

Ministry of Children and Youth
Services

Ministère des Services à l'enfance
et à la jeunesse

Assistant Deputy Minister's Office
Policy Development and Program
Design Division

Bureau du sous-ministre adjoint
Division de l'élaboration des politiques
et de la conception des programmes



56 Wellesley St. W., 14th Floor
Toronto, ON M5S 2S3
Phone: (416) 212-1961
Fax: (416) 314-1862

56, rue Wellesley ouest, 14^e étage
Toronto, ON M5S 2S3
Tél : (416) 212-1961
Télé : (416) 314-1862

Assistant Deputy Minister
Service Delivery Division

Sous-ministre adjoint
Division de la Prestation des Services

56 Wellesley St. W., 14th Floor
Toronto ON M5S 2S3
Tel: (416) 212-5663
Fax: (416) 314-1862

56, rue Wellesley ouest, 14^e étage
Toronto (Ontario) M5S 2S3
Tél. : (416) 212-5663
Telec.: (416) 314-1862

April 24, 2012

MEMORANDUM TO: Regional Directors

FROM: Aryeh Gitterman
Assistant Deputy Minister

Nancy Matthews
Assistant Deputy Minister

RE: New Notification Process to the Office of the
Children's Lawyer (OCL) Where a Society Serves
Notice to a Child Under the Age of 18 of his or her
Right to Apply for an Openness Order

As you know, the *Building Families and Supporting Youth to be Successful Act, 2011*, which amended the *Child and Family Services Act (CFSA)*, came into force on September 1, 2011. Under the amendments, all access orders (including those made under Part III of the CFSA) automatically terminate upon adoption placement. The amendments also provide for openness orders to be made where a society intends to place a Crown ward for adoption and an access order is in effect.

Before placing a Crown ward for adoption, the CAS must now give notice to both the person who has been granted an access order and the person with respect to whom an access order has been granted. The notice must advise them that:

- The society intends to place the child for adoption;
- The access order terminates upon adoption placement; and

- The person who has been granted the access order has the right to apply for an openness order under section 145.1.2 of the CFSA within 30 days of receiving notice.

A notification process to the OCL has been established which contemplates the scenario where the person who was granted an access order, and who receives notice from the CAS of his or her right to apply for an openness order, is under the age of 18.

As you know, any new policy or protocol must go to Gateway before it can be approved.¹ As this new OCL notification process establishes new administrative requirements for CASs, it was reviewed and approved by Gateway in March 2012.

Effective May 1, 2012, this notification process to the OCL and corresponding form replaces the interim protocol that was included in the Question and Answer document that was part of a larger proclamation package sent to Regional Offices from MCYS, and distributed to CASs from their respective Regional Offices on September 1, 2011.

Attached for your signature is a letter which should be signed by you and addressed to your respective CAS Executive Directors. Also attached for immediate distribution, in both English and French are:

- Notification Process to the Office of the Children's Lawyer: Where a Society Serves Notice to a Child under the Age of 18 of his or her Right to Apply for an Openness Order; and
- Form: Notice to the Office of the Children's Lawyer that a Child is Being Served with Form 8D.2 or 8D.3.

Thank you for your assistance in this matter. Should you have further questions regarding this notification process, please direct them to Gabe Minor, Manager, Child Welfare Secretariat, at (416) 325-5109 or Gabe.Minor@ontario.ca.


Aryeh Gitterman


Nancy Matthews

Attachments

¹ Gateway is a group of sector (including OACAS and ANCFSAO), and ministry representatives who provide advice to the ministry on reducing the administrative demand of new and existing MCYS child welfare policies, directives and requirements, and was established under the MCYS Strategy to Reduce Administrative Demands on Children's Aid Societies.