Esposito, 2012), using neighbourhood SES data and investigations for maltreatment that resulted in out of home child placement, demonstrated that a unit increase in neighborhood area socioeconomic disadvantage increased the risk of out-of-home placement by 55% for children aged 0 to 9.

We believe that this type of research on the relationship between poverty and neglect should be considered before legislation of this type is brought forward. Given gaps in the research on the issue and the need for more evidence based decision making in government policy development generally, the Department, or perhaps provincial governments together, should (and could) cooperate with academic researchers to study this important issue further.

3. We are pleased that the original provisions under duty to report under S.23-S25 have been changed and that the significant differences between how these should apply to children and youth are now recognized, We are also encouraged that the definition of emotional harm in S.3(1) has changed slightly, but we remain concerned that overall the changes related to neglect and emotional harm have been minimal.
4. We are still concerned about how the relatively broad definitions of "emotional harm" and "neglect" under S.3, especially in relation to the broader investigative powers of agents under 12A, the expansion of situations where children are deemed in need of child protection in S.22, and the additions related to child supervision and the failure to cooperate under S. 22(2) will be interpreted and acted upon.
5. While we understand that emotional and psychological harm can be as damaging as physical abuse or neglect, we are concerned about how evidence related to emotional

harm now defined as “harm that seriously interferes with a child’s healthy development, emotional functioning and attachment to others” will be discovered, measured and interpreted. In this regard it is important that ‘agents’ responsible for making important decisions related to the need for protection are properly educated, have sufficient experience, and are aware and sensitive to differences in class and culturally diverse ways of child-rearing. It will also be important to ensure that adequate services (psychological and counseling services amongst other things) are available to children, as well as to parents, at an early stage in cases of suspected emotional abuse and harm.

We recommend that the prime emphasis be placed on enhancing service to families. However, as far as we are aware, the Act comes with no commitment to additional funding to provide early intervention services, stated as goal #1 for the changes to the Act. We do hope, therefore, that the emphasis on early intervention is not window-dressing and that the changes intended to shorten or simplify the child protection process are not aimed at simply saving money at the expense of a family’s need for longer term services and support.

6. Given what we currently know about the relative propensity of children in low income families to be found in need of protection, we have particular concerns about the revised and now expanded definition of “neglect”, defined in 3 (1) as: “the failure to provide (i) adequate food, clothing, shelter or any necessary medical surgical or other remedial intervention; (ii) supervision including responsive and appropriate interactions with the child, necessary to ensure a child’s health, safety and wellbeing; or (iii) a supportive, nurturing and encouraging environment necessary for a child’s emotional development and well-being.” We seriously question how this broad definition will be interpreted and addressed in the context of the high level of family and child poverty, relative lack of child and family services (especially childcare), and class and cultural differences in Nova Scotia.

Sub-section 3(1) (i) is particularly concerning due to the high incidence of child and family poverty in certain regions of Nova Scotia and the fact that we know from research conducted through MSVU’s Food Arc that families living on income assistance or minimum wage simply cannot afford a healthy diet and in many instances must rely on inadequate food provided through food banks—though this food is also rationed.

Subsections (ii) and (iii) are also cause for concern given that we know that emotional development and well-being is impacted by poverty (see research cited above). While the proposed revisions provide a “reminder” that a child must experience chronic and serious neglect to be considered in need of protective service, the language to ensure this was not included in the revisions sent to Law Amendments.

We want to emphasise that we do not believe that children should be taken from their parents or become subjects of protective services simply due to the impacts of poverty or other social ills on their capacities to parent. We believe, therefore, that the wording in S.13 (1) needs to be changed and that the provision of services listed under 13(2) are not simply at the discretion of the Minister or agency, but deemed as an essential first step in “early intervention to prevent long-term harm.”

7. We generally agree with intention to include youth age 16 to 19 under provisions in the revised Act on a voluntary basis, especially given that youth leaving in care programs or dysfunctional or abusive families are much more likely to find themselves living on the street, in shelters, or in exploitative situations. We are also pleased that the revisions in S. 25 now distinguish between children and youth. We also understand the need for agencies and individuals to report abuse, but we are concerned about how “emotional harm” might be interpreted under 25(1) and about the interpretation of “may be about to suffer abuse in the imminent future” under (25 (2) (c).

In general, we hear from counsellors and others who work in agencies that provide services to parents and children that the penalties associated with this and other provisions related to mandatory reporting can not only negatively affect relationships between themselves as counsellors and clients, but also works to create a lack of trust between community based agencies providing services and DCS Child and Family Service agents. Mandated reporting and penalties need to be better balanced with more collaborative relationships with agencies that are designed to build trust.

8. Finally, we are concerned that the original S.88 (1)-(4) eliminated provision for the establishment of an Advisory Committee made up of relevant groups with an interest in child and family welfare. Revisions to the amendments now provide for a formal review every four years through a committee to be struck by the Minister. This is not good enough. Whether it by constituting an independent Advisory Council that has the power to issue public reports or through a public advocate for child and family services (our preference), we firmly believe that there must be independent oversight of the Child and Family Welfare System that is fully accountable to the public.

We look forward to hearing appropriate amendments by the Law Amendments Committee when the Act returns to the House for third reading.

Yours sincerely,

Stella Lord, Ph.D.,
Coordinator
CSEP-NS