

The System Needs Fixing: Children's Rights and Provincial Child Welfare Systems

Introduction

Questions about child welfare in Canada have expanded since the last review of Canada by the United Nations Committee on the Rights of the Child ("UN Committee") in 2012. The Canadian Coalition for the Rights of Children ("CCRC") prepared this paper to foster discussion of children's rights and the child welfare system, as part of the 5th/6th official review of how all levels of government in Canada implement the *Convention on the Rights of the Child*.

Recent rulings by the Canadian Human Rights Tribunal and provincial courts in the Sixties Scoops cases have found that both federal and provincial child welfare systems in Canada violate the rights of Indigenous children, with particular focus on First Nations children. Remedial actions and compensation, as ordered by court rulings, are now underway. This is a step in the right direction, but it cannot undo the harm done to children and communities. First Nations, Métis, and Inuit children are still over-represented in the child welfare systems.

Research also shows that provincial child welfare systems do not adequately prepare both Indigenous and non-Indigenous youth for life after care. Children in care are less likely to graduate from high school,¹ less likely to receive treatment for mental health issues,² and more likely to become involved in the youth criminal justice system. These pervasive and structural problems in the child welfare system need to be addressed for all children who come into care.

Governments are aware of these systemic problems. Investigations into the deaths of children in care have repeatedly pointed to the need for systemic reform. In each of the previous reviews of children's rights in Canada, the UN Committee on the Rights of the Child has also made recommendations to address the failures to respect the rights of children in child welfare systems. Implementation of these

If there are omissions in this analysis, the CCRC welcomes additions and feedback. The purpose of this paper is to instigate discussion. We will continue to update and revise our analysis and recommendations as part of the review process.

For further information or discussion, please contact Kathy Vandergrift (Chair of the Coalition) and Tate Chong at info@rightsofthechild.ca.

recommendations for systemic change has been weak, and similar recommendations are repeated in subsequent investigations.ⁱ

The CCRC is calling for the systemic review and reform of all child welfare systems, as part of the current review of how children's rights are implemented in Canada. After years of advocacy by Indigenous leaders and organizations, federal child welfare programs for Indigenous children are finally being reformed, with a Ministerial-level commitment that new legislation will comply with both the *Convention on the Rights of the Child* and the *Declaration on the Rights of Indigenous Peoples*. Reform at the provincial and territorial levels of governance needs to parallel reform at the federal level in order to be effective and protect the rights of all children in Canada. Doing so is essential to fulfill every child's right to live and develop their full potential and to ensure good value for public dollars spent.

This paper focuses on provincial child welfare systems to foster discussion. The CCRC recognizes that the number and treatment of First Nations, Métis, and Inuit children, and also children from other minority groups is a major and multi-faceted problem. The disproportionate harm done to certain groups and their distinct situations and needs will be discussed in other civil society reports for the review process, with respect for the voices of children in these groups and the agencies who work with them. We acknowledge that these issues need to be part of all discussions about child welfare, but this paper focuses on reform of the system as a whole because that seems to be a missing piece in the current public discourse.

This paper also does not discuss territorial child welfare systems. We recognize their importance and equal need to reflect Canada's obligations under the Convention. Given the strong connection with reform of the federal indigenous child welfare services, it seemed wise to address them separately and focus on provincial systems in this paper.

To foster discussion, we have identified a few essential areas for examination and reform, along with potential ways to address them by implementing the *Convention*. Though this is not an exhaustive list, these areas must be considered in any reform:

1. Data and accountability: Greater transparency and accountability have been recommended by civil society and international organizations, including the Truth and Reconciliation Commission in Calls to Action #2 and #55. We call for the publication of thorough annual reports with accurate data.

2. Legislative reform: We need legislation that requires all actors to make the best interests of the child a top priority. In decisions relating to children, the views of children must be elicited and considered, and they must have a mechanism to challenge decisions that do not consider their views. Explicit reference to the rights of children, as set out in the *Convention on the Rights of the Child*, would help agencies implement these principles in rights-respecting ways that conform to international best practices.

3. Prevention: Too many children are being removed from their homes, in spite of the obligation to use removal as the last resort under the Convention. We need to explore the state's duty to provide support for parents of vulnerable children, address public service discrimination, and ensure equitable access to services for all families.

ⁱ **Table A: Recommendations for systemic reform**

1. Data and accountability

The lack of data monitoring and accountability has been a longstanding and recurring theme in child welfare. Without thorough and disaggregated data on children in care, it is impossible to understand the system enough to change it.

In 2012, Canada could not provide the UN Committee with an accurate number of children in care, and they agreed that there was a need for improvement. The UN Committee reported that:

In particular, the State party report lacked data on the number of children aged 14 to 18 years old placed in alternative care facilities.³

It recommended that:

... appropriate data on children in special situations of vulnerability be collected and analyzed to inform policy decisions and programs at different levels.⁴

The lack of fundamental accountability towards children in care was also highlighted in 2015 by the Truth and Reconciliation Commission (TRC), whose Calls to Action included:

2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

- i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.

Three years have passed since governments made strong commitments to act on the TRC Calls to Action, and six years have passed since the last review by the UN Committee. The Minister of Indigenous Services called an emergency meeting in January 2018, but neither the preparations for that meeting, nor follow-up actions, have included anything close to an appropriate response to Call to Action #2.

There are still no annual reports on child welfare or any public accountability by these systems. We do not have any information on critical aspects such as the number of children in residential care and the average time spent in care – something that has already been noted by various bodies.ⁱⁱ Furthermore, there is no regular analysis of the data to identify problems and measure whether children are being treated fairly.

ⁱⁱ **Table B: Recommendations regarding the lack of data collection and accountability**

In collaboration with civil society and First Nations, Métis, and Inuit leaders and organizations, provinces need to determine what and how information should be collected and reported. Consistent terminology and definitions are needed to measure outcomes and progress from the perspective of children as citizens and rights-holders. To promote transparency and monitor progress for children, annual reports should include information on the policies and processes in place to demonstrate that each province is fulfilling its duties under the *Convention on the Rights of the Child*.

This would support the government’s emphasis on evidence-based policy and decision-making, as well as meeting Canada’s obligations under the *Convention on the Rights of the Child*.

2. Legislative reform

Along with the lack of data, a summary review of provincial legislation indicates that current laws are not consistent with the rights of children, as articulated in the Convention.

This section and its associated tables are preliminary in nature. They point to the need for a comprehensive evaluation of the actual state of child welfare. Areas not analyzed in this paper include: principles that may be articulated in related regulations and policies; inequalities in funding; quality of implementation of the legal provisions; and subsequent interpretations made by the judicial system and by actors. Since it focuses on the specific provisions in child welfare legislation, it is also unable to explore any overarching structural and discriminatory biases that may have been interwoven into the law. We share them to begin examining similarities and differences in provincial approaches to child welfare and to identify rights-respecting policies and areas for improvement.

Each section includes key questions to be answered by each province to fulfill its duties under the *Convention*.

Convention on the Rights of the Child

Article 9 (1): States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

2.1. Best interests of the child

“Best interests of the child” (“BIC”) is one of the most well-known principles in children’s rights. The child’s best interests must be “a primary consideration” in all matters where children are affected.⁵ General Comment 14⁶ outlines the factors that should be considered in determining BIC, including the child’s views and right to education and health. The government must ensure that these standards are properly and uniformly enforced.

Decisions affecting children must be made in consideration of BIC. The most poignant example of this is that children should not be separated from their family unless it is necessary for their best interests. The

UN Committee previously recommended that removal decisions must always be assessed by “competent, multidisciplinary teams of professionals” and that the government should “develop criteria for the selection, training and support of childcare workers ... and ensure their regular evaluation.”⁷

Key questions that should be considered include:

- *Is BIC always considered in child welfare decisions? What is the importance and weight accorded to BIC?*
- *Does the legislation provide guidance for determining the BIC in each case, and does the process include consideration of all the rights of the child?*
- *Who determines and interprets BIC, and is that person “competent”? What are the safeguards to ensure that BIC was indeed considered?*
- *Is consideration given to the province’s duties under the Convention and the guidance provided in General Comment 14?*

A preliminary survey of the guiding purposes and principles in provincial legislation suggests that BIC varies from being a “paramount consideration” to not being mentioned at all. Only Ontario’s *Child, Youth and Family Services Act* explicitly mentions the Convention. In some cases, the child’s protection, safety, and well-being are seen as the most important considerations.ⁱⁱⁱ The provinces are largely similar with respect to the factors considered in determining BIC^{iv}, though some provide more guidance to the decision-maker than others. Consequently, some provinces may be more consistent in undertaking thorough and holistic evaluations of BIC.

2.2. Views of the child

The right to be heard is one of the four main principles of the *Convention*.⁸

Before children can exercise their rights, they must first understand them. The government has the obligation to inform both adults and children about children’s rights.⁹ The government also has an obligation to support the family to guide the child in the exercise of their rights.¹⁰

Key questions that should be considered in a reform include:

- *Does the legislation require that government agencies and service-providers inform children about their rights? Are children and their parents supported to exercise their rights in dealings with the child welfare system?*
- *Are there child-friendly avenues to learn about the child welfare process?*
- *Are children informed about the decisions that have been made about them?*
- *Are children informed about review or appeal mechanisms?*
- *Can children easily access legal assistance?*
- *Are there child-friendly avenues for children to be involved in systemic legal cases?*

ⁱⁱⁱ **Table C: Orientation towards children’s rights - Incorporation of the UN Convention on the Rights of the Child and the purpose of the legislation**

^{iv} **Table D: Factors considered in the determination of BIC in child welfare and protection decisions**

Once a child can express their viewpoint, the government has an obligation to listen and seriously consider it.¹¹ The weight given to a child's viewpoint depends on the child's age and maturity. The Committee encourages the creation of a legislative framework to evaluate the child's age and maturity on a case-by-case basis.¹² They discourage the use of age limits¹³ because it does not consider the evolving capacities of each child. In proceedings that separate a child from their family, the child should be given the opportunity to participate and make their views known.¹⁴

In its review of Canada, the UN Committee previously recommended that the child's view "be a requirement for all official decision-making processes that relate to children," including child welfare decisions.¹⁵ This is especially true for young people who are leaving care, and the Committee recommends that they be supported and involved in planning their transition.¹⁶

- *When are the views of a child canvassed and considered, and does the process include consideration of the evolving capacity of the child?*
- *Are the child's views canvassed in a holistic manner and in a safe space?*
- *Do decisions provide reasons on whether a child's viewpoint was considered and how it affected the final decision?*
- *Are there special evidentiary rules regarding the admittance of a child's evidence, taking into account their unique vulnerability?*

Based on our preliminary survey of provincial child welfare legislation, provinces generally will consult the child in placement decisions made after their apprehension. Some provinces explicitly require consideration of their views, independent of all other provisions. Others do not require it, but the views of the child may be included in determining BIC, which is required to meet the overarching purpose of the legislation.^v How provincial legislation treats the views of the child reflects the importance given to it and may determine how often and thoroughly children are consulted in decisions affecting them.

The principle of the child's right to be heard also relates to the child's ability to access review and appeal mechanisms. The Committee encourages the use of legislation to make review and appeal processes accessible for children.¹⁷ This was repeated in their last recommendation to Canada:

The Committee also urges the State party to ensure that children have the possibility to voice their complaints if their right to be heard is violated with regard to judicial and administrative proceedings, and that children have access to an appeals procedure.¹⁸

Key questions that should be considered in a reform include:

- *When does a child have the right to review and appeal?*
- *Are children informed of their right to review and appeal?*
- *How accessible are review and appeal mechanisms to the child?*

Based on our preliminary survey of provincial legislation, the ability of children to access appeal mechanisms varies widely. In some provinces, the child automatically has a right of appeal in decisions concerning them. In other provinces, only parties to the proceeding can ask for an appeal, and whether the

^v **Table E: Views of the child in placement decisions after apprehension**

child is a party depends on factors such as their age and the court's discretion. Others do not specify whether a child can appeal.^{vi}

2.3 Service provision

The Convention recognizes the importance of supporting parents in their responsibilities and providing the protection and assistance necessary for the child to grow up in a family environment. This includes providing social assistance,¹⁹ material support programs,²⁰ and preventative health care programs.²¹ Governments have a duty to support parents and legal guardians in their child-rearing responsibilities.²² These services are especially important to prevent the removal of children from their family and to ensure a safe and supportive environment.

Key questions that should be considered in a reform include:

- *Is there a legislative obligation to offer family services to keep families together? Does this obligation stand both before and after a child is determined to be in need of protection?*
- *What is the standard for the services offered? How are these standards enforced?*
- *How does the province determine when service provision is inadequate to protect the child, and there is no other recourse but to remove the child from the family environment?*

In some provinces, families are “entitled” to receive services. Generally speaking, actors who work with families have an obligation to offer services to the family to prevent the removal of a child, but in other provinces it is discretionary. There is great variation in whether binding language is used with respect to the provision of services to the family and/or the child after removal of the child. One notable practice in Newfoundland and Labrador provides that a “child or youth who is removed from a residential placement or from the care of a person with whom a manager or social worker has placed the child or youth shall be entitled to counselling.” To maintain service standards, some provisions outline principles of service delivery.^{vii}

2.4 Other Principles

2.4.1 Continuing contact with cultural and community connections

The Preamble of the Convention recognizes the “importance of the traditions and cultural values of each people for the protection and harmonious development of the child.” Notably, children who are deprived of their family environment are entitled to special protection, and decisions regarding the child's placement must consider their ethnic, religious, cultural and linguistic background.²³ States must ensure that the child's economic, social and cultural rights are implemented to the maximum extent of available resources.²⁴ Moreover, the State must take steps to ensure that the child has access to socially and culturally beneficial information;²⁵ that the child's education develops respect for their cultural identity, language, and values;²⁶ and that the child has the right to participate fully in cultural and artistic life.²⁷ Special attention is accorded to the cultural, religious and linguistic rights of ethnic, religious, and linguistic minorities and persons of Indigenous origin.²⁸

^{vi} **Table F: Child's access to appeal mechanisms following a judicial decision removing them from their family**

^{vii} **Table G: Duty to provide services before and after removal, and the standards of these services.**

Key questions that should be considered include:

- *Are rights of continuing contact with culture and heritage recognized and implemented?*

In our preliminary review, all provinces recognize the importance of maintaining a child's connection to their culture. Variations include the importance accorded to this principle, such as whether it is a guiding principle of the legislation, and the detail and scope of what is considered in implementation. Some provinces further require that service providers provide culturally-relevant and informed services; courts consider how the child's connection to culture can be maintained in the interim before disposition orders are rendered; and that governing bodies ensure that the child's cultural needs continue to be met after removal.^{viii}

2.4.2 Consideration for the child's need to permanency, continuity, and stability

According to the Convention, children who are deprived of their family environment are entitled to special protection, and decisions regarding the child's placement must consider the desirability of continuity to a child's upbringing.²⁹ This aspect ties into the child's right to maintain regular contact with both parents.³⁰

Key questions that should be considered in a reform include:

- *Are rights of continuing contact with family recognized and implemented?*
- *Do plans for children in care give priority to permanency planning?*

In almost all provinces, the child's need for permanency, continuity, and stability are incorporated in the evaluation of the best interests of the child, though the specific considerations vary. Some provinces require the development of a plan of care that endeavours to fulfill the need for permanency and the plan is regularly reviewed and updated.

^{viii} **Table H: Importance accorded to continuing contact with culture**

Appendix

The following tables are a sampling of child welfare legislation and systemic elements across provinces:

Table A: Recommendations for systemic reform	10
Table B: Recommendations regarding the lack of data collection and accountability	12
Table C: Orientation towards children's rights - Incorporation of the <i>UN Convention on the Rights of the Child</i> and the purpose of the legislation.....	15
Table D: Best Interests of the Child: Factors considered in the determination of BIC in child welfare and protection decisions.....	17
Table E: Views of the child in placement decisions after apprehension	21
Table F: Child's access to appeal mechanisms following a judicial decision removing them from their family	23
Table G: Duty to provide services before and after removal, and the standards of these services.....	25
Table H: Importance accorded to continuing contact with culture.....	29
Table I: Consideration for the child's need to permanency, continuity, and stability	34

Table A: Recommendations for systemic reform

Multiple reports and investigations identify the need for systemic reform

Any work that is ongoing or planned for the near future was mapped against the Panel’s recommendations and areas of concern. The Panel felt that the ongoing and planned work failed to adequately reflect a plan to address the major systemic issues identified during the course of their review and the recommendations being proposed.

Service provision was driven by the structures and systems in place, rather than the needs of the young people, their families and communities.

- Ontario, Ontario Coroner, “Safe with Intervention: The Report of the Expert Panel on the deaths of Children and Youth in Residential Placements” (2018)

Presenters and survey respondents generally agreed that the existing CFS legislation, standards and regulations need to be fundamentally reformed, to develop a system that better supports and provides greater control and influence to families and communities.

- Manitoba, Legislative Review Committee, “Transforming Child Welfare Legislation in Manitoba, Opportunities to improve outcomes for child and youth” (2018)

The gaps, limitations and failings identified throughout the consultation phase of the review represent systemic issues. The Advisory Committee notes that the gaps, limitations and failings identified are not with respect to individual child protection social workers or child protection social workers as a group. [...] The current gaps in the child protection system were identified predominantly because of the way the system is currently configured and mandated to deliver services.

- Prince Edward Island, Family and Human Services, “*Child Protection Act Review*, Advisory Committee Report” (2016)

We share deep concerns about the persistent over-representation of Indigenous children in the child welfare system and take every opportunity to call for systemic transformation and reconciliation to address these past harms.

- Saskatchewan, Saskatchewan Advocate for Children and Youth, “Duty to Protect, Special Investigation Report” (2016)

To stand still, or implement these recommendations in a piece meal fashion, when doing the right thing is possible – would be failure for all of us – but especially for the First Nations children.

Although each suggested change element is presented as a separate item, it is important to understand that these elements are interdependent and adoption in a piece meal fashion would undermine the overall efficacy of the proposed changes.

- First Nations Child & Family Caring Society of Canada, “Wen:de, The Journey Continues, The National Policy Review on First Nations Child and family Services Research Project: Phase 3”, 1st edition (2005)

A number of studies have also found that focusing on recommendations that are relatively easy to implement can mean that the underlying systemic issues that are important to more fundamental change can get sidelined. The Representative has found that government is more likely to act on recommendations regarding policy, procedure and standards than on those that require collaborative change across government.

- British Columbia, Representative for Children and Youth, “Not Fully Invested: A follow-up report on the representative’s past recommendations to help vulnerable children in BC” (2014)

Table B: Recommendations regarding the lack of data collection and accountability

Many bodies throughout the years have commented on the need for better data collection and accountability mechanisms.

There is currently no way to monitor and track the length of young people's placements or the number of placement transfers they have at the systemic level.

The Panel found no evidence in the material reviewed that service availability, provision or performance are well understood from a systemic perspective. Consequently, the panel is recommending that data be collected, linked and integrated across all services to facilitate accountability and enable evidence-informed treatment models to be put in place.

- Ontario Coroner, "Safe with Intervention: The Report of the Expert Panel on the deaths of Children and Youth in Residential Placements" (2018)

Child welfare does not have the information to know what services and programs are effective and for whom those programs are most effective or what conditions are optimal to achieve effectiveness.

Interview participants pointed out that the current lack of data handicaps child welfare's ability to make decisions, allocate resources where most needed and effectively implement strategies that will promote client outcomes.

- Canadian Association of Social Workers, "Understanding Social Work and Child Welfare: Canadian Survey and Interviews with Child Welfare Experts" (2018)

Themes and Recommendations from Consultations and Submissions

Establish Mechanisms for Effective Data Collection and Measurement of Outcomes

10. The Advisory Committee recommends that government develop an electronic data collection system capturing information from each report made to Child Protection (3,443 in 2015-16), such that easily retrievable and analysable data are available regarding, minimally the:

- a. Number of different families about which reports are made*
- b. Number of different children about which reports are made [...]*

12. The Advisory Committee recommends that government develop an electronic data collection system capturing information regarding outcomes for children receiving child protection services and children in the care of the Director of Child Protection minimally including data for each of the indicators identified in the National Child Welfare Outcomes Indicator Matrix, namely: [...]

- Prince Edward Island, Family and Human Services, “*Child Protection Act Review, Advisory Committee Report*” (2016)

More than one-third of recommendations called for actions to better collect and report data on services or to improve quality assurance activities.

In 2006, the Hughes Review recommended that MCFD establish a strong quality assurance function, track and report on a comprehensive list of outcomes for children, youth and their families and develop shared data sets with other ministries. Pockets of progress have been made in this regard, such as reporting of education outcomes of children in care. But on the whole, MCFD and other ministries have fallen far short of the mark set by Hughes. Large gaps exist in understanding who is receiving what types of services and what service experiences and outcomes are for clients. On the surface, it seems simple – in order to improve, you have to know what kind of a job you are doing now.

British Columbia, Representative for Children and Youth, “*Not Fully Invested: A follow-up report on the representative’s past recommendations to help vulnerable children in BC*” (2014)

21. The Committee reiterates its recommendation that the State party set up a national and comprehensive data collection system and to analyse the data collected as a basis for consistently assessing progress achieved in the realization of child rights and to help design policies and programmes to strengthen the implementation of the Convention. Data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis on the situation of all children. More specifically, the Committee recommends that appropriate data on children in special situations of vulnerability be collected and analysed to inform policy decisions and programmes at different levels.

- United Nations, Committee on the Rights of the Child (2012)

4. The Committee, while noting the implementation of some of the recommendations (CRC/C/15/Add.37 of 20 June 1995) it made upon consideration of the State party's initial report (CRC/C/11/Add.3), regrets that the rest have not been, or have been insufficiently, addressed, particularly those contained in: [...] paragraph 20, with respect to data collection;

20. The Committee recommends that the State party strengthen and centralize its mechanism to compile and analyse systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. Aboriginal children, children with disabilities, abused and neglected children [...]) The Committee urges the State party to use the indicators developed and the data collected effectively for the formulation and evaluation of legislation, policies and programmes for resource allocation and for the implementation and monitoring of the Convention.

- United Nations, Committee on the Rights of the Child (2003)

Table C: Orientation towards children’s rights - Incorporation of the *UN Convention on the Rights of the Child* and the purpose of the legislation

The UN Convention on the Rights of the Child (“CRC”) benchmarks the rights of children under 18 years old. Taking into consideration their unique situation and vulnerabilities, it outlines civil, political, social, economic and cultural rights, under the four guiding principles of non-discrimination, best interests of the child, survival and development, and respect for views of the child. Though simply naming the CRC in the legislation does not ensure that its specific provisions are being incorporated, it is a helpful indicator of whether the CRC and rights-based approaches will be taken seriously in implementation. At present, only Ontario explicitly mentions the CRC; this is highlighted in green.

Under the CRC, in all actions concerning children, the best interests of the child must be a primary consideration:

3(1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Examining the guiding purpose and principles of the child welfare legislation is an indicator of whether this has been implemented.

	Mention of CRC	Guiding purpose/principle of the legislation
British Columbia	No; however, the legislation has a provision listing out the rights of children in care ³¹	The paramount considerations are the safety and well-being of children. ³²
Alberta	No	Decisions must be made in the best interests of the child. ³³
Saskatchewan	No	The purpose is to promote the well-being of children in need of protection. ³⁴
Manitoba	No; however, families and children are entitled to be informed of their rights and participate in decisions that affect these rights. ³⁵	The paramount consideration in all proceedings, other than the determination of whether a child is need of protection, is the best interests of the child. The primary considerations in the determination of the best interests of the child are the child’s safety and security. ³⁶
Ontario	Yes, in the Preamble. ³⁷ The legislation also has sections on the “Rights of Children and Young Persons Receiving Services”, “Rights of Children in Care”, and “Service Providers’ Duties in respect of Children’s and Young Persons’ Rights” ³⁸	The paramount purpose is to promote the best interests, protection and well-being of children. ³⁹

Quebec	No; however, decisions must under the Act must respect the child's rights ⁴⁰	The purpose of the legislation is to protect children whose security or development is or may be considered to be in danger.⁴¹ Decisions made under the Act must: • Be in the interest of the child and respect his rights⁴² • Aim at keeping the child in the family environment⁴³
New Brunswick	No; however, the Preamble recognizes that children have basic rights and fundamental freedoms no less than adults. ⁴⁴ Moreover, the rights of the child are enjoyed "either of himself or of family". ⁴⁵	The purpose of the legislation is not specified. However, according to the Preamble, the best interests of the child prevails in conflicts between the risk to the child and the preservation of the family unit. Similarly, in judicial applications made under the "Children in Care" part, the best interests of the child is placed above all other considerations.⁴⁶
Nova Scotia	No; however, the Preamble recognizes that children have basic rights and fundamental freedoms no less than adults. ⁴⁷	The purpose is to protect children from harm, promote the integrity of the family and assure the best interests of children. The paramount consideration in all proceedings and matters under the Act is the best interests of the child.⁴⁸
PEI	No; however, the Preamble recognizes that children have basic rights and fundamental freedoms no less than adults, and have a right to special safeguards and assistance to preserve these rights and freedoms. ⁴⁹	The primary purpose is to protect children from harm due to abuse and neglect, within the context of child protection and the best interests of the child. ⁵⁰
Newfoundland and Labrador	No	The purpose is to promote the safety and well-being of children and youth who are in need of protective intervention. The overriding and paramount consideration in decisions made under the Act is the best interests of the child or youth⁵¹

Table D: Best Interests of the Child: Factors considered in the determination of BIC in child welfare and protection decisions

This chart compares what factors are considered in the determination of the best interests of the child (BIC) in child welfare legislation. It does not look at the determination of BIC in adoption decisions.

Green boxes indicate that the factor is mentioned in the legislation. Additional information is provided in certain instances to illustrate the specific wording and approach that the province has adopted.

	BC ⁵²	AB ⁵³	SK ⁵⁴	MA ⁵⁵	ON ⁵⁶	QC ⁵⁷	NB ⁵⁸	NS ⁵⁹	PEI ⁶⁰	NL ⁶¹
Consideration of child's views		When capable of forming an opinion	If practical, having regard to the age and level of the child's development	Where they can reasonably be ascertained	Where they can be ascertained and giving due weight to the child's age and maturity		Where they can be reasonably ascertained	If they can be reasonably ascertained	Where appropriate	Opinion regarding his or her care and custody or the provision of services
Child's identity	- Cultural, racial, linguistic and religious heritage - Special consideration for aboriginal children	- Familial, cultural, social and religious heritage - A person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage - Special consideration for Aboriginal children	Cultural and spiritual heritage and upbringing	Cultural, linguistic, racial and religious heritage	- Sexual orientation, gender identity, and gender expression - Cultural and linguistic heritage - Special consideration for First Nations, Inuit, and Métis children		Cultural and religions heritage	- Cultural, racial and linguistic heritage - Child's sexual orientation, gender identity and gender expression - Religious faith, if any	- Cultural, racial, linguistic and religious heritage - Special consideration for Aboriginal children	Identity and cultural and community connections

	BC ⁵²	AB ⁵³	SK ⁵⁴	MA ⁵⁵	ON ⁵⁶	QC ⁵⁷	NB ⁵⁸	NS ⁵⁹	PEI ⁶⁰	NL ⁶¹
Preservation of the family environment and maintaining relationships	Maintaining relationships	- Support and preservation for the family environment - Maintaining relationships		Opportunity to have a parent-child relationship as a wanted and needed member within a family structure	Importance of positive relationship with a parent and a secure place as a member of family				Security and development of positive relationships as a family member	
Weighing the merits of having a child remain with or returned to their parent/guardian, against removing or keeping the child in care		Suitability of placement	- The home environment proposed to be provided for the child - The plans, with respect to the care of the child, of the person to whom it is proposed that the custody of the child be entrusted		Balancing of risks			Balancing of risks	- Capacity of parent to properly discharge parental obligations - Capacity of persons other than a parent to exercise custody rights and duties	
Care, protection, and safety of the child	Safety			Safety and security are primary considerations	“Risk of harm” is considered			“Risk of harm” is considered	Safety	Safety, health, and well-being
Situation of vulnerability	Continuity in care	Stability, permanence and continuity of care and relationships	Continuity in care	- Sense of continuity - Need for permanency	Continuity	Continuity of care, stable relationships and stable living conditions	Sense of continuity	Continuity in the child’s care	Continuity of care	Stability and permanency in care

	BC ⁵²	AB ⁵³	SK ⁵⁴	MA ⁵⁵	ON ⁵⁶	QC ⁵⁷	NB ⁵⁸	NS ⁵⁹	PEI ⁶⁰	NL ⁶¹
Consideration of the child’s needs and level of development	Physical and emotional needs and level of development		Mental, emotional, physical and educational needs	- Mental, emotional, physical and educational needs - Mental, emotional and physical stage of development	- Physical, mental and emotional needs - Physical, mental and emotional level of development	- Moral, intellectual, emotional and material needs - Consideration of child’s age, health, personality and family environment	Mental, emotional and physical health of the child and need for care or treatment	- Physical, mental and emotional needs - Physical, mental and emotional level of development	- Physical, mental and emotional needs - Physical, mental and emotional level of development	- Safety, health, and well-being - Physical, emotional and developmental needs
Consideration that delays in processes and decisions have a disproportionate effect on children									Difference in concept of time, and the developmental capacity of a child	
Discretion to consider other relevant factors?			No suggestion that the list is exhaustive, but no explicit requirement to consider other relevant factors				No suggestion that the list is exhaustive, but no explicit requirement to consider other relevant factors			

	BC ⁵²	AB ⁵³	SK ⁵⁴	MA ⁵⁵	ON ⁵⁶	QC ⁵⁷	NB ⁵⁸	NS ⁵⁹	PEI ⁶⁰	NL ⁶¹
Other factors that are considered		• Preservation of the family unit • Provision of services and interventions that will cause the least disruption • Addresses the youth's need for preparation for the transition to independence and adulthood					• The need to provide a secure environment that would permit the child to become a useful and productive member of society through the achievement of his full potential according to his individual capacity			

Table E: Views of the child in placement decisions after apprehension

This chart compares whether the child's views are considered in placement decisions that occur after apprehension.

British Columbia	The legislation specifically lists out the rights of youth in care. Among these rights, youth in care have the right to be informed about their plans of care, to be consulted and to express their views about significant decisions affecting them.⁶² In placement decisions regarding a youth in care, the director must consider the best interests of the child.⁶³ One of the factors in determining the child's best interests is the consideration of their views.⁶⁴
Alberta	When a child needs intervention, the best interests of the child and the child's opinion "should" be considered when making the decision.⁶⁵
Saskatchewan	In placement decisions, the officer's main priority is to place the child with a member of the extended family and in an environment that is consistent with the child's cultural background.⁶⁶ The decision must be made with regards to the best interests of the child, of which one of the factors that must be considered is the child's wishes.⁶⁷
Manitoba	Decisions that concern the removal of a child from their placement must consider the child's best interests.⁶⁸ One of the relevant factors in determining the child's best interests is their views and preferences.⁶⁹ The legislation does not specify what factors must be considered in transfers of guardianship or supervision.⁷⁰ However, as the best interests of the child is a paramount consideration of the legislation, it can be inferred that the child's views will be considered in transfers of guardianship and supervision.
Ontario	The legislation explicitly requires that a child's view must be considered before a child is placed in, discharged from, or transferred between residential placement.⁷¹
Quebec	In any intervention, actors have the obligation to provide an opportunity for the child to express their views and to consider these views.⁷² In certain circumstances, the actor has an obligation to encourage the child's participation and choose procedures that help the child take an active part in the decision-making.⁷³ Children must be consulted "as far as possible" in decisions regarding immediate protective services⁷⁴ and they must be consulted in placement transfers.⁷⁵
New Brunswick	In all decisions under the <i>Family Services Act</i> that affect a child, the child has a right to express their views and these views must be taken into consideration.⁷⁶ In guardianship agreements, which is when the parent agrees to permanently transfer care of the child to the Minister, the Minister must consider the child's wishes.⁷⁷

Nova Scotia	In placement decisions, the Minister’s topmost priority is to place the child with a family of the child’s own culture, race, religion or language.⁷⁸ A child may be transferred between agencies with the approval of the Minister, but the legislation does not specify when the Minister will approve.⁷⁹ However, as the best interests of the child is a “paramount consideration” in the <i>Child and Family Services Act</i>,⁸⁰ and one of factors in determining the best interests of the child is the consideration of the child’s viewpoints, it can be assumed that the child’s views are taken into account in placement decisions.⁸¹
PEI	The <i>Child Protection Act</i> does not cover the procedure regarding placement decisions after apprehension.
Newfoundland and Labrador	In placement decisions, the first priority is to decrease disruption to the child and place the child with family or people with whom the child has a significant relationship.⁸² Transfer decisions can be made by managers,⁸³ who are appointed by the Minister for the purpose of carrying out the Act. The legislation does not specify how either decision is made or whether the child’s views are considered. However, as the “overriding and paramount consideration” in this Act is the best interests of the child, and this includes ascertaining their opinions in care and custody matters, it can be inferred that their views will be considered in these decisions.⁸⁴

Table F: Child's access to appeal mechanisms following a judicial decision removing them from their family

This chart focuses on the recourses available to the child following a judicial decision to remove them from family. Though its main purpose is not to examine access to administrative reviews, it is mentioned when relevant. The focus is on the mechanisms as available for non-Indigenous children; the process may be different for First Nations, Métis, and Inuit children.

British Columbia	Who can appeal? Any party to the proceeding⁸⁵ How can a child become a party to the proceeding? • Child is 12 years old or older: The child must receive notice of the presentation hearing.⁸⁶ However, even if the child appears at the hearing, they are not automatically a party.⁸⁷ The court retains the discretion to make the child a party.⁸⁸ • Child is younger than 12 years old: There is no obligation to give the child notice of the presentation hearing.⁸⁹ The court retains the discretion to make the child a party.
Alberta	Who can appeal? The child⁹⁰
Saskatchewan	Who can appeal? Any party to the proceeding⁹¹ How can a child become a party to the proceeding? • Though the child may be served with a notice and be represented by a lawyer, the child is not a party to the protection hearing.⁹²
Manitoba	Who can appeal? The legislation does not specify who can appeal,⁹³ nor does it specify if the child is a party to the proceedings. • However, the child who is 12 years old or older receives notice of the presentation hearing.⁹⁴ has access to legal counsel,⁹⁵ must be present at the proceedings unless the court orders otherwise,⁹⁶ and receives a copy of the order.⁹⁷ • The presence of a child under 12 years old is not required at the proceeding, unless the court orders otherwise.⁹⁸
Ontario	Who can appeal? The child cannot appeal a judicial decision removing them from their family.⁹⁹ However, children who are at least 12 years old can apply to a court for a review of their status.¹⁰⁰
Quebec	Who can appeal? The child¹⁰¹
New Brunswick	Who can appeal? The legislation does not specify who can appeal.¹⁰² The child will not receive notice unless the Court directs it.¹⁰³ However, the child can apply to the court to vary or terminate a guardianship order.¹⁰⁴

Nova Scotia	Who can appeal? Any party to the proceeding¹⁰⁵ How can a child become a party to the proceeding? • Child is 16 years old or older: The child is automatically a party to the proceeding, unless the court orders otherwise¹⁰⁶ • Child is 12 years old or older: The child will receive notice of the proceeding. At any time, the child can request to be made a party to the proceeding. If the court determines that such status is desirable to protect the child's interests, the court "may" order that the child be made a party. A guardian <i>ad litem</i> will be appointed for all children under 16 years old who are made a party to the proceeding.¹⁰⁷ • In all cases, the court has the discretion to order that the child is a party and appoint a guardian <i>ad litem</i> if it is desirable to protect the child's interests.¹⁰⁸
PEI	Who can appeal? The legislation does not specify who can appeal,¹⁰⁹ nor does it specify if the child is a party to the initial proceedings. However, a year after the order has come into effect, the child who is above 16 years old may apply to the court to terminate an order for permanent custody and guardianship.¹¹⁰
Newfoundland and Labrador	Who can appeal? The legislation does not specify who can appeal.¹¹¹ Though the legislation also does not specify that the child is a party to the initial proceedings, the child who has been removed and is 12 years old or older will receive notice for the protective intervention hearing.¹¹²

Table G: Duty to provide services before and after removal, and the standards of these services

This chart looks at whether the Minister is bound to offer or provide services before and after apprehension. Since the chart only reviews the use of obligatory and binding language, it does not cover service agreements with family and youth because those are entered into only upon the consent of both parties. This chart also does not look at the system of care and services offered to youth after they leave care.

	Duty to offer services to the family before removal of child	Duty to offer services after removal of child	Maintenance of service standards
British Columbia	One of the guiding principles of the Act is that if support services can help a family provide a safe and nurturing environment for a child, it “should” be provided. ¹¹³	The legislation outlines the rights of children in care. These include the right to mental and dental care when required and the right to participate in social and recreational activities if available and appropriate ¹¹⁴	The legislation outlines Service Delivery Principles ¹¹⁵ The director has the power to review services, including for the purposes of public accountability. ¹¹⁶ The director must consider a service review when a child is involved in a “critical injury.” ¹¹⁷
Alberta	When a child needs intervention and if it does not endanger the child’s survival, security or development, services “should” be provided to the family to prevent removal, “insofar as it is reasonably practicable.” ¹¹⁸ If, after an investigation, the director believes that a child needs intervention, the director must provide family enhancement services. ¹¹⁹	-	Part 3.1 of the Act covers quality assurance. The Minister may establish a Council ¹²⁰ to promote and improve the quality of intervention services. ¹²¹ The Council prepares annual reports that are presented to the Legislative Assembly. ¹²² Information, including statistical data about children receiving intervention services, are disclosed to the public. ¹²³
Saskatchewan	The purpose of the Act is to promote the well-being of children by offering services to maintain, support, and preserve the family, where appropriate. ¹²⁴ If, on investigation, an officer finds that a child needs protection, they must offer family services to the parent. ¹²⁵	-	-

	Duty to offer services to the family before removal of child	Duty to offer services after removal of child	Maintenance of service standards
Manitoba	The preamble of the Act is a declaration of fundamental principles guiding the provision of services.¹²⁶ These principles include that families are entitled to receive preventive and supportive services to preserve their family unit¹²⁷ and have a right to participate in services.¹²⁸ Agencies have a duty to provide services to prevent circumstances requiring the placement of children in protective care and to protect children.¹²⁹	Agencies have a duty to provide services that will help families re-establish their ability to care for their children. ¹³⁰	The director's duties include establishing and maintaining the standards for services. ¹³¹ This includes the duty to report critical incidents that arise with children or families who were receiving services. ¹³²
Ontario	According to its Preamble, the Government of Ontario is committed to providing services that reduce the need for more disruptive interventions.¹³³ The provision of prevention, early intervention, and community support services "should be considered" when helping a child.¹³⁴ One of the functions of a children's aid society is to provide services to protect children or to prevent circumstances requiring the protection of children.¹³⁵ Before making an order that the child is in need of protection, the court must first consider the society's plan for the child, including the services to be provided.¹³⁶	-	In the Part outlining children's rights with respect to service provision, information about the Provincial Advocate for Children and Youth must be displayed and available.¹³⁷ Children in residential care have access to a complaints mechanism against service providers.¹³⁸ For the purposes of maintaining the quality of services, the Minister has the power to, for example, revoke the designation of a society or restructure it.¹³⁹ Inspectors can enter and inspect children's residences without a warrant or notice and examine the services provided.¹⁴⁰ The legislation also requires service providers to make prescribed information and reports available to both the Minister and the public.¹⁴¹

	Duty to offer services to the family before removal of child	Duty to offer services after removal of child	Maintenance of service standards
Quebec	Children and parents are “entitled” to receive health and social services, taking into account the legislative and regulatory provisions and the human, material and financial resources of the service provider.¹⁴² If the director decides that a child is not in danger, but the family would benefit from assistance, the director must inform them of available services. The parents must be informed of available services if the child is under 14 years of age. The parents may be informed if the child who is 14 years of age or older consents to it.¹⁴³ If they consent to receiving services, the director must facilitate access¹⁴⁴ and ensure that the services are provided.¹⁴⁵	Children and parents are “entitled” to receive health and social services, taking into account the legislative and regulatory provisions and the human, material and financial resources of the service provider.¹⁴⁶ An institution providing foster care must continue to provide services until the person is admitted to another institution, ensuring that there is no gap in services.¹⁴⁷ The Minister is responsible for ensuring that the measures ordered by the court are carried out and every institution and educational body is required to take all available means to comply with the order.¹⁴⁸	-
New Brunswick	According to the Preamble, dependant persons are “entitled” to benefit from social services which ensure the opportunity for personal development.¹⁴⁹ When the Minister places a child under protective care, he “may” leave the child with the family and provide social services.¹⁵⁰	In custody and guardianship agreements, the Minister must provide care that meets the child’s physical, emotional, educational, social, cultural and recreational needs¹⁵¹	The Minister is in charge of establishing and operating social service programs and agencies¹⁵² and has the power to investigate community social services agencies.¹⁵³ The Minister can terminate the approval of a child placement resource if it is not up to standard or if the facility is not allocating its resources in the best interests of the child.¹⁵⁴
Nova Scotia	If services are needed to help a child remain with their family, the Minister and the agency “shall take reasonable measures” to provide these services.¹⁵⁵	The Minister shall provide appropriate child-care services children or placement in a child-caring facility to: • Children under 16 years old • Children between 16 and 19 years old who are is in a placement agreement¹⁵⁶	All child-care services, including parenting support services,¹⁵⁷ must be approved or licensed by the Minister.¹⁵⁸

	Duty to offer services to the family before removal of child	Duty to offer services after removal of child	Maintenance of service standards
Prince Edward Island	If, after an investigation, the director believes that a child needs intervention, the director “may” offer child protection services to the parent. ¹⁵⁹	Supervision orders may include terms requiring the child or parent to access services. ¹⁶⁰	The Director has a duty to submit an annual report to the Minister on the child protection services in the province. ¹⁶¹ The Advisory Committee reviews the services performed under this Act every five years. ¹⁶²
Newfoundland and Labrador	If, after an investigation, the manager or director believes that a child needs intervention, they “may” enter into a written agreement with the parent for services or take any other action they consider appropriate. ¹⁶³ If they believe the child is not in need of protection, they “may” refer the child or the parents to appropriate services or, in exceptional circumstances, enter into a written agreement for services. ¹⁶⁴ If the manager or social worker files for a hearing after they believe the child is in danger, but removal is not warranted, they must include a plan for the child that includes a description of the required services. ¹⁶⁵	If the manager or social worker files for a presentation hearing, they must include a plan for the child that includes a description of the required services. ¹⁶⁶ The judge’s order may include conditions regarding services for the child or the child’s parent. ¹⁶⁷ A child who has been removed from a residential placement or from the care of a person with whom a manager or social worker has placed the child shall be entitled to counselling. ¹⁶⁸	-

Table H: Importance accorded to continuing contact with culture

This chart looks at when continuing contact with culture is a consideration in child welfare decisions. Though some information is provided regarding Indigenous children, it primarily focuses on the general system as a whole. The chart does not look at the adoption processes.

	Guiding principles and themes of the Act	Determination of the best interests of the child	Service delivery	Process to remove the child from their family	Permanent placements
British Columbia	Preservation of cultural identity of aboriginal children¹⁶⁹	- Consideration for the child's cultural, racial, linguistic and religious heritage¹⁷⁰ - Specific consideration for preserving the child's cultural identity for aboriginal children.¹⁷¹	Services to be planned and provided in ways that are sensitive to the child's cultural, racial and religious heritage.¹⁷²	In presentation hearings for aboriginal children, the interim plan of care must include steps to preserve the child's identity.¹⁷³	- Children in care have the right to receive guidance and encouragement to maintain their cultural heritage.¹⁷⁴ - In out-of-home living arrangements for aboriginal children, director must give priority to placing the child with family and maintaining the child's culture.¹⁷⁵
Alberta	Culture is to be considered when placing children outside of their homes, especially for aboriginal children.¹⁷⁶	See "Process to remove the child from their family" and "Permanent placements"	-	For aboriginal children, the decision-maker must consider the uniqueness of aboriginal culture, heritage, spirituality and traditions and the importance of preserving the child's cultural identity¹⁷⁷	- Placements outside the family must consider the child's familial, cultural, social and religious heritage,¹⁷⁸ and the person who cares for the child must endeavour to make the child aware of this heritage.¹⁷⁹ - In private guardianship applications of aboriginal children, a cultural connection plan must be developed.¹⁸⁰ - Culture is to be considered when placing children outside of their homes, especially for aboriginal children¹⁸¹

	Guiding principles and themes of the Act	Determination of the best interests of the child	Service delivery	Process to remove the child from their family	Permanent placements
Saskatchewan	• Culture is not mentioned in the legislation's purpose.	• Consideration for the child's cultural and spiritual heritage and upbringing.¹⁸²	-	-	• Having regard to the best interests of the child, the authority must attempt to maintain the child in an environment consistent with their cultural background, if practicable.¹⁸³
Manitoba	• According to the Declaration of Principles, families are entitled to services that respect their cultural and linguistic heritage. • Indian bands are entitled to services which are provided in a manner respecting their unique status as aboriginal peoples.¹⁸⁴	• Consideration for the child's cultural, linguistic, racial and religious heritage.¹⁸⁵	• Building on what was outlined in the Declaration of Principles, agencies have an obligation to provide services that are respectful of the cultural and linguistic heritage of families and children.¹⁸⁶	-	-

	Guiding principles and themes of the Act	Determination of the best interests of the child	Service delivery	Process to remove the child from their family	Permanent placements
Ontario	“Community” is defined to include persons who have ethnic, cultural or creedal ties to the child or the family.¹⁸⁷ - The Act has a section on the rights of children receiving services, and it includes the right to be heard in decisions respecting the child’s creed, community identity and cultural identity.¹⁸⁸	- Consideration for the child’s - Race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity, gender expression - Cultural and linguistic heritage¹⁸⁹ - Special consideration for the preservation of the First Nations, Inuk, or Métis child’s cultural identity and connection to community¹⁹⁰	- Services are provided in a way that recognizes the child’s need for stable relationships within a family and cultural environment and takes into account their spiritual and cultural needs and their identity (ex: ancestry, place of origin, colour, ethnic origin).¹⁹¹ - Special consideration for First Nations, Inuit and Métis peoples’ cultures, heritages, traditions, connection to their communities, and the concept of the extended family¹⁹² - Service providers shall, where appropriate, provide services to children and families in the French language¹⁹³	Before making its decision, the court shall consider the society’s plan for the child’s care, including the arrangements to recognize the importance of the child’s culture and the steps to preserve the child’s heritage, traditions, and cultural identity¹⁹⁴	- A child in care has the right to receive instruction and participate in activities of their choice relating to their creed, community identity and cultural identity¹⁹⁵ - The advisory committee reviews residential placements that match the criteria outlined by the legislation.¹⁹⁶ In their review, the advisory committee shall pay special attention to the First Nations, Inuit and Métis cultures.¹⁹⁷ - The residential placement must respect a child’s culture, and special attention is paid to place the First Nations, Inuk and or Métis child with a family of the same culture.¹⁹⁸
Quebec	Every person with responsibilities towards a child under the Act must consider the characteristics of cultural communities, with specific mention of the characteristics of Native communities.¹⁹⁹	Decisions made under the Act must be in the interests of the child and respect his/her rights. The child’s moral and emotional needs, and the child’s personality and family environment, must be considered.²⁰⁰	The child and the parents are entitled to receive services in a personalized manner that are appropriate from a scientific, human and social standpoint. The child is also entitled to receive educational services on these same conditions.²⁰¹	When determining whether the security or development of a child is in danger, one must consider the child’s personal characteristics.²⁰²	Children must be placed in an institution appropriate to his/her needs and rights.²⁰³

	Guiding principles and themes of the Act	Determination of the best interests of the child	Service delivery	Process to remove the child from their family	Permanent placements
New Brunswick	The Preamble recognizes that children have basic rights and fundamental freedoms no less than adults.²⁰⁴	Consideration for the child's cultural and religious heritage.²⁰⁵	-	-	When a child is in the care of the Minister under a custody or guardianship agreement, the Minister must provide care that will meet the child's physical, emotional, religious, educational, social, cultural and recreational needs.²⁰⁶
Nova Scotia	The Preamble recognizes that preserving a child's cultural, racial and linguistic heritage promotes the child's healthy development.²⁰⁷	- Consideration of the child's: - Cultural, racial and linguistic heritage - Sexual orientation, gender identity, gender expression - Religious faith²⁰⁸	Agencies must provide services that respect and preserve the cultural, racial and linguistic heritage of children and their families.²⁰⁹	In temporary and interim placements, the priority is in placing the child with siblings, maintaining contact relatives and friends, preserving cultural, racial and linguistic heritage, and the continuity of the child's education and religion²¹⁰	- Before making the disposition order to remove a child, the court must consider the agency's description of efforts to maintain the child's contact with the parent or guardian.²¹¹ - Disposition orders prioritize placement of the child with community and family, especially for aboriginal children.²¹² - Placements prioritize placing the child with a family of the child's own culture, race, religion or language ²¹³ - The agency must develop a cultural connection plan.²¹⁴
Prince Edward Island	The Preamble recognizes that preserving a child's cultural, racial, linguistic, and religious heritage promotes the child's healthy development²¹⁵	- Consideration of the child's cultural, racial, linguistic and religious heritage - Special consideration for preserving the cultural identity of the aboriginal child.²¹⁶	-	-	-

	Guiding principles and themes of the Act	Determination of the best interests of the child	Service delivery	Process to remove the child from their family	Permanent placements
Newfoundland and Labrador	-	Consideration of the child's identity and cultural and community connections²¹⁷	-	-	Where the child has been removed from a parent's care, a plan for the child must include a description of efforts to maintain the child's relationships and the arrangements made to recognize the importance of the child's identity and cultural and community connections²¹⁸

Table I: Consideration for the child’s need to permanency, continuity, and stability

This chart looks at the prioritization of permanency planning in child welfare legislation. It does not look at the reasoning and structures that allow the government to gain permanent guardianship and custody of a child.

	As a factor in the determination of the best interests of the child	Other mentions of permanency, continuity and stability
British Columbia	The importance of continuity in care²¹⁹	The importance of continuity in the child’s care must be considered in the court’s decision to cancel a continuing custody order²²⁰
Alberta	If a child needs intervention, the decision-maker must act in the best interests of the child and consider factors including the importance of stable, permanent and nurturing relationships²²¹	- In decisions concerning the placement of a child, the benefits of stability and continuity of care and relationships must be considered. - In decisions about services, the child’s plan of care must consider the child’s need for stability, permanence, and continuity of care and relationships.²²²
Saskatchewan	The importance of continuity in the child’s care and the possible of effects of disruption to that continuity²²³	The importance of continuity in the child’s care and the possible of effects of disruption to that continuity must be considered by the court before granting an adjournment of a protection hearing²²⁴
Manitoba	The child’s sense of continuity and need for permanency with the least possible disruption²²⁵	- According to the Declaration of Principles, children have a right to a continuous family environment and families are entitled to services directed to preserving the family unit.²²⁶ - Agencies must develop permanency plans for all children in its care in view of establishing a normal family life for them.²²⁷ The director reviews these permanency plans every 12 months.²²⁸ - Agencies must also provide education, services and assistance to parents with a view of ensuring a stable and workable plan for them and their children.²²⁹

Ontario	The importance of lasting relationships, emotional ties, and continuity in care²³⁰	- Services to children and young persons must respect their need for continuity of care and for stable relationships within a family and cultural environment. It must also provide early assessment, planning and decision-making to achieve permanent plans that are in their best interests.²³¹ - The advisory committee reviews residential placements that match the criteria outlined by the legislation.²³² In their review, the advisory committee shall consider the importance of continuity in the child's care, and the possible effect of disruption in that continuity on the child.²³³ - Before making a decision regarding the permanent removal of a child from a person's care, the court shall consider the society's plan for the child's care, including the arrangements for the child's long-term stable placement.²³⁴
Quebec	-	- Every decision must aim at keeping the child in the family environment. If it is not possible to keep the child in the family environment, the aim is to provide the child with continuity of care, stable relationships and stable living conditions on a permanent basis, corresponding to the child's needs and age and as similar to those of a normal family environment as possible. If possible, the child would be placed with other family members.²³⁵ - The director reviews the case of each child under his care and sees that the child continues to benefit from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.²³⁶ - The legislation prescribes the total period of foster care but if the situation requires it, the tribunal can make orders derogating from this to ensure that the child benefits from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.²³⁷
New Brunswick	The effect upon the child of any disruption of the child's sense of continuity²³⁸	The Preamble recognizes that social services must be provided to respect and preserve a child's need for continuity of care within their kinship network and that a child's best interests should be included in the development of permanent plans.²³⁹
Nova Scotia	The importance of continuity in care; the effect of a disruption in the continuity; and the bonding that exists between the child and the parent/guardian²⁴⁰	- Temporary and permanent placement priorities include keeping siblings together, maintaining contact with relatives and friends, preserving the child's cultural, racial and linguistic heritage, and continuity in the child's education and religion.²⁴¹ - The court shall consider the agency's arrangement for the child's long-term stable placement before making a decision to permanently remove the child from the care or custody of a parent or guardian.²⁴²

Prince Edward Island	The development of a positive relationship as a member of a family; the child's love, affection and ties to others; and the continuity of care and the effect of a disruption in the continuity²⁴³	-
Newfoundland and Labrador	The importance of stability and permanency in care.²⁴⁴	- When it is proposed that a child be removed permanently, the manager or social worker must file a plan that includes a description of the arrangements for the child's stability and permanency.²⁴⁵ - Family group conferences are for the purposes of developing a plan for the child's safety, permanency, and well-being.²⁴⁶

¹ Conference Board of Canada, "Success for all: Investing in the future of Canadian children in care" (April 2014), at 1.

² *Ibid.*

³ UN Committee on the Rights of the Child, "Concluding Observations: Canada" (2012), CRC/C/CAN/CO/3-4, at para 20. [Concluding Observations, 2012]

⁴ *Ibid.*, at para 21.

⁵ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p 3, s 3. [UNCRC]

⁶ UN Committee on the Rights of the Child, "General Comment 14 on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1)" (2003), CRC/C/GC/14.

⁷ Concluding Observations, 2012, *supra* note 4, at para 56.

⁸ UN Committee on the Rights of the Child, "General Comment 12: The right of the child to be heard" (2009), CRC/C/GC/12, at para 2. [General Comment 12]

⁹ UNCRC, *supra* note 6, s 41.

¹⁰ *Ibid.*, s 5.

¹¹ *Ibid.*, s 12; General Comment 12, *supra* note 8, paras 28, 44.

¹² General Comment 12, *supra* note 9, paras 20, 49, 54.

¹³ *Ibid.*, paras 21, 29.

¹⁴ UNCRC, *supra* note 6, s 9(2).

¹⁵ Concluding Observations, 2012, *supra* note 4, at para 37.

¹⁶ Concluding Observations, 2012, *supra* note 4, at para 56(e).

¹⁷ General Comment 12, *supra* note 9, para 46.

¹⁸ Concluding Observations, 2012, *supra* note 4, at para 37.

¹⁹ UNCRC, *supra* note 6, s.26.

²⁰ *Ibid.*, s 27(3).

²¹ *Ibid.*, s 24(2(f)).

²² *Ibid.*, s 18(2).

²³ *Ibid.*, s 20.

²⁴ *Ibid.*, Preamble.

²⁵ *Ibid.*, s 17.

²⁶ *Ibid.*, s 29.

²⁷ *Ibid.*, s 31.

²⁸ *Ibid.*, s 30.

²⁹ *Ibid.*, s 20.

³⁰ *Ibid.*, s 9.

³¹ British Columbia, *Child, Family and Community Service Act*

Rights of children in care

70 (1) Children in care have the following rights: [...]

³² British Columbia, *Child, Family and Community Service Act*

Guiding principles

2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles: [...]

³³ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

³⁴ Saskatchewan, *Child and Family Services Act*

Purpose

3 The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner

³⁵ Manitoba, *Child and Family Services Act*

Declaration of Principles

The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:

6. Families and children are entitled to be informed of their rights and to participate in the decisions affecting those rights.

³⁶ Manitoba, *Child and Family Services Act*

Best interests

2 (1) The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations

Legislation also includes a Declaration of Principles

³⁷ Ontario, *Child, Youth and Family Service Act*

Preamble

In furtherance of these principles, the Government of Ontario acknowledges that the aim of the *Child, Youth and Family Services Act, 2017* is to be consistent with and build upon the principles expressed in the United Nations Convention on the Rights of the Child.

³⁸ Ontario, *Child, Youth and Family Service Act*, Part II – Children’s and Young Persons’ Rights

³⁹ Ontario, *Child, Youth and Family Service Act*

Paramount purpose

1 (1) The paramount purpose of this Act is to promote the best interests, protection and well-being of children.

⁴⁰ Quebec, *Youth Protection Act*

3 Decisions made under this Act must be in the interest of the child and respect his rights.

⁴¹ Quebec, *Youth Protection Act*

2. The purpose of this Act is to protect children whose security or development is or may be considered to be in danger.

⁴² Quebec, *Youth Protection Act*

3 Decisions made under this Act must be in the interest of the child and respect his rights.

⁴³ Quebec, *Youth Protection Act*

4 Every decision made under this Act must aim at keeping the child in the family environment

⁴⁴ New Brunswick, *Family Services Act*

WHEREAS children have basic rights and fundamental freedoms no less than those of adults; a right to special safeguards and assistance in the preservation of those rights and freedoms and in the application of the principles stated in the *Canadian Bill of Rights* and elsewhere; and a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them and that they are capable of understanding

⁴⁵ New Brunswick, *Family Services Act*

WHEREAS the rights of the child are enjoyed either of himself or of family;

⁴⁶ New Brunswick, *Family Services Act*

Powers and responsibilities of court

53(2) When disposing of an application under this Part the court shall at all times place above all other considerations the best interests of the child.

⁴⁷ Nova Scotia, *Children and Family Services Act*

AND WHEREAS children have basic rights and fundamental freedoms no less than those of adults and a right to special safeguards and assistance in the preservation of those rights and freedoms;

⁴⁸ Nova Scotia, *Children and Family Services Act*

Purpose and paramount consideration

2 (1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children.

2 (2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child.

⁴⁹ Prince Edward Island, *Child Protection Act*

AND WHEREAS children have basic rights and fundamental freedoms no less than those of adults, and a right to special safeguards and assistance in the preservation of those rights and freedoms

⁵⁰ Prince Edward Island, *Child Protection Act*

Primary purpose of act

2 (1) The primary purpose of this Act is to protect children from harm due to abuse and neglect, within the context of section 9 [Child in need of protection] and the best interests of the child

⁵¹ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Purpose

8 The purpose of this Act is to promote the safety and well-being of children and youth who are in need of protective intervention.

General principle

9 (1) This Act shall be interpreted and administered in accordance with the principle that the overriding and paramount consideration in a decision made under this Act shall be the best interests of the child or youth

⁵² British Columbia, *Child family and Community Service Act*

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

- (a) the child's safety;
- (b) the child's physical and emotional needs and level of development;
- (c) the importance of continuity in the child's care;
- (d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;
- (e) the child's cultural, racial, linguistic and religious heritage;
- (f) the child's views;
- (g) the effect on the child if there is delay in making a decision.

(2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

⁵³ Alberta, *Child, Youth and Family Enhancement Act*

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (a) the family is the basic unit of society and its well-being should be supported and preserved;
- (b) the importance of stable, permanent and nurturing relationships for the child;
- (c) the intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;
- (d) a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;
- (e) the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end
 - (i) if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and
 - (ii) a child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;

-
- (f) subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;
 - (g) any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;
 - (h) if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;
 - (i) any decision concerning the placement of a child outside the child's family should take into account
 - (i) the benefits to the child of a placement within the child's extended family;
 - (ii) the benefits to the child of a placement within or as close as possible to the child's home community,
 - (iii) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,
 - (iv) the benefits to the child of stability and continuity of care and relationships,
 - (v) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and
 - (vi) whether the proposed placement is suitable for the child;
 - (j) the provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;
 - (k) intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;
 - (l) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;
 - (m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that
 - (i) addresses the child's need for stability, permanence and continuity of care and relationships, and
 - (ii) in the case of a youth, addresses the youth's need for preparation for the transition to independence and adulthood;
 - (n) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;
 - (o) there should be no unreasonable delay in making or implementing a decision affecting a child;
 - (p) if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity.

⁵⁴ Saskatchewan, *Child and Family Services Act*, s 4.

Child's best interests

4 If a person or court is required by any provision of this Act other than subsection 49(2) [Dispensing with signature] to determine the best interests of a child, the person or court must take into account:

- (a) the quality of the relationship that the child has with any person who may have a close connection with the child;
- (b) the mental, emotional, physical and educational needs of the child and the appropriate care or treatment, or both, to meet those needs;
- (c) the child's cultural and spiritual heritage and upbringing;
- (d) the home environment proposed to be provided for the child;
- (e) the plans, with respect to the care of the child, of the person to whom it is proposed that the custody of the child be entrusted;
- (f) if practicable, the child's wishes, having regard to the age and level of the child's development;
- (g) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity; and
- (h) the effect on the child of a delay in making a decision

⁵⁵ Manitoba, *Child and Family Services Act*, s 2(1)

Best interests

2(1) The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations. After that, all other relevant matters shall be considered, including

- (a) the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure;
- (b) the mental, emotional, physical and educational needs of the child and the appropriate care or treatment, or both, to meet such needs;
- (c) the child's mental, emotional and physical stage of development;
- (d) the child's sense of continuity and need for permanency with the least possible disruption;
- (e) the merits and the risks of any plan proposed by the agency that would be caring for the child compared with the merits and the risks of the child returning to or remaining within the family;
- (f) the views and preferences of the child where they can reasonably be ascertained;
- (g) the effect upon the child of any delay in the final disposition of the proceedings; and
- (h) the child's cultural, linguistic, racial and religious heritage

Additional clarifications provided for the consideration of BIC in orders for access (s.78(4.2))

⁵⁶ Ontario, *Child, Youth and Family Services Act*, Part V: Child Protection

Best interests of child

74 (3) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall,

- (a) consider the child's views and wishes, given due weight in accordance with the child's age and maturity, unless they cannot be ascertained;
- (b) in the case of a First Nations, Inuk or Métis child, consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child's cultural identity and connection to community, in addition to the considerations under clauses (a) and (c); and
- (c) consider any other circumstance of the case that the person considers relevant, including,
 - (i) the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs,
 - (ii) the child's physical, mental and emotional level of development,
 - (iii) the sex, sexual orientation, gender identity and gender expression,
 - (iv) the child's cultural and linguistic heritage,
- (v) the importance for the child's development of a positive relationship with a parent and a secure place as a member of a family,
- (vi) the child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or member of the child's community,
- (vii) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity,
- (viii) the merits of a plan for the child's care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent,
- (ix) the effects on the child of delay in the disposition of the case,
- (x) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent, and
- (xi) the degree of risk, if any, that justified the finding that the child is in need of protection.

Additional clarifications provided for the consideration of BIC in the making of orders and variations (s.104(6)) and adoptions (s.179(2))

⁵⁷ Quebec, *Youth Protection Act*

3. Decisions made under this Act must be in the interest of the child and respect his rights.

In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account.

4. Every decision made under this Act must aim at keeping the child in the family environment.

If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents' involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities.

If, in the interest of the child, returning the child to the family is impossible, the decision must aim at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

⁵⁸ New Brunswick, *Family Services Act*, s 1.

1 In this Act

“best interests of the child” means the best interests of the child under the circumstances taking into consideration

- (a) the mental, emotional and physical health of the child and his need for appropriate care or treatment, or both;
- (b) the views and preferences of the child, where such views and preferences can be reasonably ascertained;
- (c) the effect upon the child of any disruption of the child's sense of continuity;
- (d) the love, affection and ties that exist between the child and each person to whom the child's custody is entrusted, each person to whom access to the child is granted and, where appropriate, each sibling of the child and, where appropriate, each grandparent of the child;
- (e) the merits of any plan proposed by the Minister under which he would be caring for the child, in comparison with the merits of the child returning to or remaining with his parents;
- (f) the need to provide a secure environment that would permit the child to become a useful and productive member of society through the achievement of his full potential according to his individual capacity; and
- (g) the child's cultural and religious heritage

⁵⁹ Nova Scotia, *Children and Family Services Act*

3(2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:⁵⁹

- (a) the importance for the child's development of a positive relationship with a parent or guardian and a secure place as a member of a family;
- (b) the child's relationships with relatives;
- (c) the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity;
- (d) the bonding that exists between the child and the child's parent or guardian;
- (e) the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;
- (f) the child's physical, mental and emotional level of development;
- (g) the child's cultural, racial and linguistic heritage;
- (ga) the child's sexual orientation, gender identity and gender expression;
- (h) the religious faith, if any, in which the child is being raised;
- (i) the merits of a plan for the child's care proposed by an agency, including a proposal that the child be placed for adoption, compared with the merits of the child remaining with or returning to a parent or guardian;
- (j) the child's views and wishes, if they can be reasonably ascertained;
- (k) the effect on the child of delay in the disposition of the case;
- (l) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent or guardian;
- (m) the degree of risk, if any, that justified the finding that the child is in need of protective services;
- (n) any other relevant circumstances.

Additional clarifications provided for the consideration of BIC in temporary care agreements, special care agreements, and service agreements with children 16 to 18 years old (s.20)

⁶⁰ Prince Edward Island, *Child Protection Act*.

2 (2) The best interests of the child means the interests that appear, to the Director, or to a court, to be best for the child under the circumstances, having regard to all relevant considerations, including

- (a) the safety of the child;
- (b) the capacity of a parent to properly discharge parental obligations;
- (c) the physical, mental and emotional needs of the child, and the appropriate care or treatment to meet those needs;
- (d) the physical, mental and emotional level of development of the child;
- (e) the views of the child, where appropriate;
- (f) a secure place for the child and the development of a positive relationship as a member of a family;
- (g) the love, affection and ties between the child and persons who have had custody of the child;
- (h) the love, affection and ties between the child and other persons in the life of the child;
- (i) the cultural, racial, linguistic and religious heritage of the child;
- (j) if the child is aboriginal, the importance of preserving the cultural identity of the child;
- (k) the capacity of persons other than a parent to exercise custody rights and duties respecting a child;
- (l) the continuity of care for the child and the possible effect of disruption of that care on the child; and
- (m) the difference in the concept of time, and the developmental capacity of a child.

⁶¹ Newfoundland and Labrador, *Child and Youth Care and Protection Act*.

9(2) In determining a child or youth's best interests, all relevant factors shall be considered, including

- (a) the child or youth's safety, health and well-being;
- (b) the child or youth's physical, emotional and developmental needs;
- (c) the child or youth's relationship with family or a person significant to the child or youth;
- (d) the child or youth's identity and cultural and community connections;
- (e) the child or youth's opinion regarding his or her care and custody or the provision of services; and
- (f) the importance of stability and permanency in the context of the child or youth's care.

⁶² British Columbia, *Child, Family and Community Service Act*

70 (1) Children in care have the following rights:

- (b) to be informed about their plans of care;
- (c) to be consulted and to express their views, according to their abilities, about significant decisions affecting them;

⁶³ British Columbia, *Child, Family and Community Service Act*

71 (1) When deciding where to place a child, the director must consider the child's best interests

⁶⁴ British Columbia, *Child, Family and Community Service Act*

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

- (f) the child's views

⁶⁵ Alberta, *Child, Youth and Family Enhancement Act*

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

(d) a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;

⁶⁶ Saskatchewan, *Child and Family Services Act*

53 In any case where an officer is arranging residential services for a child or an order is to be made by the court pursuant to subsection 37(1), the officer or court shall, having regard to the best interests of the child:

(a) consider the feasibility of placing the child with a member of the child's extended family; and

(b) if practicable, attempt to maintain the child in an environment that is consistent with the child's cultural background.

⁶⁷ Saskatchewan, *Child and Family Services Act*

4 If a person or court is required by any provision of this Act other than subsection 49(2) to determine the best interests of a child, the person or court must take into account:

(f) if practicable, the child's wishes, having regard to the age and level of the child's development;

⁶⁸ Manitoba, *Child and Family Services Act*

51(1) An agency may at any time remove a child in its care from the person with whom the child was placed, if the agency considers that it is in the child's best interests to do so.

⁶⁹ Manitoba, *Child and Family Services Act*

2(1) The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations. After that, all other relevant matters shall be considered, including

(f) the views and preferences of the child where they can reasonably be ascertained

⁷⁰ Manitoba, *Child and Family Services Act*

49(1) The minister may transfer guardianship of a child from the director or agency having guardianship to another agency or to the director.

49(2) The director may transfer an order of supervision of a child from the agency having supervision to another agency

⁷¹ Ontario, *Child, Youth and Family Services Act*

22 (6) Before a child is placed in or discharged from a residential placement or transferred from one residential placement to another with the consent referred to in subsection (2), the service provider shall,

(a) ensure that the child and the person whose consent is required under subsection (2) are made aware of and understand, as far as possible, the reasons for the placement, discharge or transfer; and

(b) take the child's views and wishes into account, given due weight in accordance with the child's age and maturity.

8 (1) For greater certainty, the rights under section 3 of a child in care apply to decisions affecting them, including decisions with respect to,

(c) the child's or young person's placement in or discharge from a residential placement or transfer to another residential placement.

8 (2) The child's or young person's views with respect to the decisions described in subsection (1) shall be given due weight, in accordance with the child's or young person's age and maturity as required by paragraph 2 of section 3

⁷² Quebec, *Youth Protection Act*

2.4. Every person having responsibilities towards a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity

- (1) of treating the child and the child's parents with courtesy, fairness and understanding, and in a manner that respects their dignity and autonomy;
- (2) of ensuring that any information or explanation that must be furnished to a child under this Act is presented in language appropriate to the child's age and understanding;
- (4) of giving the child and the child's parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention; and

6. The persons and courts called upon to take decisions respecting a child under this Act must give this child, his parents and every person wishing to intervene in the interest of the child an opportunity to be heard.

⁷³ Quebec, *Youth Protection Act*

2.3. Any intervention in respect of a child and the child's parents under this Act

- (b) must, if the circumstances are appropriate, favour the means that allow the child and the child's parents to take an active part in making decisions and choosing measures that concern them.

Every person, body or institution having responsibilities under this Act towards a child and the child's parents must encourage the participation of the child and the parents, and the involvement of the community.

51. Where the director is of the opinion that the security or development of a child is in danger, he shall take charge of the situation of the child and decide whereto he is to be directed. For that purpose, before proposing the application of voluntary measures or referring the matter to the tribunal, the director shall favour the means that encourage the active participation of the child and the child's parents, if the circumstances are appropriate.

⁷⁴ Quebec, *Youth Protection Act*

46 As far as possible, the child and the child's parents must be consulted with respect to the application of immediate protective measures

⁷⁵ Quebec, *Youth Protection Act*

7. Before a child is transferred from one foster family or facility maintained by an institution operating a rehabilitation centre to another foster family or facility maintained by another institution operating a rehabilitation centre, the child's parents and the child himself, if he is capable of understanding, must be consulted.

The child must receive the information and preparation necessary for his transfer.

⁷⁶ New Brunswick, *Family Services Act*

6 (1) In the exercise of any authority under this Act given to any person to make a decision that affects a child, the child's wishes, where they can be expressed and where the child is capable of understanding the nature of any choices that may be available to him, shall be given consideration in determining his interests and concerns, and the interests and concerns of the child shall be given consideration as distinct interests and concerns, separate from those of any other person.

6 (4) In any matter or proceeding under this Act affecting a child, whether before a court or any person having authority to make a decision that affects a child, the child has the right to be heard either on his own behalf or through his parent or another responsible spokesman.

⁷⁷ New Brunswick, *Family Services Act*

43 “guardianship agreement” means an agreement entered into under paragraph 44(1)(b) between the parent and the Minister permanently transferring from the parent to the Minister the guardianship of the child, including the custody, care and control of, and all parental rights and responsibilities with respect to, the child;(*entente de tutelle*)

45 (2) In complying with subsection (1), the Minister may place the child in any facility he considers to be appropriate for the child and may prescribe any plan he considers suitable for the child, but before so doing he shall consider any wishes of the child and the parent that have been expressed with respect to any placement or planning he proposes.

45 (3) Where the child is in care under a guardianship agreement the Minister shall
(c) consider any wishes that the child expresses with regard to any placement or planning the Minister proposes;

⁷⁸ Nova Scotia, *Child and Family Services Act*

47 (5) Where practicable, a child, who is the subject of an order for permanent care and custody, shall be placed with a family of the child’s own culture, race, religion or language but, if such placement is not available within a reasonable time, the child may be placed in the most suitable home available with the approval of the Minister.

⁷⁹ Nova Scotia, *Child and Family Services Act*

47 (6) An agency may, with the approval of the Minister, transfer the permanent care and custody of a child to another agency.

⁸⁰ Nova Scotia, *Child and Family Services Act*

2 (2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child.

⁸¹ Nova Scotia, *Child and Family Services Act*

3 (2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:
(j) the child’s views and wishes, if they can be reasonably ascertained;

⁸² Newfoundland and Labrador, *Child and Youth Care and Protection Act*

62 (1) The placement of a child or youth shall be conducted in a manner which is least disruptive to the child or youth and recognizes the importance of placement with siblings and contact with his or her family or other persons who are significant to the child or youth.

62 (2) A manager or social worker shall first consider placement of a child or youth with the child or youth's family or a person with whom the child or youth has a significant relationship.

62 (3) Where a manager or social worker is satisfied that a child or youth cannot be placed in accordance with subsection (2), the child or youth shall be placed with a foster parent or in a residential placement.

⁸³ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

43 (1) A manager who has care, supervision or custody of a child or youth may transfer care, supervision or custody to another manager.

43 (2) Where the care, supervision or custody of a child or youth is transferred from one manager to another manager,

- (a) the other manager has care, supervision or custody of the child or youth with the same rights and responsibilities as the manager who made the transfer; and
- (b) the manager who made the transfer ceases to have care, supervision or custody of the child or youth.

43 (3) The transfer of care, supervision or custody is effective upon the filing of an amended order with the court which granted the original order.

⁸⁴ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

9 (1) This Act shall be interpreted and administered in accordance with the principle that the overriding and paramount consideration in a decision made under this Act shall be the best interests of the child or youth.

9 (2) In determining a child or youth's best interests, all relevant factors shall be considered, including

(e) the child or youth's opinion regarding his or her care and custody or the provision of services; and

⁸⁵ British Columbia, *Child, Family and Community Service Act*

Appeal to the Supreme Court

81 (1) A party may appeal to the Supreme Court from an order of the Provincial Court made under this Act.

⁸⁶ British Columbia, *Child, Family and Community Service Act*

Notice of Protection Hearing

38 (1) At least 10 days before the date set for a protection hearing, notice of the time, date and place of the hearing must be served as follows:

(a) on the child, if 12 years of age or over;

⁸⁷ British Columbia, *Child, Family and Community Service Act*

Parties to Proceeding

39 (1) If the following persons appear at the commencement of the protection hearing, they are entitled to be parties at the hearing:

(a) each parent of the child;

(b) the director;

(c) if the child is an aboriginal child, other than a Nisga'a child or a treaty first nation child, the designated representative of the Indian band or aboriginal community who was served with notice of the hearing;

(d) if the child is a Nisga'a child, the designated representative of the Nisga'a Lisims Government who was served with notice of the hearing;

(d.1) if the child is a treaty first nation child, the designated representative of the treaty first nation who was served with notice of the hearing;

(e) a person who has an interim order for custody of the child under section 35 (2) (d).

⁸⁸ British Columbia, *Child, Family and Community Service Act*

Parties to Proceeding

39 (4) The court may order that a person be a party at any hearing

⁸⁹ British Columbia, *Child, Family and Community Service Act*

Notice of Protection Hearing

38 (1) At least 10 days before the date set for a protection hearing, notice of the time, date and place of the hearing must be served as follows:

(a) on the child, if 12 years of age or over;

⁹⁰ Alberta, *Child, Youth and Family Enhancement Act*

Appeal to the Court of Queen's Bench

114(1) An order of the Court made under this Act may be appealed to the Court of Queen's Bench by

(c) the child,

(d) the child, if the child is the subject of a secure services order,

⁹¹ Saskatchewan, *Child and Family Services Act*

Appeal to Queen's Bench

63(2) Any party may, within 30 days from the date of the order, appeal any order made pursuant to this Act to a judge of the Court of Queen's Bench.

Appeal to Court of Appeal

64 Any party may, with leave of a judge of the Court of Appeal, appeal an order of a judge of the Court of Queen's Bench made pursuant to subsection 63(4) to the Court of Appeal on a question of law within 30 days after the day on which the order is made.

⁹² Saskatchewan, *Child and Family Services Act*

Child may be heard

29(2) Notwithstanding that a child receives notice pursuant to clause (1)(a) and may be represented by a lawyer, the child is not a party to the protection hearing.

⁹³ Manitoba, *Child and Family Services Act*

Appeal from order of master

43(1) An order of a master under this Part may be appealed to a judge of the Court of Queen's Bench of Manitoba (Family Division) within 21 days from the date on which the master signed the order appealed against or within such further time as a judge of that court may allow.

Appeal from order of a judge

44(1) An order of a judge under this Part may be appealed to the Court of Appeal within 21 days from the date on which the judge signed the order appealed against.

⁹⁴ Manitoba, *Child and Family Services Act*

Notice of hearing

30(1) The agency shall give two clear days notice of the date the application under subsection 27(1) [Application to court for protection hearing] is returnable or is set for hearing, together with particulars of the grounds that are alleged to justify a finding that the child is in need of protection, to

(c) the child where the child is 12 years of age or more;

⁹⁵ Manitoba, *Child and Family Services Act*

Counsel for child

34(2) In the case of the child who is the subject of the hearing, a judge or master may order that legal counsel be appointed to represent the interests of the child and, if the child is 12 years of age or older, may order that the child have the right to instruct the legal counsel.

⁹⁶ Manitoba, *Child and Family Services Act*

Presence of child 12 or over required

33(2) In proceedings under this Part, the presence of a child 12 years of age or older is required unless a judge or master on application orders that the child not be present.

⁹⁷ Manitoba, *Child and Family Services Act*

Distribution of order

38(8) A copy of an order made under subsection (1) [Orders of the judge] or (2) [Consent orders] shall be mailed or delivered by the court to

(d) the child where the child is 12 years of age or older;

⁹⁸ Manitoba, *Child and Family Services Act*

Presence of child under 12 not required

33(1) In proceedings under this Part, the presence of a child less than 12 years of age is not required unless a judge or master on application so orders.

⁹⁹ Ontario, *Child, Youth and Family Services Act*

Appeal

121 (1) An appeal from a court's order under this Part may be made to the Superior Court of Justice by,
a) the child, if the child is entitled to participate in the proceeding under subsection 79 (6) (child's participation);

Child's participation

79 (6) A child who is the applicant under subsection 113 (4) or 115 (4) (status review), receives notice of a proceeding under this Part or has legal representation in a proceeding is entitled to participate in the proceeding and to appeal under section 121 as if the child were a party.

¹⁰⁰ Ontario, *Child, Youth and Family Services Act*

Others may seek status review

115 (4) An application for review of a child's status under this section may be made on notice to the society by,
(a) the child, if the child is at least 12;

¹⁰¹ Quebec, *Youth Protection Act*

100. An appeal lies to the Court from any decision or order of the tribunal rendered under the authority of this Act.

101. The appeal may be brought by the child, his parents, the director, the Commission, the Public Curator, the Attorney General or any party in first instance, and each of them may, in addition, if not a party to the appeal, take part ex officio in the hearing as if a party thereto. Notice of at least one clear day to the parties in appeal is required.

¹⁰² New Brunswick, *Family Services Act*

(Guardianship orders are made under s.56)

Appeal from order or decision

59(1) Any order or decision made under this Part may be appealed within thirty days of the order or decision to The Court of Appeal of New Brunswick.

¹⁰³ New Brunswick, *Family Services Act*

Procedure before hearing of application

52(3) The Minister shall give notice of the application and of the time and place of the hearing to the parent of the child and to such other persons as the Court directs.

¹⁰⁴ New Brunswick, *Family Services Act*

Application to court to vary or terminate order or guardianship agreement

61(1) Where a child is in care under a guardianship order or a guardianship agreement and at least six months have elapsed from the making of the order or agreement or from any previous review of the order or agreement, a child or former parent of the child may apply to the court to vary or terminate the order or agreement.

¹⁰⁵ Nova Scotia, *Child and Family Services Act*

Appeal and Stay

49 (1) An order of the court pursuant to any of Sections 32 to 48 may be appealed by a party to the Nova Scotia Court of Appeal by filing a notice of appeal with the Registrar of the Court within twenty-five days of the order.

(Decisions to put the child in the permanent care and custody of the agency is made under s.47)

¹⁰⁶ Nova Scotia, *Child and Family Services Act*

Parties to proceeding

36 (1) The parties to a proceeding pursuant to Sections 32 to 49 are

(c) the child, where the child is sixteen years of age or more, unless the court otherwise orders pursuant to subsection (1) of Section 37;

Child as party and appointment of guardian

37 (1) A child who is sixteen years of age or more is a party to a proceeding unless the court otherwise orders and, if a party, is, upon the request of the child, entitled to counsel for the purposes of a proceeding.

¹⁰⁷ Nova Scotia, *Child and Family Services Act*

Parties to proceeding

36 (1) The parties to a proceeding pursuant to Sections 32 to 49 are

(d) the child, where the child is twelve years of age or more, if so ordered by the court pursuant to subsection (2) of Section 37;

Child as party and appointment of guardian

(2) A child who is twelve years of age or more shall receive notice of a proceeding and, upon request by the child at any stage of the proceeding, the court may order that the child be made a party to the proceeding, where the court determines that such status is desirable to protect the child's interests.

(2A) Where the court orders that a child under sixteen years of age be made a party to a proceeding, the court shall appoint a guardian *ad litem* for the child.

¹⁰⁸ Nova Scotia, *Child and Family Services Act*

Parties to proceeding

36 (1) The parties to a proceeding pursuant to Sections 32 to 49 are

(e) the child, if so ordered by the court pursuant to subsection (3) of Section 37;

(3) Upon the application of a party or on its own motion, the court may, at any stage of a proceeding, order that a guardian *ad litem* be appointed for a child who is the subject of the proceeding and, where the child is not a party to the proceeding, that the child be made a party to the proceeding, if the court determines that such a guardian is desirable to protect the child's interests and, where the child is sixteen years of age or more, that the child is not capable of instructing counsel.

¹⁰⁹ Prince Edward Island, *Child Protection Act*

42. Appeal

An appeal lies to the Court of Appeal from a decision of the court pursuant to subsection 31(4), clause 36(3)(a), section 38, subsection 39(3), and sections 50 and 52 within 30 days of the date of the decision.

¹¹⁰ Prince Edward Island, *Child Protection Act*

45. Termination of permanent agreement or order***Idem***

(2) The court may terminate an agreement or order for permanent custody and guardianship on such grounds as the court may consider just

(b) on the application of a person 16 years old or older, who has been the subject of a permanent custody and guardianship agreement or order pursuant to this Act for a continuous period of at least one year immediately preceding the application.

¹¹¹ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

Appeals

82. An appeal lies from a decision of a judge under this Act to

(a) the Trial Division where the order, decision or judgment under appeal was made by a Provincial Court judge; or

(b) the Court of Appeal where the order, decision or judgment under appeal was made by a judge of the Trial Division, and the provisions of the *Judicature Act* and the applicable rules of court shall govern the proceedings on the appeal.

¹¹² Newfoundland and Labrador, *Child and Youth Care and Protection Act*

Notice of hearings where child removed

27 (2) Notice of the time and place of a protective intervention hearing and a presentation hearing shall be served not later than 3 days after the dates for the hearings are obtained on

(b) the child, where the child is 12 years of age or over.

¹¹³ British Columbia, *Child, Family and Community Service Act*

Guiding principles

2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:

(c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;

¹¹⁴ British Columbia, *Child, Family and Community Service Act*

Rights of children in care

70 (1) Children in care have the following rights:

(g) to receive medical and dental care when required;

(h) to participate in social and recreational activities if available and appropriate and according to their abilities and interests

¹¹⁵ British Columbia, *Child, Family and Community Service Act*

Service delivery principles

3 The following principles apply to the provision of services under this Act:

(a) families and children should be informed of the services available to them and encouraged to participate in decisions that affect them;

(b) aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children;

(c) services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;

(d) services should be integrated, wherever possible and appropriate, with services provided by government ministries, community agencies and Community Living British Columbia established under the Community Living Authority Act;

(e) the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children.

¹¹⁶ British Columbia, *Child, Family and Community Services Act*

Reviews relating to services

93.2 (1) Subject to the regulations and in accordance with subsection (3), a director may conduct a review on any matter relating to the provision of a service under this Act for any of the following purposes:

(a) to monitor a director's performance in the provision of the service;

(b) to monitor the performance of any person or agency in the provision of the service;

(c) to improve the provision of the service;

(d) for public accountability.

¹¹⁷ British Columbia, *Child, Family, and Community Service Regulations*

Criteria for when a director must consider conducting a review

r. 19.1 (1) In this section, "critical injury" means an injury to a child that may

- (a) result in the child's death, or
- (b) cause serious or long-term impairment of the child's health.

r. 19.1 (2) After a director becomes aware of the critical injury or death of a child, the director must consider conducting a review of that critical injury or death if

- (a) the child or the child's family was receiving a service under the Act at the time of, or in the year previous to, the critical injury or death of the child, and
- (b) in the opinion of the director, the service received, or a policy or practice relating to the service received, may have significantly contributed to the critical injury or death of the child.

¹¹⁸ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (e) the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end
 - (i) if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family,

- (h) if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act

¹¹⁹ Alberta, *Child, Youth and Family Enhancement Act*

Investigation and response

6 (3) If, after an investigation referred to in subsection (1), the director is of the opinion that the child is in need of intervention,

- (a) the director must,
 - (i) if the director is satisfied that it is consistent with the child's need for intervention, provide family enhancement services to the child or to the child's family in accordance with this Act, or

¹²⁰ Alberta, *Child, Youth and Family Enhancement Act*

Establishment of Council

105.72(1) The Minister may establish a Council for quality assurance purposes.

¹²¹ Alberta, *Child, Youth and Family Enhancement Act*

Role of Council

105.73(1) The role of the Council is to promote and improve the quality of intervention services by

- (a) identifying effective practices in respect of intervention services,
- (b) collaborating with the director to monitor and evaluate the director's activities, strategies and standards for improving the quality of intervention services,
- (c) developing a quality assurance framework for intervention services, and
- (d) making recommendations to the Minister for the improvement of intervention services.

¹²² Alberta, *Child, Youth and Family Enhancement Act*

Annual report

105.792 (1) The Council must submit annual reports to the Minister

- (a) respecting the exercise of the powers and the performance of the duties and functions of the Council,
- (b) respecting a director's achievement of standards referred to in section 105.73(1)(b), and
- (c) containing an evaluation of activities and strategies undertaken by a director for the improvement of intervention services.

105.792 (2) On receiving a report under subsection (1), the Minister must lay a copy of the report before the Legislative Assembly if it is then sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

¹²³ Alberta, *Child, Youth and Family Enhancement Act*

Annual public disclosure

105.793 Subject to sections 126 and 126.1, a director must make the following information available to the public annually in the manner the director considers appropriate:

- (a) statistical data about children who are receiving or have received intervention services;
- (b) statistical data about serious injuries to and deaths of children that occurred while the children were receiving intervention services;
- (c) findings and recommendations, if any, reported to the director under section 105.771(3);
- (d) the director's response to recommendations in a report made by the Child and Youth Advocate under section 15 of the *Child and Youth Advocate Act*, if the recommendations relate to this Act or the administration of it;
- (e) the director's response to recommendations in a report made under section 53 of the *Fatality Inquiries Act*, if the recommendations relate to this Act or the administration of it;
- (f) the director's response to recommendations made in any other report specified in the regulations made under section 131(2)(ss), if the recommendations relate to this Act or the administration of it.

¹²⁴ Saskatchewan, *Child and Family Services Act*

Purpose

3 The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner.

¹²⁵ Saskatchewan, *Child and Family Services Act*

Duty to offer family services

14(1) If, on investigation, an officer concludes that a child is in need of protection, the officer shall:

- (a) notify the parent in writing of the officer's conclusion; and
- (b) offer family services to the parent.

Apprehension

17(1) If an officer or peace officer concludes, on reasonable and probable grounds, that a child is in need of protection and at risk of incurring serious harm, the officer or peace officer shall:

- (a) take all reasonable steps that he or she considers necessary to provide for the safety or welfare of the child, including, in the case of an officer, the offer of family services where practicable;

Apprehension – persons aged 16 and 17

18 (4) Notwithstanding any other provision of this Act, if a person is apprehended pursuant to subsection (1), the minister shall provide family services to the person before the protection hearing.

Child returned

21(1) An officer shall offer family services to the parent if:

(a) a child who has been apprehended pursuant to subsection 17(1) is returned pursuant to subsection 17(3) to a person who has a right to custody of the child; and

(b) the officer continues to be of the opinion that the child is in need of protection;
the officer shall offer family services to the parent

¹²⁶ Manitoba, *Child and Family Services Act*

Preamble (Declaration of Principles)

The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:

¹²⁷ Manitoba, *Child and Family Services Act*

Preamble (Declaration of Principles)

7. Families are entitled to receive preventive and supportive services directed to preserving the family unit.

¹²⁸ Manitoba, *Child and Family Services Act*

Preamble (Declaration of Principles)

10. Communities have a responsibility to promote the best interests of their children and families and have the right to participate in services to their families and children.

¹²⁹ Manitoba, *Child and Family Services Act*

Duties of agencies

7(1) According to standards established by the director and subject to the authority of the director every agency shall:

(b) provide family counselling, guidance and other services to families for the prevention of circumstances requiring the placement of children in protective care or in treatment programs;

(c) provide family guidance, counselling, supervision and other services to families for the protection of children;

¹³⁰ Manitoba, *Child and Family Services Act*

Duties of agencies

7(1) According to standards established by the director and subject to the authority of the director every agency shall:

(f) develop and provide services which will assist families in re-establishing their ability to care for their children;

¹³¹ Manitoba, *Child and Family Services Act*

Duties of director

4(1) Under the control and direction of the minister, the director shall

(d) ensure the development and establishment of standards of services and practices and procedures to be followed where services are provided to children and families, including standards, practices and procedures relating to a child's safety and security that must include

(i) assessing risks to a child's life, health or emotional well-being in his or her present circumstances or any proposed placement, and

(ii) determining the nature and frequency of contact that an agency should have with a child to ensure that the child is safe and secure and receiving appropriate services;

(e) ensure that agencies are providing the standard of services and are following the procedures and practices established pursuant to clause (d) and by the provisions of this Act and the regulations;

¹³² Manitoba, *Child and Family Services Act*

General duty to report

8.16 A person who provides work or services to an agency or authority — whether as an employee, volunteer, student trainee, foster parent, operator of a child care facility or in any other capacity — who reasonably believes that a critical incident has occurred in any place, including a place of safety, must report the incident in accordance with this Part.

Definitions

8.15 The following definitions apply in this Part.

“**critical incident**” means an incident that has resulted in the death or serious injury of a child

(a) who was in the care of, or received services from, an agency; or

(b) whose parent or guardian received services from an agency;

at any time within one year before the death or serious injury occurred. (« incident critique »)

¹³³ Ontario, *Child, Youth and Family Services Act*

Preamble

The Government of Ontario is committed to the following principles:

Children and families have better outcomes when services build on their strengths. Prevention services, early intervention services and community support services build on a family’s strengths and are invaluable in reducing the need for more disruptive services and interventions.

¹³⁴ Ontario, *Child, Youth and Family Services Act*

Paramount purpose and other purposes

Other purposes

1 (2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well-being of children, are to recognize the following:

2. The least disruptive course of action that is available and is appropriate in a particular case to help a child, including the provision of prevention services, early intervention services and community support services, should be considered.

¹³⁵ Ontario, *Child, Youth and Family Services Act*

Functions

35 (1) The functions of a children’s aid society are to,

(c) provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

¹³⁶ Ontario, *Child, Youth and Family Services Act*

Society’s plan for child

100 The court shall, before making an order under section 101 [Order where child in need of protection], 102, 114 or 116, obtain and consider a plan for the child’s care prepared in writing by the society and including,

(a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found to be in need of protection;

¹³⁷ Ontario, *Child, Youth and Family Services Act*

Information about Provincial Advocate for Children and Youth to be displayed and available

15 (5) Service providers shall,

- (a) prominently display at their premises, in a manner visible to persons receiving services, a notice advising of the existence and role of the Provincial Advocate for Children and Youth and of how the Provincial Advocate for Children and Youth may be contacted; and
- (b) make available on request informational materials produced by the Provincial Advocate for Children and Youth.

¹³⁸ Ontario, *Child, Youth and Family Services Act*

Complaints procedure

18 (1) A service provider who provides residential care to children or young persons or who places children or young persons in residential placements shall establish a written procedure, in accordance with the regulations, for hearing and dealing with,

- (a) complaints regarding alleged violations of the rights under this Part of children in care; and
- (b) complaints by children in care or other persons affected by conditions or limitations imposed on visitors under subsection 11 (1) or suspensions of visits under subsection 11 (2).

¹³⁹ Ontario, *Child, Youth and Family Services Act*

Powers of Minister

Public interest

44 (2) In considering the public interest under clause (1) (b), the Minister may consider any matter the Minister regards as relevant including,
(c) the quality of services provided by the society.

Powers

44 (3) For the purposes of subsection (1), the Minister may do one or more of the following:
3. Suspend, amend or revoke the designation of the society.

Restructuring by Minister's order

48 (1) If the Minister considers it to be in the public interest, including to enhance the efficiency, effectiveness and consistency of services, the Minister may order a society to do any of the following on or after the date set out in the order:

- 1. To amalgamate with one or more other societies.

¹⁴⁰ Ontario, *Child, Youth and Family Services Act*

Inspections without warrant

275 An inspector may, at any reasonable time and without a warrant or notice, enter and inspect,

- (b) the premises of a children's residence;

Powers on inspection

276 (1) An inspector conducting an inspection may,

- (a) examine the services provided;

¹⁴¹ Ontario, *Child, Youth and Family Services Act*

Reports and information to Minister

56 Every service provider and lead agency shall,

- (a) make the prescribed reports and provide the prescribed information, including personal information, to the Minister, in the prescribed form and at the prescribed intervals; and
- (b) make a report and provide information, including personal information, to the Minister whenever the Minister requests it.

Information available to the public

58 Every service provider and lead agency shall make the prescribed information available to the public in the prescribed manner.

¹⁴² Quebec, *Youth Protection Act*

8. The child and the parents are entitled to receive, with continuity and in a personalized manner, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources

¹⁴³ Quebec, *Youth Protection Act*

45.2. If the director decides not to accept a report but is of the opinion that the child or one or both of the child's parents require assistance, the director must inform them of the services and resources available in their community. If they consent to it, the director must, in a personalized manner, advise them and direct them to the institutions, bodies or persons best suited to assist them and come to an agreement with the service provider on the terms of access to such service, in particular, on the time limit. In addition, if they consent to it, the director must forward the information relevant to the situation to the service provider.

Information on the services and resources available to them is given to the person requiring assistance and, in the case of a child under 14 years of age, to one or both of the child's parents

Where the child requiring assistance is 14 years of age or older, the director may, if the child consents to it, inform one or both of the child's parents of the services and resources available in their community. In addition, where the child is directed to an institution, body or person in accordance with the first paragraph, the director may, if the child consents to it, inform one or both of the parents. Where the director directs the child without informing the parents, the director must meet with the child and the service provider.

¹⁴⁴ Quebec, *Youth Protection Act*

45.2. If the director decides not to accept a report but is of the opinion that the child or one or both of the child's parents require assistance, the director must inform them of the services and resources available in their community. If they consent to it, the director must, in a personalized manner, advise them and direct them to the institutions, bodies or persons best suited to assist them and come to an agreement with the service provider on the terms of access to such service, in particular, on the time limit. In addition, if they consent to it, the director must forward the information relevant to the situation to the service provider.

Information on the services and resources available to them is given to the person requiring assistance and, in the case of a child under 14 years of age, to one or both of the child's parents

Where the child requiring assistance is 14 years of age or older, the director may, if the child consents to it, inform one or both of the child's parents of the services and resources available in their community. In addition, where the child is directed to an institution, body or person in accordance with the first paragraph, the director may, if the child consents to it, inform one or both of the parents. Where the director directs the child without informing the parents, the director must meet with the child and the service provider.

¹⁴⁵ Quebec, *Youth Protection Act*

54. For the purposes of this section [Division III – Assessing the Situation and Directing the Child], the director must, whenever possible, call upon persons or bodies active in the community where the child lives. He must also ensure that the required services are provided to the child or to the child's parents for the implementation of the voluntary measures.

¹⁴⁶ Quebec, *Youth Protection Act*

8. The child and the parents are entitled to receive, with continuity and in a personalized manner, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources

¹⁴⁷ Quebec, *Youth Protection Act*

64. An institution must continue to provide foster care to a person having reached the age of 18 years if the person consents to it and if the person's condition does not allow his return to or reinsertion in his home environment. Foster care shall continue until the person's admission to another institution or any of its intermediate resources or to a family-type resource where he will receive the services required by his condition is assured.

¹⁴⁸ Quebec, *Youth Protection Act*

92. Where the tribunal orders the carrying out of a measure with regard to a child, it shall entrust the situation of the child to the director, who shall then see that the measure is carried out.

Every institution and every educational body is required to take all available means to provide the services required to carry out the measures ordered. The same applies to every person and to every other body that agrees to apply such measures.

¹⁴⁹ New Brunswick, *Family Services Act*

WHEREAS it is recognized that elderly, disabled and dependent persons are entitled to protection and can benefit from social services which ensure the opportunity for personal development; and

¹⁵⁰ New Brunswick, *Family Services Act*

Protective care of child

32(2) Where the Minister places a child under protective care he shall make adequate provision for his care, and he may

(d) leave the child in his own home and may provide social services when the provision of social services is adequate to ensure his proper care.

¹⁵¹ New Brunswick, *Family Services Act*

Definitions

43 "guardianship agreement" means an agreement entered into under paragraph 44(1)(b) between the parent and the Minister permanently transferring from the parent to the Minister the guardianship of the child, including the custody, care and control of, and all parental rights and responsibilities with respect to, the child; (*entente de tutelle*)

"custody agreement" means an agreement entered into under paragraph 44(1)(a) between the parent and the Minister transferring the custody, care and control of a child from the parent to the Minister; (*entente de garde*)

Responsibilities for Minister for child in care

45(1) Where a child is in the care of the Minister under a custody agreement the Minister shall, to the extent the parent cannot,

(a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs; and

45(3) Where the child is in care under a guardianship agreement the Minister shall

(a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs;

¹⁵² New Brunswick, *Family Services Act*

Authority of Minister respecting social services

20(1) The Minister of Families and Children or the Minister of Seniors and Long-Term Care, as the case may be, may

- (a) provide for research to be undertaken to determine social service needs within the Province;
- (b) establish and operate social service programs and social service agencies in accordance with the regulations; and
- (c) provide, in accordance with the regulations, resources for the establishment and operation of social service programs and social service agencies where the Minister is of the opinion that the social service
 - (i) is needed in the community, and
 - (ii) is being provided or will be provided in accordance with standards prescribed by the Minister or by the regulations.

¹⁵³ New Brunswick, *Family Services Act*

Investigation of community social services agency

22(1) Where the Minister of Families and Children or the Minister of Seniors and Long-Term Care, as the case may be, is advised that a community social service agency that provides a social service under a contract with the Minister, or that has been provided with resources under this Part, is providing a social service that may be

- (a) of inadequate quality, or
 - (b) dangerous, destructive or damaging to a recipient of the social service,
- the Minister shall evaluate the matter brought to his attention and may make such investigation as he considers necessary, including
- (c) entering any premises occupied by the agency in question,
 - (d) inspecting records and documents of the agency, and
 - (e) interviewing employees of the agency and recipients of the social service provided by the agency.

¹⁵⁴ New Brunswick, *Children in Care Services Regulation*, NB Reg 91-170

7 The Minister may terminate the approval of a child placement resource if

- (a) the operator ceases to provide child care services,
- (a.1) a care provider at any time fails to meet the criteria and standards set out in paragraphs 5(a) to (c),
- (b) the Minister directs the operator of a child placement resource to terminate operation of the child placement resource under paragraph 27(4)(g) of the Act, or
- (c) the Minister determines that an operator is not distributing money received from the Minister on behalf of a child in care in the best interests of the child in accordance with section 8 and the criteria and standards prescribed by the Minister under subsection 26(1) of the Act.

¹⁵⁵ Nova Scotia, *Child and Family Services Act*

Services to promote integrity of family

13 (1) Where it appears to the Minister or an agency that services are necessary to promote the principle of using the least intrusive means of intervention and, in particular, to enable a child to remain with the child's parent or guardian or be returned to or placed in the care of a parent or guardian of the child, the Minister and the agency shall take reasonable measures to provide services to families and children that promote the integrity of the family

¹⁵⁶ Nova Scotia, *Child and Family Services Act*

Duty to provide services to child

14 (1) The Minister shall provide to a child under sixteen years of age appropriate child-care services or placement in a child-caring facility if it appears to the Minister that

(a) there is no parent or guardian willing to assume responsibility for the child; or

(b) the child is a child in care who requires child-care services or placement in a child-caring facility.

(2) The Minister shall, where the conditions in subsections (1) and (2) of Section 19A [Placement agreement] are met, provide to a child sixteen years of age or more but under nineteen years of age appropriate child-care services or placement in a child-caring facility if it appears to the Minister that

(a) there is no parent or guardian willing to assume responsibility for the child; or

(b) the child is a child in care who requires child-care services or placement in a child-caring facility.

¹⁵⁷ Nova Scotia, *Child and Family Services Act*

Interpretation

3 (1) (g) “child-care services” means

(i) assessment, counselling and referral services,

(ii) child-protection and child-placing services,

(iii) parenting-skill and support services,

(iv) consulting, research and evaluation services with respect to child-care services,

(v) such other services as the Minister may approve or license as child-care services;

¹⁵⁸ Nova Scotia, *Child and Family Services Act*

Approval of facilities and services

15 (1) The Minister may approve or license child-caring facilities and child-care services for the purpose of this Act, and a foster home approved by an agency is deemed to have been approved by the Minister.

15 (2) No person shall conduct, maintain, operate or manage a child-caring facility or a child-care service that is not approved or licensed by the Minister.

15 (4) A child-caring facility or child-care service is subject to the supervision of the Minister and the Minister or a person authorized by the Minister may enter, inspect and evaluate a child-caring facility or child-care service and examine the records, books and accounts thereof.

¹⁵⁹ Prince Edward Island, *Child Protection Act*

Agreement for child protection services

13 (1) Where the Director concludes, after an investigation, that a child is in need of protection, the Director may offer child protection services to the parent.

¹⁶⁰ Prince Edward Island, *Child Protection Act*

Terms of supervision order

38 (3) A disposition order that requires supervision by the Director, made pursuant to this section, may include the following terms:

(b) directions to allow the Director to provide child protection services to the child or for the benefit of the child;

(e) requirements respecting assessment, treatment or services to be obtained by a parent;

¹⁶¹ Prince Edward Island, *Child Protection Act*

Duties of the Director

4(2) The Director shall have the following duties:

(i) to submit to the Minister an annual review of child protection services in the province;

¹⁶² Prince Edward Island, *Child Protection Act*

Advisory Committee

58 (1) The Minister shall appoint an Advisory Committee, in accordance with the regulations to review, every five years, the provisions of this Act and the services performed pursuant to this Act, and to report to the Minister concerning the operation and administration of this Act and concerning whether or not the principles and purposes of this Act are being achieved.

¹⁶³ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Determining the need for protective intervention

12 (2) Where, after an investigation referred to in subsection (1), the manager or social worker has determined that the child is in need of protective intervention, the manager or social worker shall

- (a) enter into a written agreement with the parent outlining the plan for the child and the child's parent with respect to the required services; or
- (b) where the manager or social worker is not satisfied that the child's need for protective intervention can be met under paragraph (a), take whatever action under this Act that the manager or social worker considers appropriate.

¹⁶⁴ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Determining the need for protective intervention

12 (3) Where,

- (a) upon assessing information received under subsection (1), a manager or social worker is satisfied that the information provided was without merit or without reasonable grounds; or
- (b) after an investigation referred to in subsection (1), a manager or social worker has determined that the child is not in need of protective intervention, the manager or social worker may, where appropriate, refer the child or the child's parent to health care, social, legal or other services which may assist the child or the child's parent and may, in exceptional circumstances, enter into a written agreement outlining the plan for the child and the child's parent with respect to the required services.

¹⁶⁵ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Plan for the child

29. (1) A manager or social worker shall file with the court, not later than noon on the day before the presentation hearing or a hearing referred to in section 25 [Where child is not removed] is scheduled, a plan for the child and provide a copy to those persons who have been served with a copy of the application.

29 (3) A plan filed under subsection (1) shall include

- (a) a description of the services required to address the situation or issues on the basis of which the child was determined to be in need of protective intervention;

Where child is not removed

25. (1) Where a manager or social worker believes on reasonable grounds that

- (a) a child is in need of protective intervention;
 - (b) the child's safety could be assured without removing the child with the provision of protective intervention services; and
 - (c) a parent of the child is unwilling to accept protective intervention services for the child,
- the manager or social worker shall file an application with the court for a protective intervention hearing and an order that the child is in need of protective intervention.

¹⁶⁶ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Plan for the child

29. (1) A manager or social worker shall file with the court, not later than noon on the day before the presentation hearing or a hearing referred to in section 25 [Where child is not removed] is scheduled, a plan for the child and provide a copy to those persons who have been served with a copy of the application.

29 (3) A plan filed under subsection (1) shall include

(a) a description of the services required to address the situation or issues on the basis of which the child was determined to be in need of protective intervention;

¹⁶⁷ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Presentation hearing

31(3) Where a judge makes an order under subsection (2) that is not an order for continuous custody, the judge may attach reasonable conditions to that order, including conditions with respect to

(c) the assessment, treatment or services to be obtained by the child or the child's parent

¹⁶⁸ Newfoundland and Labrador, *Child and Youth care and Protection Act*

Counselling for child or youth after removal

66. A child or youth who is removed from a residential placement or from the care of a person with whom a manager or social worker has placed the child or youth shall be entitled to counselling.

¹⁶⁹ British Columbia, *Child, Family and Community Service Act*

Guiding principles

2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:

(f) the cultural identity of aboriginal children should be preserved;

¹⁷⁰ British Columbia, *Child, Family and Community Service Act*

Best interests of the child

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

(e) the child's cultural, racial, linguistic and religious heritage;

¹⁷¹ British Columbia, *Child, Family and Community Service Act*

Best interests of the child

4 (2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

¹⁷² British Columbia, *Child, Family and Community Service Act*

Service delivery principles

3 The following principles apply to the provision of services under this Act:

(c) services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;

¹⁷³ British Columbia, *Child, Family and Community Service Act*

Presentation hearing and orders

35 (1) At a presentation hearing relating to the removal of a child under section 30, the director must present to the court a written report that includes

(b) an interim plan of care for the child, including, in the case of an aboriginal child, the steps to be taken to preserve the child's aboriginal identity, and

Presentation hearing about enforcement of the supervision order

42.1 (5) At the presentation hearing, the director must present to the court a written report that includes

- (b) an interim plan of care for the child, including, in the case of an aboriginal child, the steps to be taken to preserve the child's aboriginal identity.

¹⁷⁴ British Columbia, *Child, Family and Community Service Act*

Rights of children in care

70 (1) Children in care have the following rights:

- (j) to receive guidance and encouragement to maintain their cultural heritage;

¹⁷⁵ British Columbia, *Child, Family and Community Service Act*

Out-of-home living arrangements

71 (3) If the child is an aboriginal child, the director must give priority to placing the child as follows:

- (a) with the child's extended family or within the child's aboriginal cultural community;
- (b) with another aboriginal family, if the child cannot be safely placed under paragraph (a);
- (c) in accordance with subsection (2), if the child cannot be safely placed under paragraph (a) or (b) of this subsection.

¹⁷⁶ Alberta, *Child, Youth and Family Enhancement Act*, s.2(i)(n)(p), *infra*.

¹⁷⁷ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (p) if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity.

¹⁷⁸ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (i) any decision concerning the placement of a child outside the child's family should take into account
- (iii) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,

¹⁷⁹ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (n) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;

¹⁸⁰ Alberta, *Child, Youth and Family Enhancement Act*

Private Guardianship

52 (1.3) If an applicant has reason to believe that the child is an aboriginal child, the application under subsection (1) must include a cultural connection plan, made in accordance with the regulations, that addresses how the child's connection with aboriginal culture, heritage, spirituality and traditions will be fostered and the child's cultural identity will be preserved.

¹⁸¹ Alberta, *Child, Youth and Family Enhancement Act*, s.2(i)(n)(p), *supra*.

¹⁸² Saskatchewan, *Child and Family Services Act*

Child's best interests

4 If a person or court is required by any provision of this Act other than subsection 49(2) [Dispensing with Signature] to determine the best interests of a child, the person or court must take into account:

(c) the child's cultural and spiritual heritage and upbringing;

¹⁸³ Saskatchewan, *Child and Family Services Act*

Placement considerations

53 In any case where an officer is arranging residential services for a child or an order is to be made by the court pursuant to subsection 37(1) [Orders re child in need of protection], the officer or court

(b) if practicable, attempt to maintain the child in an environment that is consistent with the child's cultural background.

¹⁸⁴ Manitoba, *Child and Family Services Act*

Declaration of Principles

The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:

8. Families are entitled to services which respect their cultural and linguistic heritage.

11. Indian bands are entitled to the provision of child and family services in a manner which respects their unique status as aboriginal peoples.

¹⁸⁵ Manitoba, *Child and Family Services Act*

Best interests

2(1) The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations. After that, all other relevant matters shall be considered, including

(h) the child's cultural, linguistic, racial and religious heritage.

¹⁸⁶ Manitoba, *Child and Family Services Act*

Duties of agencies

7(1) According to standards established by the director and subject to the authority of the director every agency shall:

(m) provide services which respect the cultural and linguistic heritage of families and children;

¹⁸⁷ Ontario, *Child, Youth and Family Services Act*

Member of child's or young person's community

2 (3) For the purposes of this Act, the following persons are members of a child's or young person's community:

1. A person who has ethnic, cultural or creedal ties in common with the child or young person or with a parent, sibling or relative of the child or young person.

¹⁸⁸ Ontario, *Child, Youth and Family Services Act*

Right to be heard in respect of decisions

8 (1) For greater certainty, the rights under section 3 of a child in care apply to decisions affecting them, including decisions with respect to,
(b) the child's or young person's creed, community identity and cultural identity;

¹⁸⁹ Ontario, *Child, Youth and Family Services Act*

Best interests of child

74 (3) Where a person is directed in this Part [Part V – Child Protection] to make an order or determination in the best interests of a child, the person shall,
(c) consider any other circumstance of the case that the person considers relevant, including,
(iii) the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression,
(iv) the child's cultural and linguistic heritage,

¹⁹⁰ Ontario, *Child, Youth and Family Services Act*

Best interests of child

74 (3) Where a person is directed in this Part [Part V – Child Protection] to make an order or determination in the best interests of a child, the person shall,
(b) in the case of a First Nations, Inuk or Métis child, consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child's cultural identity and connection to community, in addition to the considerations under clauses (a) and (c)

¹⁹¹ Ontario, *Child, Youth and Family Services Act*

Other purposes

1 (2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well-being of children, are to recognize the following:
3. Services to children and young persons should be provided in a manner that,
i. respects a child's or young person's need for continuity of care and for stable relationships within a family and cultural environment,
ii. takes into account physical, emotional, spiritual, mental and developmental needs and differences among children and young persons,
iii. takes into account a child's or young person's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression,
iv. takes into account a child's or young person's cultural and linguistic needs,

¹⁹² Ontario, *Child, Youth and Family Services Act*

Other purposes

1 (2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well-being of children, are to recognize the following:
6. First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services, and all services to First Nations, Inuit and Métis children and young persons and their families should be provided in a manner that recognizes their cultures, heritages, traditions, connection to their communities, and the concept of the extended family.

¹⁹³ Ontario, *Child, Youth and Family Services Act*

French language services

16 Service providers shall, where appropriate, make services to children and young persons and their families available in the French language.

¹⁹⁴ Ontario, *Child, Youth and Family Services Act*

Society's plan for child

100 The court shall, before making an order under section 101 [Order where child in need of protection], 102 [Custody order], 114 [Court may vary, etc.] or 116 [Court order], obtain and consider a plan for the child's care prepared in writing by the society and including,
(f) a description of the arrangements made or being made to recognize the importance of the child's culture and to preserve the child's heritage, traditions and cultural identity.

¹⁹⁵ Ontario, *Child, Youth and Family Services Act*

Personal liberties

12 A child in care has a right,

(b) to receive instruction and participate in activities of their choice related to their creed, community identity and cultural identity, subject to section 14 [Parental consent].

¹⁹⁶ Ontario, *Child, Youth and Family Services Act*

Review by advisory committee

Mandatory review

64 (1) An advisory committee shall review,

(a) every residential placement in an institution of a child who resides within the advisory committee's jurisdiction, if the residential placement is intended to last or actually lasts 90 days or more,

(i) as soon as possible, but no later than 45 days after the day on which the child is placed in the institution,

(ii) unless the residential placement is reviewed under subclause (i), within 12 months of the establishment of the advisory committee or within such longer period as the Minister allows, and

(iii) while the residential placement continues, at least once during each nine-month period after the review under subclause (i) or (ii);

(b) every residential placement of a child who objects to the residential placement and resides within the advisory committee's jurisdiction,

(i) within the week immediately following the day that is 14 days after the child is placed, and

(ii) while the residential placement continues, at least once during each nine-month period after the review under subclause (i); and

(c) an existing or proposed residential placement of a child that the Minister refers to the advisory committee, within 30 days of the referral.

¹⁹⁷ Ontario, *Child, Youth and Family Services Act*

Matters to be considered

64 (5) In conducting a review, an advisory committee shall,

(g) in the case of a First Nations, Inuk or Métis child, also consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child's cultural identity and connection to community.

¹⁹⁸ Ontario, *Child, Youth and Family Services Act*

Placement

109 (2) The society having care of a child shall choose a residential placement for the child that,

(b) where possible, respects the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, creed, sex, sexual orientation, gender identity and gender expression;

(c) where possible, respects the child's cultural and linguistic heritage;

(d) in the case of a First Nations, Inuk or Métis child, is with, if possible, a member of the child's extended family or, if that is not possible,

(i) in the case of a First Nations child, another First Nations family,

(ii) in the case of an Inuk child, another Inuit family, or

(iii) in the case of a Métis child, another Métis family; and

¹⁹⁹ Quebec, *Youth Protection Act*

- 2.4. Every person having responsibilities towards a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity
- (5) of opting for measures, in respect of the child and the child's parents, which allow action to be taken diligently to ensure the child's protection, considering that a child's perception of time differs from that of adults, and which take into consideration the following factors:
 - (b) the characteristics of cultural communities;
 - (c) the characteristics of Native communities, including Aboriginal customary tutorship and adoption.

²⁰⁰ Quebec, *Youth Protection Act*

3. Decisions made under this Act must be in the interest of the child and respect his rights.

In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account.

²⁰¹ Quebec, *Youth Protection Act*

8. The child and the parents are entitled to receive, with continuity and in a personalized manner, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources.

The child is also entitled to receive, on the same conditions, appropriate educational services from an educational body.

²⁰² Quebec, *Youth Protection Act*

- 38.2. A decision to determine whether a report must be accepted for evaluation or whether the security or development of a child is in danger must take the following factors into consideration:
- (b) the child's age and personal characteristics

²⁰³ Quebec, *Youth Protection Act*

- 11.1. Any child to whom foster care is provided by an institution under this Act shall be placed in premises appropriate to his needs and rights, taking into account the legislative and regulatory provisions governing the organization and operation of the institution and the human, material and financial resources at its disposal.

²⁰⁴ New Brunswick, *Family Services Act*

WHEREAS children have basic rights and fundamental freedoms no less than those of adults; a right to special safeguards and assistance in the preservation of those rights and freedoms and in the application of the principles stated in the *Canadian Bill of Rights* and elsewhere; and a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them and that they are capable of understanding;

²⁰⁵ New Brunswick, *Family Services Act*

Definitions

1 In this Act

“best interests of the child” means the best interests of the child under the circumstances taking into consideration (*intérêt supérieur de l'enfant*)

- (g) the child's cultural and religious heritage;

²⁰⁶ New Brunswick, *Family Services Act*

Responsibilities of Minister for child in care

45(1) Where a child is in the care of the Minister under a custody agreement the Minister shall, to the extent the parent cannot,
(a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs;

45(3) Where the child is in care under a guardianship agreement the Minister shall
(a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs;

²⁰⁷ Nova Scotia, *Child and Family Services Act*

Preamble

AND WHEREAS the preservation of a child's cultural, racial and linguistic heritage promotes the healthy development of the child

AND WHEREAS the cultural identity of Mi'kmaq and aboriginal children is uniquely important for the exercise of the child's aboriginal and treaty rights

²⁰⁸ Nova Scotia, *Child and Family Services Act*

Interpretation

3 (2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:

- (g) the child's cultural, racial and linguistic heritage;
- (ga) the child's sexual orientation, gender identity and gender expression;
- (h) the religious faith, if any, in which the child is being raised

²⁰⁹ Nova Scotia, *Child and Family Services Act*

Functions of agency

9 The functions of an agency are to

- (i) provide services that respect and preserve the cultural, racial and linguistic heritage of children and their families;

²¹⁰ Nova Scotia, *Child and Family Services Act*

Placement considerations

20 Where the Minister or an agency enters into an agreement pursuant to Section 17 [Temporary-care agreement], 18 [Special-needs agreement] or 19 [Services agreement with child 16 to 18], the Minister or the agency shall, where practicable, in order to ensure the child's best interests are served, take into account

- (a) the maintenance of regular contact between the child and the parent or guardian;
- (b) the desirability of keeping brothers and sisters in the same family unit;
- (c) the child's need to maintain contact with the child's relatives and friends;
- (d) the preservation of the child's cultural, racial and linguistic heritage; and
- (e) the continuity of the child's education and religion

Interim hearing

39 (8) Where the agency places a child who is the subject of an order pursuant to clause (e) of subsection (4) [the child shall remain or be placed in the care and custody of the agency], the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

- (a) the desirability of keeping brothers and sisters in the same family unit;
- (b) the need to maintain contact with the child's relatives and friends;
- (c) the preservation of the child's cultural, racial and linguistic heritage; and
- (d) the continuity of the child's education and religion.

Temporary care and custody order

44 (3) Where the agency places a child who is the subject of an order for temporary care and custody, the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

- (a) the desirability of keeping brothers and sisters in the same family unit;
- (b) the need to maintain contact with the child's relatives and friends;
- (c) the preservation of the child's cultural, racial and linguistic heritage;
- (d) the continuity of the child's education and religion; and
- (e) where the child is or is entitled to be an aboriginal child, the desirability of placing the child [...]

²¹¹ Nova Scotia, *Child and Family Services Act*

Disposition hearing

41 (3) The court shall, before making a disposition order, obtain and consider a plan for the child's care, prepared in writing by the agency and including

- (d) where the agency proposes to remove the child from the care of a parent or guardian,
- (ii) a statement of what efforts, if any, are planned to maintain the child's contact with the parent or guardian;

²¹² Nova Scotia, *Child and Family Services Act*

Disposition order

42 (3) Where the court determines that it is necessary to remove the child from the care of a parent or guardian, the court shall, before making an order for temporary or permanent care and custody pursuant to clause (d), (e) or (f) of subsection (1), consider whether

- (a) it is possible to place the child with a relative, neighbour or other member of the child's community or extended family with whom the child at the time of being taken into care had a meaningful relationship pursuant to clause (c) of subsection (1), with the consent of the relative or other person; and
- (b) where the child is or is entitled to be an aboriginal child, it is possible to place the child within the child's community.

²¹³ Nova Scotia, *Child and Family Services Act*

Permanent care and custody order

47 (5) Where practicable, a child, who is the subject of an order for permanent care and custody, shall be placed with a family of the child's own culture, race, religion or language but, if such placement is not available within a reasonable time, the child may be placed in the most suitable home available with the approval of the Minister.

²¹⁴ Nova Scotia, *Child and Family Services Act*

Cultural connection plan

47A The agency shall develop, in a timely manner, a cultural connection plan for a child who is in the permanent care and custody of the agency or is the subject of an adoption agreement pursuant to Section 68.

Interpretation

3 (1) In this Act,

- (kb) "cultural connection plan" means a written plan that offers information and guidance to preserve a child's cultural identity and, where the child is a Mi'kmaq child, is developed with input from the child's band and fosters the child's connection with the child's First Nation, culture, heritage, spirituality and traditions;

²¹⁵ Prince Edward Island, *Child Protection Act*

Preamble

AND WHEREAS the preservation of the cultural, racial, linguistic and religious heritage of a child promotes the healthy development of the child

²¹⁶ Prince Edward Island, *Child Protection Act*

Best interests of the child

2 (2) The best interests of the child means the interests that appear, to the Director, or to a court, to be best for the child under the circumstances, having regard to all relevant considerations, including

- (i) the cultural, racial, linguistic and religious heritage of the child;
- (j) if the child is aboriginal, the importance of preserving the cultural identity of the child;

²¹⁷ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

General principle

9 (2) In determining a child or youth's best interests, all relevant factors shall be considered, including

- (d) the child or youth's identity and cultural and community connections;

²¹⁸ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

Plan for the child

29 (3) A plan filed under subsection (1) shall include

- (e) where the child has been removed from a parent's care,
 - (ii) an explanation of the efforts planned to maintain the child's contact with the parent, family or other person significant to the child, and
 - (iii) a description of the arrangements made or being made to recognize the importance of the child's identity and cultural and community connections;

²¹⁹ British Columbia, *Child, family and Community Service Act*

Best interests of child

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

- (c) the importance of continuity in the child's care;

²²⁰ British Columbia, *Child, family and Community Service Act*

Cancellation of a continuing custody order

54 (4) After considering the importance of continuity in the child's care and the effect of maintaining a relationship the child has with any person, the court may cancel the continuing custody order, but only if it is satisfied that

- (a) the circumstances that caused the court to make the order have changed significantly, and
- (b) cancelling the order is in the child's best interests.

²²¹ Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (b) the importance of stable, permanent and nurturing relationships for the child;
- (i) any decision concerning the placement of a child outside the child's family should take into account
 - (iv) the benefits to the child of stability and continuity of care and relationships,

-
- (m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that
(i) addresses the child's need for stability, permanence and continuity of care and relationships

²²² Alberta, *Child, Youth and Family Enhancement Act*

Matters to be considered

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (b) the importance of stable, permanent and nurturing relationships for the child;
- (i) any decision concerning the placement of a child outside the child's family should take into account
(iv) the benefits to the child of stability and continuity of care and relationships,
- (m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that
(i) addresses the child's need for stability, permanence and continuity of care and relationships

²²³ Saskatchewan, *Child and Family Services Act*

Child's best interests

4 If a person or court is required by any provision of this Act other than subsection 49(2) to determine the best interests of a child, the person or court must take into account:

- (g) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity

²²⁴ Saskatchewan, *Child and Family Services Act*

Adjournments

34 (2) Before adjourning a protection hearing, the court shall consider the best interests of the child and, in particular:

- (a) the importance of continuity in the child's care and the possible effect of disruption of that continuity;

²²⁵ Manitoba, *Child and Family Services Act*

Best interests

2(1) The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations. After that, all other relevant matters shall be considered, including

- (d) the child's sense of continuity and need for permanency with the least possible disruption;

²²⁶ Manitoba, *Child and Family Services Act*

Declaration of Principles

The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:

5. Children have a right to a continuous family environment in which they can flourish.
7. Families are entitled to receive preventive and supportive services directed to preserving the family unit.

²²⁷ Manitoba, *Child and Family Services Act*

Duties of agencies

- 7(1) According to standards established by the director and subject to the authority of the director every agency shall:

(h) develop permanency plans for all children in its care with a view to establishing a normal family life for these children;

²²⁸ Manitoba, *Child and Family Services Act*

Review by director

54 The director shall, during each 12 month period in care, review the placement, care and treatment of and the permanency plans for every child in the care of agencies.

²²⁹ Manitoba, *Child and Family Services Act*

Duties of agencies

7(1) According to standards established by the director and subject to the authority of the director every agency shall:

(k) provide parenting education and other supportive services and assistance to children who are parents, with a view to ensuring a stable and workable plan for them and their children

²³⁰ Ontario, *Child, Youth and Family Services Act*

Best interests of child

74 (3) Where a person is directed in this Part [Part V – Child Protection] to make an order or determination in the best interests of a child, the person shall,

(c) consider any other circumstance of the case that the person considers relevant, including,

(v) the importance for the child's development of a positive relationship with a parent and a secure place as a member of a family,

(vi) the child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or member of the child's community,

(vii) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity

²³¹ Ontario, *Child, Youth and Family Services Act*

Other purposes

1 (2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well-being of children, are to recognize the following:

3. Services to children and young persons should be provided in a manner that,

i. respects a child's or young person's need for continuity of care and for stable relationships within a family and cultural environment

v. provides early assessment, planning and decision-making to achieve permanent plans for children and young persons in accordance with their best interests

²³² Ontario, *Child, Youth and Family Services Act*

Review by advisory committee

Mandatory review

64 (1) An advisory committee shall review,

(a) every residential placement in an institution of a child who resides within the advisory committee's jurisdiction, if the residential placement is intended to last or actually lasts 90 days or more,

(i) as soon as possible, but no later than 45 days after the day on which the child is placed in the institution,

(ii) unless the residential placement is reviewed under subclause (i), within 12 months of the establishment of the advisory committee or within such longer period as the Minister allows, and

(iii) while the residential placement continues, at least once during each nine-month period after the review under subclause (i) or (ii);

(b) every residential placement of a child who objects to the residential placement and resides within the advisory committee's jurisdiction,

(i) within the week immediately following the day that is 14 days after the child is placed, and

-
- (ii) while the residential placement continues, at least once during each nine-month period after the review under subclause (i); and
(c) an existing or proposed residential placement of a child that the Minister refers to the advisory committee, within 30 days of the referral.

²³³ Ontario, *Child, Youth and Family Services Act*

Matters to be considered

64 (5) In conducting a review, an advisory committee shall,

- (f) consider the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;

²³⁴ Ontario, *Child, Youth and Family Services Act*

Society's plan for child

100 The court shall, before making an order under section 101 [Order where child in need of protection], 102 [Custody order], 114 [Court may vary, etc.] or 116 [Court order], obtain and consider a plan for the child's care prepared in writing by the society and including,

- (e) where the society proposes to remove or has removed the child from a person's care permanently, a description of the arrangements made or being made for the child's long-term stable placement;

²³⁵ Quebec, *Youth Protection Act*

4. Every decision made under this Act must aim at keeping the child in the family environment.

If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents' involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities.

If, in the interest of the child, returning the child to the family is impossible, the decision must aim at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

²³⁶ Quebec, *Youth Protection Act*

57. On the conditions prescribed by regulation, the director shall review the case of each child whose situation he has taken in charge. He shall ensure that every measure is taken to return the child to his parents. If it is not in the interest of the child to be returned to his parents, the director shall see that the child benefits from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

²³⁷ Quebec, *Youth Protection Act*

91.1. If the tribunal orders a foster care measure under subparagraph *j* of the first paragraph of section 91, the total period of the foster care may not exceed [...]

If the security or development of the child is still in danger at the expiry of the periods specified in the first paragraph, the tribunal must make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

At any time during a period specified in the first paragraph, if the security or development of the child is still in danger, the tribunal may make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

²³⁸ New Brunswick, *Family Services Act*

Definitions

1 In this Act

“best interests of the child” means the best interests of the child under the circumstances taking into consideration (*intérêt supérieur de l’enfant*)

(c) the effect upon the child of any disruption of the child’s sense of continuity;

²³⁹ New Brunswick, *Family Services Act*

Preamble

WHEREAS it is recognized that social services provided to children should respect and preserve a child’s need for continuity of care within their kinship network, that a child’s best interests should be included in the assessment, planning and decision-making process surrounding the permanent plans for the child and that any procedural delay should be avoided as much as possible;

²⁴⁰ Nova Scotia, *Child and Family Services Act*

Interpretation

3 (2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:

(c) the importance of continuity in the child’s care and the possible effect on the child of the disruption of that continuity;

(d) the bonding that exists between the child and the child’s parent or guardian;

²⁴¹ Nova Scotia, *Child and Family Services Act*

Placement considerations

20 Where the Minister or an agency enters into an agreement pursuant to Section 17 [Temporary-care agreement], 18 [Special-needs agreement] or 19 [Services agreement with child 16 to 18], the Minister or the agency shall, where practicable, in order to ensure the child’s best interests are served, take into account

(a) the maintenance of regular contact between the child and the parent or guardian;

(b) the desirability of keeping brothers and sisters in the same family unit;

(c) the child’s need to maintain contact with the child’s relatives and friends;

(d) the preservation of the child’s cultural, racial and linguistic heritage; and

(e) the continuity of the child’s education and religion

Interim hearing

39 (8) Where the agency places a child who is the subject of an order pursuant to clause (e) of subsection (4) [the child shall remain or be placed in the care and custody of the agency], the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

(a) the desirability of keeping brothers and sisters in the same family unit;

(b) the need to maintain contact with the child’s relatives and friends;

(c) the preservation of the child’s cultural, racial and linguistic heritage; and

(d) the continuity of the child’s education and religion.

Temporary care and custody order

44 (3) Where the agency places a child who is the subject of an order for temporary care and custody, the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

(a) the desirability of keeping brothers and sisters in the same family unit;

(b) the need to maintain contact with the child’s relatives and friends;

(c) the preservation of the child’s cultural, racial and linguistic heritage;

(d) the continuity of the child’s education and religion; and

(e) where the child is or is entitled to be an aboriginal child, the desirability of placing the child [...]

²⁴² Nova Scotia, *Child and Family Services Act*

Disposition hearing

41 (3) The court shall, before making a disposition order, obtain and consider a plan for the child's care, prepared in writing by the agency and including

(d) where the agency proposes to remove the child from the care of a parent or guardian,

(e) where the agency proposes to remove the child permanently from the care or custody of the parent or guardian, a description of the arrangements made or being made for the child's longterm stable placement.

²⁴³ Prince Edward Island, *Child Protection Act*

Best interests of the child

2 (2) The best interests of the child means the interests that appear, to the Director, or to a court, to be best for the child under the circumstances, having regard to all relevant considerations, including

(f) a secure place for the child and the development of a positive relationship as a member of a family

(g) the love, affection and ties between the child and persons who have had custody of the child;

(h) the love, affection and ties between the child and other persons in the life of the child;

(i) the continuity of care for the child and the possible effect of disruption of that care on the child

²⁴⁴ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

General principle

9 (2) In determining a child or youth's best interests, all relevant factors shall be considered, including

(f) the importance of stability and permanency in the context of the child or youth's care.

²⁴⁵ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

Plan for the child

29 (3) A plan filed under subsection (1) shall include

(f) where the manager or social worker proposes to remove the child from a parent's care permanently, a description of the arrangements made or being made for the child's stability and permanency.

²⁴⁶ Newfoundland and Labrador, *Child and Youth Care and Protection Act*

Interpretation

2 (1) In this Act

(g) "family group conference" means a formal planning and decision making meeting, facilitated by an independent co-ordinator, which brings together the parent, family or other person significant to the child, social workers and other service providers to develop a plan for a child's safety, permanency and well-being;