

Summary of Proposed Regulatory Changes to Strengthen Oversight of Children's Licensed Out of Home Care and Children in the Care of a Children's Aid Society – Proposed Amendments to Ontario Regulation 155/18 – General Matters Under the Authority of the Lieutenant Governor in Council and Ontario Regulation 156/18 – General Matters Under the Authority of the Minister

Child, Youth and Family Services Act, 2017

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Submissions Required by: September 2, 2023

Purpose

The purpose of this document is to seek feedback from Ontarians on proposed amendments to Ontario Regulation 155/18 – General Matters Under the Authority of the Lieutenant Governor in Council and Ontario Regulation 156/18 – General Matters Under the Authority of the Minister under the *Child, Youth and Family Services Act, 2017* (CYFSA), which applies to licensed out of home care services¹ for children and young persons (e.g., group homes, staff-model homes, foster care agencies).

This is one of two summaries that the Ministry of Children, Community and Social Services (MCCSS or ministry) is posting to the Regulatory Registry. A summary of the proposed amendments to the CYFSA has also been posted; please see *Summary of Proposed Legislative Changes to Strengthen Oversight of Children’s Licensed Out of Home Care – Amendments to the CYFSA*.

Please provide feedback on the proposal by email to outofhomecare@ontario.ca no later than September 2, 2023. Please reference the proposed amendment number, page number, and O. Reg. section number (if applicable) (e.g., proposed amendment #x, p. x, s. x(1),) in your feedback for clarity.

Context

Under the CYFSA, MCCSS has responsibility for licensing, and in some cases, funding and/or delivering out of home care to children and young persons in Ontario. Part IX of the CYFSA and its associated regulations (Ontario Regulations (O. Regs.) 155/18 and 156/18) set out the legal requirements for licensing. The licensing framework applies to various sectors and settings (e.g., child welfare, youth justice, anti-human trafficking, child and youth mental health, and special needs).

MCCSS staff (“inspectors”) assess for compliance with licensing requirements under the CYFSA and its regulations, any conditions that have been placed on the licence, and ministry policies. Inspectors have the authority to enter and inspect any out of home care setting that is licensed or is required to be licensed.

When children and youth need to live away from their family of origin and are placed in licensed out of home care settings, they deserve to receive high quality care; the quality of care provided to them has a significant impact on their everyday experiences and long-term outcomes. The ministry continues to hear from reports, advocates and people with lived experience that some children and youth in our province do not always get the quality of care they deserve.

¹ In this policy intent summary, while the term “out of home care” is used wherever possible, the term “residential care” is also used in various instances as it is the defined term used under the CYFSA and its regulations to describe the care provided to children and young persons in licensed settings. However, MCCSS recognizes the history of the residential school system in Canada experienced by First Nations, Inuit and Métis peoples and is exploring options for other language that could be used in the CYFSA and its regulations to describe “residential care” provided to children and young persons in licensed residential settings.

MCCSS is proposing new and enhanced legislative and regulatory amendments that if passed, would improve the quality of care children and youth receive in licensed out of home care settings. This will be achieved through proposals that are intended to enhance timely access to information relevant to the health, safety and welfare of children receiving out of home care and increase the suite of oversight and enforcement tools available to MCCSS to deliver more meaningful consequences for findings of non-compliance. The proposed changes are intended to incentivize compliance and hold licensees accountable for fulfilling their legal obligations when caring for vulnerable children and youth.

Many licensees consistently comply with licensing requirements and provide high-quality care to children and young persons in their care. The impact of the proposed changes to the CYFSA and associated regulations will be minimal to licensees already complying with the licensing requirements.

The proposed amendments would provide the ministry with enhanced options to respond where a licensee does not comply with licensing requirements. The proposals enhance the ministry's progressive enforcement model which uses a range of low, medium and high-profile tools² that would be available to MCCSS inspectors and Directors to help bring a licensee into compliance. This effective model is both reactive to non-compliances and actively engages with its regulated entities to bring them back into compliance as quickly as possible.

The proposals would build on strategies to support improvements to quality of care in licensed out of home settings. In July 2020, MCCSS released [Ontario's Quality Standards Framework](#) (QSF), a resource guide to improve quality of care for children and youth across all sectors and settings that make up licensed out of home care services in Ontario. Requirements embedding the content of the QSF into regulations under the CYFSA, coming into effect July 1, 2023, will further support a child's safety and wellbeing. The proposed amendments described in this posting are intended to complement those regulatory changes by strengthening the range of enforcement powers available to the ministry where a licensee is unable or unwilling to comply with licensing requirements.

In developing the proposals, MCCSS has drawn from previous consultations, external reports³ and stakeholder advice recommending improvements to how the ministry assesses for compliance with its licensing requirements. MCCSS has also drawn from other best practice and experience of provincial progressive oversight and licensing approaches serving vulnerable populations (especially long-term care and child care).

² "Low, medium and high" refers to the seriousness of the non-compliance – as well as the degree of impact of the enforcement tool.

³ These reports include *Because Young People Matter: Report of the Residential Services Review Panel* (2016), *Envisioning Better Care for Youth: Our Input into the Blueprint* (2017) and *Safe with Intervention: The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements* (2018).

If these proposed amendments are passed, they would take effect on a date to be determined but not before January 1, 2024.

MCCSS is also proposing legislative amendments to the CYFSA and has also posted these proposals to Ontario's Regulatory Registry for public feedback. Some of the regulatory proposals are tied to the legislative proposals and are required to enable them.

Overall Intent

The overarching objective of the proposed amendments is to improve the quality of care children and youth receive in licensed out of home care settings. The proposed changes are intended to strengthen licensee compliance with licensing requirements by incentivizing compliance and better holding licensees accountable for fulfilling their legal obligations when caring for vulnerable children and youth.

MCCSS is proposing amendments to the CYFSA and to its regulations, in alignment with provisions in other legislative regimes in Ontario that support vulnerable populations (e.g., *Fixing Long-Term Care Act, 2021* (FLTCA), *Child Care and Early Years Act, 2014* (CCEYA)). The proposals are aimed at enhancing existing statutory provisions governing enforcement and providing new powers that strengthen ministry oversight, regulation and monitoring of children's licensed out of home care providers by:

- Embedding new enforcement powers (e.g., compliance orders and administrative monetary penalties) into the licensing framework and enhancing existing powers;
- Introducing tougher consequences for repeated non-compliance;
- Increasing licensee accountability for their operations;
- Enhancing the requirements applicable to the licensing application and renewal processes;
- Enhancing and clarifying rules respecting information sharing, including timely access to information relevant to the health, safety and welfare of children receiving out of home care; and
- Supporting service system planning and coordination.

Additionally, MCCSS is proposing to increase the responsibility of societies to provide oversight of children in society care by:

- Increasing required visits to children in care;
- Requiring information sharing between a home society placing a child in its care in the jurisdiction of another society and that local society; and,
- Requiring the home society assess whether it can adequately provide oversight and supervision of the child in the placement and if it cannot make a request to a local society to negotiate an interagency service agreement.

The pages that follow are organized by a description of the proposed legislative amendment, with each description providing a snapshot of the corresponding changes that MCCSS is proposing.

Description of Proposed Regulatory Amendment #1: Licensing/Application Fees

Current regulatory provisions set the licensing fee for licensees in Ontario at \$100 every three years for each region in which the applicant provides residential care.

MCCSS is proposing amendments to s. 114 of O. Reg. 155/18 to set new fees, as follows:

1. The fee for applicants seeking a licence to operate a children's residence, staff-model home or foster care agency would be set at \$500, and
2. The fee for an application to renew a licence to operate a children's residence, staff-model home or foster care agency would be set at \$250.

The proposed changes are intended to take into account the average time required to undertake a review, analysis and inspection in respect of applications for a licence and their renewal.

Additionally, MCCSS is proposing that s.114.1 ("Application fees during the emergency") be revoked, which was created in response to the COVID-19 pandemic and is no longer effective (this is a housekeeping amendment).

Description of Proposed Regulatory Amendment #2: Prohibited Practices and Associated Amendments

Currently, O. Reg. 156/18 does not include any specific rules governing "prohibited practices" in a licensed residential setting.

MCCSS is proposing amendments to section 109 of O. Reg. 156/18 to add new provisions to set out a list of prohibited practices, and to list persons that must comply with the rules on prohibited practices (beyond solely the licensee). Amendments are also being proposed to ss. 82 and 119 to require licensees to maintain policies and procedures respecting these proposed new provisions on prohibited practices.

The proposed new provisions would apply to all licensees and any person employed or otherwise engaged by the licensee, including foster parents. It would prohibit those persons from the following conduct, including threatening to engage in the following conduct:

1. Depriving a child or young person of their basic needs, including food, drink, shelter, sleep, access to and use of a toilet, clothing, footwear or bedding.
2. Locking up of a child or young person's clothing, footwear, bedding or other personal possessions as a punishment or disciplinary measure
3. Using or permitting the use of emotional harm, harsh or degrading measures to humiliate or shame a child or young person, undermine a child or young person's self-respect, dignity or self-worth or frighten the child or young person.

This includes:

- a. The use of threats or derogatory or racist language directed at or used in the presence of the child or young person.
- b. Requiring the child or young person to eat or drink against their will.
- c. Removing access to services, supports or objects relating to the child or young person's creed, community identity or cultural identity as a punishment or disciplinary measure.
- d. Removing access to a child or young person's personal property, subject to section 155 of the CYFSA, as a punishment or disciplinary measure.
- e. Inflicting abuse or harm on children or young persons, including by spitting.

Other general rules that are also proposed to be described as "prohibited practices" in the regulation would include that:

- A licensee would be prohibited from making modifications to a door that is used for a child or young person's bedroom where the modifications differ from the original manufacturer's state. A licensee shall not threaten to withhold or withhold visits from a child or young person's family members or extended family members as a form of punishment or as a disciplinary measure.
- Where a child or young person has employment, a prohibition on hindering, obstructing or interfering with the child or young person's attendance at their place of employment.
- A prohibition on threatening to discharge the child or young person from the children's residence or place where residential care is provided for the purposes of punishing the child or young person.

The ministry is also proposing to clarify the prohibition on detention set out in section 5 of the CYFSA by including a new provision that prohibits the detention of a child or young person in an area or room, including locking of the exits of the licensed residential setting, for the purpose of confining the child. This proposed provision would be subject to ss. 145(4) (applicable to a place of secure custody and a place of secure temporary detention), 159 (applicable to secure treatment programs) and 174 (applicable to secure de-escalation). The proposed provision would also be subject to the common law duty of a caregiver to confine a person when immediate action is necessary to prevent serious bodily harm to the person or others.

New provisions are being proposed requiring reporting to the Director in circumstances where there are reasonable grounds to suspect that a prohibited practice has occurred in a licensed residential setting. The reporting requirement would apply to the licensee, to a person employed or otherwise engaged by the licensee to provide direct care to a child, including a foster parent, a society and the child's probation officer (if any). Lastly, provisions are being proposed that would require the licensee to maintain policies and procedures on prohibited practices.

The proposed changes are intended to further support the safety and well-being of children and young persons in licensed out of home care placements.

Description of Proposed Regulatory Amendment #3: Prescribed Offences

Part IX of the CYFSA (s. 280) currently sets out certain offences and their penalties. There are currently no offences prescribed by regulation.

MCCSS is proposing to prescribe new offences by regulation. These new offences would hold service providers (including licensees) and individuals, as applicable, for not complying with certain regulatory requirements under the CYFSA and to deter others from contravening these requirements. The amendments, if passed, would help keep children and young persons safe and strengthen MCCSS's ability to oversee and hold licensees/individuals accountable.

MCCSS is proposing amendments to O. Reg. 155/18 so that contravening certain requirements under regulations are offences.

The following are new offences being considered for inclusion in O. Reg. 155/18:

1. Contravention of subsections 10(1), (2), and (4) in Ontario Regulation 155/18 (Use of physical restraint – Restrictions), including:
 - s. 10(1) – Authorized use of physical restraint,
 - s. 10(2) – Physical restraint not used as punishment or for convenience, and
 - s. 10(4) – Requirements for the use of physical restraint.
2. Contravention of section 11 in Ontario Regulation 155/18 (Use of physical restraint – Policy).
3. Contravention of section 12 in Ontario Regulation 155/18 (Use of physical restraint – Debriefing).
4. Contravention of subsection 13(1) in Ontario Regulation 155/18 (Use of physical restraint – Notification to parent).
5. Contravention of section 14 in Ontario Regulation 155/18 (Use of physical restraint – Record of use of physical restraint).
6. Contravention of section 15 in Ontario Regulation 155/18 (Use of physical restraint – Monthly and annual records).
7. Contravention of subsections 16(3), 16(4) and 16(5) in Ontario Regulation 155/18 (Use of physical restraint – Training and education, licensee of children's residence).
8. Contravention of subsections 17(3) and 17(4) in Ontario Regulation 155/18 (Use of physical restraint – Training and education, other service providers).
9. Contravention of section 18 in Ontario Regulation 155/18 (Use of physical restraint – person who commences providing direct care).
10. Contravention of section 19 in Ontario Regulation 155/18 (Use of physical restraint – Records re: training and education).
11. Contravention of subsections 20(2)-(5) in Ontario Regulation 155/18 (Use of physical restraint – Assessment re: education).
12. Contravention of the following subsection in Ontario Regulation 155/18 related to mechanical restraints , including:

- a. s. 21.1 – Development and review of plans,
 - b. s. 21.2 – Provision of information re use of mechanical restraint,
 - c. s. 21(2) - Authorized use of mechanical restraint,
 - d. ss. 21(4.1), 21(4.2), 21(5), 21(6), and 21(10) – Rules for the use of mechanical restraint,
 - e. ss. 21(7), 21(7.1) and 21(7.2)– Training, instruction or education of persons authorized to use mechanical restraints,
 - f. ss. 21(8), 21(8.1) and 21(8.2) – Written records re: use of mechanical restraints, and
 - g. s. 21(9) – Policies re: use of mechanical restraints.
- 13. Contravention of subsections 80.3(1), (4), (6), and (7) in Ontario Regulation 156/18 (Obligation to employ or engage qualified personnel).
 - 14. Contravention of section 109 in Ontario Regulation 156/18 (Discipline).
 - 15. Contravention of section 120.1 in Ontario Regulation 156/18 (Foster parent learning plans).
 - 16. Contravention of subsections 120(1-4) in Ontario Regulation 156/18 (Orientation re: policies and procedures for foster care licensees).
 - 17. Contravention of section 83 in Ontario Regulation 156/18 (Orientation re: policies and procedures s).
 - 18. Contravention of the new proposed prohibited practices regulation(s).

MCCSS is proposing to have the penalty for these offences be the same as an offence under Part IX of the Act (s. 280).

The proposed regulatory amendments would strengthen current enforcement options – the proposed new offences would both increase the number of charges that may be laid and also enable MCCSS to take a more targeted enforcement approach when necessary.

It is important to note that there are corresponding proposed amendments to the CYFSA to related to offences and penalties that align with the changes above (please see *Summary of Proposed Legislative Changes to Strengthen Oversight of Out of Home Care – Amendments to CYFSA* for more details).

Description of Proposed Regulatory Amendment #4: Issuance and Renewal of Licence

Currently, paragraphs 3 and 4 subsection 80(3) of O. Reg. 156/18 set out certain documentation the applicant or licensee is required to maintain when applying for a licence to operate a children's residence or staff-model home.

MCCSS is proposing to revoke paragraphs 3 and 4 of s. 80(3) of O. Reg. 156/18 and to amend s. 254(1) of the CYFSA to set out the above noted documentation requirements of licensees or applicants within the CYFSA as opposed to within the regulations, with some modification. The proposed changes would mean that the documentation

currently required pursuant to these paragraphs in s. 80(3) would be required to be provided to the Director as part of the application process for all licence types.

Description of Proposed Amendment #5: Application Forms Approved by the Minister

Currently, all applicants for a licence or its renewal must complete an application in a form approved by the Minister pursuant to s. 254(1)(a) of the CYFSA. Currently, there are three separate forms for applicants depending on whether it relates to the operation of i) a foster care agency, ii) children's residence, and iii) staff model home; the forms differ slightly according to the licence type. The current forms do not require the applicant/licensee to include many details related to the program or services provided or how that program amplifies the voices and rights of children being served.

MCCSS is proposing to introduce amendments to the licence application forms required pursuant to s. 254(1)(a) to require applicants/licensees to provide a concept statement that includes the following information:

1. Description of program(s), including how it will impact residents/foster children/children served.
2. Mandate and vision of program.
3. The demographic of residents/foster children/children that the applicant is proposing to serve or that the licensee serves, including the proposed age range, gender, and any specific developmental and/or clinical needs or behaviours.
4. A description of the types of residents/foster children/children that cannot be served by the program.
5. Details of the theoretical framework for service delivery and use of evidence-based care practices, including an explanation of how those practices relate to the residents/foster children/children to be served.
6. A plan that outlines how the applicant or licensee will amplify the voice and participation of residents/foster children/children, including details of how the applicant/licensee would ensure that residents/foster children/children have a role in their individualized case planning.
7. A statement of the expected duties, qualifications and suitability of persons to be employed or otherwise engaged by the applicant/licensee to provide residential care (refer to s. 80.3 of O. Reg. 156/18 for rules respecting the employment and engagement of qualified personnel).
8. A description of any training to be provided or that has been provided to persons to be employed or otherwise engaged by the applicant to provide residential care.
9. A description of how persons employed or otherwise engaged by the applicant to provide residential or foster care will be supervised.
10. Details of performance standards and performance measures that the applicant/licensee will employ to assess the effectiveness of the program.
11. A description of how residents/foster children/children would be informed of their rights at the time of placement and at regular intervals thereafter, in accordance with the requirements of the CYFSA and its regulations.
12. A description of the applicant/licensee's proposed approach to behavior management.

13. A description of the applicant/licensee's proposed approach to crisis prevention intervention.
14. A description of initiatives to be implemented by the applicant/licensee to support the identity characteristics of residents/foster children/children [refer to s. 2 of O. Reg. 156/18 for a description of a child's "identity characteristics"].
15. A description of initiatives to be implemented by the applicant/licensee to support the educational needs, educational outcomes and academic performance of residents/foster children/children.
16. A description of the strengths and abilities of the applicant/licensee to provide residential or foster care under the authority of a licence.
17. A description of the proposed service delivery model and an explanation of how the applicant/licensee determined that model to be the most appropriate to meet the needs of the children and young persons to be served by the program.

The proposed form changes are intended to support the ministry Director when making assessments about whether a licence should be issued or renewed and in determining whether a licensee is delivering the program that they state they are providing under the authority of the licence. The information might also be made available to placing agencies to assist in making better and more informed placement decisions, namely, whether the program offered by the licensee would meet the individual needs of the child they are seeking to place. This information would support service system planning.

Description of Proposed Regulatory Amendment #6: Increased Visits by Societies

Currently, s. 51(1) of O. Reg. 156/18 requires societies to visit each child placed in a foster home or other home by the society at least once within 7 days after the child's placement in the home, with an additional visit at least once within 30 days of the placement, and then at least once every three months thereafter.

The new proposed requirements would provide additional oversight of the child in the placement and additional information for the society to assess and support the safety and well-being of the child.

MCCSS is proposing to amend s. 51 of O. Reg. 156/18 to require societies to visit a child, at minimum, at least once within 7 days after a placement, with an additional visit at least once within 30 days of the placement, and then at least once every 30 days thereafter.

Specified visits would be required to occur in the placement.

The ministry is additionally considering the introduction of a departure, under specified circumstances, that would permit visits to be conducted virtually if certain conditions are met. The ministry is also considering requiring that unannounced visits with a child be conducted based on the society's assessment of the child's needs and / or other circumstances to be specified.

The proposed change to increase required visits is intended to improve oversight of children in society care, including the society's assessment of the child's safety and wellbeing and if the placement is meeting their needs, and to identify if any steps are required to address potential concerns with the caregiver or licensee. The proposed change also supports other proposed amendments to increase reporting of health and safety issues to the ministry.

Monthly visits to children in society care are aligned with current requirements in the *Ontario Protection Standards, 2016* (Standards) to visit with families receiving ongoing services from a society once per month and with requirements in other provinces and territories and in the United States. As such, the proposed amendments to require visits at minimum once every 30 days is consistent with the current best practice in the sector.

Description of Proposed Regulatory Amendment #7: Requirements for Information Sharing and Service Coordination Between Societies

MCCSS is proposing to introduce new provisions that would increase oversight of children in the care and custody of a society by:

- Requiring information-sharing between societies when a society legally responsible for the child ("home society") places the child into a placement that is in another society's jurisdiction within Ontario ("local society"). Information to be shared would include notice of the child's placement and information about the child's service planning and safety needs. The home society would be required to request information, and document it in the child's file, about local services and supports, as needed, to inform safety and service planning for the child; and
- Requiring the home society, within 30 days of placing a child in its care in a placement outside of its jurisdiction, to assess whether it can adequately provide oversight and supervision of the child in the placement and document its assessment in the child's file. The society's assessment should take into consideration the following:
 - The child's best interests;
 - The child's safety, service planning and supervision needs; and
 - The ability of the home society to provide the child with the same level of supervision and support as if the child was placed in the home society's jurisdiction.
- If the home society assessment is that it cannot adequately supervise and provide oversight of the child in the placement, the society must make a request to a local society to negotiate an interagency service agreement.
- The home society would be required to reassess its ability to provide oversight and supervision to the child at the development of the plan of care and at each subsequent review.
- The ministry may specify additional requirements respecting the development and review of an interagency service agreement and information that should be included in the agreement.

The proposed provisions would apply to children in the care and custody of a society placed in a licensed foster care, staff-model home, children's residence, unlicensed setting pursuant to s. 50.1 of O. Reg. 156/18, or adoption placement.

The proposed new provisions are intended to improve safety and service planning for children in specified out-of-home placements within Ontario, specifically when a child is in a placement outside of the home society's jurisdiction. Numerous third-party reports, including a recent report from the Ontario Ombudsman, have indicated that inconsistent information sharing and a lack of interagency service coordination between societies results in a lack of oversight of a child in a placement and safety risks for children in society care.

The proposed changes would leverage and build upon current best practices in the sector, including guidance in the 2020 Interagency Protocol led by the Ontario Association of Children's Aid Societies which outlines expectations for the provision of collaborative service delivery when children, youth and families who are involved with child welfare move from one jurisdiction to another. The Interagency Protocol provides guidance respecting information-sharing and service coordination to societies when a child is placed outside of the home society's jurisdiction. The Interagency Protocol is followed voluntarily by societies as a best practice; it is not a ministry requirement.

Description of Proposed Regulatory Amendment #8: Society Investigations involving Children in Licensed Residential Settings – Reporting to the Director

Currently, within 24 hours of receiving information that a child is or may be in need or protection, s. 30 of O. Reg. 156/18 sets out a number of steps a society must take (e.g., record and assess the information received, decide, in accordance with the Child Protection Standards, if a child protection investigation should be initiated). The regulatory provision does not currently include a requirement for the society to notify the licensing Director where a child protection investigation has been initiated in respect of a child receiving residential care in a licensed residential setting and the investigation concerns the delivery of licensed residential care to the child.

Additionally, s. 32(1) sets out certain requirements a society must take following the completion of a child protection investigation. There is also no requirement in this provision for the society to provide notice to the licensing Director of the outcome of an investigation conducted in respect of a child or children in a licensed residential setting.

MCCSS is proposing that amendments be made to these regulatory provisions to require societies to inform a Director that a child protection investigation has been initiated where it concerns the delivery of children's licensed out of home care, and, where applicable, the results of that investigation.

The proposed changes are intended to support enhanced information sharing between societies and the ministry where there are child protection concerns specific to the delivery of licensed residential care. The ministry, as regulator, is not responsible for

conducting child protection investigations – that is a role reserved exclusively for the society. However, the ministry will take action in respect of the licence where there are health and safety concerns tied to the licensee’s delivery of residential care. Information about a society’s findings from a child protection investigation concerning a child receiving licensed residential care is relevant and important for the ministry to have when making licensing decisions.

Description of Proposed Regulatory Amendment #9: Amendment to s. 108 related to Recommendations from the Medical Officer of Health

Amend s. 108 to add language that, where a recommendation from the local medical officer of health (LMOH) conflicts with a regulatory requirement applicable to the licensee, the recommendation from the local medical officer of health prevails.

This proposal is intended to clarify processes to be followed in circumstances where the local medical officer of health has made a recommendation to the licensee.

Description of Proposed Regulatory Amendment #10: Amendment to s. 97 and s. 121(7) related to Bedrooms Requiring Doors

The ministry is proposing to amend s. 97 (requirements re: premises) and s. 121 (re: foster parent home) to introduce a new requirement for all rooms designated as bedrooms to have doors – such that it is a prohibited practice to remove and/or not have them in place.

This proposal is intended to address concerns that the requirements related to licensed premises, including foster homes, do not include a requirement for bedroom doors. This addition would address concerns related to the privacy of children and youth in licensed settings.

Description of Proposed Regulatory Amendment #11: Requirement for Licensees to Ensure their Staff and Foster Parents Comply with Program to be Delivered

MCCSS is proposing a new regulatory provision that would set out a requirement for a licensee who operates a children’s residence or other place where residential care is provided to ensure that any person who provides direct care to a resident or foster child on behalf of the licensee, including foster parents, does so in accordance with the program to be delivered as specified in the licensee’s application form required pursuant to s. 254(1) of the Act.

Conclusion

All interested parties are encouraged to provide feedback on the proposed regulatory provisions. MCCSS values the unique and diverse perspectives from children and youth, families and broader sector partners.

Please provide MCCSS with your comments on the proposal by email to outofhomecare@ontario.ca no later than September 2, 2023. Please reference the proposed amendment number, page number, and O. Reg. section number (if applicable) (e.g., proposed amendment #x, p. x, s. x(1),) in your feedback for clarity.

Please note that you will not receive a formal response to your comment. MCCSS will review all feedback received and consider revisions to the proposed regulatory changes as appropriate.

Thank you for taking the time to review this document and provide feedback.