

Child and Youth Well-Being

A New Chapter

Engagement on Phase II: Regulatory Framework and Program Design

Discussion Paper and Guiding Questions

Department of Social Development

November 2022

A Message from the Minister of Social Development

Our children and youth are the most vulnerable members of our society and depend on us to keep them safe. These young people are the future of New Brunswick, and each one of them deserves to grow up in a world free of abuse.

Enhancing the well-being of children and youth is one of the most important functions we have, both as a government and a society. The new *Child and Youth Well-Being Act* modernizes legislation related to children and youth and will provide better tools to ensure their protection and well-being. This new legislation puts New Brunswick children and youth at the forefront and provides greater consideration of the views and preferences of the child or young person in decision-making. Children and youth will be encouraged to express their views, according to their age and maturity.

Our government is committed to working with stakeholders, partners and community members to ensure the prevention of child abuse and neglect, as well as to promote a positive environment where children and youth can flourish.

I encourage you to share your ideas about how we can further improve children and youth well-being through the development of Regulations and by re-designing programs and services where needed. Your feedback will provide us with valuable information to help us make the best decisions to help New Brunswick's children.

Thank you in advance for your participation. With your input, together we will be able to build a strong regulatory framework to improve our child protection and well-being.

Sincerely,

K. Dorothy Shephard
Minister of Social Development

Overview and Purpose of the Discussion Paper

Ensuring that children and youth are safe and have opportunities to thrive is a priority for the Government of New Brunswick. Children and youth have the right to grow up in a safe and nurturing environment, have access to life-long learning, and to be connected with family and others who will help them develop and grow. Children and youth are the future of New Brunswick.

Unfortunately, some children and youth do not start life with the support they need to thrive. As a society, we have committed to acting in the best interest of children and youth and taking protective action when they are at risk of harm.

Phase I: Development of the *Child and Youth Well-Being Act*

The Government of New Brunswick introduced the [*Child and Youth Well-Being Act*](#) (the Act) in the spring of 2022. The Act received Royal Assent in June 2022 with unanimous support from all parties of the Legislative Assembly.

The Act is built on the foundation of the best interests of children and youth, and on the principle that early detection and intervention are essential in helping all children and youth thrive.

Through the engagement processes leading to the development of the new Act, the Department of Social Development (the Department) heard that many elements needed to transform and evolve to meet the current and changing needs of children and youth, especially for those who have experienced trauma.

The new legislation addresses early intervention, child and youth protection, the continuum of care (e.g. foster homes, group homes, adoption), kinship care, collaborative approaches, services for youth and young adults, support for expectant parents, and supports for children and youth with disabilities. The importance of culture, collaboration, and the rights of children and youth are important components of the Act.

Phase II: Development of Regulations and Program Re-Design

The Department of Social Development is now working on Phase II which will focus on the development of regulations that will define “how” the Act is to be implemented in day-to-day practice. Regulations are now needed to define in greater detail how a kinship model, collaborative approaches, secure care, early intervention and detection, services for young adults and more will operate in New Brunswick.

Phase II will also involve program re-design where needed, training and staff recruitment. The Department is working diligently on the recruitment and retention of Child Protection Social Workers which is key to successfully implementing the new Act.

Your voice is important in helping to build a child protection system where children, youth and young adults can grow and develop in a nurturing environment and thrive as they transition to adulthood.

We want to hear your perspective on the best ways to implement child and youth well-being, recognizing that the needs of children and youth continue to evolve. We are continually improving programs and services for children, youth and caregivers. With the combined efforts of New Brunswick's citizens, including the voice of children, youth and families, and all sectors, we can ensure that supports and services are available to enhance the lives of New Brunswick's most vulnerable children and youth. We are stronger together!

SD will continue to engage with youth, families, First Nations, partners, other government departments and stakeholders over the next several months. This will lead to the proclamation and implementation of the Act and will enable improvements to protection and support services for children and youth in New Brunswick.

There are many ways to participate in the engagement process, as described on the next page. All feedback received will be considered in the development of regulations, standards, policies and in the development of new programs and services.

Thank you for your input and participation in this process. Together, we can build a brighter future for the children and youth of New Brunswick.

Options to provide input:

Engagement Sessions:

Individual and group engagement sessions will take place between December 2022 and January 2023. Some pre-engagement sessions have been held that helped shape the engagement plan.

Online Survey:

All New Brunswickers are invited to complete an [on-line survey](#) available at: socialsupportsnb.ca/children-youth or soutienssociauxnb.ca/enfants-jeunes.

Prepare a Brief:

You are invited to submit a brief summarizing your thoughts and recommendations. Written briefs should be 5 pages or less and contain recommendations.

Submit Comments

You are invited to answer questions from this discussion paper. If there is not enough space for your response, please continue on the back of the page and indicate to which question number your comments relate.

Special Accommodation

If you are unable to submit a written response or complete the questions below, you may request assistance by sending an email to childyouthengagement@gnb.ca or engagementenfantsjeunes@gnb.ca and we will assist you in submitting input.

Options for delivering your submissions are as follows:

Email: childyouthengagement@gnb.ca or engagementenfantsjeunes@gnb.ca

Mail: Department of Social Development
Policy and Legislative Affairs Branch
Child and Youth Well-Being Regulations
P.O. Box 6000
Fredericton, NB E3B 5H1

Fax: 506-453-5942

The information you provide will be collected and used in accordance with New Brunswick's *Right to Information and Protection of Privacy Act*, as well as the Department's relevant policies and procedures. The information provided will be held in confidence and used in aggregate form unless you provide consent to share it on its own.

The deadline for written submissions is January 16, 2023.

1. Kinship Care Model:

Kinship care is a model based on a child or youth's need and right to remain connected to family or community and to maintain the relationships they have already established. When a child or youth must be removed from the parental home, a kinship care provider, who has an existing relationship with them, is often a better and less disruptive option for the child or youth compared to someone outside of their extended family or social network.

The kinship care model includes both support services and placement options with kin caregivers. The Department is designing services to help set kin caregivers up for success so that children and youth have the best chance to thrive, within the connection of family and their community. Kinship Services is covered in section 43 of the *Child and Youth Well-Being Act*.

Kinship care is rooted in traditional connectedness between children, caregivers and community, and has long been a custom in First Nations communities.

Questions:

1. **What are essential criteria for kinship caregivers, to ensure quality of care for children and youth in kin placements?**

2. **Are there situations in which kinship care would not be in the best interest of a child or youth? Please explain.**

3. **How can the Department best support kinship care providers? How should the Department assess the effectiveness of kin placements?**

2. Collaborative Approaches :

Collaborative approaches are used to engage family and other important persons in the life of a child at risk, to work together to make plans for the care of a child or youth. Collaborative approaches are about “how” we work with families and the community and practices that support children and youth in having a voice to express what they need and want. It engages family and community to help find solutions.

The new *Child and Youth Well-Being Act* puts children and youth at the center of decision-making. Therefore, the consent of the parent (although requested) will not be required to engage in collaborative approaches. Section 41 of the *Child and Youth Well-Being Act* addresses collaborative approaches.

Questions:

1. What are best practices in the use of collaborative approaches to support children and youth?

2. What should trigger the use of collaborative approaches?

3. Are you aware of barriers to using collaborative approaches that need to be addressed?

3. Secure Care

The purpose of secure care is to provide potentially life-saving protection and supports to individuals whose behavior is placing them or others in imminent danger. A place of secure care is a temporary placement to protect an individual who is likely to harm themselves or others.

In the *Child and Youth Well-Being Act*, a “place of secure care” is described as a locked facility that may be used to enable periods of secure stabilization (up to six months) in order to keep a child or youth safe after all other options have been exhausted. Placements in secure care will only be utilized with the authorization from a Family Court Order. This will replace the existing “place of safety” in the *Family Services Act*. Order authorizing placement in place of secure care is outlined in section 71 of the *Child and Youth Well-being Act*.

Questions:

1. **What services should be provided to children and youth during stabilization periods in secure care?**

2. **How can we ensure that the services provided within places of secure care are in the best interests of the child or youth? How should services be monitored and supported?**

3. **What qualifications should be required for service providers at a place of secure care?**

4. Early Detection and Intervention

The new Act authorizes early detection and intervention supports to prevent harm in situations where children and youth are at significant risk of harm and need protection. The Department is seeking to serve children and youth earlier to prevent harm, rather than waiting to provide services after children or youth have experienced harm.

Section 34 of the *Child and Youth Well-Being Act* - Well-Being of child or youth in danger lists various circumstances under which the well-being of a child or youth may be at risk or may be in danger. The Regulation will define when early intervention is appropriate and how to best implement early detection and intervention services.

Questions:

1. How could current programs be enhanced to support early detection and intervention to help prevent abuse and neglect? Are new programs or services needed?

2. How should “at substantial risk of” be defined for the purposes of initiating investigation/protection services? This phrase is used through section 34 of the Act.

3. How can we ensure that early detection and intervention services are provided in a way that protects children and youth? Are there gaps that exist today that need to be addressed?

5. Youth and Young Adult Services

The new Act extends the age of youth that can be voluntarily supported by the Department to include young adults up to the age of 25. These services are intended to support youth who have been under the Minister's care to encourage their well-being and assist with the development of life skills to help them thrive as independent adults.

Youth Engagement Services are available to youth ages 16-18 who are not in the care of the Minister, to encourage well-being and the development of life skills. This program serves youth who cannot live at home because of safety concerns. Eligibility criteria for Youth Engagement Services will be included in Regulation.

Some youth are not safe at home, and are not receiving child protection services (requires youth to consent after 16 years of age) or Youth Engagement Services (not eligible or not following program criteria). Unfortunately, these youth sometimes experience homelessness, mental health concerns and/or experience substance abuse. These youth are at-risk and need support.

Questions:

1. **What services should be offered to young adults aged 19 to 25 who have been in the care of the Minister, to help them transition into adulthood in a way that helps them to thrive?**

2. **What is working well in the Youth Engagement Services program? Are there existing gaps that should be addressed? What should the eligibility criteria be for Youth Engagement Services?**

3. **What services should be offered to youth (under 19) in the legal care of the Minister to prepare them to transition well to adulthood?**

6. Multidisciplinary Child Protection

When the well-being of a child or youth is at risk, the Minister will establish a plan, which may involve multi-disciplinary planning with various partners to ensure that appropriate supports, expertise and knowledge is available to support them and to mitigate risk. Multidisciplinary planning will remove barriers in the sharing of essential information to support a child or youth's case plan when it requires support from professionals in various Departments. The Act provides authority to compel key partners to participate in multi-disciplinary planning when needed to ensure that children and youth at-risk are prioritized and able to access timely and holistic support services.

Some approved partners are listed in Section 42(2) of the Act, while others may be prescribed by Regulation. Approved partners include but are not limited to staff from Mental Health, Addiction Services or Public Health, along with Human Service Counsellors and Case Aids.

Questions:

1. **Are there other partners, in addition to those listed in section 42(2) of the Act that should be defined in Regulation and be required to participate in multidisciplinary planning as needed?**

2. **How can multi-disciplinary planning be used most effectively to support the well-being of children and youth at-risk?**

7. Continuum of Care

At times it is unsafe for children or youth to live in their parent or guardian's home.

When a child or youth cannot live at home, the Minister has various options to care for the child or youth. This is referred to as the continuum of care or placement options. These options include kinship (placements with family or another significant person to the child/youth); foster homes, professional care homes, childcare centers (group homes), child specific placements and adoption. Permanency and life-long connections are an important aspect of the continuum of care.

The continuum of care also includes relief care supports, emergency homes and stabilization services and secure care.

New Brunswick, like Canada as a whole, is in need of more placement resources (e.g. suitable foster parent or kin placement options) for children and youth.

Questions:

- 1. How do we ensure that the continuum of care is supportive, strength-based and responsive to the evolving needs of children, youth and families today and in the future? What supports are needed?**

- 2. Knowing that kinship connections (family or significant others) are essential and demonstrate the strongest outcomes for children/youth, how can we engage and support more kin to be part of the continuum of care?**

- 3. How can the Department encourage more community and citizen involvement in order to recruit enough quality placement resources?**

8. Coordinated Restorative Services (Stabilization Services)

Coordinated restorative services (which have been referred to as stabilization services) are routinely provided in the community in formal counselling settings as well as in children's resources by the staff in group homes and in school settings. These services provide a safe environment and additional support for children/youth who are experiencing a crisis and/or who need assistance to avoid a placement breakdown. Coordinated restorative services provide a child/youth with individualized supports that focus on crisis mitigation and healing through a trauma informed lens. Support is provided through an Integrated Service Delivery (ISD) lens by various Teams, as well as individuals who provide individual and family counselling.

Coordinated restorative services actively engage children/youth with required mental health services as well as connecting them to extra community supports (e.g. substance-use services). They provide clinical interventions that support a child or youth and their families to progress towards long-term stability and improved wellness. Supports established during a short-term stabilization period are meant to continue upon the child or youth's return to their previous living arrangement. Under the new Act, Coordinated Restorative Services are outlined in Section 28. Eligibility for coordinated restorative services is to be prescribed by Regulation. They are not meant for a child or youth who has been diagnosed with a serious mental illness.

Questions:

1. In what situations should Coordinated Restorative Services (stabilization services) be used?

2. How can we design and implement Coordinated Restorative Services in a way that will help enable children and youth to return to their regular living arrangement as soon as possible?

3. Could Coordinated Restorative Services be provided to children and youth while they maintain their existing living arrangement? If so, how? What would trigger these services to start?

- 4. What criteria should be considered when determining when these services are appropriate for a child or youth who lives with a mental health concern? When are these services appropriate, rather than services provided by a mental health treatment facility? What factors should be considered?**

9. Legal Framework Review – Rules of Court – Processes

There are ongoing concerns related to the length of time that it takes for child protection matters to proceed through the Family Court system. Over the next several months, the Office of the Attorney General (OAG) will undertake a complete review of the current model used to deal with child and youth matters, including court processes and the Rules of Court. OAG will consider different ways of proceeding and different ways of making decisions. Social Development will be participating in a task force led by OAG which will be tasked to make improvements to the court processes related to child protection.

Questions:

- 1. What changes should be considered to court processes related to child protection?**

- 2. Who should represent the child / youth throughout child protection court processes?**

- 3. How can we ensure that child protection court processes incorporate the voice of children and youth?**

- 4. What would ensure that court processes are conducted in a way that prioritizes the best interest of children and youth and that the child and youth are the center of decision making rather than having the parent at the center of decision making (children/youth rights vs parent rights)?**

Other Considerations or Issues

Please provide any other feedback that you would like considered in the development of the new regulations under the *Child and Youth Well-Being Act*, or in the review of standards, policies, redesign of programs or new programs (attach additional pages if necessary).

Do not be concerned about whether your suggestion is more appropriate as a consideration for regulation, standard, policy or program design. The Department will review all comments and will ensure that they are used to inform the relevant component within Phase II.

Thank you for your interest, ideas and engagement in the protection and well-being of New Brunswick's children and youth.

Together we can build a society that is structured and built on the foundation of putting the rights of children and youth first while providing supports to parents, guardians and caregivers.