

Changes to the Children and Family Services Act

The Children and Family Services Act (CFSA) protects one of Nova Scotia's most vulnerable populations – children who are living in situations of abuse or neglect.

The CFSA was introduced in 1991, with no significant amendments in the past 25 years. Serious gaps and issues were identified by social workers, in judicial decisions, through bench and bar discussions and by stakeholders and child advocates. Bill 112 passed in December 2015 and included 90 amendments.

Amendments to the CFSA were proclaimed in December 2016 and will be implemented beginning March 1st, 2017. Changes have been made in six key areas:

Expansion of the Definition of a Child in Need of Protective Services:

The amendments broaden the definition of a child in need of protective services so that child protection can intervene at an earlier stage when problems are smaller and more likely to be remedied. It is important to note that the criteria for taking children into care has not been changed by the amendments.

Permanency for Children in Care:

New streamlined court processes will add case conferencing, in certain circumstances, as an alternative to formal court hearings. The amendments set out a maximum time period for individual hearings as well as cumulative time period when there is more than one hearing for children in temporary care. Access orders for children in care will no longer be made by the court – instead the agency must determine what level of contact with a birth parent is in the best interest of the child.

Services Provided to 16–18 year olds:

Changes to the Act improve child safety by addressing the gap in the protection of youth from age 16 to 18 years inclusive. If it is determined that a youth is in need of protection services and is willing to engage on a voluntary basis, services and supports will be provided to help them transition successfully to adulthood.

Duty to Report:

Professionals are required to report when they suspect that a child has or may have suffered abuse, is or may be suffering abuse or may be about to suffer abuse in the imminent future. The duty to report abuse by a person other than a parent or guardian only applies to children under the age of 16 years.

As well, any person who receives notice from an agency that there are reasonable and probable grounds to believe that a child is in need of protective services and who has information about the location of a child, must report that information to the agency.

Interviewing a Child without Parent's Consent:

The amendments will permit a social worker to interview a child without parental consent. This may be used in certain situations to ensure a child is not coerced into denying abuse or placed at higher risk.

Importance of a Child's Culture:

Amendments to the Act, have further emphasized the importance of a child's culture. All children in permanent care will be required to have a cultural connection plan developed to ensure that steps are taken to honour and preserve the child's culture.

March 2017