



# NOVA SCOTIA CHILD WELFARE SERVICES INFORMATION SHEET

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This CWRP Information sheet provides an overview and description of child welfare and protective services within the province of Nova Scotia 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**

Child welfare services in Nova Scotia (NS) are provided by the provincial Department of Community Services (DCS). Services are provided by 21 local child welfare offices located in each county across the province. Mi'kmaw Family and Children's Services (MFCS) provides child welfare and protection services to all 13 First Nations Reservations (Government of Nova Scotia, 2013). MFCS has 3 regional offices across the province offering child welfare services – Eskasoni First Nation (Cape Breton), Shubenacadie First Nation, and a satellite office in Bear River First Nation. MFCS was established based upon the signing of a tripartite agreement involving the Canadian federal government, the NS DCS, and NS First Nations Communities.

The *Child and Family Services Act (CFSA)* (1990) governs child welfare and protective services in Nova Scotia. It applies to all children and families, including those living on First Nations reservations. The CFSA underwent a review and amendment process in 2015. A total of 90 amendments corresponding to 6 focus areas were approved and enacted on March 1, 2017. The definition of when a child needs protective services was expanded to allow for earlier intervention with the goal of avoiding serious incidents of abuse/neglect requiring out-of-home placement and services. This included the addition of exposure to family violence as an explicit criterion for protective intervention. Voluntary services for youth ages 16-18 were added with the goal of addressing a gap in service provision. Amendments also included the ability for child protection social workers to interview children without the consent of their guardian. A focus on the importance of children's culture was added, requiring an individualized cultural connections plan for all children and youth placed in permanent care and custody. Finally, the 2017 amendments to the CFSA emphasized permanency planning for children and youth in temporary care and custody. Amendments added the option of case conferencing in lieu of formal court hearings for certain

cases, as well as the implementation of maximum time periods for both individual and cumulative decisions regarding permanency to be determined (Government of Nova Scotia, 2017).

The *Children and Family Services Regulations* (2018) further describe specific policies and procedures for child welfare service delivery in Nova Scotia. These regulations include policies related to childcare facilities; representative status of child welfare social workers; special needs agreements; financial agreements; secure treatment facilities; the child abuse register; and, adoption. The regulations also include all relevant government forms and applications for child welfare services within the province.

## **Child in Need of Protective Services**

Section 22(2) of the *CFSA* (1990) defines the conditions under which a child is deemed to require protective services. These conditions include when a child “has suffered, or is at risk of suffering” physical harm, sexual abuse, emotional abuse, or neglect (lack of medical care, physical neglect, emotional neglect) “by a parent/guardian or due to their failure to adequately supervise and protect the child” (*CFSA*, 1990, pp. 17). Protective services are also required if a child has been exposed to or made aware of “an act of violence by or toward a parent or guardian or other individual residing with the child,” as well as when a child under the age of 12 “has seriously injured or killed another person or caused serious damage to another person’s property... and the parent/guardian has not taken necessary steps to provide treatment or intervention” (*CFSA*, 1990, pp. 18).

There is no information published regarding the number of investigations of child abuse/neglect in Nova Scotia. However, the 2008 Canadian Incidence Study (CIS) reported that child exposure to family violence and neglect were the most common reason for substantiated allegations of child maltreatment nationally (34% each), followed by physical abuse (20%), emotional maltreatment (9%) and sexual abuse (3%) (Trocmé et al., 2010, p.4). For the year 2019, there were 995 children and youth placed in out-of-home care in Nova Scotia – a rate of 5.64 per 1000 children, or 0.564% of the province’s population of children (Government of Nova Scotia, 2019).

## **Spectrum of Services**

Child welfare and protective services are composed of several sub-departments including prevention and early intervention, intake and investigations, long term child protection, child in care, foster and kinship care, adoption, family support, and case aide departments.

Concerns of child abuse/neglect are reported to the intake and investigations department of DCS Child Protection. If the information reported falls within the mandate for investigation listed in section 22(2) of the *CFSA* (1990), a social worker is assigned to investigate the concerns and determine whether the reported allegation(s) of abuse/neglect will be substantiated, not substantiated, or inconclusive. If the allegation(s) is substantiated, and it is determined that there is risk of harm to the child(ren) requiring further intervention, the file will be opened for ongoing services and is managed by a social worker in the long-term protection department. Services may be provided under a “voluntary” agreement, or, when the risk of harm is high, or the parent/caregiver(s) do not consent to a voluntary agreement, an application may be made to family

court (CFSA, 1990). The court can implement a range of orders, including (1) a Supervision Order, in which the child(ren) remain in the care and custody of their primary caregiver(s); (2) a third party supervision order, providing temporary care and custody of the children to a family member or friend who is not the primary caregiver; (3) a temporary care and custody granted to Department of Community Services or to Mi'kmaq Family and Children's Services, resulting in the child being placed in out of home care; or (4) permanent care and custody of the child(ren) to be granted to the Department of Community Services or Mi'kmaq Family and Children's Services.

Review hearings and the renewal of supervision orders supervision orders may occur for a maximum of up to 12 consecutive months from the date of the first disposition order. Temporary care and custody orders may be renewed for a maximum of up to 12 consecutive months if the child(ren) was under the age of 14 years old at the time of the initial court application, or a maximum of 18 consecutive months if the child was 14 years old or older at the time of the initial court application (CFSA, 1990, p. 40). The file can be closed prior to the deadline if risk to the child(ren) has been alleviated. If the child is still in need of protective services at the end of the allotted court time, an alternative caregiver may apply for custody of the child (e.g. a grandparent), or an application for permanent care and custody can be made by child protective services.

Cases involving supervision orders may be referred to case conferencing rather than the family court process. All parties must agree to this and case conferences including all parties and their legal counsel must occur every sixty days to review the case and progress being made to address concerns of risk to the child(ren). Case conferencing can occur for a maximum of 12 months, at which point the file may be closed, or will return to family court if risk of harm to the child(ren) persists (CFSA, 1990). Conferencing may end and return to family court at any time if any party is no longer participating collaboratively, or if changes to the level of risk occur such that the child must be removed from their parent/guardian's care. Parties may also apply to the court to terminate conferencing if risk to the child has been adequately alleviated (CFSA, 1990).

NS uses a combination of internal and externally contracted services to address child welfare concerns. Family support programming – providing parenting education and skills training to families involved with child protective services – is offered internally. DCS and MFCS also provide supervised visitation services. Family Resource Centres located across the province provide prevention and early intervention services and are available to all families seeking support (Government of Nova Scotia, 2013). Additional services are provided through contracts between DCS, MFCS, and private service providers. These services most often include individual and family therapy/counselling, clinical assessments for children and/or parents, domestic violence interventions, and alcohol/drug testing. Children and/or families may also be referred to other existing public and/or health services (e.g. mental health and addictions services, NS Family Services, or First Nations Healing Centres, Treatment Facilities, etc.).

MFCS of NS is responsible for administering child welfare services to all children and families living on any of the 13 First Nations reservations within the province. While MFCS services are provided within the framework of the CFSA, the agency also provides a range of culturally appropriate interventions including family group conferencing, culturally relevant family support/parenting education, and family and community healing services (MFCS, 2018). MFCS

has jurisdiction on First Nations Reservations. Indigenous children living off-reserve are served by the DCS, although Mi'kmaw families can also access special MFCS healing services.

## References

- Child and Family Services Act*, S.N.S. 1990, c 5.  
*Children and Family Services Regulations*. N.S. Reg. 183/91.  
Family Law Nova Scotia. (2020, May 3). *Child Protection*.  
Retrieved from: <https://www.nsfamilylaw.ca/child-protection>  
Government of Nova Scotia. (2017, March). *Changes to the Children and Family Services Act*.  
<https://novascotia.ca/coms/families/changestocfsa/index.html>  
Government of Nova Scotia. (2019). *Department of Community Services, Accountability Report*.  
<https://beta.novascotia.ca/documents/accountability-report-2019-2020-department-community-services>  
Government of Nova Scotia. (2013). Department of Community Services. Child, Youth and Family Supports. <https://novascotia.ca/coms/families/index.html>  
Kozlowski, A., Sinha, V., Glode, J., & MacDonald, N. (2012). *First Nations child welfare in Nova Scotia*. CWRP Information Sheet #101E. Montreal, QC: McGill University, Centre for Research on Children and Families. Retrieved from: <http://cwrp.ca/publications/2461>.  
Mi'kmaw Family and Children's Services of Nova Scotia. (2018). <http://mfcsns.ca/>  
Trocmé, N., Fallon, B., MacLaurin, B., Sinha, V., Black, T., Fast, E., Felstiner, C., Helie, S., Turcotte, D., Weightman, P., Douglas, J., & Holroyd, J. (2010). Executive summary. In Public Health Agency of Canada, *Canadian incidence study of reported child abuse and neglect* (pp. 1-6). <http://cwrp.ca/publications/2117>.

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