



Newfoundland and Labrador's Child Welfare System

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This CWRP Information Sheet provides an overview of the child welfare service delivery system in Newfoundland and Labrador. The summary is based on the authors' synthesis of information collected from publicly available documents. The summary presented in this information sheet were prepared by the authors with funding from a Social Sciences and Humanities Research Council Partnership Grant and a gift from the Royal Bank of Canada foundation to support the McGill Centre for Research on Children and Families' Children's Services Research and Training Program.

Background

In Newfoundland and Labrador, the [Department of Child, Youth and Family Services](#) (CYFS) is responsible for providing protection services for children under the age of 16 years as well as voluntary residential and supportive services for youth aged 16 – 18 years in need of protection under the mandate of the [Children and Youth Care and Protection Act](#) (2010). Service provision to children and youth in need of protection is also guided by the [Protection and In Care Policy and Procedure Manual](#) (Department of Child, Youth and Family Services, 2011). [The Adoption Act](#) (2013) and the Adoptions Policy and Procedures Manual (2014) guide adoption practices for children in the province. CYFS is comprised of four regions across the province, with 56 regional service delivery offices located throughout the regions.

There are no mandated First Nations Child and Family Services agencies in Newfoundland and Labrador; therefore, the estimated 7,800 Aboriginal children under the age of 18 in Newfoundland and Labrador (Statistics Canada, 2006) fall under the mandate of CYFS. The [Labrador Inuit Land Claim Act](#) (2005) formalized the creation of the Nunatsiavut Government and gives sovereignty over child welfare matters to the Nunatsiavut Government. This Act takes precedent over the *Children and Youth Care and Protection Act*; chapter 17 of the *Labrador Inuit Land Claim Act* confers the right to the Nunatsiavut Government to make laws regarding children in need of protection in Labrador Inuit lands and Inuit communities. However, as of July 2014, the Nunatsiavut Government has not developed child protection legislation.

Child welfare services have undergone significant legislative and administrative changes in Newfoundland and Labrador in the past two decades. The [Child, Youth and Family Services Act](#)

(1998) represented a significant shift in child welfare legislation by recognizing a need for enhanced child welfare services, including prevention, early intervention, client participation, community partnerships, as well as new standards for response time to allegations of maltreatment (Deloitte and Touche, 2007). The *Child, Youth and Family Service Act* was replaced in 2010 by the *Children and Youth Care Protection Act*. This legislative change intended to focus on the best interests of children by: reducing the number of temporary court orders for children in care, promoting permanency planning, establishing monitoring for all children in care, and supporting youth who are also in need of protection (Child, Youth and Family Services, 2010a). This change may have been spurred in part due to the [Turner Report](#) (Barter, 2011). In addition to legislative changes, significant administrative changes have occurred for child welfare services in Newfoundland and Labrador as well. In 2007, the administration of child protective services was transferred from community health and service boards to the four Regional Health Authorities (RHAs). In 2009, the provincial government announced the creation of a new department focused exclusively on service delivery to children, youth and families outside the RHAs: the Department of Child, Youth and Family Services.

Child in need of protection

Newfoundland and Labrador provides protective services to children aged 0-16 under its legislation and protective services to youth aged 16-18. A child may be deemed to be in need of protective intervention under the *Child Youth and Care and Protection Act* (Section 10) due to: acts of omission or commission made by parents or guardian, or serious criminal acts committed by a child under the age of 12. The purpose of the law is to promote the safety and well-being of children or youth in need of protective intervention with respect to their best interests. In Newfoundland and Labrador, when a person has information or concerns regarding a child in need of protection, they have a duty to report this information to a manager, social worker, or a peace officer (see Section 11 of the *Child Youth Care and Protection Act*).

A child in need of protection is defined in Section 10 of the *Children and Youth Care and Protection Act* as a child who:

- Is being, or is at risk of being, physically harmed by the action or lack of appropriate action by their parent
- Is being, or is at risk of being, sexually abused or exploited by their parent
- Is being, or is at risk of being, emotionally harmed by their parent's conduct and there are reasonable grounds to believe that the emotional harm suffered, or that might be suffered, results from the actions, failure to act, or pattern of neglect on the part of the parent
- Is being, or is at risk of being, physically harmed, sexually abused or exploited, or emotionally harmed by a person and the parent fails to protect them
- Is living in a situation where there is violence or a risk of violence
- Is living with a parent whose actions show a propensity to violence or who has allegedly killed or seriously injured another person
- Is in need of medical, psychiatric, surgical or remedial care recommended by a qualified health professional and the parent fails to obtain or permit care or treatment
- Has been left without adequate supervision appropriate to their developmental level
- Has been abandoned or has a parent who is unwilling or unable to care for them
- Has no living parent and no adequate provision has been made for their care

- Is less than 12 years of age and has committed a serious crime, or where the child has indicated intent to cause a serious crime and the parent fails to respond adequately to the situation

The *Children Youth Care and Protection Act* (Section 10) further defines indicators of emotional harm on the part of a child as: depression, significant anxiety, significant withdrawal, self-destructive behaviour, aggressive behaviour, or delayed development. Parental conduct that may lead to emotional harm or risk of emotional harm may also include: rejection, social deprivation, deprivation of affection or cognitive stimulation, inappropriate criticism, threats, accusations or inappropriate expectations. Living situations that can lead to emotional harm or risk of emotional harm include: where the mental health of a parent is negatively affecting the child, where a parent abuses alcohol or drugs, or where there is violence.

Although data on the incidence and characteristics of child maltreatment is not publicly available for [Newfoundland and Labrador](#), nationally representative data from the 2008 Canadian Incidence Study of Reported Abuse and Neglect (CIS-2008) show that the two most frequently occurring categories of maltreatment investigations found to be substantiated were exposure to intimate partner violence (34%) and neglect (34%). In 20% of substantiated investigations in Canada, the primary form of maltreatment was physical abuse; in 9% the primary form was emotional maltreatment; and in 3% of investigations the primary form of substantiated maltreatment was identified as sexual abuse (Public Health Agency of Canada, 2010). The CIS-2008 categories of maltreatment do not directly correspond to the categories of child maltreatment covered under Newfoundland and Labrador legislation, although they provide a non-jurisdictionally specific incidence of the types of investigated categories of maltreatment.

Spectrum of service

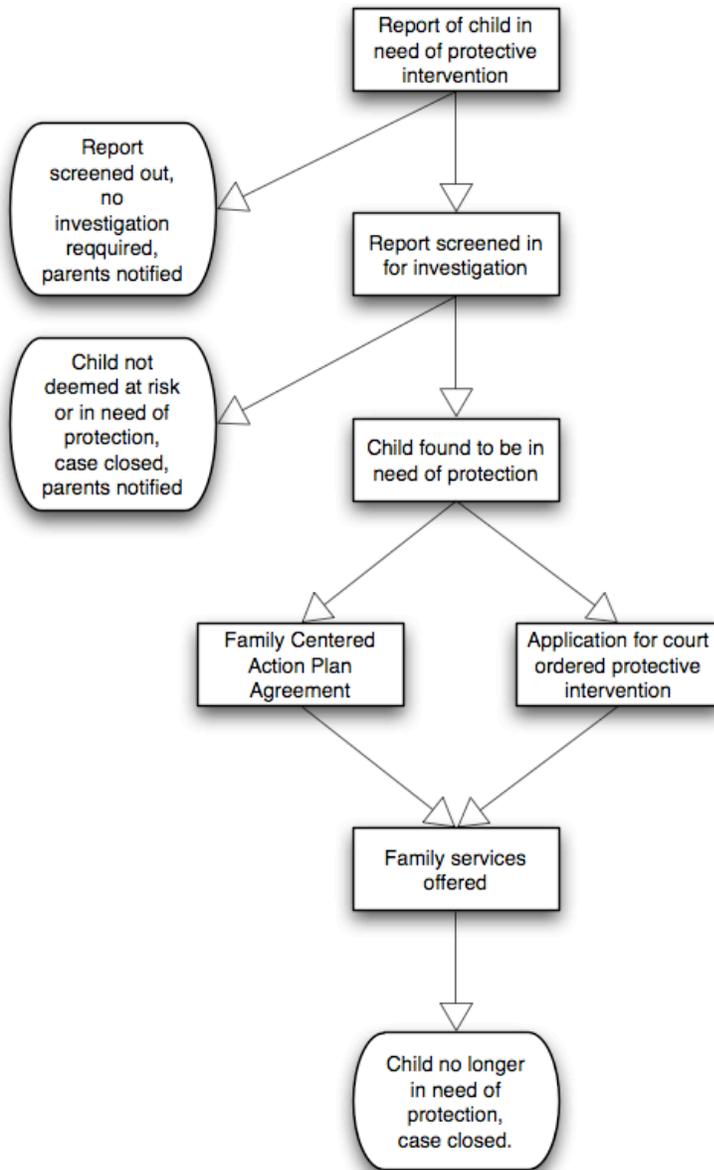
The primary function of Newfoundland and Labrador's child welfare agencies is to protect children from harm. Where there are concerns of child maltreatment, services may be provided to children and families with authority under the *Child Youth and Care and Protection Act* include: investigation of maltreatment, provision of home-based family services, and placement in out of home care. Family services include case management and home-based services administered by the Department of Child, Youth and Family Services, as well as referrals to a variety of community-based social services provided by government or non-profit organizations.

Figure 1 provides a generalized portrait of the decision-making process from the time of initial receipt of a report to the provision of in-home services. Social workers from the Department of Child, Youth and Family Services (CYFS) receive reports (called child protection referrals) regarding suspected child maltreatment, and assess risk to a child based on reported and gathered information. If warranted, social workers may investigate a situation further. All decisions to intervene with a family are governed by the best interests of the child, as operationalized in the *Children and Youth Care and Protection Act*. If a child is found at the close of an investigation to be in need of protective intervention, the child and family might be referred to family services or the child might be determined to be in need of immediate protective removal from the home (Department of Child, Youth and Family Services, 2011). If a family is referred to family services and is collaborative with CYFS, a "Family Centered Action Plan" will then be

developed to remove the risk to the safety and well-being of the child. If a plan cannot be agreed upon between the social worker and the family, an application with the Court for a protective intervention hearing can be made. When it is found that the risk to the child’s safety and well-being are no longer present, the child’s file with CYFS is closed.

Figure 1.

Generic Protective Intervention Service Flow Chart for Newfoundland and Labrador



All information regarding child and youth protective services in Newfoundland and Labrador taken from the Protection and In Care Policy and Procedure Manual of The Department of Child, Youth and Family Services (2011)

In Newfoundland and Labrador, children who are deemed at risk of maltreatment in their home environment may be placed in out-of-home care. As in other Canadian jurisdictions, the majority of children receiving services from child welfare agencies are not placed in out-of-home care. As of April 1, 2010: 7,758 children were receiving child, youth, and family services and 644 (8%) of these children were in out-of-home care (Department of Child, Youth and Family Services, 2010b). These statistics had changed by April 1, 2014; it was reported that 6,685 children and youth were receiving child, youth, and family services and 880 (12%) of these children and youth were in out-of-home care (Department of Child, Youth and Family Services, 2014b). These statistics closely parallel the Canadian Incidence Study estimate for out-of-home care within the first 4-6 weeks of an investigation; the CIS-2008 found that an estimated 92% of children receiving services from child welfare agencies are not placed in out-of-home care (Public Health Agency of Canada, 2010).

Additional information about child welfare services in Newfoundland and Labrador is available on the websites of [the Department of Child, Youth and Family Services](#), [the Child and Youth Advocate for Newfoundland and Labrador](#), as well as the [Canadian Child Welfare Research Portal](#).

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