



# Discussion Guide

## 2023 Review of the Child, Youth and Family Services Act, 2017 (CYFSA)

## Table of Contents

Minister's Message .....	3
Introduction.....	4
The Child, Youth and Family Services Act.....	4
The 2023 Review .....	5
How to use this guide .....	5
How to provide your responses .....	5
Focus Areas .....	8
Child and Youth Rights.....	9
First Nations, Inuit, and Métis peoples.....	11
Equity and Anti-Racism .....	13
Prevention and Community-Based Care .....	15
Quality Services .....	17
Accountability .....	19
Summary Questions .....	21

# Minister's Message

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May 2023

Thank you for your interest in the 2023 review of the *Child, Youth and Family Services Act, 2017* (CYFSA).

The CYFSA is the primary provincial legislation governing child, youth and family services that are provided, delivered, funded or licensed through the Ministry of Children, Community and Social Services. This includes services such as child welfare, adoption services, youth justice, and children's developmental services, as well as services for First Nations, Inuit and Métis children and youth.

This legislation is central to helping the ministry realize its goal of *an Ontario where every child and youth has the supports they need to succeed and thrive*.

The CYFSA requires a formal review be conducted and a report released to the public every five years. Through the 2023 review, we want to assess the effectiveness and relevance of the CYFSA, share updates and improvements made over the past five years and hear feedback on further areas for improvement to the CYFSA that can promote the best interests, protection and well-being of children, youth and families.

A priority for the 2023 review is to hear from children, youth and families, as well as engaging key partners and stakeholders, such as sector experts, organizations and service providers.

I hope you will consider providing your input during this process. Your feedback will inform any potential changes to the CYFSA and help us build on other ongoing ministry initiatives, such as the *Child Welfare Redesign Strategy*, to further improve the protection and support of children, youth and their families living in Ontario.

Thank you for your support of this important work.

Sincerely,

Michael Parsa

# Introduction

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## The Child, Youth and Family Services Act

The *Child, Youth and Family Services Act, 2017* (CYFSA) governs many of the child, youth and family services that the Ministry of Children, Community and Social Services (the ministry) delivers, provides, funds and licenses.

**The CYFSA's main purpose is to promote the best interests, protection and well-being of children and youth.**

Services provided under the act include:

- child welfare
- youth justice services
- secure treatment
- children's developmental services
- out-of-home care services (also known as residential services)<sup>1</sup>
- community support services (including prevention services, counselling or mental health supports)
- adoption services

The CYFSA recognizes that First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services. It also recognizes that all services to First Nations, Inuit and Métis children and young persons and their families should be provided in a manner that recognizes their:

- cultures
- heritages
- traditions
- connection to their communities

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<sup>1</sup> Although the term *residential* is a legal term under the CYFSA and its regulations, the ministry is using the term "out-of-home care" instead of "residential" care to acknowledge the traumatic history of the Residential School system in Canada. We recognize the importance of choosing different language, especially, since the term may be triggering to some.



- concept of the extended family

The CYFSA requires that the Minister conduct a review every five years and report the results of the review to the public. The CYFSA, and its associated regulations, can be found online at [www.ontario.ca/laws](http://www.ontario.ca/laws)

## The 2023 Review

As required by the legislation, the ministry is reviewing the CYFSA to help ensure it continues to promote the best interests, protection and well-being of children and youth. **This is the first review of the CYFSA since its proclamation in 2018.**

The ministry is seeking input from those with experience providing and receiving services covered under the CYFSA, as well as other interested individuals and organizations.

During the next several months, the ministry will meet with key partners and stakeholders, including community-based agencies, service providers, Indigenous communities and organizations, children's aid societies, youth, families and others to gather input. We look forward to hearing from people in Ontario as we conduct the review.

## How to use this guide

The purpose of this discussion guide is to ask for input on possible changes to the legislation that would improve the services governed by it.

This guide has been designed to help you frame your feedback. You do not need to answer all the questions in the guide — only the questions that are of interest or concern to you.

While the ministry will consider all information we receive, it may not be possible to address all the feedback in the public report.

## How to provide your responses

1. Fill out a survey at Ontario.ca

Visit the 2023 CYFSA review website at [www.ontario.ca/CYFSA](http://www.ontario.ca/CYFSA). Follow the prompts to open the 2023 review survey.

2. Send your response by email or regular mail

You can choose to email or mail us your feedback if you don't want to use the online form. Your responses can be in writing or another format like a drawing

or voice recording. To be considered, your input must be received by **July 14<sup>th</sup>, 2023**.

**By E-Mail to:**

[CYFSA@ontario.ca](mailto:CYFSA@ontario.ca)

**By Regular Mail to:**

CYFSA Review  
Ministry of Children, Community and Social Services  
CYFSA Review Branch  
2 Bloor St West, 30<sup>th</sup> Floor  
Toronto, Ontario, M7A 2T2

Please consider answering these questions in your reply. This will help us better understand the comments you provide and your connection to children, youth and family services.

**With respect to child, youth and family services under the (CYFSA), are you:**

- Someone who is currently seeking or receiving services or supports
- Someone who has preciously sought or received services or supports
- A family member of someone who is receiving or has received services or supports
- A friend of someone who is receiving or has received services or supports
- A parent, foster parent, customary caregiver or a kinship caregiver
- Someone who works in the child, youth and family services sector as:
  1. A service administrator/director
  2. A front-line worker/professional
  3. A private adoption licensee, adoption practitioner, or birth parent counsellor
  4. Staff providing out-of-home care (e.g., working in a group home)
  5. A First Nations band or community
  6. A volunteer
  7. Other (please explain)

If you are providing your response(s) on behalf of an organization, please identify the organization.

Although no personal information is being requested, any personal information you provide will be collected in accordance with s. 283(1) of CYFSA and s.38(2) of the *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F31*, as part of the activities related to the review of CYFSA under section 336 of the Act. Questions about the collection of personal information can be directed to *Aly N. Alibhai, Director, Child, Youth and Family Service Act Review Project*.

**Phone:** 647-535-3149

**Email:** [Aly.Alibhai@ontario.ca](mailto:Aly.Alibhai@ontario.ca)

**Mailing Address:** 3rd Flr, 315 Front St W, Toronto, ON M7A 0B8

# Focus Areas

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We envision an Ontario where all children, youth and families have the supports they need to succeed and thrive.

To help achieve this vision, the ministry, through the 2023 review, is assessing the effectiveness and relevance of the CYFSA. It is exploring how changes introduced with the CYFSA in 2017 – as well as updates and improvements since then – are working to support the best interests, protection and well-being of children and youth. It is also seeking feedback on opportunities for improvement.

The 2023 review will focus on **6 key areas**:

- 1. Child and youth rights:** Assessing how rights are respected when receiving services.
- 2. First Nations, Inuit and Métis peoples:** Evaluating progress on Indigenous peoples' self-determination over child and family services and assessing how well services are meeting obligations (such as providing culturally appropriate services and consultation with communities).
- 3. Equity and anti-racism:** Addressing overrepresentation in services and further embedding equity and anti-racism within the Act.
- 4. Prevention and community-based care:** Increasing access to holistic prevention, early identification and early intervention services, including a focus on family well-being, community-based care and protection from sexual exploitation.
- 5. Quality services:** Continuing to improve the quality of services, with a particular focus on out-of-home care, youth leaving care and anti-human trafficking.
- 6. Accountability:** Enabling greater accountability through oversight, governance, financial performance, data, and outcomes measurement.

**Please note:** This is a review of the *Child, Youth and Family Services Act*, associated regulations, and ways that the legislation is interpreted and is intended to work to support service delivery. This review is not intended to assess specific programs or organizations.



# Child and Youth Rights

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[Part II](#) of the *CYFSA* outlines the rights that children and young people have while receiving services under the act. It seeks to ensure:

- child and youth rights are at the centre of services
- children and youth understand their rights
- children and young people have a voice in decisions that affect them

Other parts of the act include standards to uphold the rights of children and youth in the delivery of services and rules that guide how personal information is collected, used, disclosed and accessed.

## Opportunities

Over the last five years, the ministry has heard feedback on ways to improve child and youth rights to ensure that they are being protected and promoted under the *CYFSA*, such as:

- further clarifying and defining the rights of children and youth, including the right to be connected to family, community and culture as well as to other caring adults
- articulating *CYFSA*-related rights of First Nations, Inuit and Métis children and youth as well as their families and communities
- providing children and youth receiving services with ongoing and accessible opportunities to have their rights explained to them and to speak to someone who can help them if their rights are violated
- increasing the role of children and youth in their own care and in giving feedback on services
- enhancing standards for how rights are upheld in out-of-home care and youth justice settings
- increasing the ability of children and youth to access their own information and ensuring that the privacy of former children and youth in care is respected

1. What changes to the CYFSA (or its regulations) would help to improve how the rights of children and youth are defined and upheld?
2. What changes to the act would help services to be more child- and youth-centred? What would help children and youth to have a greater voice in decisions that affect them and their care?
3. What changes to the act would help improve the collection and use of personal information and access to such information, particularly for children and youth?

# First Nations, Inuit, and Métis peoples

Residential Schools have had an enduring effect on First Nations, Inuit and Métis families and communities across Ontario.

In [Part IV](#) and throughout the *CYFSA*, services to First Nations, Inuit and Métis children, youth and their families are required to recognize their cultures, heritages, traditions, connection to their communities, and the concept of the extended family. For example, the act sets out distinct obligations that services for First Nations, Inuit and Métis children and youth include consultation with their band or communities.

## Opportunities

Opportunities that have been suggested to improve how the *CYFSA* governs services for First Nations, Inuit and Métis children, youth and families include:

- continuing to enable and support Indigenous peoples to design and deliver their own models of child and family services, including those governed under Indigenous law
- increasing the availability, accessibility and delivery of culturally appropriate services for First Nations, Inuit, Métis and urban Indigenous children, youth and families
- improving societies' compliance with obligations (such as providing notice) when serving First Nations, Inuit, Métis and urban Indigenous children, youth and families
- harmonization between the *CYFSA* and the federal legislation, *An Act respecting First Nation, Inuit and Métis children, youth and families*, which came

- ✓ Regulatory changes are being considered to improve First Nations, Inuit, Métis and urban Indigenous children, youth and families' access to customary care and culturally appropriate prevention services
- ✓ Ontario supports the development and implementation of Indigenous-led child and family service models, including those governed by Indigenous laws
- ✓ For example, in 2022, Wabaseemoong Independent Nations, Ontario and Canada signed a coordination agreement in respect of child and family services. This was the first such agreement in Ontario since the federal legislation *An Act respecting First Nations, Inuit and Métis children, youth and families* came into force in 2020

into force in 2020, to ensure that all Indigenous children, regardless of the system under which they receive services, have access to supports they need

- considering Indigenous-specific recommendations in recent inquests and reports, such as those from the Office of the Chief Coroner, the Ontario Ombudsman and the Ontario Human Rights Commission
- ensuring that data collection and its approach is trauma-informed and that it considers an individual's lived experience, including the effects of inter-generational trauma

4. **What kinds of barriers are faced by First Nations, Inuit and Métis children, youth and families when trying to access culturally responsive services? What changes to the CYFSA (or its regulations) would make it easier for First Nations, Inuit and Métis children, youth and families to access culturally responsive services?**
5. **What changes to the act would support First Nations, Inuit and Métis peoples exercise their jurisdiction over child and family services so that they can provide, wherever possible, their own child and family services?**
6. **The CYFSA outlines obligations for services to First Nations, Inuit and Métis children, youth and families under the act, such as consultation with bands and communities, providing access to customary care and that services should recognize their distinct identities. What changes to the CYFSA would help service providers better meet these obligations?**

# Equity and Anti-Racism

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The [preamble](#) to the CYFSA:

- affirms a commitment to diversity, inclusion and addressing systemic racism and the barriers it creates
- recognizes that awareness of systemic biases and racism should inform service delivery and that, where possible, services to children, youth and families should support connections to their communities

Throughout the CYFSA, there are requirements that services must take into account a child or youth's race, cultural and other identity characteristics.

## Opportunities

The ministry is committed to equity and anti-racism, including anti-Indigenous and anti-Black racism, within services provided under the CYFSA and is exploring ways to further embed these principles into the act. Opportunities raised to date, include:

- strengthening supports and requirements to reduce the overrepresentation of specific communities in child, youth and family services
- improving practices to better protect children, youth and families from racism and discrimination in services
- directly acknowledging in the act the historical and ongoing impacts of individual and systemic racism, in particular anti-Black and anti-Indigenous racism
- increasing equity and cultural competency, as well as trauma-informed practices, in services for children, youth and their families.
- ensuring that the policies, tools and protocols used in services are equity-based and culturally appropriate and that they are delivered appropriately and free of bias
- improving how identity-based data collection is used to improve service delivery under the CYFSA



- Ontario's last Anti-Racism Strategic Plan focused on the collection of race-based data in the child welfare and youth justice sectors to support policy and program decision-making to recognize the impacts of systemic racism and advance better outcomes
- Ontario is supporting **One Vision, One Voice (OVOV)** which enables training and support to Children's Aid Society staff and caregivers to ensure that more culturally appropriate services are available for Black and African Canadian children and families
- One of the goals of the **Child Welfare Redesign Strategy launched by the government in 2020** is to increase equity and address racism and overrepresentation of Indigenous, Black and 2SLGBTQIA+ children and youth in the child welfare system

7. Black, Indigenous, and other racialized populations, and children and youth with disabilities are overrepresented in services, such as child welfare and youth justice. What changes to the CYFSA (or its regulations) could help reduce this overrepresentation?
8. What changes would better enable services to be culturally appropriate, trauma-informed and responsive to the unique needs of overrepresented communities?
9. What changes could be made so that policies, tools and protocols are equity-based, culturally appropriate and sensitive to issues of individual and systemic biases?

# Prevention and Community-Based Care

[Part I of the CYFSA](#) recognizes the importance of providing prevention, early intervention and community support-based services, where it is possible and safe to do so.

High-quality, holistic prevention, early identification and intervention services support healthy childhood development and can help set up children and youth to thrive by:

- achieving greater well-being and independence
- finding long-term success
- reducing reliance on future services

Prevention and early intervention can also help children and youth by addressing issues early and holistically, such as:

- exposure to violence
- human trafficking
- sexual exploitation

There are opportunities to explore how prevention, early identification and early intervention approaches might be defined, be reflective of different cultures and communities, and be better supported through changes to the CYFSA.

## Opportunities

The ministry has heard ideas on how the CYFSA can better support service providers to deliver prevention and community-based services, including:

- The ministry's 2020 **Child Welfare Redesign Strategy** seeks to improve child, youth and family well-being and strengthen families and communities through enhanced prevention and early intervention to keep more families together. This includes, where possible, focusing on family-based placements, like kinship and foster care
- Ontario's **Anti-Human Trafficking Strategy 2020-2025** prioritizes initiatives targeted to child and youth prevention and intervention as well as supports for child victims
- Regulatory changes to the CYFSA are currently being developed to implement **amendments that were made to the Act in 2022** to improve access to customary care and prevention services for First Nations, Inuit, Métis and urban Indigenous children, youth and families

- reducing legislative barriers to collaboration across sectors so that more holistic services can wrap around a child, youth or family in times of need
- increasing the availability of, and access to, community-based services that support family and community well-being and healthy child and youth development
- recognizing the safety and well-being of children and youth is tied to the well-being of their families, caregivers and communities
- increasing access to prevention, early identification and early intervention services to better support healthy child development and family well-being, and respond to issues like mental health, substance use, intimate partner violence, human trafficking and sexual exploitation

**10. What changes could improve access to prevention, early intervention and community-based services for children, youth and families in need of those services?**

**11. What changes to the act could enable service providers to better respond to issues such as mental health and addictions, exposure to violence, or human trafficking and minimize the risks posed for survivors/victims?**

# Quality Services

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It is important that children, youth and their families who receive services under the CYFSA experience respect, dignity and high-quality care.

The act includes a wide range of requirements that govern how services must be delivered. These requirements seek to promote consistently high-quality service delivery to children, youth and their families.

Although defining high-quality services for children, youth and families can look different in different settings, services that are high-quality are:

- readily available and easy to access
- centred around the child or youth and their family
- responsive to culture, identity and circumstances
- effective in meeting the needs of families

High-quality services help ensure that children, youth and their families are able to thrive and be self-sufficient.

## Opportunities

Opportunities to improve quality in CYFSA-governed services that have been suggested over the past five years include:

- identifying ways to improve how societies can more effectively deliver services that are high quality
- improving the quality of services that children and youth receive in out-of-home care settings
- improving policies, standards, protocols, training and qualifications used in CYFSA-governed services
- identifying and addressing barriers that prevent more effective coordination across services, systems and jurisdictions

**12. What changes to the CYFSA (or its regulations) would improve the delivery of high-quality services to children youth, and their families?**

13. What changes to the CYFSA would help reduce barriers to more integrated and coordinated services for children, youth and families with multiple challenges or complex needs?



# Accountability

Part III of the act governs funding and accountability of service providers, including children's aid societies (societies), out-of-home (residential) care providers and lead agencies. For example, by law, children's aid societies must have accountability agreements with the ministry.

The CYFSA also outlines service providers' accountabilities in terms of the collection of personal information, including identity-based data collection, and the need to respect child and youth rights.

## Opportunities

The ministry is committed to greater accountability and improved outcomes across services provided under the CYFSA. Over the last five years, the ministry has heard feedback on opportunities for improvement to ensure greater accountability, such as:

- strengthening the accountability of societies and other CYFSA-governed service providers through increased oversight, complaints mechanisms, data collection and outcomes measurement.
- increasing compliance of societies and other service providers in meeting distinct obligations when serving Indigenous children, youth and families
- better use of data to monitor, assess and drive improvements in services, including addressing the overrepresentation of communities, such as Black, Indigenous and 2SLGBTQIA+ children and youth in services provided under the CYFSA
- increasing oversight of out-of-home care providers
- supporting a modern and sustainable private adoption sector through greater accountability and consistent practices

- The Youth Justice Services Redesign for Indigenous and Black youth aims to take action against systemic racism and promote equitable outcomes. This includes exploring opportunities for the use and collection of identity-based data
- Part X of the CYFSA which became effective in January of 2020 sets out the rules that service providers must follow to protect privacy and enable access to personal information

- reducing unnecessary reporting that limits front-line providers' capacity to spend time building sound relationships with children, youth and families

14. Do you know of any gaps that exist in how service providers comply with the CYFSA (or its regulations)? What changes can be made to the act's accountability requirements (ex: organizational governance or financial accountability) to improve compliance and help improve outcomes for children, youth and families?
15. There is a need to balance strong reporting and compliance measures, with the time service providers need to spend on providing direct services to children, youth and families. Do you have any suggestions on how the act can better support service providers to balance both needs?
16. What changes to the CYFSA could improve how data (including identity-based data and feedback from children, youth and families) is used and collected in order to monitor and address issues with services provided under the act? What factors are important to consider?

# Summary Questions

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17. Overall, do you feel the CYFSA has been effective in promoting the best interests, protection and well-being of children and youth since it was introduced in 2018?
18. What other possible changes to the CYFSA, or its regulations, would help the ministry and other service providers improve service coordination, experiences and outcomes for children, youth and families?

Thank you for participating in the review of  
the Child, Youth and Family Services Act, 2017.

The findings of this review will be available  
in late 2023 at [ontario.ca/CYFSA](https://ontario.ca/CYFSA).

**Ontario**

