

Protection Services for 16- and 17- Year-Olds

Information for Youth-Serving Agencies

April 2018

On January 1st, 2018 Ontario increased the age of protection to include all children under the age of 18 years. By increasing the age of protection, 16- and 17-year-olds who are in need of protection are eligible for the full range of child protection services, which gives them a better opportunity to get the support they need, and have better outcomes as they transition to adulthood.

A youth may be eligible for protection services if they are experiencing physical abuse, sexual abuse, emotional abuse, neglect and/or abandonment, or if they are at risk of any of these things. Youth who have left home because of concerns about safety or risk of harm at home, and youth who are homeless, may be eligible for services from a children's aid society (society)¹. If you are concerned that a youth may be in need of protection, you can contact the society in your area. You can find your local society in your local telephone listings or, where available, by dialing 411. In some communities, societies are known as "family and children's services", "child and family services", or a "child and family services agency".

You can also find information about all of Ontario's societies at:

<http://www.children.gov.on.ca/htdocs/English/childrensaid/index.aspx>.

A new Voluntary Youth Services Agreement (VYSA) will be available for youth who:

- are aged 16 or 17;
- cannot be adequately protected at home or in their current living situation;
- have no other safe options with family or friends; and
- need an out-of-home placement.

Societies and youth-serving community agencies are encouraged to work collaboratively to develop protocols and processes to support better services for 16- and 17-year old youth in need of protection.

¹ Children's Aid Societies (societies) are independent legal entities (non-profit corporations run by volunteer boards of directors or, a First Nation operating under the *Indian Act*), accountable to the communities they serve. Societies are designated under Section 34 of the *Child, Youth and Family Services Act* (CYFSA).

Reporting Suspicions that a Youth may be in Need of Protection

A person may make a report where they have a reasonable suspicion that a youth age 16 or 17 is or may be in need of protection. The legislated duty to report will continue to apply in respect of children under 16. A professional or member of the public who is concerned that a 16-or 17-year old is or may be in need of protection may make a report to a society and the society is required to assess the reported information in accordance with the *Ontario Child Welfare Eligibility Spectrum* (2016).²

Service Delivery to Youth who are 16-17

Societies provide protection services to youth to help keep them safe and provide support to their families. Societies begin their work after receiving a request or referral for service; this can come from the youth or from a concerned member of the community.

When a society receives a report, the *Ontario Child Protection Standards* (2016)³ will guide child protection workers at each phase of service delivery and is the mandatory framework for service to youth and families. The *Ontario Child Welfare Eligibility Spectrum* (2016) will be applied to determine the appropriate response and make decisions on the referral disposition and response time (in the case of an investigation).

If the information warrants an investigation, the society will want to hear from youth about their experiences and concerns to help them assess whether they are in need of protection and, if so, what services are appropriate for them. At the end of the investigation, the society will determine whether the youth is **in need of protection**, and determine what, if any, further intervention is required.

Where appropriate, societies will work with youth and their families (or if the youth isn't living with their family, in their current living situation) to improve things at home. This may include referrals to community services and programs that can help.

At any point of service, it may be determined that the youth is in need of protection and an **out-of-home placement** is required to secure the youth's safety. If an out-of-home placement is required to secure the youth's safety, the following options may be considered by the society in consultation with the youth:

- **Kinship Service** – if a member of the youth's family or community can care for the youth.
- **Customary Care** – for a First Nation, Inuk or Métis youth, a placement can be arranged according to the custom of the youth's band or First Nation, Inuit or Métis community.
- **Voluntary Youth Services Agreement (VYSA)** – youth may enter an agreement with a society for services and supports, including developing a plan and securing an appropriate living arrangement.
- **Temporary Care Agreement (TCA)** – a TCA is an option if the parent is temporarily unable to care adequately for the youth, and the parent and the society make a written agreement for the society's care and custody of the youth. Before entering a TCA with a youth, the society will consider whether a VYSA is appropriate.

² For more information about the *Ontario Child Welfare Eligibility Spectrum* (2016), see: <http://www.oacas.org/publications-and-newsroom/professional-resources/eligibility-spectrum/>.

³ For more information about the *Ontario Child Protection Standards* (2016), see: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/protection-standards/index.aspx>.

- **Admission by Court Order** – this is an option to be used where less disruptive options are not available. In such situations, societies are required to offer the VYSA, and that VYSA must be refused by the youth prior to proceeding to court.

When a society determines that a youth is in need of protection and is considering a VYSA, a kinship service placement, a TCA, or seeking a court order to bring the youth into the society's care, a referral will be made to the **Office of the Children's Lawyer (OCL)**, who may provide legal representation to the youth.

If a youth enters a VYSA, or is admitted to society care, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs, is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

What is a Voluntary Youth Services Agreement (VYSA)

A youth can enter an agreement with a society in the jurisdiction where the youth resides to receive services and supports, subject to the following eligibility criteria:

- the society has determined that the youth is or may be in need of protection;
- the society has determined that the youth cannot be adequately protected through any other means such as being cared for by a family member or someone in the youth's community; and
- the youth wants to enter into the agreement.

When a youth enters a VYSA, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs and is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

A VYSA is a voluntary agreement and a youth can leave the agreement at any time. Where a VYSA has been terminated, the youth and the society may enter into a new VYSA at any time in the future as long as the youth meets the eligibility requirements, including a determination that the youth is or may be in need of protection.

What happens when a youth turns 18?

If a youth has a VYSA in place with a society on their 18th birthday they are eligible for the Continued Care and Support for Youth (CCSY) program. CCSY provides eligible youth with financial and non-financial supports (e.g. service from a society worker) from age 18 until their 21st birthday.

More information on services and supports available to youth leaving care can be found on the Ministry's website: <http://www.children.gov.on.ca/htdocs/English/childrensaid/leavingcare.aspx>

Supporting a Youth through Decision-making

In your role, you may be providing support to a youth who is making a significant decision about their care, or who is involved in a dispute with a society. Several supports are available to youth, including the OCL

and the **Ontario Child Advocate (OCA)**⁴. There are also Alternative Dispute Resolution and complaints processes available to assist in resolving disagreements between a youth and the society.

The Office of the Children’s Lawyer (OCL)

If a society determines that a youth is in need of protection and an out-of-home placement is being considered, the society is required to make a referral on behalf of the youth to the OCL. The youth will have the opportunity to consult with an OCL lawyer, who may provide advice to the youth about the options that are available, as well as legal representation if the youth is entering a VYSA.

If a youth is in a VYSA and a termination notice is received or issued by a society, the society is also required to notify the OCL of the plan to terminate the agreement, and the youth will have the option to access the OCL respecting the termination.

Youth can contact the OCL by calling (416) 314-8000 or at: <http://www.ontario.ca/ccnw>.

The Ontario Child Advocate (OCA)

The OCA provides an independent voice for children and youth across the province receiving services in Ontario’s child welfare system. OCA has the authority to receive and respond to complaints, conduct reviews, represent the views and preferences of children and youth, make reports and provide recommendations.

Prior to entering or terminating a VYSA, or at any time you request, youth will be given an opportunity to consult with an advocate and/or another trusted adult and/or to have a support person attend a meeting with the youth.

Youth can contact OCA by calling 1-800-263-2841 or at: <http://provincialadvocate.on.ca>.

Alternative Dispute Resolution (ADR)

If a youth is working with a society, the society is required to inform the youth about options to resolve any issue related to the plan for the youth, including access to Alternative Dispute Resolution (ADR).

ADR is an approach to resolving disagreements between a youth and a society. This approach encourages the involvement and support of the family and extended family, where appropriate, and community, in planning and decision-making for the youth. ADR focuses on bringing the right people together to work out the best plan for the youth.

If you are working with a youth, and you think ADR will help or the youth is interested in obtaining information about ADR, the youth can discuss ADR with their society or the OCL. Indigenous Approaches to ADR, which have been established by First Nations communities or Indigenous organizations, are also available.

⁴ Formally the Provincial Advocate for Children and Youth (PACY) under the *Provincial Advocate for Children and Youth Act*, 2007.

Complaints Processes

Societies are required to inform youth about options to resolve any issue related to the plan for their care, in a manner that the youth can understand. This includes information about the complaints procedure and providing the youth with written information about the complaints process. Complaints procedures include:

- Contacting the society directly. All societies must have a complaint review process. You can learn more about this process at:
<http://www.children.gov.on.ca/htdocs/English/childrensaidsocieties/ocascomplaint.aspx#CAS>.
- Contacting the Ontario Child Advocate at 1-800-263-2841 or (416) 325-5669 or visit:
<http://provincialadvocate.on.ca>.
- Contacting the Child and Family Services Review Board. This independent body can review some complaints or society decisions. The board can be reached at 1-888-728-8823 or (416) 327-4673 or through its website: <http://www.cfsrb.ca/>.

How can you get more information?

For more information on any of the items noted above, please contact Lori Bennett, Manager (A), Child Welfare Secretariat at Lori.Bennett@ontario.ca or refer to the Ministry of Children and Youth's website: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/societies/index.aspx>.