

Kinship care in New Brunswick

1st Edition



Information and support
for people caring for, or
considering caring for, a
child or youth they have a
close relationship with.

WE WANT TO HEAR FROM YOU!

This guide is designed to support kinship care providers, and your feedback helps us make it better.

Please share your thoughts, suggestions, or questions anytime by visiting socialsupportsnb.ca/feedback or scanning the QR code below.



This guide was last updated March 2026



Legal information and decision-making

Understanding your rights, responsibilities, and the legal options in kinship care.

Kinship care has its own legal rules, but you don't have to navigate them alone. Understanding your rights and responsibilities can help you provide the best care for the child or youth in your home. The following section explains common legal arrangements, your role, and where you can find support.

Types of formal kinship care arrangements

The following table summarizes the different types of formal kinship care arrangements:

Kinship care arrangements focus on the **needs and best interest** of the child or youth.

	What it is	Who has legal decision-making authority	Care status	How long it lasts
Kinship services	A temporary care arrangement (with the parents' approval) where a family member or someone close to the child or youth cares for them. The goal is to reunite the child or youth with their parent(s).	Parents keep full legal rights and decision-making authority. Kinship care providers are responsible for day-to-day care and decisions. For example, meals, clothing, routines, and activities.	Not in care: <i>The child or youth is not in the care of the government (Minister).</i>	Up to 24 months. May be extended for Indigenous children or youth based on cultural needs.
Support after kinship services	A permanent arrangement (with the parents' approval) for children or youth who cannot return to their parents after kinship services. Unlike kinship services, the plan does not include the child or youth reuniting with their parent(s).	Parents keep full legal rights and decision-making authority. Kinship care providers are responsible for day-to-day care and decisions. For example, meals, clothing, routines, and activities.	Not in care: <i>The child or youth is not in the care of the government (Minister).</i>	Available up to age 26.



What it is	Who has legal decision-making authority	Care status	How long it lasts	
<p>A temporary arrangement where a child or youth lives with a family member or someone close to them. They are officially in the care of the government (Minister) under one of the following court orders:</p> <ul style="list-style-type: none"> • custody agreement • custody agreement extension • custody order • custody order extension 	<p>Government (Minister) holds parental rights and full legal decision-making authority.</p> <p>Kinship care providers are responsible for day-to-day care and decisions. For example, meals, clothing, routines, and activities.</p>	<p>Temporarily in care: <i>The child or youth is in the care of the government (Minister).</i></p>	Up to 24 months.	Child/youth in care living with kin
<p>A kin custody order offers a way for children or youth and their families to have long-term stability without taking away the parent's legal rights.</p>	<p>Kinship care providers are legally responsible for day-to-day care and decisions. For example, consent to participate in routine school, social, and recreational activities, and to receive medical care.</p> <p>Parents keep their parental rights to decide on major decisions. For example, the child or youth's education, religion, medical care, and/or the child or youth's property.</p>	<p>Not in care: <i>The child or youth is not in the care of the government (Minister).</i></p>	<p>The court decides how long a child or youth stays under a kin custody order.</p> <p>The order must be renewed before it expires.</p> <p>It can be renewed until the young adult's 19th birthday. Afterward, they'll have access to supports and services to help them transition into adulthood.</p>	Kin custody order
<p>The child or youth lives with a family member or someone close to them under a court-ordered guardianship.</p>	<p>The government (Minister) holds full legal rights, including responsibility for day-to-day care and decision-making.</p>	<p>Permanently in care: <i>The child or youth is in the permanent care of the government (Minister).</i></p>	Available up to age 26.	Guardianship
<p>Legal authority (guardianship) is transferred from the Minister to a kinship care provider through a court application.</p>	<p>The kinship care provider becomes the child or youth's legal guardian and has full legal rights, including responsibility for day-to-day care and decision-making.</p>	N/A	Permanent up to age 26.	Transfer of Guardianship to kin
<p>The kinship care provider adopts the child or youth, becoming their permanent, legal parent.</p>	<p>Kinship care provider has full legal rights, including responsibility for day-to-day care and decision-making.</p>	N/A	Permanent.	Kin adoption



Informal kinship care arrangements

Informal kinship care arrangements happen when families privately decide that a child or youth will live with a relative or someone close to them. These plans are made with the parents' permission but do not involve formal processes or support from the Department of Social Development.

If you're considering this option, you may wish to contact the Department of Social Development first. They can explain formal processes and other types of support that may be available through other arrangements. *For more information, refer to the [Steps in becoming a kinship care provider section](#) of this guide.*

Where to get legal information and support

For general legal information, you can contact [Public Legal Education and Information Service of New Brunswick \(PLEIS-NB\)](#) (legalinfonb.ca). They can help you better understand your rights and responsibilities as a kinship care provider. Please note that they cannot evaluate your specific situation or offer legal advice.

If you need specific legal advice or guidance, you may wish to speak with a lawyer. You can access the [Law Society of New Brunswick's Public Directory](#) to search for a lawyer who practices in your area. You can also search online for 'Law Society of New Brunswick' and click on 'Lawyer search' found at the top right of their website.

Advocating for the child or youth's best interests

As a kinship care provider, you play an important role in ensuring the child or youth's well-being is prioritized.

Children and youth have many rights, including:

- Being protected from harm.
- Having their privacy respected.
- Participating in decisions that affect them.
- Enjoying leisure, play, and cultural activities.
- Growing up in a safe and nurturing environment.
- Accessing education.
- Staying connected with family and others who support their development and growth.

Advocating for their well-being means:

- Acting in the best interest, including their overall well-being.
- Taking action if they are at risk of harm.
- Supporting their development and helping them reach their full potential.
- Ensuring they are connected to people who love and support them.
- Assisting youth and young adults through life's transitions.
- Staying informed and speaking up when needed.
- Ensuring they have the resources to succeed in every stage of life.

Common questions answered:

What documents will I receive as a kinship care provider?

In formal arrangements, you will receive documents that confirm your role and the child or youth's needs.

Your social worker can explain what documents you'll receive and how to use them.

These may include:

- Custody agreements or court orders.
- Caregiver identification issued by the Department of Social Development.
- The child or youth's Medicare card, birth certificate, or other ID.

What happens if a parent tries to take the child or youth back?

If a parent tries to take the child or youth back, contact your social worker immediately. They can assess the situation and help determine the best steps to address the issue.

If you do not have legal rights in the kinship care arrangement, a parent may have the right to take the child or youth back. However, the safety and best interests of the child or youth remain the top priority.

In formal kinship care arrangements (those involving legal documentation), a written agreement or court order may explain how to handle disputes. Your social worker or legal advisor can help you understand your options and make sure the child or youth's needs come first.

If something doesn't feel right:

- Communicate your concerns with your social worker.
- Keep detailed records of observations or concerns.
- Ensure the child or youth's views and preferences are heard.





Situations that require court involvement

Your social worker will explain if court involvement is necessary and help you prepare if needed.

Kinship care arrangements may need court involvement to:

- Formalize legal arrangements. For example, a kin custody order, custody order, or transfer of guardianship.
- Resolve disputes. For example, a disagreement with a parent about the care arrangement.

Preparing for court

If you are asked to attend court, being prepared can make the process easier.

To prepare:

- Talk with your social worker to understand what's needed and how to prepare.

- Be ready to explain how you plan to meet the child or youth's needs.
- Organize important information about communication with the child or youth's parents or other people involved, such as emails, texts, or notes from conversations.

This information will be included in an affidavit prepared by Social Development staff for the court. An affidavit is a written statement where someone swears that the facts, they are sharing are true. Your role will be to:

- Check the affidavit carefully to make sure that the information is correct.
- Sign the affidavit to confirm its accuracy.
- Testify in court if needed.
- Gather any other documentation related to the child or youth's care or well-being, if required. Social Development will provide documents like the child or youth's ID and copies of agreements or court orders directly to the court.



Legislation related to kinship care

Kinship care in New Brunswick is governed by two important laws that work together to support the well-being of children and youth:

Child and Youth Well-Being Act

The Child and Youth Well-Being Act is founded on prioritizing the best interests and well-being of children and youth. It emphasizes the importance of early detection and intervention to help them thrive. Hearing and respecting their voices is a key part of the Act.

| Important parts of the Act for kinship care providers

- **Section 5(2)(b):** Highlights the importance of family in creating a secure and supportive environment for children and youth.
- **Section 5(2)(e):** Focuses on ensuring children and youth have a safe and stable environment. It emphasizes the importance of maintaining family relationships and connections and considers how disruptions may impact their well-being.
- **Section 29:** Describes the supports available for youth up to age 26 who previously received kinship services and remain with kin after formal kinship services end.
- **Section 41(1):** Encourages families and other important connections to work together in supporting the child or youth.
- **Section 43(1):** Recognizes the value of providing kinship services in the home of a caregiver who has a close relationship with the child or youth.
- **Section 54(1):** Outlines the priority of children or youth living with someone they already know and trust.

- **Section 55(1):** Describes foster parent agreements.
- **Section 67:** Explains kin custody orders as a way to provide long-term stability for children or youth without requiring a full legal process.

Child and Youth Social Services Regulation

This Regulation provides the practical steps and rules used to put the Child and Youth Well-Being Act into action.

| Important parts of the regulation for kinship care providers

- **Section 12(3):** Explains how kin who are foster parents can apply for approval of their home as a foster home.
- **Section 14(4.1):** Describes the support available to help kinship caregivers ensure their living environment meets the needs of the child or youth.

If you have questions about how these laws apply to your situation:

- Speak with your social worker, or
- Refer directly to the Child and Youth Well-Being Act and Youth Social Services Regulation. You can find the act by visiting the [Government of New Brunswick's Acts and Regulations page](#) (or search online for 'Child and Youth Well-Being Act NB').

