

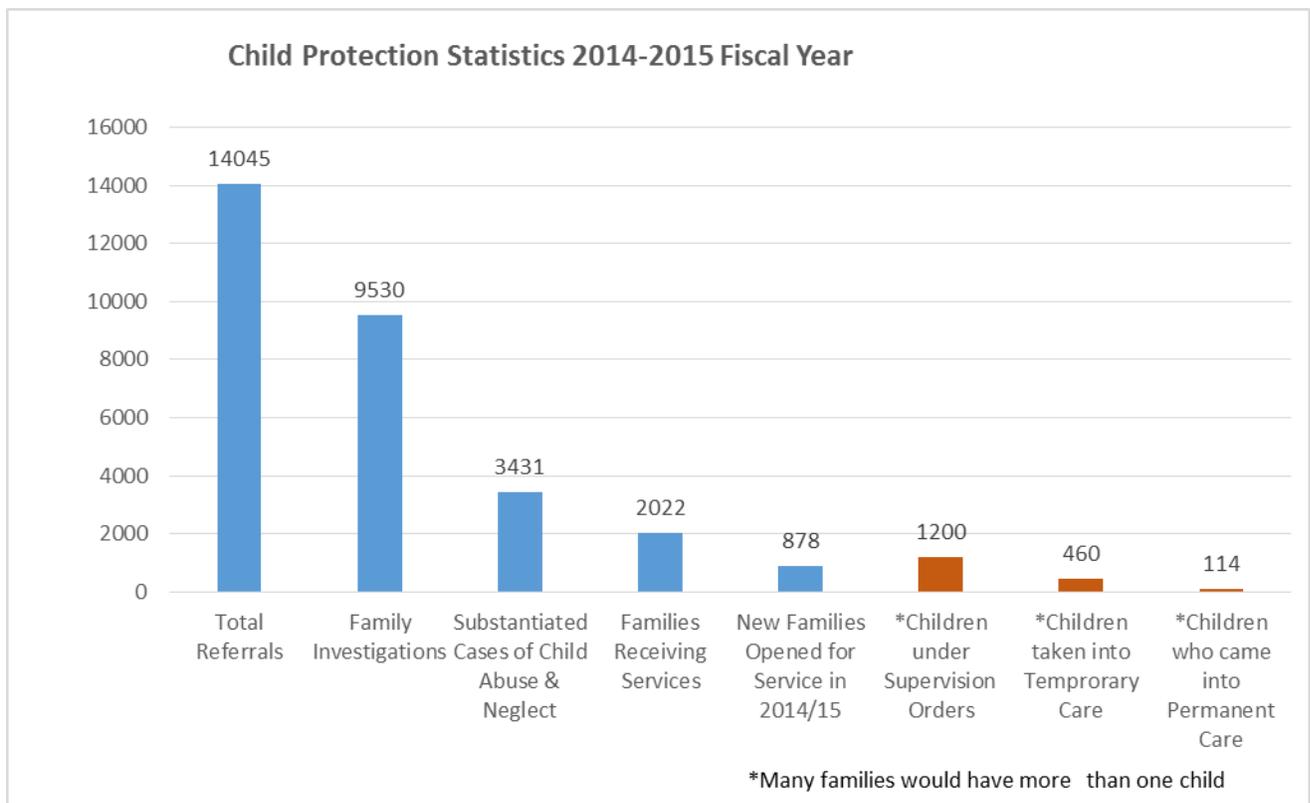
## FACT Sheet

### Overview of Amendments to the *Children and Family Services Act*

April 30, 2015

#### Background

The CFSA protects one of Nova Scotia's most vulnerable populations – children who may be stranded in situations of abuse or neglect.



As of March 31, 2015, there were 1194 children in care, of whom 745 children were in permanent care of the Minister or Mi'kmaq Family and children's Services,

Approximately 120 children placed for adoption each year

635 foster homes provide day to day care for about 800 children

20 child welfare residential facilities

The current legislation is 25 years old. There are serious gaps and issues, including child welfare best practices, safety of children, achieving permanency for children, protection for youth, court processes and outdated language.

The amendments proposed for the *Children and Family Services Act* aim to meet four primary goals:

- 1. Promote early intervention to prevent long-term harm and, when necessary, proceed to permanency for children as soon as possible by:**
  - a. intervening earlier in children's lives rather than waiting until they have suffered serious harm;
  - b. ensuring that when matters have to be brought to the Court, decisions are made without undue delay; and
  - c. reducing obstacles that interfere with a child's placement in an adoptive home when children are placed in the permanent care and custody of an Agency
- 2. Provide voluntary services to young people, in need of protective services, on the cusp of adulthood to assist them in transitioning from childhood to a healthy and functioning adulthood when they do not have the benefit of a strong family support system.**
- 3. Increase the availability of secure treatment to those children who are in need of a specialized and secure treatment option.**
- 4. Address outdated language and administrative issues.**

- 1. Promote early intervention to prevent long-term harm and, when necessary, proceed to permanency for children as soon as possible.**

Too often, children are left in dysfunctional homes, receiving inadequate parenting and facing abuse, while Agencies are forced to wait until serious, permanent damage has occurred to justify their intervention.

Section 22(2) will be amended to allow Agencies to intervene earlier in children's lives when they are at risk of harm rather than waiting until they have suffered serious harm. This will benefit the child, by preventing the infliction of lasting harm and will benefit the family, as

services can be provided when issues are smaller, which will enhance the likelihood the family can heal and the child can grow to reach his or her full potential in the family home.

Additionally, section 9A will be added, clarifying the investigative powers of an Agency, which will ensure the necessary steps are followed to identify and assist children as soon as possible. This will reduce the likelihood that a child's suffering will be missed.

Where proceedings are brought before a Court, amendments to sections 43(4) and 45(1) (limiting the total duration of a Court proceeding) and the introduction of section 45A (limiting the total time that a child can be in care over multiple court hearings) will ensure final decisions for children are made without undue delay.

At the same time, section 39(4)(g) will be amended to ensure services are put in place at the earliest possible opportunity to allow the family every opportunity to address risk issues and section 40A will introduce a Restorative Case Conferencing model which will remove families from before the Court where appropriate.

Where children have been placed in the permanent care and custody of an Agency, the amendments will remove obstacles to adoption, by removing access from orders for permanent care (section 47), preventing applications to terminate permanent care for 11 months (section 48(6)(c)) and requiring an application to terminate permanent care to be heard within 90 days (section 48(7A)).

**2. Provide voluntary services to young people, in need of protective services, on the cusp of adulthood to assist them in transitioning from childhood to a healthy and functioning adulthood when they do not have the benefit of a strong family support system.**

The definition of child (section 3(1)(e)) will be expanded to include persons from 16 up to 19 years of age while s. 19 will be amended to allow services (including placement where no other placement is available) to be provided to youth from 16 up to 19 years of age where the youth consents and the service addresses a child protection risk. Involvement with this group will only be on a voluntary basis and section 31 will be amended to exclude persons over 16 years of age from Court proceedings.

**3. Increase the availability of secure treatment to those children who are in need of a specialized and secure treatment option.**

One of the criteria for admission to secure treatment will be altered so that rather than a child needing to refuse treatment, a child can be admitted to secure treatment when other

interventions are inadequate to protect the child. The maximum length of a secure treatment certificate will be increased from 30 to 45 days, allowing additional time for a child's behaviour to stabilize so that they can be returned to their original placement more successfully.

**4. Address outdated language and administrative issues.**

The amendments will remove such outdated terms such as "legitimate", "legitimated" and "in lawful wedlock" and replace them with appropriate language. The Minister will be given the ability to appoint an interim manager of a child-caring facility where appropriate. The Minister's Advisory Committee will be eliminated. The Committee has experienced a lack of continuity as members are only appointed for a year, and has had chronic vacancies. It is unreasonable to expect the Committee to review the Act and make recommendations for changes in such a short period of time and when government may not be in a position to bring amendments forward. It is not the current approach to modernizing legislation.

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