



NEWFOUNDLAND AND LABRADOR CHILD WELFARE SERVICES INFORMATION SHEET

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Newfoundland and Labrador Child Welfare Services Information Sheet

This CWRP Information sheet provides an overview and description of child welfare and protective services within the province of Newfoundland and Labrador (NL), including relevant legislation, structure of services, and recent updates or changes to the child welfare system. This information sheet is a synthesis of publicly available documentation.

Background

The Department of Children, Seniors, and Social Development (CSSD) (previously known as the Department of Child, Youth and Family Services), is responsible for providing child welfare and protection services to all children and youth living in Newfoundland and Labrador, including First Nations, Inuit, and Metis populations through 37 offices over the province. There is no Indigenous child specific agency within NL.

The *Children, Youth and Families Act* (CYFA) (2018) governs child welfare, protection, and service delivery. The CYFA came into force on June 28, 2019, replacing the previous *Child and Youth Care and Protection Act* (Government of Newfoundland and Labrador, 2020). The CYFA includes provisions for: enhanced information sharing among professionals involved in the protection of children and youth; permanency planning for children and youth in care; emphasis on the cultural and child welfare needs of Indigenous children and youth; supporting children and families to prevent the need for out-of-home placement/care; understanding the protection needs of older children and youth; and, establishing a licensing regulation for out-of-home kinship and foster placements (Government of Newfoundland and Labrador, 2020, p. 3).

As of December 31, 2020, approximately 2435 families with a total of 3830 children and youth were receiving protective interventions from CSSD. 970 children and youth were placed in out-of-home care. 775 of those children and youth were placed in foster homes, with the remaining placements being group care, individualized living arrangements, out-of-province placements, family-based care pilot placements, or other placement types. (Government of NL, 2021).

Child in Need of Protective Services

Section 10 of the CYFA (2018) states that a child requires protective intervention when they are being, or are at risk of being: (physically, sexually, or emotionally) abused or neglected, exposed to violence, inadequately supervised (based upon the child’s developmental age), medically neglected, abandoned, or when a child under age 12 has harmed or seriously damaged another human being, living thing, or another person’s property (CYFA, 3.10).

Spectrum of Services

The primary function of the CYFA (2018) and the NL child welfare/protection system is to uphold the best interests of the children and youth of the province. Services are provided to children and families on both voluntary and court-mandated bases when children are deemed to require protection from harm (Deloitte & Touche, 2007; Department of Child, Youth and Family Services, 2011). Reported allegations of harm to a child or youth are initially screened in or out based upon the criteria outlined in section 10 of the CYFA (2018). Screened in reports are investigated by the intake and assessment team. If allegations are substantiated and the child is found in need of protection, services may be provided voluntarily in collaboration with the family and other community service providers through a “Family Action Agreement” (Blumenthal & Sinha, 2014). When the level of risk to the child(ren) is assessed as being high or caregivers are not open to a voluntary service plan, services may be mandated through Family Court applications and orders. Court applications and orders may include supervisory orders, wherein the child remains in the care of their primary caregiver under the supervision of CSSD, a temporary custody order (child is placed in the care of a manager of child protection – e.g. placed in foster care), or a continuous custody order (child remains in the care and custody of the state for an extended period). In each situation, services to be provided by CSSD and other community agencies to support the needs of both parents and children can be court-ordered. When parents/caregivers are unable to demonstrate progress in alleviating child protection concerns, a permanent care and custody order may be granted (the province is granted permanent care and custody of the child until the child reaches a minimum age of 16) (Department of Child, Youth and Family Services, 2011).

Temporary custody orders must abide by specific time limits set out in the CYFA (2018), which emphasize a child’s need for permanency. The first temporary custody order may remain in effect for a maximum of 6 months. For a child who is under the age of 6 years, a second order may be issued for a maximum of three months. For a child 6 years or older, the second temporary custody order may be issued for a maximum of 6 months. The CYFA (2018) also includes a provision in which a third order following the time limits of second order can be granted in exceptional circumstances.

Services to support families and address risk of harm to children and youth include in-home services, out-of-home care and services, clinical, and community-based services. CSSD provides some in-home and out-of-home services to parents and caregivers, including case management, kinship services, protective care agreements, in-care programs, and youth services. CSSD also refers families to a range of clinical and community-based services (Government of Newfoundland and Labrador, n.d.). CSSD provides referrals for clients to various community-based and non-profit organizations across the province. Supervised visitation for children in care with their families is referred to private companies across the province who hold contracts with CSSD. Out-of-home placement in group care facilities is also provided through private contracts with CSSD. CSSD also provides funding to educational centres for parenting support and home-visitation programs to support children and families with parenting skills and behavior management (Daybreak Parent Child Center, 2018). CSSD also refers children, youth, and families to mental health and addictions services offered through the regional and provincial health systems. This includes inpatient and outpatient services, as well as family therapy. There is one residential youth treatment facility run by the Eastern Health authority and located in Paradise, NL, which provides trauma-informed and dialectical behavioural therapy for youth experiencing complex mental health, behavioral and/or addictions issues. A youth addiction treatment centre in Grand Falls-Windsor, NL is designed for youth concerned about their alcohol or drug use and is run by the Central Health authority (Eastern Health, 2020).

Additional Information

The Office of the Child and Youth Advocate of Newfoundland and Labrador is an independent body within the province of NL with the ability to conduct independent reviews following critical incidents, make recommendations for improvements to child welfare service delivery and policies to ensure the best interests and safety of children and youth. Its mandate includes the responsibility to hold CSSD accountable for its decisions and services provided.

Two significant investigative reviews and reports were published in 2019. The first was completed in response to concerns expressed by the Nunatsiavut government regarding the number of Inuit children in care within the province. The report provided 33 recommendations for CSSD. The second was prompted by a child welfare and criminal court case in which a large family of children in NL was exposed to severe abuse and neglect for several years despite ongoing reports to and involved by CSSD. This resulted in 6 key recommendations to CSSD. CSSD responded to these recommendations and formally accepted responsibility in writing for implementing these recommendations (Office of the Child and Youth Advocate, 2019). Both reports are available on the CWRP reports tab (<https://www.childandyouthadvocate.nl.ca/publications/investigation-reports/>).

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