

# **CHILD PROTECTION IN NOVA SCOTIA**

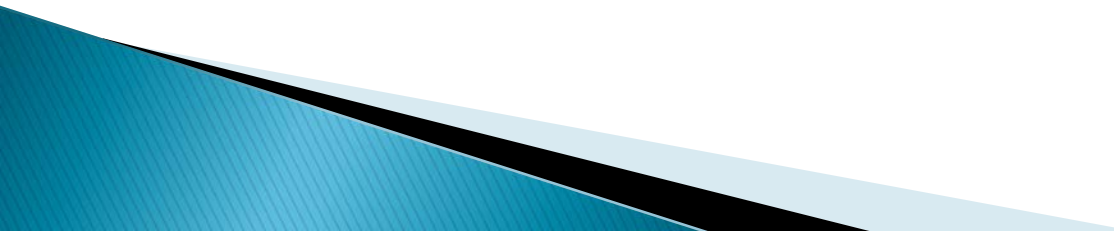
**Rollie Thompson QC**

**Community Services Committee  
September 3, 2019**

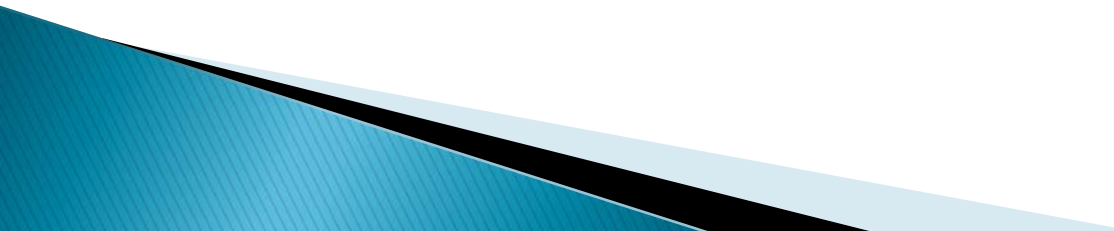
# CHILD PROTECTION IN CRISIS

- ▶ *Children and Family Services Act*, 1991
  - “least intrusive intervention” principles
- ▶ Chronic underfunding by Province
- ▶ Bill 112: 2015 amendments to CFSA in effect March 1, 2017
  - Expanded definitions of “child in need of protective services” in s. 22, more intervention
  - Shortened times for disposition
  - Restricted powers of judges
  - Provisions re Mi’kmaq & Aboriginal children

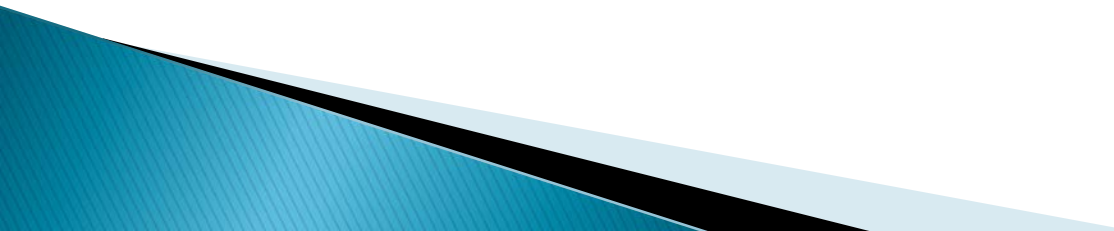
# DIMENSIONS OF CRISIS

- ▶ Sharp increase in children in temporary care since 2017, up 11–16%, but shortage of foster parents
  - ▶ Increased court applications in Metro pressures on legal aid
  - ▶ Little change in government spending on child and family services
  - ▶ Increased child poverty in NS in 2017
  - ▶ Social workers' caseloads, pressures see: [childwelfareonthebrink.org](http://childwelfareonthebrink.org)
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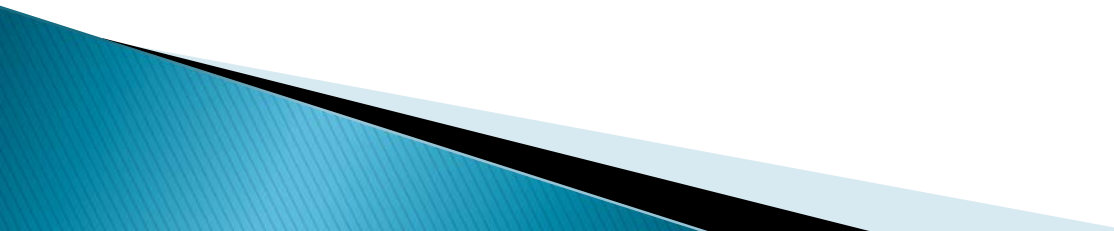
# BILL 112: MORE INTERVENTION

- ▶ Expanded intervention: role of s. 22  
    “child in need of protective services”  
    reporting, investigation  
    apprehensions, applications
  - ▶ Now broadest of any Canadian jurisdiction
  - ▶ Poorly drafted:  
    “emotional abuse”, “neglect”  
    domestic violence
  - ▶ Reporting obligations, professionals: s. 24  
    older children 16–18
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# BILL 112: TIME LIMITS, ETC.

- ▶ If temporary care, **12 months max** on all orders, if child under 14 at start (most are) (previous: 12 mos if under 6, 18 mos if 6–11) (driven by child's sense of time)
  - ▶ 18 mos max if 14 or 15 at start
  - ▶ Previous: no max once child turns 12
  - ▶ More children forced into permanent care
  - ▶ Once permanent care, court no power to award access to parents (up to agency)
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# WHAT CAN BE DONE?

- ▶ Reduce child/family poverty!
  - ▶ Adequate funding essential  
voluntary, appropriate services  
worker caseloads, legal aid
  - ▶ Revise CFSA: narrow s. 22
  - ▶ Time limits: restore child's sense of time  
fairness to families, access to services
  - ▶ More openness and information about system
  - ▶ Create independent Child and Youth  
Advocate
- 



# Legal Issues in Child Protection

Standing Committee

September 3, 2019

# Transformation: Changes to the Children and Family Services Act (CFSA)





# Child, Youth and Family Supports

- The Child, Youth and Family Supports (CYFS) Division delivers programs that serve to improve outcomes for children, youth and, families at risk and strengthen the communities that support them.
- When children, due to abuse or neglect, cannot be safely cared for by their parents or another family member, placement in the care of the Minister of Community Services is the only alternative. When a child is taken into care, the *Children and Family Services Act* requires the department to act as a wise and conscientious parent.
- A legislative review of the Act takes place every four years. The first of these is due in 2 years time.

# Child, Youth and Family Supports

- CYFS has legislative oversight for the *Children and Family Services Act (CFSA)*
- The following outcomes guide the work of CYFS:
  - Families, children and youth at risk are supported with the least intrusive intervention aimed at minimizing risk.
  - Children and youth have stable placements and nurturing homes.
  - Healthy family relationships are maintained.
  - Children, youth and families receive the support they need.
  - Children and youth are protected from maltreatment and neglect
- CYFS provides a continuum of services and supports programs that can be grouped into three broad categories - Prevention, Protection and Placement

# CYFS Program Descriptions

Program Name	Program Description
Prevention & Early Intervention	Programming to help ensure the healthy development and wellbeing of vulnerable and at-risk children and youth, prevent family breakdown, and mitigate the need for more intrusive, statutory interventions.
Child Protection	<p>Receives, assesses, triages, and investigates referrals of abuse and neglect and responds to protect children under age 19.</p> <p>When the risk to children cannot be sufficiently mitigated in the home, other child-centered, family-led approaches are considered, such as placing the child with family or known community members. When this is not possible, it may be necessary for a child to enter the temporary care and custody of the Minister.</p>
Placement Services	Matches children with resources when they are unable to remain in their own homes either temporarily or on a long-term basis. This includes foster care, kinship care, adoption, residential services, Places of Safety, and secure treatment at the Wood Street Centre.

# Prevention & Early Intervention

- Prevention and Early Intervention assists vulnerable or at-risk children, youth and families to support their safety, development and well-being, through:

## **Family Support**

Family Resource  
Centres  
  
Parenting Journey  
  
Families Plus  
  
Family Service  
Agencies  
  
Mens Intervention  
Programs

## **Youth Programs**

Youth Outreach  
  
Boys and Girls  
Clubs  
  
Big Brothers Big  
Sisters  
  
A Place to Belong  
  
Alternative Family  
Care

## **Sexual Violence**

Public Awareness  
  
Provincial Training  
  
P & EI Grants  
  
Community  
Support Networks  
  
Interprovincial  
Cmtee

- Programs are intended to address issues early as a way to mitigate the need for child protection involvement.
- A transformed CYFS will see a significantly greater level of investment and efforts in the area of prevention and early intervention.

# Child Protection Services

- Protection: Keeps children & youth safe from family abuse, violence and neglect through:
  - Investigating reports of suspected abuse or neglect
  - Intervening where abuse or neglect is confirmed or where children / youth are at risk
  - If a child is unable to remain in the care of their parent or guardian, the department works with the family to find appropriate, alternate arrangements
  - Services to support children / youth remaining with or returning to their family

# Placement Services

- When a child cannot safely remain in the care of their parent(s) due to abuse or neglect, it is mandatory to provide immediate placement.
- At any given time, there are about 1,000 children in the Minister's care
- The goal, like any conscientious parent, is to ensure children in our care receive the supports and services necessary to be safe, cared for, and successful in life
- The best alternative for a child who cannot safely remain with their parent is placement with another member of their family or another individual who is known to the child
- When placement outside of family is required for a child, the department assesses the needs of the child and matches the child with the best available option on a temporary or permanent basis
- The placement system for children and youth is a large, diverse, complex collection of foster families (644), and child-caring residential facilities (20). Approximately 60% of children in care reside in foster homes
- We have made considerable strides in attracting more foster parents and understanding and responding to the needs and aspirations of existing and potential foster parents
- Numbers for 2019/2020 are point in time and will shift upwards and downwards throughout the year

Children in Care	2015-16*	2016-17*	2017-18*	2018-19*	2019-20 (YTD**)
Temporary Care (TC)	327	343	396	370	368
Permanent Care (CC)	663	651	628	602	603
Voluntary Adoption Agreement (V6)	7	6	7	4	8
Voluntary Temporary-Care Agreement (V7)	5	2	5	4	4
Voluntary Special-Needs Agreement (V8)	21	18	15	16	15
<b>Total</b>	<b>1,023</b>	<b>1,020</b>	<b>1,051</b>	<b>996</b>	<b>998</b>

\*All numbers are point in time (as of March 31<sup>st</sup> of each year).

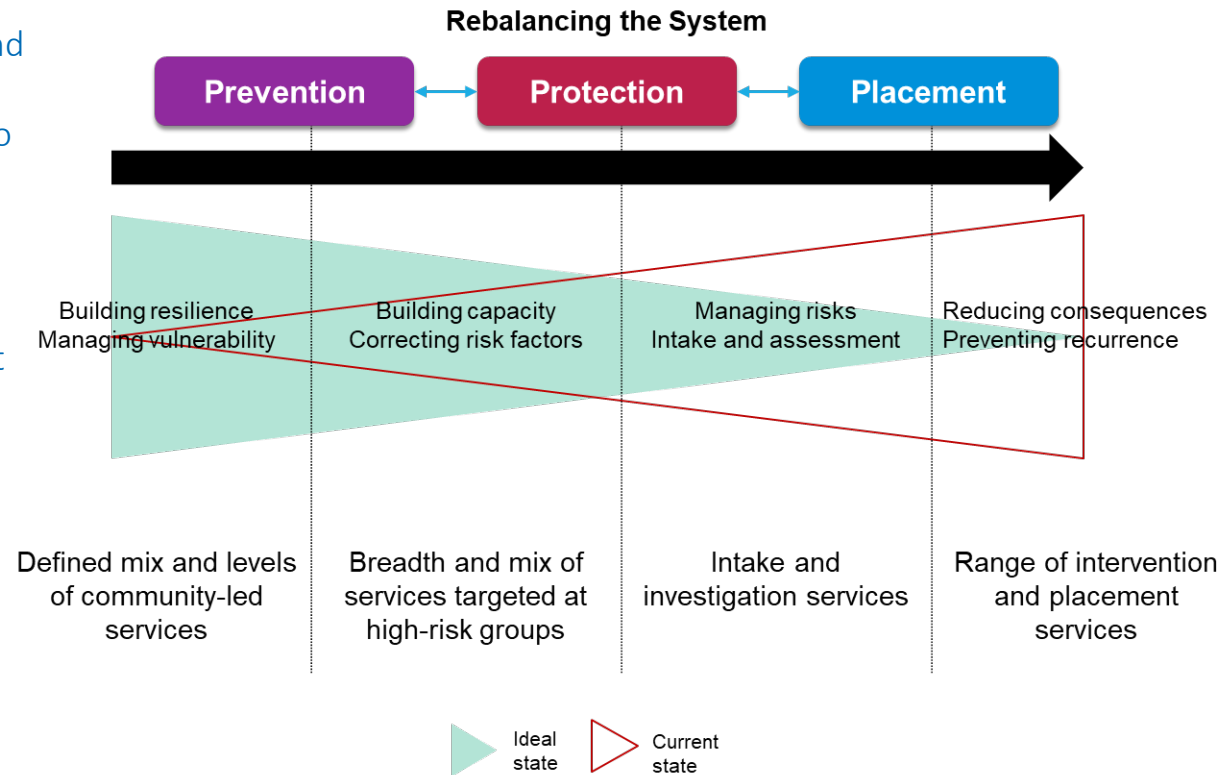
\*\*YTD number is as of July 31, 2019

# Re-balancing the system towards Prevention

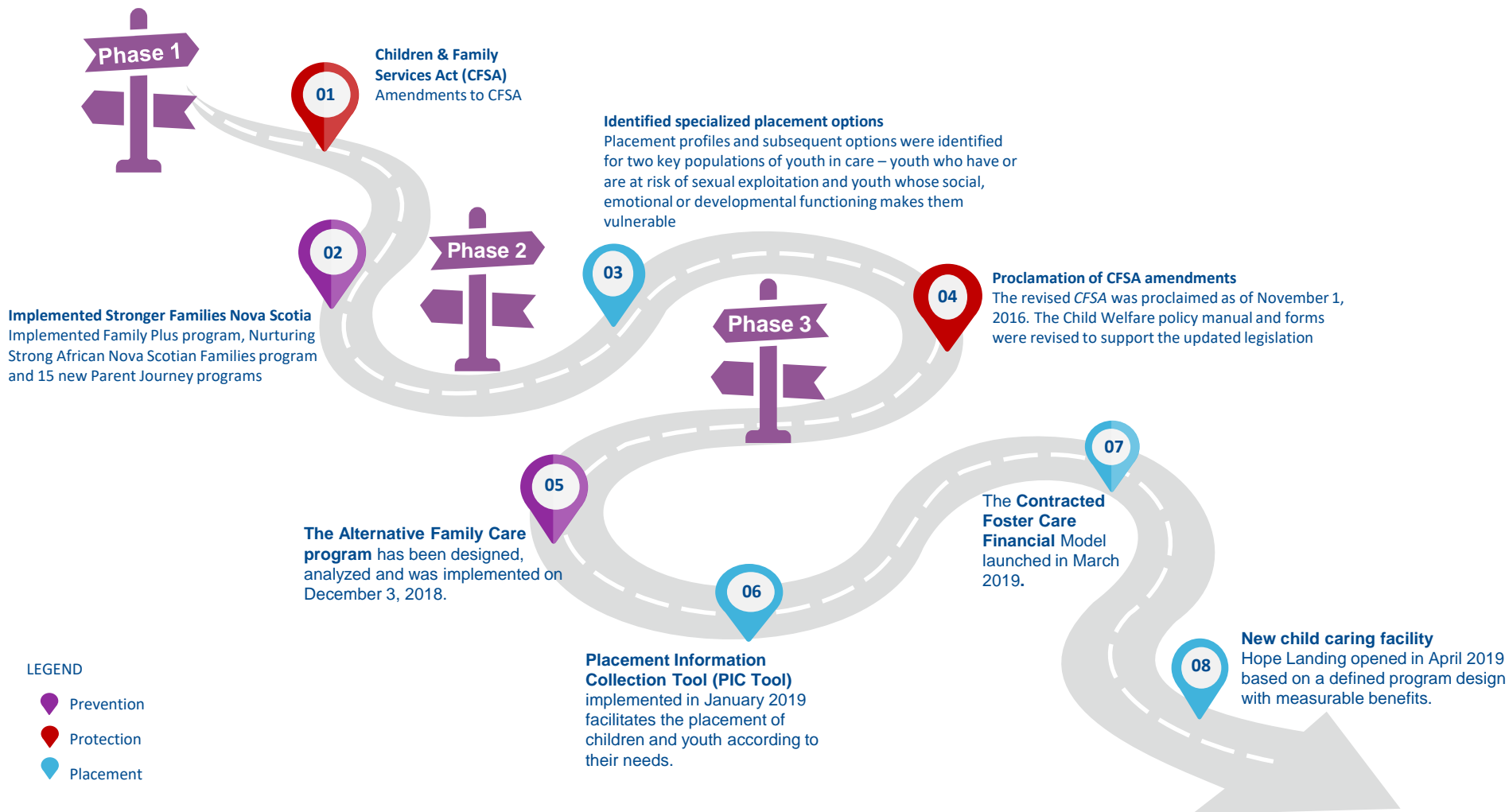
Child Welfare recognizes the importance of prevention programs to address the needs of Nova Scotia's children, youth and families. Currently, 75 community organizations are funded through CYFS to deliver a range of prevention, early intervention, and targeted programs.

The envisioned future state is dependent on each of the changes to Prevention outlined below:

- Child, Youth and Family Hubs
- Mobilized Community capacity
- Prevention, Early Intervention and Targeted Initiatives
- Operationalized sexual violence program
- Integrated family support function
- Active outreach



# Transformation Roadmap





# Transformation: Child, Youth, and Family Supports

- Changes to CFSA
  - Duty to Report
  - Definition Amendments
  - Interviewing Children
- Least intrusive along the continuum
- Re-balancing the system towards Prevention & Early Intervention

Thank you.