



Children's Services and Resources Regulation  
Recommendations from the New Brunswick  
Association of Social Workers



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The New Brunswick Association of Social Workers (NBASW) regulates the profession of social work in New Brunswick, protects the public, and promotes excellence in social work practice. The NBASW represents over 2,000 members province-wide and strives to be a professional organization that reflects the values of social work, provides ethical leadership, and instills public confidence.

The NBASW commends the Government of New Brunswick for working to update the *Family Services Act* and for seeking public input regarding the proposed changes to the *Children's Services and Resources Regulation - Family Services Act* section of the regulations.

The NBASW supports and appreciates the amendments to this section of the regulations. Formally recognizing kinship care in regulation will further promote keeping children with their families, when in the best interest of the child, and will better support children and youth, while lessening the burden on the foster care system.

Introducing child-specific placements and treatment centres, and allowing children and youth who have not been taken into the care of the minister to access services in treatment centres, are further changes that will benefit the children and youth of New Brunswick and will expand the options available to young people and their families who require additional supports.

Lastly, the NBASW agrees with the Department of Social Development that increasing the accountability requirements for group homes is critical to ensuring children in care, the most vulnerable people in New Brunswick, are protected.

The following are the recommendations from the NBASW regarding the Children's Services and Resources Regulation:

1. In document *Section 2 of New Brunswick Regulation 81-134 under the Family Services Act*, there is a typo in the Term of Agreement. It should read "...until the Minister transfers g the guardianship of the child".
2. While recognizing that the importance of confidentiality is paramount, there are instances in which the professional sharing of information is necessary to ensure the safety of children. The regulation should include a statement specifying that the professional sharing of information may occur without the parent's consent only in instances where it is necessary for the safety and wellbeing of children.

3. The NBASW recommends that changes to *Section 19.1 of New Brunswick Regulation 83-77* section 19.1(1) and 19.1(2), and the *Children’s Services and Resources Regulation - Family Services Act* section 4(2) and 4(3) should be made to require a criminal record check and vulnerable sector check, to maximize the safety and protection of vulnerable children. A vulnerable sector check is used to verify the possible existence of a criminal record plus a check to see if a person has received a pardon for sexual offences. Vulnerable sector checks were created to protect children and vulnerable persons. For this reason, it is imperative for prospective foster parents, kinship caregivers, kinship placement care providers, and potential employees who wish to work in a group home or treatment centre, to undergo a vulnerable sector check.

Sections 77(d) and 102(d) of the *Children’s Services and Resources Regulation - Family Services Act* requires only a “vulnerable sector check report” for group home staff and treatment centre staff. This wording and requirement should be changed to require staff to undergo a criminal record and vulnerable sector check as well.

4. The *Children’s Services and Resources Regulation - Family Services Act*, Part 1 Definitions and Suitability should include a definition for kinship services. While the definitions include kinship placements and define them as “a community placement resource in which a kinship caregiver provides care services in a family setting to a child in care”, it should be explained in the definitions that kinship services are provided for children living with “kin” who are not in the care of the minister.
5. The *Children’s Services and Resources Regulation – Family Services Act*, Part 1 Definitions and Suitability includes a definition of “treatment centre”, defining it as a “community placement resource in which assessment, care and treatment services related to addiction or mental health are provided in a structured setting to no more than six children who reside in the community placement resources for 24 hours per day, but excludes a psychiatric facility as defined in the *Mental Health Act*”. This definition raises questions as to what the specific purpose of these centres are and should be clarified to state exactly what differentiates these treatment centres from those defined in the *Mental Health Act*.

It is extremely positive for children and youth with mental health and addiction issues to have access to treatment centres, particularly when they’re not in the care of the Minister. The NBASW hears from members on both sides of this issue. While some suggest the treatment centres should be the responsibility of the Department of Health, others believe it should stay with the Department of Social Development. The NBASW

recommends that there be an internal review to examine this issue to see if there needs to be a change or not.

6. The *Children's Services and Resources Regulation - Family Services Act*, section 6(1) needs to be re-worded to include child-centered language. Instead of reading "The minister may provide support, including financial assistance, to a family with a child who is a disabled person..." it should read "to a family raising a child with a disability". This phrasing puts the child first instead of the disability, as the disability does not define the child.
7. The *Children's Services and Resources Regulation – Family Services Act* section 7(1) regarding the Child Protection Services Program should also state that "the Minister may provide support, including financial assistance and access to mental health, drug and alcohol addiction programs, to a family with a child if the care in the home is detrimental to the security or development of the child". Poverty, mental health, and addiction issues are often present in cases of child abuse and neglect. Regulation should be updated to recognize this and provide services that address root issues to support families, maximize the safety and wellbeing of children, and increase the chances that children can remain with their families.
8. The *Children's Services and Resources Regulation - Family Services Act*, section 12(2) should read "The permanency planning committee shall minimally include the following members..." as it should include others when possible and reasonable for the case and when in the best interest of the child.
9. The *Children's Services and Resources Regulation - Family Services Act*, section 13 regarding Family Group Conferences makes no mention of the child's best interests or the voice of the child. This should be addressed, as the child's best interest is central to the plan and should be one of the criteria taken into account in section 13(4).

It should specify in this section that family, friends, and persons having a significant role in the life of a child, or who could potentially contribute positively to the plan and who it would be in the child's best interest to include in the Family Group Conference, will be invited to attend the Family Group Conference, regardless of the parents not wanting them involved.

10. The *Children's Services and Resources Regulation - Family Services Act*, sections 26(2), 37(4), and 49(4), pertain to kinship placements, child-specific placements, and foster homes and require "approval after at least one home visit". Approvals should be made following a complete assessment/evaluation of the home and potential care providers, in

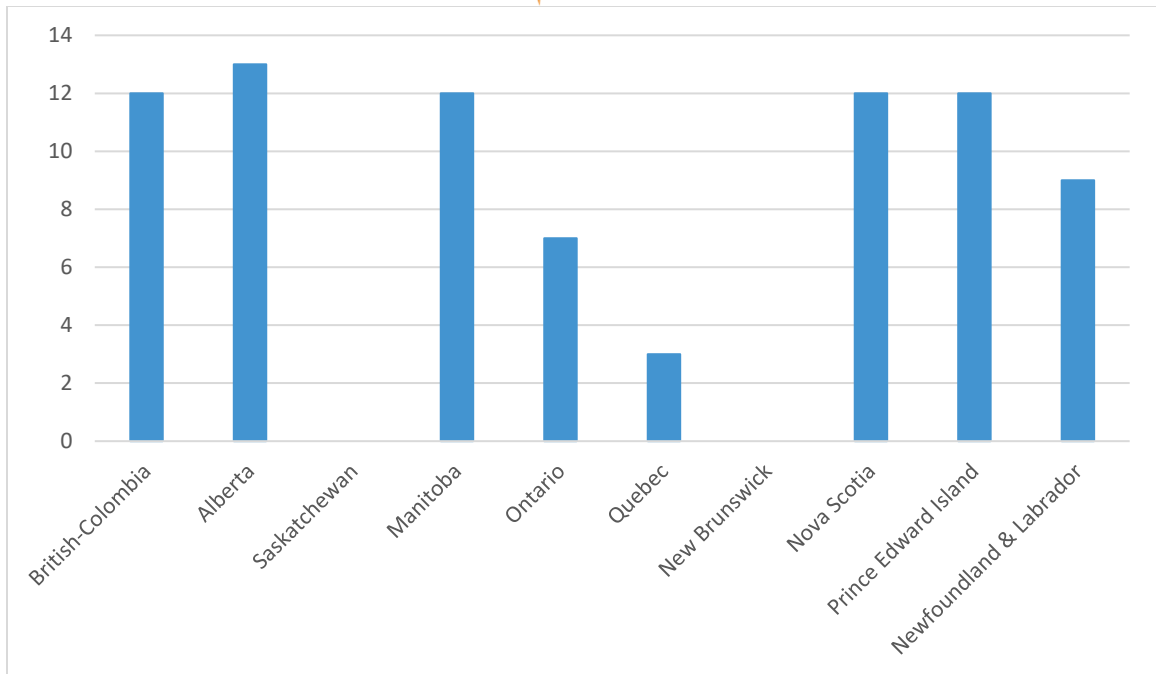
addition to home visits. We suggest that this be more clearly reflected in the wording of these sections. In section 15(2), the requirement for at least one home visit prior to placement approval is acceptable as kinship services typically occur in crisis situations.

11. The *Children's Services and Resources Regulation - Family Services Act*, section 58(1) should read "adult with a disability" rather than "adult disabled person".
12. The *Children's Services and Resources Regulation - Family Services Act*, section 58(3) stipulates that if the foster parent becomes the holder of an Alternative Family Living Arrangement (AFLA) approval, they are no longer able to foster children, unless "(a) the child in care is a sibling of the adult referred to in subsection (1), (b) the child in care was receiving services in the foster home at the time of the approval of the application, or (c) the child in care is a sibling of the child referred to in paragraph (b)."

The NBASW believes that it is wrong for approved foster homes to lose their ability to foster once approved as an Alternative Family Living Arrangement. Foster parents who wish to continue fostering children while caring for an adult with special needs should be able to do so, as long as it is in the best interest of both the adult and child. In recognizing that every situation is different, instead of keeping foster homes and Alternative Family Living Arrangement services separate, this should be assessed on a case by case basis. A reasonable solution would be to ensure that both the social worker for the adult with a disability living in the home and the social worker for a child in care being considered for placement in that home discuss the issue and assess the situation. The assessment should include any safety concerns for the child at the hands of the adult with a disability and the adult with a disability at the hands of the child being placed in the home, as the protection of both is paramount.

13. The *Children's Services and Resources Regulation - Family Services Act* section on group homes does not specify the number of children who can be in a group home and does not identify the ages of the children who can be placed in a group home. It is important to include these standards in the regulations to maximize child wellbeing and to ensure that young children are not placed in group homes, as was identified as happening in the 2019 Auditor General's Report.

A Canadian provincial jurisdictional scan demonstrates the following ages as the minimum age for children to be placed in group homes:



As demonstrated in the graph above, Alberta sets the highest minimum age limit for children to be placed in group homes at 13 years of age; British-Colombia, Manitoba, Nova Scotia, and Prince Edward Island set the minimum age of 12; Newfoundland & Labrador sets the minimum age of 9; Ontario sets the minimum age of 7; Quebec has group homes for kids as young as 3; and New Brunswick and Saskatchewan do not place a minimum age on children that can be placed in group homes, allowing for the placement of newborns.

When calculating the average for provinces that set minimum age requirements for group home entry, the average is 10 years of age. When including Saskatchewan and New Brunswick in the equation, the average minimum age requirement across Canadian provinces is 8. In considering the minimum age limit that most provinces place on group home entry and the importance of consistency and attachment during the first formative years of a child’s life, the NBASW supports the Child and Youth Advocates statement that no child under 10 years of age should be placed in a group home with the intention of it being a long-term placement.

14. Section 74(2) the *Children’s Services and Resources Regulation - Family Services Act* states that “if the Minister provides financial assistance on behalf of a child, the operator shall deposit the sums in a separate account and provide a record to the Minister, on request, of expenditures made to fulfil the plan for the care of the child”. However, while section 84 states that “as soon as a child is no longer receiving services from an operator, the operator shall return the personal property of the child to the child”, there is no mention



of returning the money the group home receives for the child to the child. This should be specified in this section by stating that any money belonging to the child is to be returned to the child.

15. While it does not relate to a specific section of the *Children's Services and Resources Regulation*, the NBASW wants to emphasize the fact that legislations and regulations must support child protection workers to work in collaboration with families as best they can. While going to court should be a last resort, a change that would support this aim would be to make court more family-friendly by having judges who are trauma-informed in a setting that is outside of the traditional courtroom. Having the ability to sit down at a table and discuss the matter removes some of the intimidation and power imbalances associated with the traditional courtroom and may make parents involved with the child protection system more willing to work with social workers and make positive changes for both themselves and their children.
16. For the Government of New Brunswick to be as transparent as possible with the people of New Brunswick, the NBASW encourages, in future consultations, for the Government of New Brunswick to provide a comparison document with a rationale for change that more clearly demonstrates the legislative changes that are being proposed. Providing side-by-side comparisons will make it easier for New Brunswickers to fully understand the changes proposed and provide additional feedback.

The NBASW appreciates the Government's work to better the lives of New Brunswick's children through changes in regulations and looks forward to being involved in the development of future child protection legislation.