

Newfoundland & Labrador Association of

Social Workers

Review of the Children and Youth Care and Protection Act

Presented to:

Department of Children, Seniors and Social Development

December 30, 2016

Newfoundland and Labrador Association of Social Workers (NLASW)

NLASW is the regulatory body and professional association for over 1500 professional social workers in this province. NLASW is responsible for regulating the practice of social work under provincial legislation titled the *Social Workers Act*. The vision is Excellence in Social Work.

As an organization, NLASW is committed to advancing health and social policy to ensure the well-being of the citizens of Newfoundland and Labrador. As registered social workers are primarily responsible for the implementation of the Children and Youth Care and Protection Act (CYCP Act), with approximately a third of provincial social workers employed in this area of practice, the NLASW welcomes the opportunity to provide input into the review of the CYCP Act.

The NLASW also recommends that the Department of Children, Seniors and Social Development engage in extensive consultation with front line social workers, supervisors and managers who have in-depth working knowledge of the current legislation and can provide information on changes that may be necessary to enhance their effectiveness in working with children, youth and their families.

In addition to a legislative review, a challenge for the newly created Department of Children, Seniors and Social Development with such a broad mandate, is keeping a strong focus on child, youth and family services. Ensuring on-going resources to support capped caseloads for social workers, appropriate supervision ratios, access to continuing professional education and human resource planning must remain a priority.

Strengthening Information Sharing in the Best Interest of Children and Youth

The sharing of information in the best interest of children and youth is important in ensuring optimal service delivery. The concept of the “circle of care” as it relates to health care, might be a helpful concept to explore within the context of child protection. This would allow social workers, under the CYCP Act, to share information with relevant parties, including health care professionals, when it is deemed necessary to promote the best interest of a child or youth.

While the CYCP Act does provide social workers with the authority to seek information related to a child at risk or in need of protection, there are some areas where a review of policy might be beneficial. In consultation with members, the Expectant Parents Policy was highlighted. The ability to assess and obtain information in high risk situations that would likely result in a child being removed at birth, without parental consent, would allow social workers to complete a thorough risk assessment and safety plan prior to birth.

Strengthening Prevention Services

With the enactment of the CYCP Act (2010), the focus of child, youth and family services shifted primarily to promoting the safety and well-being of children and youth who are in need of protective intervention. It is recommended that this continue to be the core mandate of the child protection program. Where risk of abuse has been identified, it is important that families are supported and given the necessary resources they need to protect children.

Accessibility to early intervention and prevention programs and services is crucial, and it is noted that children and families need increased equitable access to community resources, parenting classes, income support, mental health counselling and addictions services. This is the responsibility of all government departments and communities. An interdepartmental approach would be important to ensure that children and their families have access to the services and supports they need.

It is through the framework of the social determinants of health that government and communities can develop policies and programs to positively impact the health and well-being of individuals and families in this province. The *Poverty Reduction Strategy* is an excellent example.

The NLASW believes that integrating social workers in K-12 schools, outside of the child protection role, would be extremely beneficial in meeting the needs of children and youth. School social workers are able to provide onsite services such as mental health counselling and link children, youth and their families with appropriate community supports. The NLASW has developed a position paper on the role of social work in the K-12 education system and continues to engage in dialogue with the Department of Education and Early Childhood Development and the All Party Committee on Mental Health and Addictions. This document is available on the NLASW website.

Licensing and Establishment of Regulatory Standards for Out-of-Home Care

Increasing accountability through licensing and the establishment of regulatory standards for residential facilities is important. Resources to monitor compliance with these standards must also be adequately funded.

Concern has been expressed regarding the placement of youth in residential settings that operate on a business model and may not have knowledge of the issues youth in care experience. Peer conflict can be a reality for many youth in these facilities, and stability becomes an issue when these placements break down. Enhanced access to level three therapeutic foster homes, to allow siblings to be placed together without other youth in the home, is something that the department may want to explore.

Ensuring that foster parents have access to the services and supports they need to care for children is also important. A continued focus on recruitment and retention of foster homes is necessary.

Improving Permanency Planning for Children in Care

The literature supports the importance of planning for consistency and permanency in the life of a child or youth. In consultation with members, it was noted that the current timeframes outlined in the legislation for permanency planning are appropriate. However, concern has been raised about some of the procedural challenges such as timely access to police reports and court delays that impact on care plans being brought forward. This impacts permanency planning as orders cannot be made without a hearing. It was also noted that timely access to legal aid impacts on court time availability. These issues have implications for the operationalization of the CYCP Act.

Options for children in care with special needs as it relates to permanency planning is also an area that warrants more planning and discussion.

Being Responsive to the Unique Needs of Vulnerable Youth

It is crucial that youth at risk (those who are currently in care or those who have previously been in care) have access to the necessary services and supports they need as they transition to independence. As the journey to independence is a developmental rite of passage, it is difficult to put an age limitation on the provision of services. It is recommended that access to child protection services be provided equitably to youth who are, or have been, in care of the province.

Another issue that warrants further consideration is the ability of youth, who voluntarily withdraw from services at the age of 16, to change their mind and return to care. It is important to consider where they are developmentally and their capacity to make decisions.

Youth need to have trust and rapport with CCSD staff throughout their involvement in the child protection system. This will be extremely beneficial as they transition out of care. Having dedicated staff resources to focus on transition is important.

Recognizing the Unique Needs of Aboriginal Children, Youth and their Families

The NLASW produced Standards for Cultural Competence in Social Work Practice in May, 2016 that outline best practices for fostering cultural competence. In responding to the needs of Aboriginal children, youth and their families, emphasis must be placed on cultural competency. It is important that social workers and other program staff receive ongoing training on culturally competent practice and how to develop cultural plans that speaks to the uniqueness of Aboriginal culture (s). Understanding culture and geography is important.

It is also important to recognize and respect how families are viewed within different communities and cultures. For example, in many Aboriginal cultures, the

extended family is very important. There needs to be flexibility within the system, when appropriate, to allow for parental involvement when children are in the care of extended families. Resourcing and support for Aboriginal children, youth and families is also important.

The need for more care options within Aboriginal communities has been identified. On-going dialogue with communities on the role of child protection and how the community can come together to protect children is important. This needs to happen in conjunction with the broader education on the role of child protection and mandatory reporting.

Conclusion

The NLASW looks forward to continuing to work collaboratively with the Department of Children, Seniors and Social Development to enhance child protection services in Newfoundland and Labrador.