



A Review of the Nova Scotia Children and Family Services Act

Final Report and Recommendations

March 1, 2025

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Glossary of Terms

The following terms and abbreviations are used throughout this report:

- **Children and Family Services Act (CFSA or Act):** the legislation in Nova Scotia that aims to protect children from harm, promote the integrity of the family, and assure the best interests of children.
- **Child and Family Wellbeing (CFW):** a range of community-based, prevention-oriented services provided by the Department to children, youth, and their families.
- **Department of Opportunities and Social Development (the Department or OSD):** a department in the Government of Nova Scotia under the direction of the Minister of Opportunities and Social Development (formerly the Department of Community Services), that delivers a wide range of social services to Nova Scotians in need. The department includes a number of divisions, sections, and programs including Child and Family Wellbeing; Disability Support Program; and Employment Support & Income Assistance.
- **Minister:** means the Minister of the Nova Scotia Department of Opportunities and Social Development (formerly the Minister of the Department of Community Services). Legislation gives the Minister the ability to delegate certain duties to others as designates.
- **Practice Framework:** A framework used by the Department that guides the work of Child and Family Wellbeing staff, partners, and community service providers. It defines the vision, values, guiding principles, and standards for practice required to achieve the best outcomes for children, youth, and families.
- **2SLGBTQIA+:** Two-Spirit, lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, agender, and people who identify as part of sexual and gender diverse communities who use additional terminologies.

Executive Summary

There is a legislative requirement to review the *Children and Family Services Act* ('CFSA' or 'the Act') every four years. In May 2024, the Minister of Opportunities and Social Development appointed a Review Committee to conduct this formal review.

To support this review, the Department of Opportunities and Social Development ('the Department' or 'OSD') conducted widespread engagements throughout the province to gather input from Nova Scotians on the Act in the fall of 2023. Engagements were held with the general public, children, youth, and families involved with Child and Family Wellbeing (CFW), 2SLGBTQIA+ communities, newcomers to Canada, African Nova Scotian organizations and people of African descent, Indigenous communities and organizations, community organizations and other interested parties (academia, legal, education, service providers etc.). Additional engagement sessions were held for internal partners.

The Review Committee met bi-weekly from May to November 2024 to discuss the CFSA across eight (8) identified topic areas that spanned the whole of the Act. The meetings were supported by discussion papers that were informed by experiences and expertise from the community engagements, a Canada-wide jurisdictional scan, international experts and pertinent reports and recommendations. From these discussions, the Review Committee identified a series of legislative recommendations for the Minister's consideration.

The following is a summary of the recommendations proposed by the Review Committee.

Recommendations

- R1. Acknowledge diverse identities and communities in Section 3(2) Interpretation.** This recommendation calls for an enhanced acknowledgement of the diverse identities and communities in Nova Scotia, recognizes that this is a fluid landscape, and that inclusion is a principle that should underpin work carried out under the auspices of the Act.
- R2. Recognize the experiences of African Nova Scotian communities and communities of African descent and acknowledge the historical harms that have caused trauma to them.** This recommendation calls for the Act to recognize the impact of generational anti-Black racism.
- R3. Recognize the experiences of Mi'kmaw communities and acknowledge the historical harms that have caused trauma to them.** This recommendation calls for the Act to further to recognize the historical and ongoing harms caused by systemic racism and recognize Indigenous Peoples' inherent right to jurisdiction over child and family services.
- R4. Prioritize and centre child, youth, and family voices throughout the Act.** The voices of children, youth, and families should be sought out, heard and actively considered whenever actions are taken under the Act that impact their lives.
- R5. Recognize the impact of socioeconomic factors on child and family wellbeing.** The Act should acknowledge that socioeconomic factors are often a presence in child safety issues by referencing them in the Act's Preamble, and by reinforcing consideration of these factors when deciding how to support a child, youth, or family.

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- R6. Consider replacing the term “agency” if there is one that better reflects the intended community-oriented approach.** The term “agency” could be replaced with another term if it better reflects the community-oriented approach intended within the Children and Family Services Act.
- R7. Ensure that the definitions of terms such as "community" and "relative" reflect diverse needs and empower children, youth, and families to choose environments and arrangements that best suit them, supported by those they love and who love them.** Children, youth, and families should define who is a part of their family and community.
- R8. There should be a transparent and non-duplicative process for children and youth to access their own records.** Children, youth, and families to whom the record pertains should be made aware of the processes to review their records.
- R9. Include a requirement to include diverse voices as part of the committee in Section 88A.** The structure and inclusiveness of this committee was a key contributing factor to its success. To enable the Act to be reflective of the diverse needs and perspectives within the community, this diversity should be required in the composition of future CFSA Review Committees, as part of Section 88A in the current Act.
- R10. Update Section 60A to prohibit transporting youth with adult offenders.** No youth shall be transported alongside adult offenders. By keeping youth separate from adult offenders during transportation, their rights can be upheld while maintaining a safe and secure environment for youth.
- R11. Review the organization of the Act to ensure it reflects the child’s and family’s potential journey and aligns with the intent of the Practice Framework.** There may be an opportunity to create a more user-friendly document that effectively tells the potential journey of the child, youth, and family through the CFW system and to adjust the language to align with the intent and terminology of the Practice Framework.
- R12. Establish an outcomes framework which includes provisions for requiring regular reporting.** The Act could incorporate, or call for the development of, an Outcomes Framework that reflects the diverse needs of children and families, aligns with the Practice Framework, and holds all partners accountable for delivering these outcomes. As the new Office for Children and Youth is implemented, these efforts should complement any of theirs.
- R13. Allow for data collection and use to support the ongoing development and reporting associated with the outcomes framework (R12).** The Department should release non-identifying data that provides a greater understanding of the outcomes framework and efforts within that.
- R14. Increase the focus on preventative efforts throughout the Act.** The language in the Act, specifically Section 13, could be enhanced to further focus efforts on preventative supports and services.
- R15. Consider removing punitive measures for failing to report.** The continuing shift from punitive actions to supportive measures could also include clearer communication on what the duty entails.

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- R16. Enhance the use of collaborative decision-making processes.** Children, youth, and families should be able to request and participate in collaborative decision-making processes.
- R17. Explore including more opportunities for conferences when requested by children, youth, and/or families or other relevant parties.** To enhance the effectiveness of conferencing, the Act may usefully be amended to empower any individual with a significant connection to the child—such as family members, caregivers, teachers, and other relevant parties—to request a conference.
- R18. Document the prioritization of living arrangements that reflect the best interests of the child/youth.** The Act could establish a prioritization of living arrangements to provide the best outcomes for the individual child’s relationships and needs.
- R19. Enable supports for youth aging out of care of the Minister.** Enhanced supports would promote the successful transition of youth from the care system as they navigate the complexities of independence and adulthood.
- R20. Further review Sections 38 and 39 (1) to ensure they are effective and timely and meeting the needs of all involved parties.** Further engagement and research are required to ensure these sections are meeting the needs of children, youth, and families, the Department, and the court proceedings in general.

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Introduction to the Review

The Children and Family Services Act (CFSA or the Act) protects one of Nova Scotia's most vulnerable populations: children who are at risk of or living in situations of abuse and / or neglect. The purpose of the Act is to protect children and youth from harm and strengthen the wellbeing of families and communities. The act applies to everyone who is responsible for the safety and wellbeing of children and youth in Nova Scotia. It also applies to all communities throughout the province.

The approach to the 2025 CFSA review was to be transparent, inclusive, comprehensive, and with a focused equity lens. A Review Committee was established to provide input and direction for the review of the entirety of the Act.

The Review Committee

In May 2024, The Minister appointed ten (10) people to the CFSA Review Committee. The Review Committee consisted of both employees of the Government of Nova Scotia (Department of Opportunities and Social Development and Department of Justice) and external community-based organizations.

The Review Committee met bi-weekly from March 2024 through November 2024 to discuss the Act and develop recommendations for its enhancement. The appointees represent diverse communities across Nova Scotia and share a commitment to improving the lives and wellbeing of children and youth in the province. They are:

- Jill Barkhouse, Director, Practice Support, Department of Opportunities and Social Development
- Amanda Dillman, Director, Family Services, Department of Justice
- Frazer Egerton, Executive Lead, Strategic Initiatives, Department of Opportunities and Social Development
- Stacey Greenough, Director, Child and Family Wellbeing, Department of Opportunities and Social Development
- Wayn Hamilton, former executive director, African Nova Scotian Affairs
- Susanne M. Litke, K.C., lawyer, private practice (former staff lawyer at Dalhousie Legal Aid Service)
- Nancy MacDonald, CEO, Family Service Nova Scotia Child, Youth, and Family Learning Institute
- Anne Simmons, Director, Africentric Child and Family Wellbeing, Department of Opportunities and Social Development
- Paul Sheppard, Managing Lawyer, Nova Scotia Legal Aid Youth Office
- Tania Wong, pediatrician, IWK Health Centre

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Focus Areas

The Review Committee approached the review through seven (7) key focus areas. This enabled a comprehensive review of the legislation and an ability to provide both broad and specific recommendations. The focus areas were as follows:

Focus Area	Description
Community Involvement and Family Preservation	How the Act enables the involvement of community and maintains the integrity of the family while ensuring the safety and wellbeing of children.
Empowering Children, Youth, and Families	How the Act meaningfully involves children, youth, and families in the decision-making and planning processes.
Accountability and Transparency	How the Act enables information sharing and reporting.
Staff Education and Development	How the Act promotes the development of CFW staff.
Program Delivery	How the Act enables the delivery of programs to meet the needs of children, youth, and families.
Duty to Report	How the Act outlines the requirement to report suspected instances of child abuse / neglect.
Equity, Diversity, and Inclusion	How the Act enables considerations for equity, diversity, and inclusion.
Continuous Improvement	How the Act details expectations for gathering feedback and processes for review and evaluation of programs.

Inputs into the Review

The Review Committee discussions were supported by the development of meeting materials that contained information on the following:

- How the topic currently is reflected in the CFSA.
- Findings from the 2021 CFSA Review.
- What was heard in public consultations, including the findings from the 2024 public engagements on the CFSA and Findings from African Nova Scotian Community Consultations on a Review of the CFSA.
- How additional reports and existing recommendations support the inclusion of the topic area (e.g., Restorative Justice Inquiry, United Nations Convention on the Rights of the Child, The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls etc.)
- Jurisdictional scan of equivalent legislation from all Canadian provinces and territories.

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This Report

This report details the recommendations developed by the Review Committee and includes context and rationale for their inclusion.

Recommendations

The Review Committee believes the following recommendations would enhance the Act's effectiveness, ensuring it meets the evolving needs of children, youth, and families while maintaining its core principles of supporting families and keeping children and youth safe from harm.

The Review Committee recognizes that there will be varying levels of resources required to implement these recommendations. Some are expected to require a smaller number of dedicated resources and focus on specific changes while others are far-reaching, transformational changes that may require both additional planning and resources to achieve their intended objective.

R1. Acknowledge diverse identities and communities in Section 3(2) Interpretation.

Section 3(2) Interpretation currently provides guidance on the unique circumstances and needs that should be considered when working with children, youth, and families. It could be strengthened with a comprehensive acknowledgment of the diverse identities and communities present in Nova Scotia, particularly the historical and ongoing injustices faced by African Nova Scotians.

This recommendation includes developing provisions within the Act that explicitly recognize African Nova Scotians as a distinct group with unique needs. It was suggested that this should be included in the preamble, in a way similar the acknowledgment of the importance of the cultural identity of Mi'kmaq children.

In addition to recognizing the distinct needs of African Nova Scotians, Section 3(2) should be expanded to include considerations for other equity-seeking groups, for example persons with disabilities and those within the 2SLGBTQIA+ community. By doing so, the Act can better reflect the realities of these communities, while acknowledging and addressing their unique experiences.

Additionally, the Act should adopt an intersectional approach to Section 3(2). This means recognizing that individuals may belong to multiple equity-seeking groups and that their experiences are shaped by the interplay of these identities. By explicitly incorporating intersectionality into the considerations of Section 3(2), the Act can provide a more nuanced understanding of the diverse identities and communities it serves.

The Act should also include reference to the importance of aligning with An Act respecting First Nations, Inuit and Métis children, youth and families, recognizing Indigenous Peoples' inherent right to self-governance.

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	<p>The jurisdictional scan identified that Ontario and British Columbia include explicit references to the Human Rights Code in their legislation. They use the principles outlined in this code to promote inclusion and equality.</p>
<p>R2. Recognize the experiences of African Nova Scotian communities and acknowledge the historical harms that have caused trauma to them.</p>	<p>This recommendation calls for the Act to recognize the impact of generational anti-Black racism. African Nova Scotians have played a crucial role in shaping the identity of Nova Scotia, yet these communities have faced both historical and ongoing systemic racism. This has led to income inequality and unemployment, housing insecurity, educational inequalities, and many other social and health disparities.</p> <p>Nova Scotia is currently undergoing steps to recognize and address the needs of African Nova Scotians. Including a statement of recognition in the Act, possibly in the preamble, would represent a significant advancement in this effort.</p>
<p>R3. Recognize the experiences of Mi'kmaw communities and acknowledge the historical harms that have caused trauma to them.</p>	<p>This recommendation calls for the Act to further recognize the historical and ongoing harms caused by systemic racism against Mi'kmaw communities. Additionally, it could include the recognition of Indigenous Peoples' inherent right to jurisdiction over child and family services, as outlined in Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth, and families.</p>
<p>R4. Prioritize and centre child, youth, and family voices throughout the Act.</p>	<p>The voices of children, youth, and families should always be heard and actively considered whenever the Department makes decisions that impact their lives.</p> <p>Mechanisms that facilitate the inclusion of child and family preferences and perspectives should be further embedded throughout the Act, emphasizing the importance of understanding and integrating the unique needs and aspirations of each child and family into the decision-making framework. Consideration could also be given to expand the wording in the Act regarding the right of a child to request to be heard through their own counsel instead of a <i>Guardian Ad Litem</i>.</p> <p>Additional context could be provided within the Preamble to support this recommendation. The Preamble sets the tone for the entire Act and is foundational to how the Act is interpreted. By stating that a child-first approach is expected as part of the Preamble, it would establish this principle as a guiding factor in all interpretations and applications of the Act.</p>

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	<p>An additional consideration for this recommendation is explicitly stating that children and youth should be able to provide meaningful input into decisions that affect them, including placement decisions. This should extend to creating a mechanism for reviewing placements and confirming that they continue to be in the child or youth’s best interest. This would take into consideration the prioritization of living arrangements, as described in Recommendation R18.</p> <p>The inclusion of child, youth, and family voices is commonplace in acts across Canada. For example, Quebec includes provisions mandating the inclusion of the child and parent’s voices within the preamble, further requiring the best interest of the child be the primary consideration in any decision.</p>
<p>R5. Recognize the impact of socioeconomic factors on child and family wellbeing.</p>	<p>Socioeconomic factors can significantly influence a child’s life and create and exacerbate factors that can lead to a child or family’s involvement with CFW. The Act should acknowledge these factors by referencing them in the Act’s Preamble, and by reinforcing consideration of these factors when deciding how to support a child, youth, or family.</p> <p>This recommendation can draw on successful models from other jurisdictions, such as Quebec, Manitoba, and British Columbia, which have specific provisions stating that a child does not need protection solely based on socioeconomic factors.</p>
<p>R6. Consider replacing the term “agency” with one that better reflects the intended community-oriented approach.</p>	<p>If a better term can be found, “agency” could be replaced to better reflect the community-oriented approach intended within the Child and Family Service Act. The term “agency” may imply a top-down, bureaucratic structure, and for some has negative connotations, particularly for Indigenous Peoples.</p> <p>The language of the Act is important, and its alignment with the language of the community-focused, human-centered principles outlined in the Practice Framework would be beneficial.</p>
<p>R7. Ensure that the definitions of terms such as “community” and “relative” reflect diverse needs and empower children, youth,</p>	<p>While the current definition of “community” within the Act acknowledges the importance of relationships, the Review Committee supported full recognition of the significant contributions of community organizations and those working within them, in fostering the wellbeing of children and families. It should also be emphasized that children, youth, and families should be the ones defining who is a part of their community.</p>

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and families to choose environments and arrangements that best suit them, supported by those they love and who love them.

To enhance clarity and inclusivity, it is recommended that the definition of “community” be expanded to explicitly include both individuals and community organizations. This expansion acknowledges the multifaceted support systems that contribute to a child’s development and wellbeing. By recognizing individuals such as mentors, tutors, coaches, and other supportive figures, the Act can better reflect the diverse relationships that positively impact a child’s life.

Including community organizations—such as non-profits, schools, religious institutions, and local advocacy groups—highlights their essential role as vital hubs for community engagement, providing resources, services, and support to children, youth, and families.

It is also important to also include consideration for geographic community and enable children, youth, and families to regularly access these supports. The inclusion of a geographic perspective further enhances the definition of “community,” acknowledging and considering local resources and support networks when supporting a child, youth, and family.

Currently, the Act acknowledges that a person with an established relationship may be considered as a support in addition to a relative. However, the established definition of “relative” could be enhanced to cover the full spectrum of familial relationships that can provide essential support. Consideration will be given to the concepts of “chosen family” and/or “kin”.

These terms refer to a group of individuals who, while not biologically or legally related, play a significant role in an individual’s life. These relationships often provide emotional, social, and practical support, which can be vital for the wellbeing of children and youth. This concept is particularly important for queer and trans youth, who may face rejection or lack of understanding from their biological families due to stigma or discrimination related to their identities.

New Brunswick’s Act also includes a definition of “kin” that includes immediate family and extended family members, relatives or other significant persons who have an attachment to a child or youth or are known to a child or youth (Section 1).

Families and children should be empowered to identify their own support networks, resources, and cultural contexts, and articulate what community and family means to them. This perspective aligns with the strengths-based approach that is advocated for in the Practice Framework, emphasizing that

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	<p>families are experts in their own lives. When families define their own circumstances, it not only enhances the relevance of services but also promotes cultural inclusivity and respect for diverse backgrounds. This participatory approach can lead to more tailored and effective interventions that resonate with the lived experiences of children, youth, and families.</p> <p>The jurisdictional scan identified two examples of expanded definitions of community. In New Brunswick, community is defined as “a geographic unit or group of persons sharing common interests within a geographic unit who provide or receive services on a collective basis” (Section 1). In Ontario, community includes a person who has ethnic, cultural or creedal ties in common with the child or who has a beneficial and meaningful relationship with the child or young person or with a parent, sibling or relative of the child or young person (Section 2(3)).</p>
<p>R8. <i>There should be a transparent and non-duplicative process for children and youth to access their own records.</i></p>	<p>This review has identified potential areas for improvement in the information recording, access, and sharing practices within the Act. This could increase transparency, enhance the accuracy of information, and empower families by granting them greater control over their own records.</p> <p>Children and youth to whom the record pertains should be able to access pertinent aspects of their own records. Where feasible, when the child or youth requests access to their records, this new process should enable them to view their records without going through the Freedom of Information and Protection of Privacy Act processes.</p> <p>By enabling appropriate access to their information, children and youth can be fully informed about their cases, which is vital for effective participation in and understanding of decision-making processes. This not only promotes accountability but also builds trust between families and the Department.</p> <p>There should also be robust safeguards that restrict unauthorized access to these records. This includes providing a clear process for sealing or destroying child welfare records, particularly for former youth in care. Such measures would protect their right to privacy and enhance their perceptions of confidentiality.</p>
<p>R9. <i>Include a requirement to include diverse</i></p>	<p>The current Review Committee discussed the advantages of including both internal Department members and external community representatives. This approach fostered a variety of</p>

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<p><i>voices as part of the committee in Section 88A.</i></p>	<p>perspectives and facilitated the development of important relationships.</p> <p>To enable the Act to be reflective of the diverse needs and perspectives within the community, this diversity should be required in the composition of future CFSA Review Committees, as part of Section 88A in the current Act. This recommendation is rooted in the understanding that a variety of perspectives enriches the discussions regarding improvements and enhancements to the Act that should lead to more equitable approaches to the delivery of services to children, youth, and families.</p> <p>By embracing diversity, the committee can enhance its credibility, improve legislative outcomes, and foster trust within the communities it serves. The implementation of this recommendation will require thoughtful planning and commitment, but the potential benefits for children and families across the province are profound.</p>
<p><i>R10. Update Section 60A to prohibit transporting youth with adult offenders.</i></p>	<p>No youth shall be transported alongside adult offenders. By keeping youth separate from adult offenders during transportation, their rights can be upheld while maintaining a safe and secure environment for youth.</p> <p>Additionally, when transporting a youth, the lowest level of restraint possible given the circumstances of the youth and what is required to mitigate the youth’s level of risk, and to ensure their safety.</p> <p>The Review Committee recommends a review of Section 60A Authority of secure treatment certificate or order as it pertains to transportation of youth on leave of absence to and from court to ensure it is as least restrictive as possible while ensuring safety of the youth and those carrying out the transport and to specifically prohibit youth being transported with adult offenders being transported from correctional facilities.</p>
<p><i>R11. Review the organization of the Act to ensure it reflects the child’s and family’s potential journey and aligns with the intent of the</i></p>	<p>There may be an opportunity to create a more user-friendly document that effectively tells the potential journey of the child, youth, and family through the CFW system. An additional review of the Act with this lens may highlight any potential changes that are needed to the overall organization and structure to better reflect the child’s and family’s journey and language used within the Practice Framework.</p> <p>The structure could potentially reflect:</p>

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Practice Framework.

- **Outline of Children’s Rights:** Begin with a clear articulation of the rights of children and youth. This section should be grounded in principles of dignity, respect, and equality.
- **Departmental Responsibilities:** Following the rights of children, the Act should outline the responsibilities of various areas involved in child and family wellbeing.
- **Support Services and Resources:** The Act should provide information on the types of available support services and resources. This section should emphasize the importance of preventative services.
- **Accessing Support and Entering Care:** The next section should detail the processes for accessing support services and the criteria for entering into care when necessary. This would include an overview of the court and adoption processes.
- **Feedback and Review Mechanisms:** Finally, the Act should incorporate mechanisms for feedback and review, allowing families and children to voice their experiences and suggest improvements. This should improve any allowances for research, evaluation, and public reporting.

In addition to reorientating the Act, this recommendation suggests, where required, adjusting the language to align with the intent and terminology of the Practice Framework. The Practice Framework serves as a foundational tool used by the Department that outlines the vision, values, guiding principles, and practice standards essential for delivering programs and services to children, youth, families, and communities. It is designed to enable services to be provided in a manner that is human-centered, strength-based, and rooted in principles of equity, diversity, and inclusion. By adhering to the Practice Framework, service providers can provide the support needed to families in a respectful, empowering, and inclusive manner.

This review emphasized the necessity for consistency between the language, definitions, and intent of the Act and the Practice Framework. The terms, definitions, and language employed in the Act should mirror those found in the Practice Framework, while still upholding the legal intent and integrity of the Act. This alignment would better foster clarity, consistency, and effective communication among all partners involved in the implementation of both the Act and the Practice Framework.

Though this would require significant resources, these two changes to the Act would further focus on supporting families, prioritizing the empowerment of families in need, and focus on

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	<p>their strengths. This shift also aims to empower individuals making a report to the Department to feel confident that this will result in a family being provided with supports.</p>
<p>R12. <i>Establish an outcomes framework which includes provisions for requiring regular reporting.</i></p>	<p>This recommendation calls for the Act to prioritize children's outcomes. The preamble of the Act should be updated to establish a vision for children and youth that highlights the critical role they play in Nova Scotia's health, social wellbeing, and economic growth. These outcomes should also align with the Practice Framework.</p> <p>To facilitate this transformation, the Act should incorporate, or call for the development of, an Outcomes Framework that serves as a guiding principle for all partner agencies involved in the CFW system. This framework should establish outcomes that reflect the diverse needs of children and families and hold all partners accountable for delivering these outcomes. By focusing on results, a more effective and responsive system that supports children's development and wellbeing can be developed.</p> <p>Outcomes should include, but are not limited to:</p> <ul style="list-style-type: none">• Health and safety from harm• Connection to family, community, and culture• Development of skills for life, including education and employment attainment <p>Mandatory reporting of outcomes to the public would support the accountability of the Act. This reporting should include quantitative data and qualitative insights that reflect the lived experiences of children and families involved in the system and support the outcomes delineated in the Outcomes Framework.</p> <p>Transparency in reporting will foster continued accountability. By making outcome data publicly available, partners—including families, service providers, and policymakers—can assess the effectiveness of the services being offered. This transparency serves as a foundation for safety and trust, allowing community members to understand how resources are being used and the impact of various programs on child and family wellbeing.</p> <p>Regular public reporting will significantly enhance community trust in the system. When families and community members see that the Department is committed to continuous improvement and responsiveness to their needs, it fosters a sense of partnership and collaboration. This trust is vital for encouraging</p>

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	<p>families to engage with services, as they are more likely to participate in a system that demonstrates accountability.</p> <p>The data collected through these reports should not only serve as a tool for accountability but also as a mechanism for continuous improvement. By analyzing trends and outcomes, the Department can identify successful practices and areas needing enhancement. This iterative process will enable the Department to adapt its strategies and interventions based on evidence, ultimately leading to better outcomes for children and families.</p> <p>Yukon’s Child and Family Services Act requires an annual report be prepared and made publicly available that includes information on the number of children who received services and interventions, as well as the number of those children who are Indigenous (Section 187).</p>
<p>R13. Allow for data collection and use, including research opportunities, to support the ongoing development and reporting associated with the Outcomes Framework (R12).</p>	<p>Provisions that facilitate comprehensive data collection would empower government to conduct systematic research on the efficacy of supports, services, and outcomes for children and youth involved in the care system. This more systematic, evidence-based approach would support interventions that are effective, transparent, and aligned with the best interests of those it serves.</p> <p>This data collection would help to identify which strategies are most effective in promoting the wellbeing of children, youth, and families, as well as pinpoint areas that require improvement, enhancing service delivery and resource allocation.</p> <p>Also, tracking the progress of children and youth in care over time should provide a more comprehensive understanding of their experiences and outcomes. Such longitudinal studies can illuminate the pathways that lead to successful outcomes, informing future policy and practice. This data-driven approach should help provide services that are not only responsive but also contribute meaningfully to the overall wellbeing of children and youth.</p> <p>All data collection and research opportunities should be rigorously evaluated to ensure they meet all ethical and legal standards and that they are in the best interests of children, youth, and families. Additionally, it is important that data collection and research initiatives are separate from and do not interfere with program delivery.</p>

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	<p>In Ontario, the Child, Youth and Family Services Act enables the Minister to provide funding for research, evaluation, planning, development, co-ordination, or redesign with respect to services (Section 25(c)). Additionally, this Act enables the Minister to share personal information for the purposes of conducting activities to improve or maintain the quality of services (Section 283(1)). Similarly, in Newfoundland and Labrador, the legislation enables information to be used for research or evaluation purposes without needing another person’s consent (Section 94).</p>
<p>R14. Increase the focus on preventative efforts throughout the Act.</p>	<p>Section 13 of the CFSA addresses services aimed at promoting the integrity of the family. The language in this section could be enhanced to further focus efforts on preventative supports and services. It is recommended that this section be revised to explicitly acknowledge and support a range of preventative services. This revision should include clear definitions and examples of preventative measures, thereby providing a comprehensive understanding of their role in family integrity.</p> <p>This approach aligns with the principles of the Practice Framework, which emphasizes prevention-focused, family-led, and community-based work. Prevention-focused work aims to address issues before they escalate, providing early intervention and support to families at risk. This can help to prevent the need for more intrusive interventions later on and can lead to better outcomes for children and families.</p> <p>Section 9 (Functions of Agency), and Section 22 (Child is in Need of Protective Services) should be reviewed with a prevention lens, with the aim of shifting the focus from identifying children “in need of protection” to recognizing the broader spectrum of preventative services that can support families and address protection issues before crises arise.</p> <p>A key aspect of this recommendation is the importance of continuing to draw on the strengths of existing community programs, including the increased efforts that the Department has placed on developing and enhancing preventative programming. By leveraging and building on these existing resources, a more robust and comprehensive support system for children, youth, families, and communities can be created. Collaboration with local organizations, non-profits, and community groups can enhance the effectiveness of preventative efforts, helping families to receive tailored support that meets their unique needs.</p>

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	<p>This recommendation also emphasizes the necessity for long-term programming and sustained support. Many challenges faced by families and children are complex and multifaceted, requiring ongoing assistance to effectively address. By enabling long-term strategies, the CFSA can support both the Department and communities to better equip families to navigate difficulties, thereby promoting resilience and stability.</p> <p>Additionally, it is suggested that the CFSA enable access to preventative services without necessitating formalized system involvement. This approach can significantly reduce barriers to access and reduce the stigma associated with accessing CFW services, enabling more families and children to receive the support they need.</p> <p>It is important to acknowledge that the application of a preventative lens should not impede or inadvertently compromise the legal protections afforded to children, youth, and families, but rather be considered alongside intervention services as part of a holistic response to the child, youth, and family's needs. A balanced approach to the review and integration of preventative services is necessary to navigate these complexities while still prioritizing the wellbeing of children and families, in particular through sections of the Act that deal with court proceedings (Sections 32 through 49). The legal implications and consequences must be carefully considered to effectively include prevention, while upholding the legal intention of these sections.</p> <p>Both Manitoba and British Columbia emphasize the importance of preventative services. With Manitoba's Act requiring preventative services to be given priority over other services and British Columbia's Act stating there is a duty to provide preventative and support services to families.</p>
<p>R15. Consider removing punitive measures for failing to report.</p>	<p>The current framework of the Act includes potential punitive measures for individuals who fail to report suspected cases of child abuse or neglect. While the intention behind these measures is to protect and safeguard children, something that can not be lost, if there are ways to ensure this safety is maintained while shifting to supportive measures that foster a culture of collaboration and trust among community members, service providers, and families, that would be beneficial.</p> <p>Punitive measures can create an atmosphere of fear and mistrust, discouraging individuals from coming forward with concerns about child wellbeing. When community members fear</p>

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	<p>legal repercussions, they may hesitate to report situations that should be unsafe for a child. By removing or further restricting punitive measures, the Act can encourage open dialogue and proactive engagement, allowing individuals to feel safe in reporting concerns without the fear of legal consequences.</p> <p>To facilitate this shift, comprehensive training and education programs should be developed for all partners involved with the Department. These programs should focus on the importance of supportive reporting, the role of community members in safeguarding children, and the resources available to assist families in need. By equipping individuals with the knowledge and skills to navigate these situations, the Act can foster a culture of collaboration and support.</p> <p>The emphasis on training will also help alleviate concerns that removing punitive measures might lead professionals and the public to think that reporting is optional. In practice, reporting would remain a mandatory requirement.</p>
<p>R16. Enhance the use of collaborative decision-making processes.</p>	<p>Exploring the use of restorative, collaborative decision-making processes should be mandated, rather than left as an optional approach, enabling children and youth to request and participate in these processes. It is important to note that this recommendation calls for mandating the <i>exploration</i> of collaborative decision-making processes, and that these practices may not always be beneficial in every situation. When considering the use of collaborative processes, the safety of everyone involved will be considered.</p> <p>The Review Committee recommends specific enhancements to the legislation that outline the expectations for when, why, and how collaborative decision-making processes are conducted, thereby establishing a framework that prioritizes family involvement in decision-making.</p> <p>Currently, Section 23(1)(b) of the Act defines a “family group conference” as “one or more mediated conferences which may include relatives of the child and members of the child’s community.” This definition serves as a foundational element for restorative practices, but it requires further elaboration and resourcing to effectively implement.</p> <p>Additionally, incorporating collaborative practices can significantly enhance culturally safe approaches. By allowing families to define their own support networks and engage in decision-making processes that respect their cultural contexts, the Act can better serve diverse communities. This cultural</p>

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	<p>sensitivity is essential for building trust and rapport between families and service providers, ultimately leading to more effective interventions.</p> <p>In New Zealand, family group conferencing is prominent within their legislation. This legislation has an extensive section outlining the parameters under which a family group conference can or should take place, including mandating consultation, outlining who is entitled to attend, and information sharing and decision-making requirements (Sections 20-38).</p>
<p>R17. Explore including more opportunities for conferences when requested by children, youth, and/or families or other relevant parties.</p>	<p>Conferencing provides a structured platform for collaboration among all partners involved in a child’s wellbeing. These conferences facilitate open dialogue, enabling children, youth, and families to actively participate in discussions about their situations, make informed decisions, and collaboratively plan for the child’s future.</p> <p>To enhance the effectiveness of conferencing, the Act should be amended to empower any individual with a significant connection to the child—such as family members, caregivers, teachers, and other relevant parties—to request a conference. This amendment would enable those who genuinely care for the child’s wellbeing to initiate discussions regarding their wellbeing. However, it is essential that this process remains discretionary, considering various factors such as safety, logistical considerations, and the specific circumstances surrounding each case.</p> <p>British Columbia also has a section of their Act dedicated to cooperative case planning (Division 2). This includes family conference, plan of care, and dispute resolution mechanisms.</p>
<p>R18. Document the prioritization of living arrangements that reflect the best interests of the child/youth.</p>	<p>The Act should establish a clear priority of living arrangements based on the child’s relationships and needs.</p> <p>This recommendation recognizes the need to balance short-term and long-term risks and outcomes, recognizing that care itself carries inherent risks that must be weighed against other factors. Additionally, this recommendation refers to establishing a priority of places where children and youth live, which is separate from establishing placement decisions which relate to custody-based decision making and responsibility.</p> <p>This should prioritize:</p> <ul style="list-style-type: none"> • Parents • Wider family, including siblings • Kinship networks, including chosen family

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- Friends
- Pre-existing relationships
- Cultural and heritage considerations
- Local community
- Foster carers near the family home
- Foster care
- Other forms of care

The proposed priority of living arrangements—starting with parents, then wider family, kinship networks, friends, and so forth—ensures that the child's immediate support system is prioritized. This not only helps in maintaining continuity in the child's life but also supports the family unit, which is often under stress during such transitions.

This approach would also emphasize the importance of relying on the broader definition of “relative” or added definition of “kin” to create a support network for the child, including kinship supports. Kinship support offers numerous benefits that contribute to the wellbeing of children and youth. By keeping children and youth within their family or community networks, kinship support often leads to improved emotional, psychological, and social outcomes. These supports empower families and communities to take an active role in the care and wellbeing of the child or youth. The Department’s Alternative Family Care program is an example of this type of support that should be enhanced or mandated within the Act.

It is important to clarify that the term “kinship support” should not be confused with foster care; rather, it should encompass a broader definition that includes a variety of kin relationships that can be leveraged to potentially prevent a child coming into the care system. This inclusive definition enables all potential caregivers to be considered, thereby maximizing the support network available to the child.

Kinship caregivers typically possess a deep understanding of the child’s needs, strengths, and preferences, which allows for more personalized care. This approach recognizes and builds upon the existing strengths of the family and community.

Division C within the New Brunswick Child and Youth Well-Being Act is dedicated to establishing a priority of placements. New Brunswick’s Act also has a section (43(1-3)) for kinship services that stipulates that if a child’s wellbeing is at risk, a plan can be established that does not involve placing the child under the Minister’s care. Instead, the child may receive kinship services in the home of a kinship caregiver, contingent upon the

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	<p>Minister's assessment that the caregiver can meet established standards for the child's care. The Minister in New Brunswick has the authority to enter into agreements with kinship caregivers to provide necessary support for the child's basic or exceptional needs. These agreements can remain in effect until the child no longer receives kinship services in the caregiver's home. This framework not only supports the immediate needs of the child but also provides a safety net for ongoing care.</p> <p>Additionally, New Brunswick has provisions for support following the termination of formal kinship relationships. Section 29 allows the Minister to provide social services, including support, to individuals who were previously receiving kinship services and who continue to reside in the home of the kin after the termination of those services. This continuity of support is crucial to adequately provide a stable environment for children and youth even after formal arrangements have ended.</p>
<p>R19. Enable supports for youth aging out of care of the Minister.</p>	<p>Youth aging out of the care system often face significant challenges, including increased vulnerability to homelessness, unemployment, and mental health issues. Enhanced supports following youth reaching the age of majority promote the successful transition of youth from the care system as they navigate the complexities of independence and adulthood. This could also include supports for youth who have ended formalized CFW involvement, but remain supported by extended family through other OSD programs (e.g. Alternative Family Care).</p> <p>The Review Committee highlighted the implementation of the Path program offered by the Department that provides financial resources and community-based supports to youth aging out of the care of the Minister, and noted this was a positive development.</p> <p>The Act should explicitly ensure that supports are provided to youth to enable this mitigation of risks and to create a safety net for youth.</p> <p>These supports should include access to financial resources, mental health supports, and connections to community organizations.</p> <p>By addressing housing, education, employment, mental health, and life skills, the Department can create a comprehensive support system that empowers youth to transition successfully into adulthood. The implementation of these provisions will require collaboration, monitoring, and a commitment to</p>

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	<p>continuous improvement, but the potential benefits for youth and society as a whole are profound.</p> <p>Both Prince Edward Island and New Brunswick have provisions within their acts that enable post-care supports. Section 46 of Prince Edward Island's Act outlines that when a child in care reaches the age of 18, continued services may be offered to prepare the person for independent living subject to certain conditions.</p> <p>Section 31(1) of New Brunswick's Act enables the Minister to provide social services to a youth 19 to 26 years of age under certain circumstances.</p>
<p>R20. Further review Sections 38 and 39 (1) to ensure they are effective and timely and meeting the needs of all involved parties.</p>	<p>Section 38 of the Act currently reads:</p> <p><i>Disclosure or discovery</i> 38 (1) <i>Subject to any claims of privilege, an agency shall make full, adequate and timely disclosure, to a parent or guardian and to any other party, of the allegations, intended evidence and orders sought in a proceeding. (2) Upon the application by a party, the court may order disclosure or discovery by any other party in accordance with the Family Court Rules and the Civil Procedure Rules.</i></p> <p>Section 39 (1) of the Act currently reads:</p> <p><i>Interim hearing</i> 39 (1) <i>As soon as practicable, but in any event no later than five working days after an application is made to determine whether a child is in need of protective services or a child has been taken into care, whichever is earlier, the agency shall bring the matter before the court for an interim hearing, on two days' notice to the parties, but the notice may be waived by the parties or by the court.</i></p> <p>Some Review Committee members felt that these two sections require further exploration to ensure they are meeting the needs of children, youth, and families, the Department, and the court proceedings in general. This includes addressing issues related to the format and timeliness of disclosure, as well as the need for ongoing disclosure throughout a proceeding.</p> <p>The Review Committee did not reach consensus on these issues, with some members stating the timelines and practices did not meet the needs of families and others stating the sections support a robust and balanced system that is fair and reasonable.</p> <p>Further engagement and research that is outside the scope of this review is recommended.</p>

Conclusion

The Children and Family Services Act is a robust legal framework designed to support children, youth, and families across our province. The Review Committee believes that the recommendations put forward in this report, if implemented, will improve the effectiveness of the services and processes enabled by the Act and contribute to improved outcomes for children, youth, and families.

Throughout this review, it has been consistently observed that many proposed changes to the legislation will require a corresponding increase in resources to enable their effective implementation. These resources may take various forms, including human resources, financial resources, and / or community-based supports.

Furthermore, community-based supports will play a crucial role in the successful implementation of these changes. Engaging local organizations and resources can enhance the effectiveness of the legislation by tailoring it to the specific needs of the community. This collaborative approach can help bridge gaps in service delivery and support the intended benefits of the legislation to be realized.

The successful implementation of the legislative changes will require a thoughtful approach to human resources and community engagement. Without line of sight to these critical components, the legislation may not be able to be effectively implemented, which may hinder the ability of the Department to achieve the intended outcomes.

To effectively implement these recommendations, the Review Committee also believes that significant efforts will be required on behalf of the Department to build trust and strengthen relationships across all communities in Nova Scotia. This is particularly true when it comes to Department relationships with racialized and marginalized communities across the province, which ought to include efforts to recognize and address historic harms caused to these communities. Further work is necessary, and the Review Committee has emphasized the importance of both repairing and building these relationships, not only for the successful execution of the recommendations outlined in the report, but for the long-term efficacy of the department and its efforts to support all families and children in Nova Scotia.

The Review Committee would like to thank all others who contributed to this review through in-person or virtual engagements or written submissions. The Review Committee would also like to take the opportunity to thank the thousands of Nova Scotians who work tirelessly, often unseen and not always appreciated, to improve the lives of children and youth in this province. The Review Committee hopes that their efforts here make their efforts a little easier.

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