The following link is for the news release sent out of General Council office. On the right side of the page is a link to children's Sunday. The yellow box on that page brings you to the materials. I would draw your attention to the background notes and ways to get involved.

http://www.united-church.ca/communications/news/releases/091116

## Here is an overview of our concerns with the legislation as it stands.

Children in care, more commonly known as foster children, are exceptionally vulnerable children and, as a group, are not doing well. Their life prospects are far different than children in the general population and they face extraordinary risks. Children in care are over represented by minority groups and by families living below the poverty line. These children have extremely high incidents of juvenile delinquency, school failures, substance abuse and mental health issues (Canadian Association for Community Living, 2003. Current Issues and Resources, Children and Youth Justice). The unfortunate truth is that children in government care are more likely to be charged with a crime than they are to finish high school (Preliminary findings from a study by Mary-Ellen Tupil-Lalond indicate that 44% of adolescents receiving services from the Ministry of Children and Family Development end up facing criminal charges. Only 24% finish high school). On top of that, researchers from Harvard Medical School and Casey Family Program researched adults who had been in foster care between 1988-1998 and found they exhibited symptoms of Post-Traumatic Stress at the rate of twice that of war veterans. Things are getting worse not better. Over the last few years, there has been an increase in the number of children coming into care and the severity of their problems.

If we, as a community in Nova Scotia, do not consider the poor life outcomes for these children as either acceptable or inevitable, we have to ask what is wrong with our system and how do we improve it? This is crucial, not merely because we are benevolent and compassionate, but because each high risk 14 year old we deter from a life of crime saves the community between 2.3 and 5.5 million dollars.

The Children and Family Services Act is the legislation that governs the policies, programs and services for children in care. It is a twenty year old piece of legislation. Nova Scotia, not unlike other provinces, has been very slow in translating research as to what works for children in care into legislation and policy. Front line workers (foster parents and social workers), often diligent and caring, can only be as effective as program and policy allow.

Children in care are both an invisible and marginalized population, who often experience social isolation and discrimination. If their rights are to be respected, it is clear that their rights need to be acknowledged in legislation and practised and supported by advocacy. It is imperative that the legislation, which ultimately drives the child protection system, ensure to the maximum extent possible that;

> **Families at risk are identified early.**
>
> **Families at risk are served appropriately and generously.**
> **Decision makers act decisively with an understanding of a child's sense of time and developmental needs.**

Unfortunately, at present, there is a huge gap between the above ideal and current practice. The

Nunn Report highlighted the difficulties typical high-risk families have navigating through the departments of Community Services. Involvement with families usually begins well after crisis and breaking points. There are few mechanisms to measure the success or long-term effectiveness of services offered to these families. And already vulnerable children bounce back and forth between birth families and foster families many times, and over many years, before permanency is secured. **The current legislation, as it stands, often drives the system in these unhealthy directions.**

Most children come into care because of domestic violence in their home or because of their parents problems with substance abuse and mental illness and the severe physical and emotional abuse that often accompany these issues. These problems tend to be chronic problems with high rates of recidivism. Children commonly bounce back and forth from foster home to birth-parent's home in attempts to reunify the family. There is tremendous concern, raised on many levels, about lack of long term supports for reunification when children are returned to their birth-parent's home.

Children in care typically spend many years in the system and experience an average of 3-7 moves. The trauma, loss and instability of multiple placements (children moving between foster homes and between foster homes and birth-parent's homes) has been clinically and scientifically associated with poor life outcomes. **Each move a child makes increases the likelihood of poor outcomes.**

Concerns about the system as a whole, and in particular, about multiple moves and unreasonable amounts of time before permanency is achieved have been researched and documented by the Canadian Pediatrics Society, the Child Welfare League of Canada, the Coalition on the Rights of the Child, the Children's Right Centre, and the Nova Scotia Ombudsman's Office. Unfortunately, multiple placements is detrimental to a child's healthy development. However, our legislation does little to address this issue or other issues identified earlier. It is imperative that the legislation be revisited, reviewed and rewritten.

***This is what we want to change followed by the rationale:***

# An Act to Amend the Children and Family Services Act

Be it enacted by the Governor and Assembly as follows:

**1. Clause 22(2)(j) of the Children and Family Services Act is amended by adding "or emotional harm" immediately after "harm"**

**2. Section 22(2) of Children and Family Services Act is amended by adding immediately after clause 22(2)(m) the following:**

22(2)(n) the child has suffered harm caused by being exposed to chronic substance abuse or criminal lifestyles of parents or guardians.

**3. Section 45 of Children and Family Services Act is amended by adding immediately after subsection (3) the following:**

**45A** **(1)** If the total cumulative time during which a child is in the care of a director reaches the maximum set out in Section 45(1) in respect of that child, the Court may, notwithstanding Section 45(1), make one temporary guardianship order for one period of not more than 6 months if the Court is satisfied that

(a) there are good and sufficient reasons to do so, and

(b) it can be anticipated that the child may be returned to the custody of the child's guardian within the period of the order.

**(2)** The following shall not be included in the calculation under Section 45(1):

(a) if a period of at least 5 years passes during which a child is not in the care of the director or the subject of a permanent guardianship agreement or order, any time the child was in the care of the director that preceded that period;

(b) if the child is the subject of an adoption order or a private guardianship order, any time the child was in the care of the director that preceded the date that order was made.

**(3)** Despite Section 45(1), if the Court adjourns a hearing of an application for permanent guardianship, the Court shall make an interim order granting custody of the child to a director pending the disposition of the application unless it is satisfied that it would be in the best interests of the child to order otherwise.

**(4)** An order under subsection (3) may provide access to the child.

(1) **Section 3(1)(e) which defines child as a person under sixteen years of age unless the context requires is to be amended to define child as a person under 19 years of age unless the context requires.**

## *Reasons why we are asking for the changes:*

Section 22(2)j which states "The child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm." Children suffer emotional and mental harm from chronic neglect and this needs to be acknowledged and considered. Often the scars are not physical but the harm is as great, and has lifelong mental health implications.

Section 22(2)i which states that "the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian fails or refuses to obtain services or treatment to remedy or alleviate the violence." Children also suffer, in much the same way, physical and emotional harm caused by exposure to chronic substance abuse and criminal lifestyles of parents or guardians. This needs to be acknowledged and considered.

Section 45 sets out time lines for children to move through the court process. Children under six years of age can not be in care for any longer than 12 months past the disposition hearing. It takes just under 180 days to get to the disposition hearing. So children under six can not be in care for over 18 months. Children over six, but under twelve cannot be in care for more than a total of 24 months. Although legislation seeks to minimize foster care drift through the system and to promote permanency, this is not the case. These cycles can be repeated indefinitely and children can spend many years in the system. Many do. The time lines need to be re-evaluated and a child's total time in care and the number of moves a child makes while in care, in totality, needs to be acknowledged and considered in any decision making.

Section 3(1)e states "child means a person under sixteen years of age unless the context otherwise requires." The risks posed by this definition to both community and child is self-

evident. A child who is over sixteen and not previously involved with the Children's Aid Society cannot receive support services and financial help from CAS. A person under the age of 19 cannot receive income assistance. An at risk child who finds themselves in this situation is extraordinarily vulnerable and so is the community in which she lives. It is not conceivable, in today's society, to consider a 16, 17, or 18 year old, an adult, particularly one with no family support. Therefore the definition of child should be an individual under the age of nineteen.

If you have any questions, please contact me.
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