



Ontario Association of
Children's Aid Societies

LETTER TO THE MINISTER OF CHILDREN, COMMUNITY AND SOCIAL SERVICES

Regulatory Proposal on *Children in Care in Adoption* *Placement Settings*

JUNE 3, 2024

June 3, 2024

Hon. Michael Parsa
 Minister of Children, Community and Social Services
 7th Floor, 438 University Avenue
 Toronto, ON M5G 2K8

RE: Regulation Registry Proposal 24-MCCSS005, Enhance Oversight and Support for Children in Care in Adoption Placement Settings

Dear Minister Michael Parsa,

On behalf of the Ontario Association of Children's Aid Societies (OACAS) and our members, I am writing with respect to the [regulation registry proposal 24-MCCSS005](#) that the Ministry of Children, Community and Social Services (MCCSS or the Ministry) posted on April 17, 2024.

OACAS is a provincial membership organization representing 47 of Ontario's 50 mandated children's aid societies and Indigenous Child and Family Well-Being Agencies (child welfare agencies), as well as 2 pre-mandated Indigenous Child and Family Well-Being Agencies. We support members by providing practice tools, educational and training opportunities, as well as communication and advocacy supports to help bring positive change to the Ontario child welfare system and improve outcomes for children, youth, and families.

The Ministry is proposing amendments to Ontario Regulation 156/18 under the *Child, Youth and Family Services Act, 2017* (CYFSA) that would require child welfare agencies to conduct safety assessments and create safety plans where needed, as well as develop plans of care, for children and youth in care in adoption placement settings. MCCSS is also proposing to make related amendments to update [Policy Directive CW 003-20](#) so that it would reflect the new regulatory requirements.

It is our understanding that the Ministry is proposing these amendments to address differences in the requirements for oversight and support for children and youth in care in adoption placement settings, compared to other licensed placement settings (i.e., foster care, group home, staff model home, kinship, subsidized customary care, etc.). We acknowledge the intent to bring greater consistency to oversight and service planning for children and youth in adoption placement settings and the need to increase the support prospective adoptive caregiver(s) receive.

While OACAS and our members support these changes in principle, we are worried that the Ministry is not taking action to find the critical balance between oversight and compliance measurement and inclusive, identity-affirming, and trauma-informed care. Please see below for key considerations that we would like to bring to your attention.

1: Impact on Responsive Clinical Decision-making

Every child or young person is different, with their own needs and strengths; as a result, every adoption will be unique and facilitating the right match is critical.

Child welfare agencies prioritize matching children and youth with kin that possess the skills and characteristics essential to meeting their individual needs and supporting them in maintaining connections vital to their overall health and well-being. In some circumstances, where kin cannot be identified, child welfare agencies identify individuals that the child or young person does not know. The goal is to find caregivers for the child or youth who are equipped to support them and reflect equity and identity considerations. After a prospective adoptive caregiver is found, child welfare agencies support the child or young person and their prospective adoptive caregiver(s) as they adapt, adjust, and form attachment(s).

OACAS and our members urge MCCSS to carefully consider the regulatory requirements that apply to children and youth in care in other licensed placement settings and cautiously adapt them to reflect the unique needs of children and youth in care in adoptive placement settings. The requirements for children in care in other licensed placement settings should act as a guide; however, the Ministry should not mirror the requirements exactly. If they replicate the requirements, the Ministry will likely undermine the capacity of direct service staff to engage in the responsive clinical decision-making essential to adoption placements.

For example, for children and youth in care in adoption placement settings, the enhanced oversight, and approaches to service planning, may feel intrusive. Further, they could create the impression that the placement is not different from those they have experienced before and/or that the placement is insecure, unsafe, or unstable. Ultimately, mirroring the oversight and service planning associated with other licensed placement settings could be inappropriate and unintentionally disruptive and create challenges for young people and their prospective adoptive caregiver(s) to build trust and form attachment(s).

Adoption placements can be delicate; they require nuanced, responsive clinical decision-making on the part of direct service staff that prioritizes the best interests and strengths of the children, youth, and prospective adoptive caregiver(s). To provide adequate, individualized support, direct service staff must operate within a flexible framework. A responsive, flexible framework will also ensure direct service staff can make decisions that may mitigate adoption breakdowns and promote the long-term success of adoption placements.

We strongly recommend that the Ministry design the regulatory requirements for children and youth in care in adoption placement settings to be flexible and/or allow for departures based on the child welfare agency's assessment of the overall safety, health, and well-being of the child or young person, as well as their prospective adoptive caregiver(s). We request that MCCSS continue to engage OACAS and our members, as well as children, youth, and caregivers with lived experience, so we jointly develop a set of regulatory requirements specifically tailored to adoption placement settings.

2: Impact on Availability of Adoption Placement Settings

Members have expressed concern that mirroring the requirements will have a chilling effect on the willingness of prospective adoptive caregivers (who are typically kin) to welcome a child into their home. Members anticipate challenges in the recruitment and retention of prospective caregivers based on their experience implementing the enhanced oversight and service planning requirements associated with the *Quality Standards Framework*. Agencies have already encountered significant

challenges with recruitment and retention of caregivers for licensed family- and community-based placements (i.e., foster, kinship) and a decrease in the availability of such placements.

This is of particular concern for prospective adoptive caregivers who reflect the identity considerations of children and youth who are overrepresented in the Ontario child welfare system (i.e., Indigenous, Black, racialized, 2SLGBTQ+). Indigenous and Black caregivers, continue to be subject to over-surveillance, over-policing, and over-reporting across systems and sectors, including the child and youth services sector. It is critical that the enhanced oversight and service planning measures allow for flexibility so they can be implemented in a way that is inclusive, identity-affirming, and trauma-informed.

Placing children and young people with kin and caregivers who reflect equity and identity considerations is a vital part of the work to improve outcomes for children and youth, particularly those who are overrepresented in the child welfare sector (i.e., Indigenous, Black, racialized, and 2SLGBTQ+).

While addressing the differences between adoption placement settings and other licensed placement types is needed, replicating the approaches across placement types will not guarantee improved outcomes for all children and youth in care in adoptive placement settings. Nor will it guarantee meaningful support for all prospective adoptive caregivers.

The proposed changes will not permit the nuanced, responsive clinical decision-making essential to adoption placement settings. Again, OACAS and our members recommend that MCCSS develop a set of regulatory requirements that are flexible and allow for departures so that children and youth in care in adoption placement settings, as well as their prospective caregiver(s), feel truly supported, not just surveilled. There is an urgent need to shift legislation, regulations, policy, and programming away from a duty to report towards a *duty to support*.

Additionally, the introduction of regulatory requirements will inform how direct service staff collaborate with prospective adoptive caregivers. OACAS and our members anticipate there will be a need for updated education, training, and guidance documents as well as system changes to support implementation. We are pleased to work with MCCSS on the development of pertinent resources, alongside key partners and children, youth, and caregivers with lived experience to ensure direct service staff are well equipped to facilitate successful long-term placements and mitigate the risk of adoption disruption and breakdown.

3: Impact on Service Delivery

On behalf of members, OACAS would like to highlight that the proposed regulatory amendments could impact service delivery.

The proposed regulatory amendments will increase administrative tasks and, in turn, heighten workload pressures. We remind the Ministry that the proposed regulatory amendments follow a series of significant regulatory and policy changes (i.e., *Quality Standards Framework, Ready, Set, Go*) that have already placed unsustainable workload pressures on direct service staff due to associated administrative tasks. The proposed regulatory changes for children and youth in adoption placement

settings will likely have a compounding effect and further compromise the capacity of direct service staff to deliver high-quality care.

OACAS is deeply concerned that this will undermine the capacity of staff to spend time forming meaningful connections with children, youth, and their caregiver(s) and deliver high-quality support and service. We urge MCCSS to explore opportunities to avoid duplicative reporting and minimize the administrative tasks associated with the proposed regulatory amendments for children and youth in care in adoption placement settings.

To ensure a smooth implementation of regulatory requirements, and mitigate the administrative impact and associated workload pressures, we strongly urge the Ministry to work closely with the child welfare sector to ensure information management system readiness. We remind MCCSS that not all child welfare agencies utilize the Child Protection Information Network (CPIN); there will be a need to support such agencies with resources as they adjust their own system(s). Additionally, we recommend the Ministry ensure that the new set of regulatory requirements align with adoption information disclosure legislation and associated regulations.

Despite the commendable intent for introducing these regulatory requirements for children and youth in care in adoption placement settings, OACAS is deeply concerned that the Ministry is not finding the essential balance between enhanced oversight and compliance measurement and inclusive, identity-affirming, and trauma-informed care.

OACAS and our members remain committed to working towards a system that ensures all children, youth, and caregivers thrive and succeed through the consistent delivery of high-quality, trauma-informed and culturally relevant care. If you have any questions or would like to further discuss, please do not hesitate to reach out. I can be reached at sowoo@oacas.org.

Sincerely,



Solomon Owoo
Interim CEO
OACAS

