# Report to the Standing Committee on Community Services

## September 13, 2011

by the

## Children and Youth in Crisis Working Group

of the

## Church in Action Committee

of the

## Maritime Conference

of

## The United Church of Canada

Children in care are an invisible population whose challenges are not widely understood.

In Nova Scotia, there are approximately 2000 children in care of the Minister of Community Services (Report of the Child Welfare Steering Committee, Nova Scotia, Jan. 2006).

Over the last decade, studies have shown the vulnerable population of children in need of protection is increasing, significantly. Since 1998, the number of children in care has risen by 65% (The Rights of the Child Part Four: Child Protection and Youth on the Street, Dr. Katherine Covell, Executive Director of the Children's Rights Centre, Cape Breton University).

Children in care, today, have much higher needs than children in care did a generation ago. Canada research cites estimates of emotional and behavioural problems in foster care rising from 30-40% in the 1970's to 48-80% in the mid 1990's (Stein E., Evans B., Mazumdar R., Rae-Grant N. (1996) The Mental Health of Children in Foster Care, A Comparison with Community and Clinical Samples, *Canadian Journal of Psychiatry*. 41:385-391).

Children in care have extremely high incidents of juvenile delinquency, school failures, substance abuse and mental health issues (Preliminary finds from a study by Mary Ellen Tupil-Lalond indicate that 44% of adolescents receiving service from the Minister of Children and Family Development end up facing criminal charges. Only 24% finish high school. Researchers from Harvard Medical School and Casey Family Program researched adults who have been in foster care between 1988-1998 and found that they exhibited symptoms of Post Traumatic Stress at a rate of twice that of war veterans).

Although there are increasing numbers of children coming into care with higher needs, there are proportionally fewer family based care homes available, due, in part, to problems with the recruitment and retention of foster families. One outcome of great concern is the growing number of children served through group care and institutional residential treatment. A 58% increase has occurred since 1990 (Cheryl Farris-Manning and Marietta Zandstra, Child Welfare League of Canada: Children in Care in Canada A Summary of Current Issues and Trends With recommendations for Future Research. Foster Life Inc.).

In Nova Scotia, a review of 30 child welfare and residential expenditures found that in 2003/04 costs per day of care ranged between $207-$507. In 2004/05 costs per day of care ranged between $219-$570 (Report of the NS Child Welfare Steering Committee, January 2006).

Children who are in the child welfare service system and experience multiple moves are at an increased risk for poor outcomes in academic achievement, socio-economic health, developing insecure attachments and distress due to the instability and uncertainty that come with not having a stable environment (A Literature Review of Placement Stability in Child Welfare Services; Issues, Concerns, outcomes, and Future Directions, The University of California, The Center for Human Services, August 2008).

An important concern of experiencing placement instability, especially for young children, is that the stress of being moved is related to physiological changes in the brain (Herman, J.P. and

Culliman, W.E. (1997) Neurocircuitry of Stress; Central Control of the Hypothalamo-Adrenocortical Axis, *Trends Neuroscience*,20,78-84).

The Report of the Nova Scotia Child Welfare Steering Committee in January, 2006 reports that Nova Scotia's children in care experience multiple moves between placement. It also indicates that permanency planning for children require significant improvement.

Our child welfare response is a classic "threshold" system. While the focus is on protecting children from abuse by caregivers, most child welfare cases are the result of neglect stemming from poverty, substance abuse, mental health problems and inadequate housing. The investigation process, which is the first response of our system, actually disqualifies the vast majority of families from receiving any help (For the Good of Our Children and Youth. Saskatchewan Child Welfare Review Panel Report).

Current funding does not encourage reunification with adequate supports, permanency with adequate supports, or prevention of child welfare placement in the first place (Interview with Peter Dudding: Director of Child Welfare League of Canada, March 25, 2003).

"Services to children continues to be driven primarily by evidence of need, irrespective of evidence of service effectiveness. Funders have traditionally responded to increasing need and caseloads, and have not required accountability based on outcomes." (Trocme N. (2003). The Importance of Process in Developing Outcome Measures. Keynote Address at *The Canadian Symposium of Child and Family Services Outcomes: The State of Outcomes in Canada* Feb 21-23, 2003).

Although all agencies agree on the value of accountability mechanisms, including outcomes evaluation, and many do collect information for their Boards, funders and others, only 50% have systematic processes for integrating results of their own outcomes evaluation and needs assessments into practice, and only 30% have processes for integrating the results of external research into practice... 39% do not have any process (Stevenson K and M Balla. (2003). Child Welfare League of Canada and Family Service Canada; Standards and Accountability Issues. As presented at *The Canadian Symposium of Child and Family Services Outcomes: The State of Outcomes in Canada* Feb 21-23, 2003).

In Nova Scotia, for child protection purposes, the age of child is defined as a person under the age of 16. This is a concern for there is a gap in services, here in the province, for individuals who are 16, 17 and 18 years old.

Over two-thirds of current child welfare investigations involve families with previous child welfare contact (Cheryl Farris-Manning and Marietta Zandstra).

Based upon the above rationale, the Children and Youth in Crisis Working Group of the United Church of Canada's Maritime Conference is recommending the following legislative changes:

## 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.**