

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

#### INTRODUCTION:

This policy directive, under s. 20.1 of the *Child and Family Services Act* (CFSA), sets additional requirements for the delivery of child protection services to 16- and 17-year-olds. This policy directive will come into effect on January 1, 2018.

For the purposes of this directive, a child who is 16 or 17 years of age is defined as a “youth”.

This directive requires all children’s aid societies (societies) to provide the full range of child protection services to youth until their 18<sup>th</sup> birthday, including the society agreements with 16- and 17-year-olds under s. 37.1 of the CFSA (referred to as Voluntary Youth Services Agreement (VYSA) in the directive). Societies are directed to offer the full range of protection services, including a VYSA where appropriate, to all eligible youth.

#### GUIDING PRINCIPLES:

Access to the full range of protection services for 16- and 17-year-olds will be guided by the following principles, consistent with s. 1 of the CFSA.

**Youth-Centred Protection Service** – Youth receiving service may have experienced traumatic events or circumstances. Societies will actively engage the youth in decision-making and promote the youth’s voluntary participation in service, assisting the youth to build on their strengths and address the protection issues that are impacting them. Wherever possible, service should support youth to make decisions that help to minimize risk and promote their best interests, protection and well-being.

**Least Disruptive Approach** – Youth are often best supported within their families, extended families and communities. Service should favour the least disruptive course of action to protect the youth. Service should promote the involvement of families, extended families and communities in decision-making about the youth’s safety and well-being, where appropriate.

**Permanency** – Youth who are 16 or 17 are beginning the transition to independence, and societies will engage them to identify their permanency goals. Service should support the youth in identifying and developing permanent relationships that are meaningful and beneficial to the youth, and incorporate broad definitions of family, extended family, kin and community.

**Connection to Kin, Community and Culture** – Maintaining connection to kin, community and culture are closely connected to permanency planning and positive outcomes for youth. Youth should have access to culturally appropriate services,

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

community-based supports and opportunities to support their self-development and connection to their cultures, heritages, traditions and identities.

***Culturally Appropriate Services for Indigenous Youth*** – Service to Indigenous youth should promote connections with community, culture, heritage and traditions and reflect holistic approaches and support Indigenous youth to remain connected with family, extended family and communities.

***Diversity*** – Individuals are unique and service should be responsive to the diversity of youth and families served and be provided from an anti-oppression and anti-racism perspective.

### REQUIREMENTS:

#### Service Approach

1. ***Delivery of Protection Services***: Statutory, regulatory and policy directive requirements apply to this cohort of youth and should be consulted for further direction, including the following:
  - a. The *Ontario Child Welfare Eligibility Spectrum* (2016) will be applied to determine whether the reported information meets the threshold for an investigation.
  - b. The *Ontario Child Protection Standards* (2016) will guide child protection workers in each phase of service delivery and is the mandatory framework for service to youth and their families.
  - c. Consultation and notice provisions in the CFSA and regulations respecting First Nations<sup>1</sup> youth, including s.213-213.1 of the CFSA.
  - d. O. Reg. 206/00 and the *Ontario Kinship Service Standards* (2006) apply to family and community placements. The *2016 Ontario Permanency Funding Policy Guidelines* apply.
  - e. Societies must make all reasonable efforts to pursue a plan for customary care where the child is in need of protection, and cannot remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under Part III of the CFSA or, where there is an order for the child's custody that is enforceable in Ontario, of the person entitled to custody under the order. The *2016 Ontario Permanency Funding Policy Guidelines* apply.
  - f. A court order will not be sought by a society to admit a youth to care unless a voluntary agreement (i.e. VYSA) has been offered by the society and refused by the youth.

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<sup>1</sup> For the purposes of this document, First Nations youth refers to a youth who is an "Indian" or "native child" as those terms are defined in the CFSA.

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

- g. Before entering a Temporary Care Agreement (TCA) with a youth, the society will consider whether a VYSA is appropriate.
  - h. If a youth is admitted to the society's care by court order or a TCA, the policy requirements regarding children in care apply.
2. **Notification of the Office of the Children's Lawyer (OCL):** When a society determines that a youth is in need of protection and is considering a VYSA, a kinship service placement, a TCA or seeking a court order to bring the youth into the society's care, a referral will be made to the OCL in a form provided by the ministry. The OCL may provide legal representation to the youth entering into a VYSA, if in the opinion of the OCL, such legal representation is appropriate (CFSA s 37.1 (8)).

### Voluntary Youth Services Agreements (VYSA)

3. **Eligibility for a VYSA:** A youth is eligible to enter into a VYSA with a society consistent with s. 37.1 of the CFSA. The following eligibility criteria apply:
  - a. The society has jurisdiction where the youth resides;
  - b. The society has determined that the youth is or may be in need of protection;
  - c. The society is satisfied that no course of action less disruptive to the youth, such as care in the youth's own home or with a relative, neighbour or other member of the youth's community or extended family member, is able to adequately protect the youth; and
  - d. The youth wants to enter into the agreement.
4. **Term of a VYSA:** The term of a VYSA may be for any period of time up to, but not exceeding, 12 months. The society may renew the agreement with the youth providing that the total term of the agreements does not exceed 24 months or continue beyond the youth's 18<sup>th</sup> birthday.
5. **Living Arrangements:** The society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs, is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.
6. **Information, Referrals and Notifications:** Prior to entering a VYSA with a youth, societies will:
  - a. Inform the youth about the voluntary nature and terms of the agreement. These will be explained in a manner that may be understood by the youth.
  - b. Give the youth an opportunity to consult with a lawyer, an advocate, and/or another trusted adult prior to signing the agreement, and/or to have a support person attend the meeting with the youth. The society will make all

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

reasonable efforts to include these individuals in a planning meeting, where appropriate.

- c. In the case of a First Nations youth, provide notification to a representative chosen by the youth's band or native community that the society is preparing to enter an agreement with the youth.
- d. Make a referral to the OCL in a form provided by the ministry (see Requirement 2). Under s.37.1(8) of the CFSA, the OCL may provide legal representation to the youth entering into a VYSA, if in the opinion of the OCL, such legal representation is appropriate.

**7. *Complaints and Conflict Resolution:*** Societies will inform the youth about options to resolve any issue related to the youth or a plan for the youth's care, including access to Alternative Dispute Resolution. Societies will also inform the youth about the complaints procedure in a manner that may be understood by the youth, and provide the youth with written information about the complaints process at the following junctures:

- a. Signing of a VYSA;
- b. Development of the Voluntary Youth Services (VYS) Plan and reviews of the VYS Plan;
- c. Placement changes;
- d. Upon admission to care by court order or Temporary Care Agreement under s.29 of the CFSA; and
- e. Upon request of the youth.

**8. *Contents of the Agreement:*** The VYSA will include, at a minimum, the following elements:

- a. The term of the agreement, and information about terminating and renewing agreements (see Requirements #4 and #10).
- b. The name and date of birth of the youth entering the agreement.
- c. The name of the society entering the agreement with the youth.
- d. A commitment to complete a VYS Plan within 30 days of signing the VYSA (see Requirement #9).
- e. The supports that will be provided to the youth, including any financial supports (e.g., allowance, rent, transportation).
- f. The obligation of the youth to maintain contact with the society.
- g. Information about the complaints process (see Requirement #7).
- h. Information about the documents that will be provided to the youth (see Requirement #11).
- i. The signatures of the youth, the youth's worker, and the local director (or designate) of the society providing service.
- j. A checklist, signed by the worker and the youth, confirming the following:
  - i. the youth has been informed about the voluntary nature and terms of the agreement, in a manner that may be understood by the youth;



## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

- ii. the youth has been given an opportunity to consult with a lawyer, an advocate, and/or another trusted adult prior to signing the agreement, and/or to have a support person attend the meeting with the youth. The society has made all reasonable efforts to include these individuals in a planning meeting, where appropriate;
  - iii. in the case of a First Nations youth, the society has provided notification to a representative chosen by the youth's band or native community that the society is preparing to enter an agreement with the youth;
  - iv. the society has made a referral to the OCL in a form provided by the ministry (see Requirement 2); and
  - v. the worker has provided the youth with the required written materials (see Requirement 11).
9. **Voluntary Youth Services (VYS) Plan:** The society will work with the youth to develop a VYS Plan that is based on the youth's individual strengths, needs and goals, as follows:
  - a. The VYS Plan will be completed within 30 days of signing the VYSA, and updated at least once every six months.
  - b. The society and the youth will review the VYS Plan, in person, at least once every three months.
  - c. The VYS Plan will include, at a minimum:
    - i. Consideration of the following:
      - Permanent relationships (e.g., an enduring relationship with at least one trusted adult)
      - Connection to communities, cultures, heritages and traditions
      - Health and well-being
      - Housing
      - Education and/or employment
      - Life management skills and personal development
      - Identity (e.g., race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression)
    - ii. The financial and social supports that will be provided to and/or on behalf of the youth.
    - iii. Roles and responsibilities, including any expectations of the youth (e.g., regular visits with a child protection worker) and commitments of the society (e.g., frequency of contact, supports to be provided).
    - iv. Specific planning with respect to transitioning to adulthood and independence including plans to build financial literacy and household management skills.
    - v. A reference to the youth's eligibility for Continued Care and Support for Youth (CCSY) until their 21<sup>st</sup> birthday if the VYSA expires on the youth's 18<sup>th</sup> birthday.

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

**10. Terminating Agreements:** Terminations of VYSAs will be governed by the legislation, as well as the following parameters:

- a. Where an agreement is being terminated by either the youth or the society, written notice must be given to the other party.
- b. When a termination notice is received or issued by a society, the society will provide notice to the OCL in a form provided by the ministry. The youth will be advised of the option to access the OCL and PACY respecting the termination.
- c. An agreement may be terminated if protection concerns are resolved, and terminating the agreement would not result in the youth being in need of protection.
- d. A society may terminate an agreement if the youth cannot be located, and all reasonable efforts have been made to locate the youth.
- e. When the society is initiating termination of the VYSA:
  - i. The local director (or designate) must sign the termination notice;
  - ii. The notice will be provided to the youth (where possible) and the OCL. A notice period of a minimum of three months will be observed, and the notice period will begin at the point the notice is issued by the society. The youth will continue to receive service, including financial supports, during the notice period.
  - iii. If the youth cannot be located to serve the notice, efforts to locate and give notice to the youth will be documented.
  - iv. The youth will be advised of the option to seek protection services at any point until the youth's 18<sup>th</sup> birthday (subject to Requirement #3), and be informed of eligibility for CCSY up to 21 years of age where a VYSA expired on the 18<sup>th</sup> birthday.
  - v. The society will make every effort to engage the youth in planning for appropriate supports following termination.
- f. When the youth is initiating termination of the VYSA:
  - i. The society will make all reasonable efforts to address the concerns of the youth so that the VYSA can continue, if the eligibility requirements are met.
  - ii. The youth will be advised of the option to seek protection services at any point until their 18<sup>th</sup> birthday.
  - iii. The society will make every effort to engage the youth in planning for appropriate supports following termination.
- g. If the youth has taken action to complain about a society notice to terminate its agreement with the youth, the youth will continue to receive service throughout the notice period and throughout the complaints process.
- h. Where an agreement has been terminated or not renewed, the society and youth may enter into a new agreement at any time in the future providing that the youth meets the eligibility requirements as set out in the act and restated in Requirement #3.

## MINISTRY OF CHILDREN AND YOUTH SERVICES

### POLICY DIRECTIVE: CW 003-17 Protection Services for 16-17 Year Olds

**11. Documentation:** The society will provide every youth in a VYSA the following documents, in hard copy or electronically, and will indicate in writing in the VYSA that the documents have been provided.

- a. A copy of the VYSA
- b. A copy of the VYS Plan
- c. Written information about:
  - i. the Provincial Advocate for Children and Youth,
  - ii. the Office of the Children's Lawyer; and
  - iii. the Complaints Process.

### Reporting Requirements

**12.** Societies are required to provide quarterly and year-to-date service and financial data regarding youth served. Reporting requirements will be further defined through the Child Welfare budget process. Additional reporting requirements may apply.

**EFFECTIVE DATE:** This policy directive is effective January 1, 2018



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