

MINISTRY OF CHILDREN AND YOUTH SERVICES

POLICY DIRECTIVE: CW 003-17 Protection Services for 16 – 17 Year Olds Questions and Answers

Updated December 11, 2017

This Questions and Answers document is updated from the original which accompanied Policy Directive: CW 003-17, which was issued to societies on October 13, 2017. This version includes answers to questions received following the issuance of the Policy Directive. The additional questions and answers are provided in blue.

General Questions

Q1. Why is this new policy directive required?

A1. On June 1, 2017, Bill 89, the *Supporting Children, Youth and Families Act, 2017* was passed by the Ontario Legislature and received Royal Assent. The Act includes repealing the *Child and Family Services Act (CFSA)* and enacting the *Child, Youth and Family Services Act, 2017 (CYFSA)* in its place, once proclaimed. It also includes amendments to the CFSA while it is still in force to provide a full range of child protection services to youth to their 18th birthday, including a new Voluntary Youth Services Agreement (VYSA) for those youth who require out of home placement. The amendments to the CFSA will come into force on January 1, 2018.

A new policy directive is required to set out the additional requirements for children's aid societies, including Indigenous societies, respecting 16- and 17-year-olds, including the requirements for the new VYSA.

Q2. What is the objective of this new policy directive?

A2. The objective of this new directive is to support the delivery of child protection services for 16- and 17-year-old youth in need of protection. By increasing the age of protection to include all children under the age of 18 years, 16- and 17-year-olds who are in need of protection will be eligible for the full range of child protection services, which will give them a better opportunity to get the support they need, reach their full potential, and have better outcomes as they transition to adulthood.

Research indicates that older youth who have been abused or neglected have an increased risk of experiencing homelessness, mental health issues, substance use, human trafficking and decreased employment prospects. The policy objective is to be responsive to the needs of vulnerable youth, and to provide services and support to these youth who are currently not eligible for service.

Q3. What are some key changes as a result of the legislative amendments?

A3. The key changes include:

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- The full range of child protection services will be provided to 16- and 17-year-olds up to their 18th birthday;
- A new voluntary agreement will be available for youth who are 16- and 17-years-old who require out of home placement (referred to as Voluntary Youth Services Agreement (VYSA) in the policy directive); and
- Continued Care and Support for Youth (CCSY) will be provided for youth where a VYSA expires at the time of their 18th birthday.

Q4. When do the changes come into effect?

A4. The amendments to the CFSA will be proclaimed and the new directive will come into effect on January 1, 2018.

Q5. Will the policy directive be updated when the CYFSA is proclaimed?

A5. It is anticipated that most of the *Child, Youth and Families Services Act (CYFSA)* will be proclaimed in Spring 2018. When the CYFSA comes into force, the policy directive and supporting documents will require a re-release to reflect changes in the legislation (e.g., changes to children's rights, modernized language).

Q6. What was the engagement process to inform the policy directive?

A6. When the new legislation was tabled in the legislature on December 1, 2016, the ministry immediately began an engagement process to inform the development of this policy directive for societies. This work was informed by an Advisory Committee, which included representatives from the child welfare sector, community services, the Office of the Provincial Advocate for Children and Youth, and youth members. The Advisory Committee met four times from March to May 2017, and provided advice on the full range of service options for 16- and 17-year-olds, including the new voluntary agreement.

In addition to the Advisory Committee, the ministry has engaged broadly with partners, including several groups of youth, First Nations, Inuit, Métis and urban Indigenous partners, the child welfare sector, youth-serving agencies, and the Minister's Working Group on Child and Family Well Being.

Reporting Suspicions that a Youth is in Need of Protection

Q7. Does the duty to report apply to 16- and 17-year-olds?

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A7. A person may make a report where they have a reasonable suspicion that a youth age 16 or 17 is or may be in need of protection. The duty to report applies in respect of children under 16. The amendments to the *Child and Family Services Act* take into consideration that a different approach is needed for 16- and 17-year olds that will protect them and encourage their voluntary participation in service.

Q8. Are protections in place for professionals and members of the public who report concerns about 16- and 17-year-olds?

A8. Section 72(7) of the CFSA states that, “No action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion.” This applies to professionals and members of the public reporting child protection concerns about any child, including 16- and 17-year-olds.

Q9. Will the grounds of protection be different for 16- and 17-year olds?

A9. No. The existing grounds for protection will apply to 16- and 17-year-olds. Currently, the grounds for protection under the CFSA (s.72(1)) include, physical, sexual and emotional abuse, neglect, and risk of harm. The amendments to the CFSA include a new provision that provides regulation-making authority should additional grounds with respect to 16- and 17-year-olds be needed. A regulation is not planned at this time.

Q10. Are societies required to investigate all new reports that a youth may be in need of protection, even if the youth is not consenting to the investigation?

A10. The *Ontario Child Protection Standards (2016)* guide child protection workers in each phase of service delivery and are the mandatory framework in which child protection services are delivered. Societies are required to assess all reports that a child is or may be in need of protection.

In the case of a youth who is not consenting to an investigation, societies will take into consideration the degree of risk to the youth in question, consider alternative ways to engage the youth and make a determination about whether other measures may be required to address safety concerns (e.g., Alternative Dispute Resolution, or as a last resort, court application). The youth’s age and views will be one of the factors considered in making such a determination.

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Service Approach

Q11. What services and supports will be available to 16- and 17-year-olds?

A11. As of January 1, 2018, societies will provide the full range of child protection services to youth up to their 18th birthday, as well as a new VYSA. Societies are directed to offer the full range of protection services, including a VYSA, to eligible youth in need of protection.

Q12. Will child protection workers be expected to apply the *Ontario Child Protection Standards (2016)* when providing service to 16- and 17-year-olds and their families?

A12. Yes. The *Ontario Child Protection Standards (2016)* guide child protection workers in each phase of service delivery and are the mandatory framework in which child protection services are delivered.

Q13. Will the *Ontario Child Welfare Eligibility Spectrum (2016)* apply when assessing information reported to a society about 16- and 17-year-olds?

A13. Yes. In accordance with the *Ontario Child Protection Standards (2016)*, child protection workers are required to use the *Ontario Child Welfare Eligibility Spectrum (2016)*, in combination with other available information to determine the most appropriate referral disposition.

In accordance with the objective of the directive to support the delivery of responsive and accessible child protection services for youth in need of protection, it is expected that societies will provide services to youth who have been in need of protection and are now homeless and/or estranged from their families, and where a comprehensive assessment of the family may not be possible.

Q14. What should a society do if they receive a report about a youth who is estranged from parents, but the youth does not appear to be in need of protection, and is successfully living independently?

A14. Societies will assess the reported information and use the *Ontario Child Welfare Eligibility Spectrum (2016)*, in combination with other available information to determine the most appropriate referral disposition.

If the disposition is that an investigation is warranted, societies will conduct an investigation and make a determination about whether a youth is in need of protection based on the information gathered through the course of the investigation.

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Not all reports made to a society are investigated. The service approach recognizes the increased independence and agency of this cohort of youth.

Q15. Is a youth who is estranged from parents/withdrew from parental control who is seeking protection services, or referred by a concerned professional or member of the public, eligible for services?

A15. In Ontario, youth who are 16 or 17 can withdraw from parental control; this is not a ground of protection on its own. Youth may be estranged from their parents for reasons that are grounds for protection. Societies will assess the reported information as required under the legislation and use the *Ontario Child Welfare Eligibility Spectrum* (2016), in combination with other available information, to determine the most appropriate referral disposition.

If the disposition is that an investigation is warranted, societies will conduct an investigation and make a determination about whether a youth is in need of protection based on the information gathered through the course of the investigation.

Q16. Is a society required to notify parents, or engage the parents in the investigation, if the youth requests that the society not notify their parents or caregivers, or if there is reason to believe that engaging the parents will increase risk to the youth?

A16. Societies will engage the youth and make a determination about whether parental notification will place the youth at higher risk. A supervisor may approve a clinical departure from the child protection standards if it is believed to be in the youth's best interests to not conduct interviews with the parents.

Q17. Is a youth's participation in service voluntary?

A17. A key principle of the directive is ***Youth-centred Protection Service***. Wherever possible, service delivery to youth who are 16 and 17 should support these youth to make decisions that help to minimize risk and promote their best interests, protection and wellbeing.

Q18. Can a child who was a child in care prior to their 16th birthday choose to withdraw from care at 16? If so, can they enter a VYSA?

A18. Depending on whether the child is in care under a Temporary Care Agreement (TCA), temporary order, or final orders (interim or extended society care), the youth may take steps to terminate the agreement or order. The youth may wish to obtain legal advice about bringing a status review application to review a final order or otherwise seek a termination

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of the court-ordered care. Once all orders have been terminated, a youth can enter a VYSA if eligibility requirements are met.

Q19. If a youth who is 16 or 17 is determined by a society to be in need of protection and cannot remain at home, what options are available?

A19. Several options are available for 16- and 17-year-olds who are in need of protection and require an out of home placement.

Kinship Service is an option in a situation where a youth is receiving child protection services from a society, and is being cared for by members of the child's extended family or community. The Ontario Kinship Service Standards (2006) will apply in these situations.

Customary care is an option in the case of a First Nations¹ youth. 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.

A **Voluntary Youth Services Agreement (VYSA)** is available. Section 37.1(1) of the CFSA allows for an agreement between a society and a youth for services and supports to be provided for the child where,

- (a) the society has jurisdiction where the child resides;
- (b) the society has determined that the child is or may be in need of protection;
- (c) the society is satisfied that no course of action less disruptive to the child, such as care in the child's own home or with a relative, neighbour or other member of the child's community or extended family, is able to adequately protect the child; and
- (d) the child wants to enter into the agreement.

A **Temporary Care Agreement (TCA)** is a legal option available to youth and families. Before entering a TCA with a youth, the society will consider whether a VYSA is appropriate. If a youth is admitted to care by TCA, the policy requirements regarding children in care apply.

An **admission to care by court order** is available under Part III of the CFSA. The directive specifies that an application to court will not be made unless a VYSA has been offered by

¹ 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.

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the society and refused by the youth. In such situations, the admission to society care is subject to all court processes outlined in the CFSA, as well as regulatory and policy requirements regarding children in care.

Q20. What is the difference between a TCA and a VYSA?

A20. There are several differences between a VYSA and a TCA. These include:

- A TCA is an agreement between a parent and a society for the care of a child; if the child is 12 or older, the child is also a party to the TCA except where the child does not have capacity to participate in the agreement because of a developmental disability. A VYSA is an agreement between a youth and a society.
- A TCA provides for the society's care and custody of the child. A VYSA is an agreement for services and supports to be provided for the youth.
- There are differences in supports available for youth following the end date of the agreement. Specifically, a 16- or 17-year-old youth who has entered into a VYSA is eligible for continued care and support when the agreement expires on the youth's 18th birthday.

Q21. What is the role of families in the service delivery approach to 16- and 17 year olds?

A21. Youth are often best supported at home with their families, extended families and communities. Service should favour the least disruptive course of action available to protect the youth.

Service should be provided in a manner that includes participation of the youth, parents, relatives and extended families and communities, where appropriate. If a youth enters a VYSA, this agreement is between the youth and a society. Societies are expected to assist youth to develop permanent relationships to the extent documented in the Voluntary Youth Services (VYS) Plan, which will vary depending on the youth's stated goals.

Q22. Is a youth receiving services while remaining at home eligible for a VYSA?

A22. Where appropriate, societies will work with youth and their families (or, if the youth is not living with family, in the youth's current living situation) to address the protection concerns at home. This may include referrals to community services and programs that can help.

A VYSA is available where the society has determined that the youth is or may be in need of protection; 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

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youth's community or extended family, is able to adequately protect the youth; and the youth wants to enter into the agreement.

If the youth is in need of protection, and a less disruptive course of action cannot adequately protect the youth, the society will offer a VYSA to the youth, and the youth may enter an agreement with a society.

Q23. Can the youth enter a VYSA without parental consent?

A23. A VYSA is an agreement between the youth and the society.

Q24. Do statutory provisions with respect to bands and native communities apply to this cohort of youth?

A24. Yes, the provisions in the *Child and Family Services Act* with respect to notification of and consultation with bands apply to 16- and 17-year-olds (e.g., s. 213-213.1 of the CFSA and s. 123-124 of Regulation 70).

Q25. Is the consent of the youth required prior to notifying a band or native community that a youth is signing a VYSA?

A25. Notice requirements as set out in the CFSA (e.g., s. 213-213.1 of the CFSA and s. 123-124 of Regulation 70) and the policy directive are not consent-based.

Q26. Will representatives of bands be required to sign the VYSA?

A26. Consistent with the guiding principle of *Culturally Appropriate Services for Indigenous Youth* in Policy Directive CW003-17, societies are expected to 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.

A VYSA is an agreement between the youth and the society.

Societies are required to 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.

Q27. How should a society approach placements in families where there is one or more child under the age of 16 and one or more child who is 16 or 17?

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A27. Placements, whether by court order or agreement, are child-specific. The society should work with the children and family to develop a plan that meets the needs and is informed by the wishes of each child.

Voluntary Youth Services Agreement (VYSA)

Q28. What are the eligibility requirements for a youth and society to enter into a VYSA?

A28. The following criteria apply for 16- and 17-year-olds to be eligible to enter into a VYSA with a society, consistent with s. 37.1 (1) of the CFSA:

- 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.

Q29. What steps should a society follow before entering a VYSA?

A29. Prior to entering a VYSA with a youth, societies will:

- ensure eligibility requirements are met as set out in the CFSA and the directive;
- inform the youth of the voluntary nature of the agreement in a manner that can be understood by the youth;
- make a referral to the Office of the Children's Lawyer to provide the youth with an opportunity to receive legal advice about the options available to them; and
- provide the youth with an opportunity to consult with an advocate or other trusted adult prior to signing the agreement, or to have a support person attend the meeting with the youth and society, making every effort to include these individuals in planning meetings where appropriate.

In the case of First Nations youth, the society will provide notification to the band or community that the society is preparing to enter an agreement with the youth.

Q30. What are the case management responsibilities with respect to a youth in a VYSA?

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A30. Within 30 days of completing a VYSA as outlined in the directive, society workers will work with each youth to develop a Voluntary Youth Services (VYS) Plan. Society workers will review the VYS Plan in person at least once every three months, and update the VYS Plan at least once every six months.

Additionally, a society will ensure every youth in a VYSA receives, in hard copy or electronically, a copy of the VYSA and VYS Plan, information on services available through the Provincial Advocate for Children and Youth and the OCL, and the process for resolving a dispute with the society or making a complaint to a society.

Q31. Are youth entering an agreement eligible for legal support?

A31. 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)).

Q32. What are the potential living arrangements for youth in a VYSA?

A32. 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 and is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence. This may include Foster Care, Group Care, an apartment, a supported living program, or transitional housing.

Q33. Is the VYSA recognized in other jurisdictions, including outside of Ontario?

A33. Within Ontario, a youth should expect to receive service in the jurisdiction within which they reside. If the youth is already in a VYSA and is moving to another jurisdiction within Ontario, societies should work within their current transfer agreements to facilitate a smooth transition for the youth.

With respect to a youth in a VYSA who is relocating outside Ontario, the *Provincial/Territorial Protocol On Children, Youth and Families Moving Between Provinces and Territories* (April 2016) should be consulted. Societies are expected to maintain supports for the youth pursuant to the VYSA, and negotiate with the receiving province or territory any supervision or monitoring that may be required.

Q34. Are youth in a VYSA considered to be in the care of a society?

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A34. Youth in a VYSA do not have an “in care” status. However, societies are responsible for the maintenance of youth in a VYSA, and these youth will receive all the supports consistent with a youth in care.

Q35. What is the legal status of a youth in a VYSA?

A35. A VYSA is an agreement between a youth and a society for services and supports to be provided to the youth. Societies should support youth to exercise their autonomy in decision-making.

Q36. What is a society’s authority with respect to medical care for youth in a VYSA (e.g., medical decisions, emergency surgery)?

A36. The *Health Care Consent Act, 1996* governs consent to treatment.

Q37. Do licensing requirements apply for youth in a VYSA who is living in a foster home or children’s residence?

A37. Yes. Licensing standards apply to the licensed residential setting, regardless of the circumstances that lead to a child or youth being placed there.

Q38. Does a youth in a VYSA who is living in a licensed placement count in the number of children permitted under that license?

A38. Yes. Licensing standards apply to the licensed residential setting, regardless of the circumstances that lead to a child or youth being placed there. A youth in a VYSA would be counted as one of the youth in the setting.

Q39. What supports are available for youth who want to live independently?

A39. Youth who want to be supported to live independently may be eligible for financial and social supports consistent with a youth in care. These supports are to be identified when developing the VYS Plan and may include:

- financial and social supports to be provided to and/or on behalf of the youth (e.g., a residential placement, rent, living allowance);
- specific planning with respect to transitioning into adulthood (e.g., referral to a Youth In Transition Worker, financial literacy training); and
- other resources to support the youth’s individual needs and goals (e.g., counseling, cultural connections).

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Q40. What options are available to youth who have concerns about the services they are receiving or if they disagree with a case decision made by a society?

A40. Some options for youth to address areas of disagreement with a society include Alternative Dispute Resolution, under s. 20.2 of the CFSA and O.Reg. 496/06 Methods and Procedures regarding ADR, and accessing the Provincial Advocate for Children and Youth. Under the CFSA, societies are also required to have a complaints procedure that the youth may access. Societies will inform youth about these options in a manner that the youth may understand, and provide the youth with written information about these options 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, or expression of dissatisfaction with service.

Q41. What are the roles of PACY and the OCL with respect to a youth in a VYSA?

A41. 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. If a youth is entering a VYSA, the OCL may provide legal representation to the child entering into an agreement, if in the opinion of the OCL, such legal representation is appropriate. The society is also required to notify the OCL if initiating termination of a VYSA. Prior to entering a VYSA with a youth, a society is required to give the youth an opportunity to consult with a lawyer, an advocate, and/or another trusted adult prior to signing the agreement (e.g. OCL) and/or to have a support person attend the meeting with the youth, and the society will make every effort to include these individuals in a planning meeting, where appropriate.

The society is also required to provide the youth with information about the Provincial Advocate for Children and Youth (PACY). PACY also has a mandate to investigate complaints from children, including children as defined in the CFSA, who are receiving services from a society or a residential licensee where a society is the placing agency. The legislative amendments to raise the age of protection amend the definition of child to include 16- and 17-year-olds.

Q42. Can a youth who is 16 or 17 and who is currently the subject of a court order (e.g., Crown Ward, Society Ward, Order of Supervision) enter into a VYSA?

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A42. Where there is an existing court order in place for a youth's care or supervision and a youth is seeking to enter a VYSA, an agreement may not come into force until any order for the care or supervision of the youth made under Part III of the CFSA is terminated.

Q43. If the 16 or 17-year-old is a parent and is in need of protection, and there are protection concerns with them as a parent, are they eligible for a VYSA?

A43. If the youth meets the eligibility criteria as outlined in s. 37.1 of the CFSA and Policy Directive CW003-17, youth who are parents are not excluded from VYSA eligibility.

If a youth in a VYSA is a parent, and their child is or may be in need of protection, the legislation and the *Ontario Child Protection Standards (2016)* guide child protection workers in each phase of service delivery and are the mandatory framework in which child protection services are delivered.

When working with a youth who is a parent and entering a VYSA, societies should consider placement options for the youth in a VYSA where parenting support is a focus of intervention.

Q44. Is a youth who is leaving a youth detention center or treatment center and unable to return home eligible for service, including a VYSA?

A44. When a report is received with respect to a youth, child protection workers are required to use the *Ontario Child Welfare Eligibility Spectrum (2016)*, in combination with other available information to determine the most appropriate referral disposition. If an investigation is determined to be the appropriate response, child protection workers will conduct an investigation consistent with the Child Protection Standards to determine whether the youth is in need of protection, and the best plan for the youth, including whether the youth meets the eligibility requirements for a VYSA.

Q45. Is a youth who is an unaccompanied minor eligible for service, including a VYSA?

A45. A youth who is 16 or 17 who has arrived in Ontario unaccompanied by parents or caregivers is a child under the CFSA. Child protection workers will conduct an investigation consistent with the Child Protection Standards to determine whether the youth is in need of protection, and the best plan for the youth, including whether the youth meets the eligibility requirements for a VYSA.

Q46. In what circumstances is it appropriate for a society to terminate a youth's VYSA?

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A46. VYSAs can be terminated by the youth, or the society may terminate a VYSA with the approval of the Local Director or their designate. Circumstances in which the VYSA can be terminated should be limited, and every effort should be made by the society to maintain the VYSA. Examples of circumstances in which VYSAs can be terminated include those where the youth refuses contact with the society, or cannot be located by the society after three months of reasonable attempts to locate the youth.

Supports and services are not dependent on youth meeting certain requirements identified in their VYS Plan, and a VYSA should not be terminated based on elements of the plan not being met.

Requirements pertaining to terminations are outlined in the directive.

Q47. What are considered “reasonable efforts” for a society that is attempting to locate a youth?

A47. Reasonable efforts to locate a youth may include attempted visits to locations where the youth is known to frequent, email or text messaging the youth, sending a letter to the youth’s last known address, inquiring through family or friends, if appropriate, or contacting them in a confidential manner through social media.

Q48. If a youth or society terminates a VYSA, is he/she eligible to enter into a new one at a later date?

A48. Where a VYSA has been terminated or not renewed, the society and the youth may enter into a new VYSA at any time in the future provided that the youth meets the eligibility requirements as set out in the CFSA s.37.1, including a determination that the youth is in need of protection.

Voluntary Youth Services (VYS) Plan

Q49. What is a Voluntary Youth Services (VYS) Plan?

A49. A VYS Plan is a plan between the youth and the society that articulates the youth’s individual strengths, needs and goals. It also includes the activities, and assigned roles and responsibilities of the youth and society to meet the goals. Within 30 days of a youth entering a VYSA, the society worker and the youth will work together to develop a VYS Plan.

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Q50. How often does the Voluntary Youth Services (VYS) Plan need to be reviewed?

A50. The VYS Plan will be reviewed with the youth at least once every three months to discuss the youth's progress towards meeting their goals and to address any challenges that the youth has identified. These discussions will be documented by the worker in the youth's file. The VYS plan will be updated at least once every 6 months, or more frequently if requested by the youth.

Q51. Will youth in a VYSA be eligible for the RESP and OCBE programs?

A51. The Ministry is exploring eligibility for these programs. The RESP and OCBE policy directives will be updated to reflect any changes and released to societies in advance of the January 1, 2018 proclamation date.

Q52. If youth who are 16 and 17 with complex special needs, and who may have service challenges, are referred to children's aid societies on January 1st, will societies be expected to provide services to these youth with complex special needs?

A52. Children's Aid Societies have an exclusive role under the CFSA to protect children. It is not appropriate to use child protection resources to provide services to special needs children where no child protection concerns exist. Special needs of children and families that are not related to child protection concerns are best met by other community services providers. When a parent approaches a society and no protection concerns exist, the family will be referred to more appropriate community service providers.

Local systems of community-based services provide supports to children/youth with complex/multiple needs within available resources. This includes children who experience challenges related to multiple areas of their development, including physical, communication, intellectual, emotional, social, and/or behavioural development and who may require services from multiple sectors and/or professionals.

Children and youth with multiple and/or complex special needs and their families, whose need for service coordination goes beyond the scope of inter-professional collaboration to address and who would benefit from the added support of a Service Planning Coordinator, may access Coordinated Service Planning through their local Coordinating Agency. Children and youth under the age of 18, and young people between the ages of 18 and 21 who remain in school, may be eligible for Coordinated Service Planning. Sometimes, the complexity of the service needs for the child/youth are beyond the capacity of the local service system and family to address. In this situation, children and youth can access a service resolution process. The Service Planning Coordinator will remain with the family

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throughout the service resolution process to keep the Coordinated Service Plan updated, support the family through the process, and to help the family prepare for and then transition back to the local service system.

For children and youth with complex special needs who are considered to have imminent health and/or safety risks, and require additional urgent or immediate services, the service resolution mechanism may make a request to the Ministry of Children and Youth Services (MCYS) for Complex Special Needs Funding. Complex Special Needs Funding has two components:

- Individualized Placements funding supports individualized supports to children and youth, and may include residential programs, intensive staffing supports and/or respite; and
- Community Enhancements funding supports any expansion of/improvement to local service capacity and delivery. This may include temporary in-home and/or community based spaces or services such as respite, intensive child and family supports, and crisis funds. These services are provided to multiple families or individuals in an effort to prevent permanent out-of-home residential placements.

Children and youth are eligible to receive Complex Special Needs Funded-services when:

- There are no child protection issues (e.g., the child or youth is not a Ward of the Crown or a Children's Aid Society, and there is no Customary Care Agreement);
- The individual is under the age of 18;
- The individual has two or more different special needs;
- The individual has an integrated service plan;
- The individual has needs associated with a variety of conditions; and
- The supports required are those that MCYS provides within its policy and legislative mandates and are provided within Ontario.

Q53. Will a youth who has a VYSA also be prioritized for adult services (where appropriate)?

A53. For a youth who has a VYSA who will require adult developmental services, societies should begin planning early, and make early connections to adult developmental services to enable a smoother service transition when the youth reaches their 18th birthday.

Q54. Will youth who are subject to a VYSA be eligible for the same benefits (dental, medication, etc.) as children in care?

A54. A youth in a VYSA should receive supports consistent with a youth in care.

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Q55. Will there be any amendments made to OSAP criteria to include youth in a VYSA to ensure they receive supports consistent with a youth in care?

A55. Yes. The Ministry of Advanced Education and Skills Development has updated their criteria for eligibility for the Living and Learning Grant to include youth who were in a VYSA on their 18th birthday.

Supports Post 18th Birthday

Q56. Are youth in a VYSA eligible for after-care supports?

A56. Youth whose VYSA expired on their 18th birthday are eligible for the Continued Care and Support for Youth (CCSY) program. CCSY provides eligible youth with financial and non-financial supports (e.g. case management) from age 18 until their 21st birthday.

Other supports for youth may include:

- Continued funding to caregivers (i.e. foster or group home providers) to provide a stable home to youth in the CCSY program who are still completing high school may also be available. The eligibility requirements for this funding are set out in the Stay Home for School Policy under the *Ontario Permanency Funding Policy Guidelines*. Youth whose caregivers are receiving financial assistance through a Stay Home for School Agreement are not eligible for financial assistance through CCSY, as per the Stay Home for School Policy.
- A Youth-In-Transition Worker to assist youth by linking them to housing supports, education resources, employment services, and life skills training in the community;
- Extended benefits through the Aftercare Benefits Initiative (e.g. health, dental) to youth from ages 21 to 25 who were eligible for CCSY; and
- A range of post-secondary supports including tuition grants, reimbursement of application fees, Ontario Student Assistance Program (OSAP) income exemptions, and the Living and Learning Grant which provides \$2,000 per semester during the school year to youth from ages of 21 to 25 who were eligible for CCSY and enrolled in an OSAP-eligible post-secondary education or training program.

Funding

Q57. How will societies be funded to provide services to 16- and 17-year-olds?

A57. The ministry will provide further details on funding at a later date.

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Q58. How will a society receive funding to support 16- and 17-year-olds?

A58. The Child Welfare Budget Package will be updated to include funding for raising the age of protection.

Q59. What direction is provided to societies by the ministry about how a placement for a youth in a VYSA should be funded?

A59. Funding for a youth's placement is contingent upon the type of placement that is chosen in consultation with the youth based on the youth's needs and wishes.

Reporting

Q60. What are the reporting requirements for societies?

A60. Societies are required to provide quarterly and year-to-date service and financial data regarding youth served under this directive. Reporting requirements will be further defined through the Child Welfare budget process.

The ministry is currently in the process of developing and finalizing the necessary reporting requirements and data definitions. The new reports will be implemented in time for the first quarterly reporting cycle. Societies will also have the ability to generate ad hoc reports from existing data sets as needed while the standard reports are being finalized.

Q61. How should the Standards Quality Improvement Plan (QIP) Process be applied to this new cohort of youth?

A61. Societies should exclude youth in a VYSA from their calculations when reporting compliance with the child in care standards through the Standards Quality Improvement Plan (QIP) Process. QIPs related to the Child Protection Standards apply.

Technical Implementation

Q62. How will the policy be implemented at societies using CPIN?

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A62. Release 1.11 that occurred on November 25, 2017 contained updates to CPIN to facilitate the collection and reporting of data as it relates to services for 16- and 17-year-olds. These updates will be made visible and available to CPIN users on January 1, 2018.

Q63. How will the policy be implemented at non-CPIN agencies?

A63. Societies not yet using CPIN employ case management and financial management systems operated by legacy vendors. The ministry and the OACAS are working jointly to ensure legacy vendors are informed regarding the technical requirements of the amendments to raise the age of protection. Societies will use their existing protocols to communicate these requirements to their vendors.

Training

Q64. How will societies be trained to provide service to 16- and 17-year-olds?

A64. On October 30, 2017, the ministry hosted a webinar to train societies on the directive, and responded to any questions from the sector. The webinar is available through the OACAS.

In addition, the ministry is working with OACAS to explore and develop sector training with respect to providing services to 16- and 17-year-olds, which will occur in the new year.

Q65. How will societies be trained on the changes to the Child Protection Information Network (CPIN) to support service to 16- and 17-year-olds?

A65. Training materials are being developed by the MCYS-CPIN operations unit which will advise on the new Voluntary Youth Services Agreement (VYSA) CPIN case, and additional functionality that will be available in CPIN to support service to 16- and 17-year-olds. A webinar for CPIN agencies was held on December 8, 2017 for CPIN Leads. CPIN Leads are now moving forward to train staff within their home societies. For societies that have yet to go live on CPIN, or who are in the process of CPIN deployment, training to support the age of protection amendments will become part of the training material that is used during the CPIN Deployment phase.

Kinship Service

Q66. Can a youth who is in a VYSA choose a placement with family? How does this overlap with Kinship Service?

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A66. If a youth is in need of protection, a member of the youth's extended family or community may be an option for the youth. The Kinship Service Standards apply, including assessment of the home, a kinship service plan, and ongoing service standards. Consistent with the standards, if permanency is achieved for the youth, and continued involvement is not required for the youth's protection or maintenance, the kinship service case may close.

If the youth chooses a VYSA, the society will work with the youth to find a placement that is safe and appropriate. It is possible that a youth may reside with family.

Admissions

Q67. Who would the parties be for a court application for a youth who left their parent's home? Are the parents Respondents?

A67. The parties to a proceeding are set out in the CFSA and include the applicant, the society having jurisdiction in the matter, the child's parent, and where child is an Indian or a native person, a representative chosen by the child's band or native community (s. 39(1)).

Q68. Does a society have the authority to "apprehend" a youth who is determined to be at imminent risk, and then bring the matter to Court within 5 days (as with other apprehensions).

A68. 16- and 17-year-olds may not be brought to a place of safety without their consent. Bringing a child to a place of safety (apprehension), with or without warrant, is restricted to children under the age of 16.

A society can make an application to court to determine whether a child is in need of protection and to bring a motion seeking a temporary order bringing a 16- or 17-year-old child into care.

In situations of imminent risk, an emergency application may be considered.

Q69. How should a society support a youth with special needs that has been abandoned by their parents and can't sign a VYSA due to cognitive capacity?

A69. If a youth is in need of protection, and there are concerns about capacity, the society may make an application to court to seek the youth's admission to care, and make submissions to the court with respect to the youth's capacity.

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Other Income Supports

Q70. What will the new amendments mean for a youth's access to Ontario Works?

A70. MCYS is working with the Ministry of Community and Social Supports to clarify ongoing eligibility for Ontario Works for 16- and 17- year olds.

Impacted Policies

Q71. How is the Renewed Youth Supports (RYS) program impacted by the amendments to raise the age of protection?

A71. Prior to 2011, under Part III of the *Child and Family Services Act* (CFSA), youth whose court-ordered society care or customary care was terminated at age 16 or 17 were no longer eligible to receive services from a society. The intent of the Renewed Youth Supports (RYS) Program, established in 2011, was to enable this group of youth to re-engage with their society to receive services and supports to assist them to achieve improved educational outcomes and transition smoothly to emerging adulthood.

The extension of protection services to include 16- and 17-year-olds will replace the current RYS Program. Effective January 1, 2018, there will be no new youth eligible for the RYS Program; 16- and 17-year-olds who require service will receive service consistent with the age of protection amendments, including the Voluntary Youth Services Agreement, where appropriate. The cohort of youth who were eligible for RYS immediately prior to the proclamation date of January 1, 2018 will remain eligible to receive RYS supports from a society up to age 18, and Continued Care and Support for Youth from age 18 ending on their 21st birthday (regardless of whether they had sought RYS supports). The addendum is needed to guide the delivery of the RYS program until it is phased out (i.e. January 1, 2020, when the last cohort of youth eligible for RYS will reach age 18).

Q72. How will these changes impact youth who have left society care with an understanding they could return to the RYS Program or the CCSY Program?

A72. Youth who have left care on or before December 31, 2017 and were eligible for RYS will continue to be eligible for the RYS Program and the CCSY Program, as understood by them upon leaving care. Effective January 1, 2018, no new youth will be eligible for the RYS Program, and will be informed about the VYSA prior to leaving care, and the requirement to have a VYSA in place on their 18th birthday to be eligible for the CCSY Program.

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Q73. Once the age of protection amendments are proclaimed, and the new Voluntary Youth Services Agreements (VYSAs) are available to 16- and 17-year-olds, could a youth who is eligible for the RYS program choose to enter a VYSA instead of a RYS Agreement?

A73. Youth who are 16 or 17 and eligible for the RYS Program may enter a VYSA, if it is their preference, as long as the eligibility requirements are met.

Q74. If a youth who is eligible for RYS chooses to enter a VYSA, and it is later terminated, does the youth remain eligible for CCSY even if not in a VYSA upon their 18th birthday?

A74. Youth who were eligible for RYS up to December 31, 2017 will continue to be eligible for RYS until their 18th birthday and for CCSY until their 21st birthday.

Other

Q75. Does the secure treatment (section 114 of the CFSA) apply for this age group?

A75. Yes, the secure treatment provisions apply to this age group. However, there are some important differences in terms of how an admission to a secure treatment program may occur where a child is 16 or older. In short, a child under 16 may be committed to a secure treatment program on the application of their parent/caregiver or a society with custody of the child under a child protection order, whether or not the child consents to the application. But, in the case of a child who is 16 or older and who does not consent to their commitment to a secure treatment program, only a physician may apply for the child's commitment to the secure treatment program.

The court can commit the child to a secure treatment program under s. 114 where it is satisfied that the criteria under s. 117 are met.

There are also "emergency admission provisions" under Part VII of the CFSA, that allow an administrator to admit a child to a secure treatment program on an emergency basis for a period of up to 30 days (s. 124 of the CFSA). In that case, no court proceedings are commenced, although the child may request a review by the CFSRB.

Q76. Is this cohort subject to serious occurrences reporting requirements?

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A76. All services that are funded and/or licensed by MCYS are required to report serious occurrences. This would include services delivered to 16- and 17-year olds.