

Summary of Proposed Regulatory and Policy Changes to Enhance Oversight and Support for Children in Care in Adoption Placement Settings – Proposed Amendments to Ontario Regulation 156/18 – General Matters Under the Authority of the Minister, and Related Amendments to Policy Directive CW 003-20 - Approved Tools for Caregiver Assessment and Pre-Service Training, and for Plan of Care Development

Child, Youth and Family Services Act, 2017

Submissions Required by: June 3, 2024

Purpose

The purpose of this document is to seek feedback on proposed amendments to Ontario Regulation 156/18 – General Matters Under the Authority of the Minister and related amendments to Policy Directive CW 003-20 – Approved Tools for Caregiver Assessment and Pre-Service Training, and for Plan of Care Development issued under the *Child, Youth, and Family Services Act, 2017* (CYFSA). The proposed amendments will apply to children's aid societies (societies).

All interested parties are encouraged to provide feedback on the proposed regulatory and policy changes.

Please provide MCCSS with your comments on the proposal by email to Rebecca.Houwer@ontario.ca no later than June 3, 2024.

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

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

Context

There are differences in the requirements for oversight and support for children in care in adoption placement settings, compared with children in care in other settings. Regulatory requirements for safety assessments and plans were introduced July 1, 2023 for children in other placement types but did not apply to adoption placements to allow the ministry to complete further policy analysis for how similar requirements would apply to adoption placement settings. As a result of that work, the ministry now seeks to propose requirements for societies to conduct safety assessments and create safety plans where necessary, and to develop plans of care, for children in extended society care when they are placed for adoption. The intent of the proposed regulations is to:

- Support a consistent level of oversight and service planning for children in care who are placed for adoption in alignment with oversight and service planning requirements for children in licensed placements and other unlicensed settings;
- Provide increased support to prospective adoptive parent(s) helping them to feel more prepared with information and supported to address safety risks, minimize future risk including adoption disruption or breakdown, and better support the stability and long-term success of the adoption; and
- Provide a greater level of oversight and service planning in adoption placements that may extend for a significant period of time or may not be successful.

Proposal

The ministry is proposing amendments to Ontario Regulation 156/18 under the CYFSA to require societies to conduct safety assessments and create safety plans where needed, and develop plans of care, for children in care who are placed for adoption. The ministry is also proposing to make a related amendment to Policy Directive CW 003-20 to reflect the proposed regulatory requirements. All proposed changes would come into effect on January 1, 2025.

Proposed Safety Assessment and Safety Plan Requirements

- Introduce regulatory requirements for societies to conduct safety assessments and create safety plans for children in adoption placements in alignment with requirements for children in licensed and unlicensed settings.
- Proposed requirements relating to conducting a safety assessment and creating a safety plan, if needed, would be set out in the regulations and cover the following:
 - timelines and circumstances for when to conduct a safety assessment and when to develop or review a safety plan,
 - purpose of the safety assessment, which is to determine whether a safety plan is needed,
 - information to be used to inform the safety assessment and safety plan,
 - what must be covered by the safety plan,
 - individuals who are to be consulted for the safety assessment and safety plan, including in the case of a First Nations, Inuit or Métis (FNIM) child a representative from their bands or FNIM communities, and
 - documentation requirements.
- The proposed requirements would also require societies to provide a copy and review a copy of the safety plan with the prospective adoptive parent(s), any person supporting the prospective adoptive parent(s) by providing direct care to the child on behalf of the society, and the person supervising the adoption placement, if that person is different than the person who prepared the safety plan, as soon as possible after the safety plan is developed/revised.

Proposed Adoption Placement Plan of Care Requirements

- Introduce regulatory requirements for societies to create plans of care for children in adoption placements.
- Proposed requirements relating to developing or reviewing a child's adoption placement plan of care would be set out in regulations and cover the following:
 - timelines and circumstances for when to develop or review the plan of care,
 - service planning outcome areas that the content of the plan of care should address (e.g., health, education, identity, family and social relationships, emotional and behavioural development, and self care skills),
 - information to be used to inform the plan of care,
 - individuals who are to be consulted and involved in the development or review of the plan of care, including in the case of a First Nations, Inuit or Métis (FNIM) child a representative from their bands or FNIM communities, and

- o ongoing review of the plan of care until the adoption order is made.
- The proposal will require societies to provide the most recent plan of care for the adoption placement to the prospective adoptive parent(s) and to the child, if the child wishes to receive a copy, following the development or review of a plan of care.

Proposed Technical Amendments to Policy Directive CW 003-20

- Consequential amendments will be proposed to CW 003-20 to reflect and align with the new proposed regulatory requirements (e.g., remove reference to Adoption Probation Recording format and reference new regulatory requirements).

Intent

The intent of the proposal is to address the difference in requirements for children in care who are placed for adoption, as compared to the regulatory requirements in all other settings for safety assessments, safety plans, and plans of care, by introducing similar requirements adapted to adoption placement settings. The proposed new requirements are in alignment with oversight and service planning requirements for children in care placed in licensed placements and other unlicensed settings and reflect current best practice in the sector.

The proposed changes are responsive to feedback to provide increased support to prospective adoptive parent(s) by helping them to feel more prepared with information and supported to address safety risks. This in turn would help to minimize future risk including adoption disruption or breakdown and better support the stability and long-term success of the adoption.

The proposed amendments will provide a greater level of oversight and service planning in adoption placements that may extend for a significant period of time. Where the adoption is not finalized and the child is placed another setting, the proposed amendments would support consistency in service planning for children while in an adoption placement. For societies who utilize the Child Protection Information Network, functionality already exists to support the proposed requirements.

To support societies, the ministry is proposing an implementation date of January 1, 2025, to provide the sector with time to adjust to the new requirements and will develop implementation materials to support societies to understand the new requirements.

Conclusion

The proposed changes reinforce the ministry's commitment and continued progress in modernizing the child welfare system and increasing the safety and oversight of children in care. Changes are proposed to introduce improved service oversight and planning requirements for children in care in adoption placement settings to align them with requirements for other placement types.

Amending the regulations to increase consistency in levels of service and safety planning for children in care in adoption placement settings will provide greater consistency with other placement settings, help to ensure that children are safe, and better support the long-term success of adoptions. The proposed requirements will also provide greater levels of support and oversight when adoption placements extend for significant periods of time and will also help to support the child whose adoption may not end up being finalized and is then placed in another setting.

Children placed by societies for adoption remain children in care until adoption orders are made. More consistent planning for children during the adoption placement phase increases the safety and support of children and families and better supports the long-term stability and success of the adoption.