A. General Questions

Q1. Why is this new policy directive required?

A1. On June 1, 2017, Bill 89, the Supporting Children, Youth and Families Act, 2017 was passed by the Ontario Legislature and received Royal Assent. The Act includes repealing the Child and Family Services Act (CFSA) and enacting the Child, Youth and Family Services Act, 2017 (CYFSA) in its place, once proclaimed. It also includes amendments to the CFSA while it is still in force to provide a full range of child protection services to youth to their 18th birthday, including a new Voluntary Youth Services Agreement (VYSA) for those youth who require out of home placement. The amendments to the CFSA will come into force on January 1, 2018.

A new policy directive is required to set out the additional requirements for children’s aid societies, including Indigenous societies, respecting 16- and 17-year-olds, including the requirements for the new VYSA.

Q2. What is the objective of this new policy directive?

A2. The objective of this new directive is to support the delivery of child protection services for 16- and 17-year-old youth in need of protection. By increasing the age of protection to include all children under the age of 18 years, 16- and 17-year-olds who are in need of protection will be eligible for the full range of child protection services, which will give them a better opportunity to get the support they need, reach their full potential, and have better outcomes as they transition to adulthood.

Research indicates that older youth who have been abused or neglected have an increased risk of experiencing homelessness, mental health issues, substance use, human trafficking and decreased employment prospects. The policy objective is to be responsive to the needs of vulnerable youth, and to provide services and support to these youth who are currently not eligible for service.

Q3. What are some key changes as a result of the legislative amendments?

A3. The key changes include:
   - The full range of child protection services will be provided to 16- and 17-year-olds up to their 18th birthday;
   - A new voluntary agreement will be available for youth who are 16- and 17-years-old who require out of home placement (referred to as Voluntary Youth Services Agreement (VYSA) in the policy directive); and
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- Continued Care and Support for Youth (CCSY) will be provided for youth where a VYSA expires at the time of their 18th birthday.

Q4. When do the changes come into effect?

A4. The amendments to the CFSA will be proclaimed and the new directive will come into effect on January 1, 2018.

Q5. Will the policy directive be updated when the CYFSA is proclaimed?

A5. It is anticipated that most of the Child, Youth and Families Services Act (CYFSA) will be proclaimed in Spring 2018. When the CYFSA comes into force, the policy directive and supporting documents will require a re-release to reflect changes in the legislation (e.g., changes to children’s rights, modernized language).

Q6. What was the engagement process to inform the policy directive?

A6. When the new legislation was tabled in the legislature on December 1, 2016, the ministry immediately began an engagement process to inform the development of this policy directive for societies. This work was informed by an Advisory Committee, which included representatives from the child welfare sector, community services, the Office of the Provincial Advocate for Children and Youth, and youth members. The Advisory Committee met four times from March to May 2017, and provided advice on the full range of service options for 16- and 17-year-olds, including the new voluntary agreement.

In addition to the Advisory Committee, the ministry has engaged broadly with partners, including several groups of youth, First Nations, Inuit, Métis and urban Indigenous partners, the child welfare sector, youth-serving agencies, and the Minister’s Working Group on Child and Family Well Being.

B. Reporting Suspicions that a Youth is in Need of Protection

Q7. Does the duty to report apply to 16- and 17-year-olds?

A7. A person may make a report where they have a reasonable suspicion that a youth age 16 or 17 is or may be in need of protection. The duty to report applies in respect of children under 16. The amendments to the Child and Family Services Act take into consideration that a different approach is needed for 16- and 17-year olds that will protect them and encourage their voluntary participation in service.

Q8. Are protections in place for professionals and members of the public who report concerns about 16- and 17-year-olds?
A8. Section 72(7) of the CFSA states that, “No action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion.” This applies to professionals and members of the public reporting child protection concerns about any child, including 16- and 17-year-olds.

Q9. Will the grounds of protection be different for 16- and 17-year olds?

A9. No. The existing grounds for protection will apply to 16- and 17-year-olds. Currently, the grounds for protection under the CFSA (s.72(1)) include, physical, sexual and emotional abuse, neglect, and risk of harm. The amendments to the CFSA include a new provision that provides regulation-making authority should additional grounds with respect to 16- and 17-year-olds be needed. A regulation is not planned at this time.

C. Service Approach

Q10. What services and supports will be available to 16- and 17-year-olds?

A10. As of January 1, 2018, societies will provide the full range of child protection services to youth up to their 18th birthday, as well as a new VYSA. Societies are directed to offer the full range of protection services, including a VYSA to eligible youth in need of protection.

Q11. Will child protection workers be expected to apply the Ontario Child Protection Standards (2016) when providing service to 16- and 17-year-olds and their families?

A11. Yes. The Ontario Child Protection Standards (2016) guide child protection workers in each phase of service delivery and are the mandatory framework in which child protection services are delivered.

Q12. Will the Ontario Child Welfare Eligibility Spectrum (2016) apply when assessing information reported to a society about 16- and 17-year-olds?

A12. Yes. In accordance with the Ontario Child Protection Standards (2016), child protection workers are required to use the Ontario Child Welfare Eligibility Spectrum (2016), in combination with other available information to determine the most appropriate referral disposition.

In accordance with the objective of the directive to support the delivery of responsive and accessible child protection services for youth in need of protection, it is expected that societies will provide services to youth who have been in need of protection and are now homeless and/or estranged from their families, and where a comprehensive assessment of the family may not be possible.
Q13. Is a youth’s participation in service voluntary?

A13. A key principle of the directive is **Youth-centred Protection Service**. Wherever possible, service delivery to youth who are 16 and 17 should support these youth to make decisions that help to minimize risk and promote their best interests, protection and wellbeing.

Q14. If a youth who is 16 or 17 is determined by a society to be in need of protection and cannot remain at home, what options are available?

A14. Several options are available for 16- and 17-year-olds who are in need of protection and require an out of home placement.

**Kinship Service** is an option in a situation where a youth is receiving child protection services from a society, and is being cared for by members of the child’s extended family or community. The Ontario Kinship Service Standards (2006) will apply in these situations.

**Customary care** is an option the case of a First Nations¹ youth. Societies must make all reasonable efforts to pursue a plan for customary care where the child is in need of protection, and cannot remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under Part III of the CFSA or, where there is an order for the child’s custody that is enforceable in Ontario, of the person entitled to custody under the order. The 2016 Ontario Permanency Funding Policy Guidelines apply.

A **Voluntary Youth Services Agreement (VYSA)** is available. Section 37.1(1) of the CFSA allows for an agreement between a society and a youth for services and supports to be provided for the child where,

(a) the society has jurisdiction where the child resides;
(b) the society has determined that the child is or may be in need of protection;
(c) the society is satisfied that no course of action less disruptive to the child, such as care in the child’s own home or with a relative, neighbour or other member of the child’s community or extended family, is able to adequately protect the child; and
(d) the child wants to enter into the agreement.

A **Temporary Care Agreement (TCA)** is a legal option available to youth. Before entering a TCA with a youth, the society will consider whether a VYSA is appropriate. If a youth is admitted to care by TCA, the policy requirements regarding children in care apply.

¹ For the purposes of this document, First Nations youth refers to a youth who is an “Indian” or “native child” as those terms are defined in the CFSA.
An admission to care by court order is available under Part III of the CFSA. The directive specifies that an application to court will not be made unless a VYSA has been offered by the society and refused by the youth. In such situations, the admission to CAS care is subject to all court processes outlined in the CFSA, as well as regulatory and policy requirements regarding children in care.

Q15. What is the role of families in the service delivery approach to 16- and 17-year-olds?

A15. Youth are often best supported at home with their families, extended families and communities. Service should favour the least disruptive course of action available to protect the youth.

Service should be provided in a manner that includes participation of the youth, parents, relatives and extended families and communities, where appropriate. If a youth enters a VYSA, this agreement is between the youth and a society. Societies are expected to assist youth to develop permanent relationships to the extent documented in the Voluntary Youth Services (VYS) Plan, which will vary depending on the youth’s stated goals.

Q16. Do statutory provisions with respect to bands and native communities apply to this cohort of youth?

A16. Yes, the provisions in the Child and Family Services Act with respect to notification of and consultation with bands apply to 16- and 17-year-olds (e.g., s. 213-213.1 of the CFSA and s. 123-124 of Regulation 70).

Q17. How should a society approach out-of-home placements in families where there is one or more child under the age of 16 and one or more child who is 16 or 17?

A17. Out-of-home placements, whether by court action or agreement, are child-specific. The society should work with the children and family to develop a plan that meets the needs and is informed by the wishes of each child.

D. Voluntary Youth Services Agreement (VYSA)

Q18. What are the eligibility requirements for a youth and society to enter into a VYSA?

A18. The following criteria apply for 16- and 17-year-olds to be eligible to enter into a VYSA with a society, consistent with s. 37.1 (1) of the CFSA:

   a. The society has jurisdiction where the youth resides;
   b. The society has determined that the youth is or may be in need of protection;
c. The society is satisfied that no course of action less disruptive to the youth, such as care in the youth’s own home or with a relative, neighbour or other member of the youth’s community or extended family member, is able to adequately protect the youth; and

d. The youth wants to enter into the agreement.

Q19. Are youth in a VYSA considered to be in the care of a society?

A19. Youth in a VYSA do not have an “in care” status. However, societies are responsible for the maintenance of youth in a VYSA, and these youth will receive all the supports consistent with a youth in care.

Q20. What steps should a society follow before entering a VYSA?

A20. Prior to entering a VYSA with a youth, societies will:

- ensure eligibility requirements are met as set out in the CFSA and the directive;
- inform the youth of the voluntary nature of the agreement in a manner that can be understood by the youth;
- make a referral to the Office of the Children’s Lawyer to provide the youth with an opportunity to receive legal advice about the options available to them; and
- provide the youth with an opportunity to consult with an advocate or other trusted adult prior to signing the agreement, or to have a support person attend the meeting with the youth and society, making every effort to include these individuals in planning meetings where appropriate.

In the case of First Nations youth, the society will provide notification to the band or community that the society is preparing to enter an agreement with the youth.

Q21. What are the case management responsibilities with respect to a youth in a VYSA?

A21. Within 30 days of completing a VYSA as outlined in the directive, society workers will work with each youth to develop a Voluntary Youth Services (VYS) Plan. Society workers will review the VYS Plan in person at least once every three months, and update the VYS Plan at least once every six months.

Additionally, a society will ensure every youth in a VYSA receives, in hard copy or electronically, a copy of the VYSA and VYS Plan, services available through the Provincial Advocate for Children and Youth and the OCL, and the process for resolving a dispute with the society or making a complaint to a society.

Q22. Are youth entering an agreement eligible for legal support?
A22. When a society determines that a youth is in need of protection and is considering a VYSA, a kinship service placement, a TCA or seeking a court order to bring the youth into the society’s care, a referral will be made to the OCL in a form provided by the ministry. The OCL may provide legal representation to the youth entering into a VYSA, if in the opinion of the OCL, such legal representation is appropriate (CFSA s 37.1 (8)).

Q23. What are the potential living arrangements for youth in a VYSA?

A23. The society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth’s needs and is informed by the youth’s wishes, and is appropriate to the youth’s development and readiness for independence. This may include Customary Care, Kinship Care, Foster Care, Group Care, an apartment, a supported living program, or transitional housing.

Q24. Do licensing requirements apply for youth in a VYSA who is living in a foster home or children’s residence?

A24. If the youth is placed in a licensed residential setting, the licensing requirements apply to that home, regardless of the status of the child.

Q25. What supports are available for youth who want to live independently?

A25. Youth who want to be supported to live independently may be eligible for financial and social supports consistent with a youth in care. These supports are to be identified when developing the VYS Plan and may include:

- financial and social supports to be provided to and/or on behalf of the youth (e.g., a residential placement, rent, living allowance);
- specific planning with respect to transitioning into adulthood (e.g., referral to a Youth In Transition Worker, financial literacy training); and
- other resources to support the youth’s individual needs and goals (e.g., counseling, cultural connections).

Q26. What options are available to youth who have concerns about the services they are receiving or if they disagree with a case decision made by a society?

A26. Some options for youth to address areas of disagreement with a society include Alternative Dispute Resolution, under s. 20.2 of the CFSA and O.Reg. 496/06 Methods and Procedures regarding ADR, and accessing the Provincial Advocate for Children and Youth. Under the CFSA, societies are also required to have a complaints procedure that the youth may access. Societies will inform youth about these options in a manner that the youth may understand, and provide the youth with written information about these options at the following junctures:
a. Signing of a VYSA;
b. Development of the Voluntary Youth Services (VYS) Plan and reviews of the VYS Plan;
c. Placement changes;
d. Upon admission to care by court order or Temporary Care Agreement under s.29 of the CFSA; and
e. Upon request of the youth, or expression of dissatisfaction with service.

Q27. Can a youth who is 16 or 17 and who is currently the subject of a court order (e.g., Crown Ward, Society Ward, Order of Supervision) enter into a VYSA?

A27. Where there is an existing court order in place for a youth’s care or supervision and a youth is seeking to enter a VYSA, an agreement may not come into force until any order for the care or supervision of the youth made under Part III of the CFSA is terminated.

Q28. Is a youth who is leaving a youth detention center or treatment center and unable to return home eligible for service, including a VYSA?

A28. When a report is received with respect to a youth, child protection workers are required to use the Ontario Child Welfare Eligibility Spectrum (2016), in combination with other available information to determine the most appropriate referral disposition. If an investigation is determined to be the appropriate response, child protection workers will conduct an investigation consistent with the Child Protection Standards to determine whether the youth is in need of protection, and the best plan for the youth, including whether the youth meets the eligibility requirements for a VYSA.

Q29. Is a youth who is an unaccompanied minor eligible for service, including a VYSA?

A29. A youth who is 16 or 17 who has arrived in Ontario unaccompanied by parents or caregivers is a child under the CFSA. Child protection workers will conduct an investigation consistent with the Child Protection Standards to determine whether the youth is in need of protection, and the best plan for the youth, including whether the youth meets the eligibility requirements for a VYSA.

Q30. In what circumstances is it appropriate for a society to terminate a youth’s VYSA?

A30. VYSAs can be terminated by the youth, or the society may terminate a VYSA with the approval of the Local Director or their designate. Circumstances in which the VYSA can be terminated should be limited, and every effort should be made by the society to maintain the VYSA. Examples of circumstances in which VYSAs can be terminated include those
where the youth refuses contact with the society, or cannot be located by the society after three months of reasonable attempts to locate the youth.

Supports and services are not dependent on youth meeting certain requirements identified in their VYS Plan, and a VYSA should not be terminated based on elements of the plan not being met.

Requirements pertaining to terminations are outlined in the directive.

**Q31. What are considered “reasonable efforts” for a society that is attempting to locate a youth?**

**A31.** Reasonable efforts to locate a youth may include attempted visits to locations where the youth is known to frequent, email or text messaging the youth, sending a letter to the youth’s last known address, inquiring through family or friends, if appropriate, or contacting them in a confidential manner through social media.

**Q32. If a youth or society terminates a VYSA, is he/she eligible to enter into a new one at a later date?**

**A32.** Where a VYSA has been terminated or not renewed, the society and the youth may enter into a new VYSA at any time in the future provided that the youth meets the eligibility requirements as set out in the CFSA s.37.1, including a determination that the youth is in need of protection.

**E. Voluntary Youth Services (VYS) Plan**

**Q33. What is a Voluntary Youth Services (VYS) Plan?**

**A33.** A VYS Plan is a plan between the youth and the society that articulates the youth’s individual strengths, needs and goals. It also includes the activities, and assigned roles and responsibilities of the youth and society to meet the goals. Within 30 days of a youth entering a VYSA, the society worker and the youth will work together to develop a VYS Plan.

**Q34. How often does the Voluntary Youth Services (VYS) Plan need to be reviewed?**

**A34.** The VYS Plan will be reviewed with the youth at least once every three months to discuss the youth’s progress towards meeting their goals and to address any challenges that the youth has identified. These discussions will be documented by the worker in the youth’s file. The VYS plan will be updated at least once every 6 months, or more frequently if requested by the youth.
F. Supports Post 18th Birthday

Q35. Are youth in a VYSA eligible for after-care supports?

A35. Youth whose VYSA expired on their 18th birthday are eligible for the Continued Care and Support for Youth (CCSY) program. CCSY provides eligible youth with financial and non-financial supports (e.g. case management) from age 18 until their 21st birthday.

Other supports for youth may include:
- Continued funding to caregivers (i.e. foster or group home providers) to provide a stable home to youth in the CCSY program who are still completing high school may also be available. The eligibility requirements for this funding are set out in the Stay Home for School Policy under the Ontario Permanency Funding Policy Guidelines. Youth whose caregivers are receiving financial assistance through a Stay Home for School Agreement are not eligible for financial assistance through CCSY, as per the Stay Home for School Policy.
- A Youth-In-Transition Worker to assist youth by linking them to housing supports, education resources, employment services, and life skills training in the community;
- Extended benefits through the Aftercare Benefits Initiative (e.g. health, dental) to youth from ages 21 to 25 who were eligible for CCSY; and
- A range of post-secondary supports including tuition grants, reimbursement of application fees, Ontario Student Assistance Program (OSAP) income exemptions, and the Living and Learning Grant which provides $2,000 per semester during the school year to youth from ages of 21 to 25 who were eligible for CCSY and enrolled in an OSAP-eligible post-secondary education or training program.

Q36. Will youth in a VYSA be eligible for the RESP and OCBE programs?

A36. The Ministry is exploring eligibility for these programs. The RESP and OCBE policy directives will be updated to reflect any changes and released to societies in advance of the January 1, 2018 proclamation date.

G. Funding

Q37. How will societies be funded to provide services to 16- and 17-year-olds?

A37. Once the age of protection amendments to the CFSA are proclaimed, MCYS will be providing additional funding to support the expansion of services for 16- and 17-year-olds. Further funding details will be provided to societies at a later date.

Q38. How will a society receive funding to support 16- and 17-year-olds?
A38. The Child Welfare Budget Package will be updated to include funding for raising the age of protection.

H. Reporting

Q39. What are the reporting requirements for societies?

A39. Societies are required to provide quarterly and year-to-date service and financial data regarding youth served under this directive. Reporting requirements will be further defined through the Child Welfare budget process.

The ministry is currently in the process of developing and finalizing the necessary reporting requirements and data definitions. The new reports will be implemented in time for the first quarterly reporting cycle. Societies will also have the ability to generate ad hoc reports from existing data sets as needed while the standard reports are being finalized.

Q40. How should the Standards Quality Improvement Plan (QIP) Process be applied to this new cohort of youth?

A40. Societies should exclude youth in a VYSA from their calculations when reporting compliance with the child in care standards through the Standards Quality Improvement Plan (QIP) Process. QIPs related to the Child Protection Standards apply.

I. Technical Implementation

Q41. How will the policy be implemented at societies using CPIN?

A41. The ministry is currently in the process of updating CPIN to facilitate the collection and reporting of data as it relates to services for 16- and 17-year-olds. These updates will be included in a future CPIN release.

Q42. How will the policy be implemented at non-CPIN agencies?

A42. Societies not yet using CPIN employ case management and financial management systems operated by legacy vendors. Societies will use their existing protocols to communicate these requirements to their vendors.

J. Training

Q43. How will societies be trained to provide service to 16- and 17-year-olds?

A43. Immediately following the release of the Directive, the ministry will host a webinar to train societies on the directive, and respond to any questions from the sector. In addition,
the ministry is working with Ontario Association of Children’s Aid Societies (OACAS) to explore and develop sector training with respect to providing services to 16- and 17-year-olds.

**Q44. How will societies be trained on the changes to the Child Protection Information Network (CPIN) to support service to 16- and 17-year-olds?**

**A44.** Training materials are being developed by the MCYS-CPIN operations unit which will advise on the new Voluntary Youth Services Agreement (VYSA) CPIN case, and additional functionality that will be available in CPIN to support service to 16- and 17-year-olds. A webinar for CPIN agencies will be held in advance of the January 1, 2018 proclamation date. For societies that have yet to go live on CPIN, or who are in the process of CPIN deployment, training to support the age of protection amendments will become part of the training material that is used during the CPIN Deployment phase.