

Government of the Northwest Territories
Response to the Standing Committee on Social Programs
Report on the Review of the Child and Family Services Act

Introduction

The NWT *Child and Family Services Act* is unique across Canada and was developed through extensive consultation with aboriginal governments/organizations, non-profit organizations, front line workers as well as Territorial Court Services and the Department of Justice. The Act focuses on providing support to the family, as a whole, and promoting more community/family involvement in the decisions affecting them. The Act also recognizes that decisions concerning children should be made in accordance with the best interest of children, and that differing cultural values and practices must be respected in those determinations.

The Government of the Northwest Territories (GNWT) acknowledges the hard work of the Standing Committee on Social Programs (Committee) on the review of the *Child and Family Services Act*. The undertaking of this very important task was timely and has offered an opportunity to hear feedback from the most important source of information – the families and communities directly affected by the legislation.

Information and feedback shared during the review process points to areas in our system that are in need of improvement, while also reinforcing our direction towards more of a prevention and early intervention based model. This process is consistent with the GNWT's vision as it ensures we have a Child and Family Services system that remains responsive to the people it serves.

Making substantive changes to improve the system will take time and will require significant investment and long term support. While the GNWT remains committed to improving services for children and families, the significant financial resources required for the implementation of these recommendations will need to be balanced with other GNWT priorities.

Moving Forward

Over the coming months, Health and Social Services (HSS) will begin work on a new strategic plan. The HSS system strategic plan will be a comprehensive plan encompassing the department, authorities and non-government service delivery partners. Input gathered through the Health and Wellness Dialogues, public consultation, along with reviews and evaluations that are currently underway will be used to set the strategic direction for the next four years. Recommendations conditionally agreed to out of the Report on the Review of the Child and Family Services Act will help inform the strategic priorities established in the new strategic plan.

Implementation of recommendations will be contingent on the availability of resources through the GNWT Business Planning process.

Consideration of the Recommendations

The recommendations were evaluated using the following criteria:

- Will implementation result in improved service delivery and make a meaningful difference to children, families and youth?
- Will implementation strengthen community and stakeholder confidence in the system?

Based on an initial assessment of the recommendations the GNWT concurs with the Committee's view that many of the recommendations can be implemented immediately. Where policy, practice or training can be amended without requiring additional financial or human resources, the GNWT will undertake to implement these recommendations as soon as possible.

As noted in the report, some of the recommendations considered most important by Committee will require significant research, analysis and investment. A detailed review of recommendations to amend legislation will be carried out in collaboration with the Department of Justice. If amendments are appropriate a consultation process will be undertaken prior to developing a Legislative Proposal (LP). Consistent with the process established for amending legislation, the LP will be presented to Standing Committee for their review. The timeline for this legislative process is typically 18 to 24 months.

The GNWT has responded to each of the Committee's recommendations in one of four ways: *accept*, *conditionally accept*, *accept in principle*, or *do not accept*. Where recommendations meet the evaluation criteria they have either been *accepted*, *accepted conditionally*, or *accepted in principle*. For recommendations that have been *accepted*, the GNWT will undertake to implement these recommendations as soon as practicable. In instances where the recommendations meet the evaluation criteria, but require significant financial resources for implementation, they have been *accepted conditionally*, pending the availability of resources. Where recommendations meet the criteria but may already be implicit in legislation, policy or practice, they have been *accepted in principle* and will be reviewed in collaboration with the Department of Justice to determine if an amendment to legislation is required. Where recommendations do not meet the evaluation criteria the response is *not accepted*.

Based on our initial assessment, we are pleased to report that we have accepted *twenty two* of the recommendations made by committee. These recommendations will be implemented as soon as possible. A further *twenty eight* recommendations have been conditionally accepted, pending the availability of additional resources and *thirteen* recommendations have been accepted in principle.

The attached table (Appendix A) contains preliminary responses to Committee's full list of recommendations. Detail on conditionally accepted responses will be presented for Committee's consideration through future GNWT Business Plans and will include cost estimates and implementation plans.

Prevention Services and Supports

Standing Committee on Social Programs Recommendations	Response	Information and Action
<p>1. Amend the Act to:</p> <ul style="list-style-type: none"> a) mandate prevention and early intervention; include a presumption of prevention and early intervention in the principles of the Act; b) include a presumption of working with, and providing support to the whole family to address protection concerns, and develop policy and standards to support this change; c) mandate community based services that must be provided by the Director in all communities; d) oblige the Director of Child and Family Services to consider first local, then regional, and finally territorial treatment options for cases requiring alcohol and drug treatment or rehabilitation; e) require the Director to provide adequate, timely support to parents requiring alcohol or drug treatment or rehabilitation so that they are able to complete terms in the Plan of Care agreement within a reasonable timeframe. 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) The presumption of prevention and early intervention are implicit in the Act. No amendment is required. Please see Section 2 (d), 2 (f) and 2 (l) of the Act which outline principles related to prevention and early intervention as well as Sections 5 and 6 which allow for the delivery of voluntary services to children and youth. b) The presumption of working with and providing supports to the whole family to address protection concerns is already implicit in the Act. Please refer to the preamble of the Act as well as Section 2 (d), 2 (f), 2 (h) and 2 (i – l). No amendment to the Act is required. c) It would not be appropriate to mandate community based services that must be provided by the Director. This is not consistent with the principles governing the act, namely that communities should be encouraged to provide, wherever possible their own child and family services. Further, the provision of services will be subject to the financial resources and assets available from both the GNWT and communities. d) Agree with the intent of this recommendation. However it would be more appropriately implemented through practice. e) Agree with the intent of this recommendation. However it would be more appropriately implemented through practice.

<p>2. Develop a comprehensive strategy to provide resources and capacity for prevention and early intervention programming.</p>	<p>Conditionally Accept</p>	<p>Early intervention community capacity building is underway and will expand as resources permit. A strategy to ensure more effective utilization of local community capacity will be incorporated into future GNWT planning.</p>
<p>3. Work with departments and organizations such as Education, Culture & Employment, NWT Housing Corporation, Justice, Health and Social Services, and the RCMP, to improve coordination of services and supports, at both the policy and delivery levels.</p>	<p>Accept</p>	<p>The GNWT recognizes that working with Aboriginal and local governments and across government departments is critical in ensuring we are able to best meet the needs of residents in an effective and efficient manner.</p>
<p>4. Ensure funding for prevention and early intervention programming in every community, and present a budget for it to the Legislative Assembly in the 2011-12 budget session.</p>	<p>Do not Accept</p>	<p>GNWT recognizes the importance of programs and initiatives aimed at prevention and early intervention and will work across government departments to retain the intent behind this recommendation.</p> <p>Health and Social Service Authorities are block funded to deliver core services that best meet the needs of their residents.</p> <p>The 2011-12 budget sessions have passed so implementation of this recommendation is not possible.</p>
<p>5. Expand prevention services at the local level by delegating responsibility and providing support to community agencies.</p>	<p>Accept</p>	<p>The GNWT recognizes the importance of prevention programming and already has the ability to delegate authority for these services. For instance, programs for mental health are contracted to the Canadian Health Association – NWT branch as well as the Gwich'in Tribal Council who holds funding for the mental health counsellor position in the community of Fort McPherson. The GNWT will work with communities, non-governmental organizations and inter-agency committees to determine what prevention programming would be best managed at a community level.</p>

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<p>6. Expand the Healthy Families Program to all communities, with high priority.</p>	<p>Conditionally Accept</p>	<p>This recommendation is supported in principle. Through the 2011/12 GNWT Business Planning process Health and Social Services received some Strategic Initiative funding to expand the Healthy Families program. Further expansion of this program is dependent on resources available and will be incorporated into future GNWT planning.</p>
<p>7. Develop policy to allow the Director to provide financial support to families in emergency situations.</p>	<p>Accept in principle</p>	<p>Although the CFS Act has provisions to allow the Director to provide financial support to families in emergency situations, the GNWT will ensure there are clear policies and guidelines on the amount of support that is available, how to access it and how these services fit with existing income support programs.</p>
<p>8. Encourage self-referrals and early intervention by providing more voluntary services.</p>	<p>Conditionally Accept</p>	<p>The GNWT will undertake the work necessary to effectively promote existing voluntary services. The GNWT will work in partnership with communities and local leadership to ensure that programming complements services and supports are available in the communities and are consistent with community values and priorities. Identified expansion required to voluntary services will be incorporated into future GNWT planning.</p>
<p>9. Develop policy that encourages the use of supervision agreements and Plan of Care agreements before apprehension.</p>	<p>Accept in Principle</p>	<p>While this is already standard practice and consistent with a "least intrusive measures" approach, additional clarity through policy development will be implemented as soon as is practicable.</p>
<p>10. Provide in-home supports and services as a means of keeping children safe in their homes.</p>	<p>Conditionally Accept</p>	<p>Will be implemented through the Healthy Families Program. Funding requirements will be</p>

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		incorporated into future GNWT planning.
11. Develop public education and community-based parenting programs.	Conditionally Accept	The GNWT recognizes the value of community based early intervention and prevention services however new programs will be dependent on the availability of resources. The GNWT will work across government departments to maximize opportunities for programming.
12. Develop services for collaborative crisis planning with families at risk of developing protection concerns, with particular focus on families with infants and youth (because these factors coincide with a high level of stress in the household).	Accept in Principle	The ability for collaborative crisis planning is already provided for in the Act. Sections 5 and 6 of the Act have provisions that allow for voluntary services to be provided for both children and youth that can be used in crisis situations before protection concerns develop. Work will be undertaken to incorporate needed training and policy development to support this recommendation.
13. Develop more resources for alcohol and drug treatment and rehabilitation in each region, and support local program alternatives.	Conditionally Accept	The GNWT will ensure that additions treatment programs are coordinated within existing community services. Development of community based treatment options will be dependent on the availability of resources.
14. Develop a policy regarding victims of domestic violence that includes: <ul style="list-style-type: none"> a. providing services and supports that allow them to keep their children safely in their custody; b. advocating for victims and supporting them in criminal proceedings against the perpetrator; and c. providing temporary shelter and support to allow victims and their children to leave the homes where abuse is taking place. 	Accept in Principle	a) The GNWT has legislation and policies to provide services and supports that allow victims of domestic violence to keep children safely in their custody. This includes emergency protection orders that can be granted under the <i>Protection Against Family Violence Act</i> that allow victims to temporarily (up to 90 days) remain in their residence while the perpetrator is required to leave as well as voluntary services that can be provided under the <i>Child and Family Services Act</i> . In addition, there is a referral protocol in place with the RCMP to provide

<p>15. Provide grants and resources to community organizations to provide community-based services and supports, including: shelters, food banks, counselling resources, treatment programs, healing camps, on-the-land programs, etc.</p>		<p>further legal and social supports to victims.</p> <p>b) Services that support and help advocate for victims are provided by the Department of Justice through legal aid and community based victim services programs.</p> <p>c) Services provided under the Family Violence Action Plan and the territorial shelter programs provide options for victims to access temporary shelter and allow support for victims and their children to leave homes where abuse is taking place.</p>
<p>15. Provide grants and resources to community organizations to provide community-based services and supports, including: shelters, food banks, counselling resources, treatment programs, healing camps, on-the-land programs, etc.</p>	<p>Conditionally Accept</p>	<p>At present, there is a variety of federal and territorial funding available to support community organizations in providing community-based supports and services. More than \$10 million in federal funding is invested in wellness initiatives in the NWT. This funding can be accessed by communities. More than \$6 million in GNWT funding is utilized to operate the Community Counselling Program, which offers community-based and regional mental health and addictions services.</p>

Least Intrusive Measures

Standing Committee on Social Programs Recommendations	Response	Information and Action
<p>16. Amend the Act to:</p> <ul style="list-style-type: none"> a) add consideration for the Canadian Charter of Rights and Freedoms, and the Rights of Aboriginal Peoples to the Principles of the Act; b) include the presumption of least intrusive measures, with special focus on prevention, early intervention, and mediation; c) include the presumption of working with the whole family; d) include the presumption of keeping families together and reunifying separated children and families to the extent possible; e) to allow the establishment of an early intervention team for self-referred cases and cases where a referral was investigated and the child is not currently in need of protection, but where protection concerns exist. The early intervention team should be made up of: <ul style="list-style-type: none"> i. the child protection worker ii. immediate and extended family members iii. a member of the child's band council administration, and iv. any professionals with sufficient interest in the child 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) The review and subsequent amendments to the <i>NWT Child and Family Services Act</i> undertaken in 2007 were primarily to protect the rights of parents consistent with the <i>Charter of Rights and Freedoms</i>. In 2000, the Supreme Court of Canada (<i>Winnipeg Child and Family Services v. K.L.M.</i>) held that the apprehension of a child without prior judicial authorization was constitutionally acceptable provided that there was a prompt and fair post-apprehension hearing in accordance with the principles of fundamental justice. The current principles of the Act state that decisions concerning a child should be made with recognition that differing cultural values and practices must be respected. This recommendation will be reviewed in collaboration with the Department of Justice to determine if an amendment to the Act is appropriate. b) The presumption of least intrusive measures is already implicit in the Act. An amendment is not required. Please see Section 2 (k) and 2 (l) of the Act. c) The presumption of working with the whole family is already implicit in the Act. No amendments to the Act are required. Please

		<p>refer to the preamble of the Act as well as Section 2 (d), 2 (f), 2 (h) and 2 (i – l).</p> <p>d) The presumption of keeping families together and reunifying separated children and families to the extent possible is already implicit in the Act. No amendments to the Act are required. Please see Section 2 (a), 2 (d), 2 (f), 2 (k), 2 (l) as well as Section 3 (d), 3 (e), 3 (f) and 3 (h).</p> <p>e) Provisions under Section 5 and 6 of the Act allow for voluntary services to be provided to children and youth for cases that are self-referred or in circumstances where a referral has been investigated but no child protection concerns were identified. Although not formally referred to as an early intervention team, the voluntary service agreement process allows for participation of the child protection worker, the immediate and extended family members as well as a member of the child's band council administration, professionals or any other person the group agrees to. Additional clarity through policy development will be implemented as soon as is practicable.</p>
<p>17. Change the threshold for apprehension to include:</p> <ul style="list-style-type: none"> a. a child should not be apprehended if the protection concern would be alleviated by providing financial support or other social services to the family; b. confirmation that the child protection worker has considered and/or attempted to provide services, which were ineffective in alleviating the protection concerns 	<p>Do not Accept</p>	<p>The current Act already provides for this. See Section 2 (d), 2 (f), 2 (k) and 2 (l). Section 7 of the Act outlines the specific criteria that must be met in order for a child to be considered in need of protection and Section 12.4 specifies the two part test that child protection workers must meet for a court to decide whether or not an apprehension was valid. The court frequently holds child protection workers accountable to ensure that children are not apprehended simply where services could have been provided. In addition, there are considerations and provisions in the Act as well as the <i>Children's Law Act</i> that require parents to be responsible for</p>

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		the safety and wellbeing of their children.
18. Develop policy and practice that is culturally appropriate for the NWT, with special emphasis on consideration for aboriginal culture, extended family support systems, and a community-based approach.	Accept	It is agreed that the development of culturally appropriate policies and practices are important to the health and wellbeing of NWT residents.
19. Amend the Act to include a presumption of using collaborative processes, mediation, and dispute resolution, from early intervention and throughout the protection process.	Accept in Principle	The current Act encourages the use of collaborative processes, through Plan of Care Committees and Child and Family Service Committees. This will be reinforced through policy and practice.
20. Integrate collaborative methods into policy and standards, including dispute resolution, participatory planning and other tools to improve communication.	Conditionally Accept	It is agreed that policy and standards will support this approach. Full implementation of this recommendation will be dependent on the availability of resources.
21. Include in the policy and procedures a meeting with parents and families for the purpose of outlining all of the options available to them in the child protection process.	Accept	The CFS Policy and Procedures Manual will be updated to ensure this recommendation is clearly reflected. Plain language parent information will also be developed to ensure parents understand all of the options available to them.
22. Language used in the Act, in policy and in practice should be non-adversarial and contribute to a collaborative process, and building understanding and better communication.	Accept in Principle	Agreed, the GNWT will undertake a review of the Act, policies and practice and where appropriate, amendments will be made to ensure language is non-adversarial.
23. A formal conflict resolution policy should be developed by the Department of Health and Social Services that includes the use of dispute resolution techniques and third-party mediators, negotiators and arbitrators.	Accept	The current Act allows for these practices and there is agreement that where policy, practice or training are deemed appropriate and can be implemented without requiring additional financial or human resources, the GNWT will undertake to implement these recommendations as soon as is practicable.

<p>24. Use dispute resolution to allow placement or return of the child to non-custodial parents, relatives and extended families as a means of avoiding apprehension.</p>	<p>Accept</p>	<p>While the current Act allows for the use of dispute resolution and it is standard practice for least intrusive measures to be used in protecting children at risk, there would be value in clarifying these processes as part of the conflict resolution policy that will be developed. See response to number 23</p>
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Advocacy and legal processes

<p>Standing Committee on Social Programs Recommendations</p>	<p>Response</p>	<p>Information and Action</p>
<p>25. Amend the Act to:</p> <ul style="list-style-type: none"> a) revise section 85(1) and (2) to allow the participation of advocates in all meetings between the child and/or parents and staff of CFS, court proceedings and case reviews. An advocate may include: <ul style="list-style-type: none"> i. a legal professional or lawyer ii. extended family or friend iii. a member of the parents band council administration iv. a member of an organization active in the individual's community v. a professional with sufficient interest in the individual b) include that if the child is an aboriginal child and belongs to a band council, notice should be served to the band council prior to both the apprehension hearing and the protection hearing; c) make the affidavit available, with the consent of the parents, to the band council of an aboriginal child, if a representative of the band council administration requests it; 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) Section 85(1) and (2) already allow the child and each parent of the child to choose and be accompanied by an adult who may assist them in expressing his or her views to the plan of care committee or the court. b) It is a requirement under the current Act to provide notice to a child's Aboriginal band council for all child protection hearings. The short timelines and temporary nature of apprehension hearings do not support providing notice to band councils during these hearings. c) The Act already allows parents to share an affidavit with whomever they feel is appropriate. There is no amendment to the Act required. d) This recommendation will be reviewed in collaboration with the Department of Justice, to

<p>d) formalize the child and parents rights to legal counsel at all stages of the child protection process;</p> <p>e) require full disclosure of the Director's files for the purpose of the court process; and</p> <p>f) review section 8(4) to provide meaningful access to legal recourse for victims of false reports, and consider other consequences for knowingly making a false report.</p>	<p>determine if an amendment is appropriate.</p> <p>e) As outlined in Section 71(2)(b) the Director's files would be made available on the order of a court.</p> <p>f) Section 90 of the Act has provisions that speak to offences and punishments. Any person who contravenes a provision of the Act for which there is no specified punishment can face a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or to both. In addition and in consultation with police and crown prosecutors, individuals engaged with malicious reporting can face other types of criminal charges.</p>
<p>26. Establish a mechanism to ensure every child's voice is heard and that the child understands what is happening to them at every level of the child welfare system.</p>	<p>Accept</p> <p>The current Act has unique provisions to allow for the participation of children and youth throughout child welfare processes. Further, the role of the Social Worker is to act as an advocate on behalf of children.</p> <p>Further, the Department of Justice is establishing an Office of the Children's Lawyer in 2011/12 to allow for a child to be appointed a lawyer in certain child protection cases.</p> <p>Where policy, practice or training can be amended or strengthened to support this recommendation without requiring additional financial or human resources, the GNWT will undertake to implement them as soon as is practicable.</p>
<p>27. Develop a program for training CFS committees in such areas as human rights, the child protection process and advocacy.</p>	<p>Conditionally Accept</p> <p>It is agreed that the development of a training program for CFS committees will be included as</p>

		<p>part of the overall implementation of CFS committees across the NWT. This recommendation will be incorporated into future GNWT planning dependent on the availability of resources.</p>
<p>28. Encourage band administrations to participate and advocate at all levels of the process and include them in training activities.</p>	<p>Accept</p>	<p>The GNWT recognizes the value in working with communities and aboriginal leadership. As such, the GNWT will continue to actively encourage the establishment of Child and Family Services Committees with full participation from communities and leadership. This allows for community based decision making and the role of an advocate in all levels of the process.</p>
<p>29. Work with the Department of Justice to address gaps in services provided by Legal Aid, by:</p> <ul style="list-style-type: none"> a. making lawyers more accessible early in the child protection process; b. providing resources for assessments and expert witnesses; and c. extending the billable case management time lawyers are allowed to work with clients. 	<p>Conditionally Accept</p>	<p>Legal aid lawyers are already available from the moment people become involved in the child protection process. Court workers attend apprehension hearings and always ask those parents if they want legal assistance, which usually results in the parents getting legal representation.</p> <p>The GNWT will continue to work with individuals and NGOs to ensure they are aware that legal aid is available to those requiring assistance in child protection matters.</p> <p>It is rare for Legal Aid to restrict the time allowed for a lawyer to deal with a child protection matter. Where family law files do have an hour tariff, Legal Aid has the discretion to increase the amount. Requests to do so are rarely denied in child protection cases.</p> <p>The Department Justice will examine the feasibility of providing resources for assessments and expert witnesses. It is anticipated that this recommendation will have significant financial implications and will therefore need to be included for consideration in</p>

	future GNWT planning.
<p>30. Start dialogue with lawyers, courts and the Department of Justice to:</p> <ul style="list-style-type: none"> a. integrate dispute resolution and collaborative processes into court processes; b. build awareness of child welfare issues and best practices. 	<p>Conditionally Accept</p> <p>The Department of Justice currently offers a mediation program and parenting after separation program for parents who are separating or divorcing. Justice is currently examining how other forms of alternative dispute resolution could be used to help resolve disputes between parties. The bulk of the data compiled to date relates to civil (non-family) matters; however, some information concerning child protection mediation has been gathered as well.</p> <p>This will be incorporated into future GNWT planning.</p>

Community Engagement

Standing Committee on Social Programs Recommendations	Responses	Information and Action
<p>31. Develop a client service approach at the Department and Authority levels, supported in policy and procedure, as well as client service training for all staff.</p>	<p>Accept</p>	<p>It is agreed that options for client services training for staff will be developed and implemented.</p>
<p>32. Enhance CFS relationship with the public by conducting more public education, training and workshops in communities, for both the public and staff.</p>	<p>Accept</p>	<p>A plan to design and deliver education and training workshops on the Child and Family Services Act for both the public and staff will be developed.</p>
<p>33. Rewrite the Act in plain language with special effort to avoid use of adversarial language and concepts.</p>	<p>Do not Accept</p>	<p>The drafting of legislation and the required language is technical and precise due to legal reasoning. Therefore it is not possible to make plain language amendments to legislation.</p>
<p>34. Develop plain language policy and procedures documents for public</p>	<p>Conditionally</p>	<p>The GNWT will undertake a review of existing</p>

<p>information; such as guides, "how to" resources, a website, and pamphlets for parents, families and children involved with the child protection system.</p>	<p>Accept</p>	<p>pamphlets, documents and web based information to determine what additional information or enhancements are needed. Material will be made available through community and NGO partners in a manner that is easily understood and consistent with community and regional values. The resources required will be incorporated into future GNWT planning.</p>
<p>35. Develop policy and guidelines describing who and under what circumstances information from case files may be shared.</p>	<p>Accept</p>	<p>Policies and guidelines will be updated to ensure there is adherence to existing legislation and clarity regarding the circumstances under which information from case files can be shared and with whom.</p>

Child and Family Services Administration

<p>Standing Committee on Social Programs Recommendations</p>	<p>Response</p>	<p>Information and Action</p>
<p>36. Amend the Act to:</p> <ul style="list-style-type: none"> a. require the Legislative Assembly, or a committee of the Legislative Assembly designated or established by it, to review the provisions and delivery of the Child and Family Services Act a the next session following each successive fifth anniversary of the tabling of his review in the Legislative Assembly; b. require the Director to develop a monitoring and evaluation framework, reviewed and updated on a regular basis; c. ensure regular reviews and updating of policy and standards; <p>Required policy updates include:</p> <ul style="list-style-type: none"> i. apprehension guidelines; ii. guidelines for collaborative process, collaborative planning and dispute resolution; 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) The requirement for a review of the legislation every 5 years will be included in amendments to the act. b) The Director will develop a monitoring and evaluation framework for implementation through policy. There is no amendment required to the Act. c) Regular reviews and updating of all policies and standards will be implemented through policy. There is no amendment required to the Act.

<ul style="list-style-type: none"> iii. requiring the supervisors to approve interventions iv. policy and guidelines for using least intrusive measures; v. guidelines for suing supervision agreements, voluntary service agreements and plan of care agreements as part of early intervention; vi. guidelines on privacy and information sharing that clearly indicate when, what and how to allow access to case information; and vii. guidelines for the provision of services and supports for prevention and early intervention, after apprehension, and after the child has been returned to the care of the parent(s). 		
<p>37. Develop policy and guidelines that prevent inappropriate and potentially harmful placements.</p>	<p>Accept</p>	<p>The Department will develop policy and guidelines that aim to prevent inappropriate and harmful placements.</p>
<p>38. Develop a Human Resource Strategy that includes:</p> <ul style="list-style-type: none"> a. reducing caseloads; b. hiring more child protection workers and social workers with special focus on aboriginal recruitment; c. using more lay workers where possible; d. retention planning; e. providing regular and ongoing training and support to child protection workers and social workers; and f. using legal clerks to assist staff with court documents. 	<p>Conditionally Accept</p>	<p>The GNWT will develop a comprehensive human resource recruitment and retention strategy that will aim to reduce case loads by hiring more social workers, human service paraprofessionals and other lay workers.</p> <p>A recruitment and retention strategy along with a detailed costing inclusive of additional training for social workers will be developed for consideration in future GNWT planning.</p>
<p>39. Make updating the policy and standards manual a priority by assigning staff to lead and manage the project and complete it within a reasonable timeframe.</p>	<p>Conditionally Accept</p>	<p>As agreed to under recommendation number 36 (c) the GNWT will undertake regular scheduled reviews of policies and standards. Priority for this recommendation will be dependent on availability of resources.</p>
<p>40. Improve supervision and oversight by requiring regular meetings, supervisory approval of interventions and increasing visibility of supervisors.</p>	<p>Accept</p>	<p>Although provisions for supervision and oversight of child protection work currently exist in the CFS Standards and Procedures Manual, these policies</p>

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		<p>will be reviewed to ensure the intent of this recommendation is followed. In addition, work will be undertaken to consider innovation such as teleconferencing and use of other technologies to reduce travel costs and improve the visibility and accessibility of supervisors.</p>
<p>41. Develop policy and standards for monitoring and evaluation activities.</p>	<p>Accept</p>	<p>The GNWT recognizes the importance of ongoing monitoring and program evaluation for quality improvement purposes and ensuring an appropriate level of transparency exists with respect to service delivery and program outcomes. The Director will develop a monitoring and evaluation framework for implementation through policy as indicated in 36(b).</p>
<p>42. Replace the Child and Family Services Information System (CFIS) with a computer program that is up-to-date, user friendly and able to assist the department in improving case management, monitoring and evaluation, data collection, and planning.</p>	<p>Conditionally Accept</p>	<p>A proposal for the replacement of the CFIS system will be developed for consideration through the GNWT IT Capital Planning Process. Given the significant financial and human resources required for system replacement and associated change management activities, implementation of this recommendation is dependent on the availability of funding.</p>

Social Services Practice

Standing Committee on Social Programs Recommendations	Response	Information and Action
43. Amend the Act to mandate cultural training for social workers and child protection workers.	Do not Accept	The GNWT recognizes the importance of ensuring that child protection workers and social workers have adequate cultural training. As part of the development of the human resource recruitment and retention strategy, a cultural training plan will be included for consideration in future GNWT planning. There is no amendment required to the Act.
44. Finalize the social worker regulation process, once complete, all designated child protection workers must be certified social workers.	Accept	The <i>Social Worker Professions Act</i> and regulations are expected to come into force in 2012. This legislation will regulate the profession of social work in the NWT and ensure that only qualified individuals will be able to call themselves social workers. The legislation is intended to protect the public by ensuring that social workers are qualified to practice and by including a complaints and discipline process that is fair, equitable and protects the rights of social workers. All designated child protection workers will be required, at a minimum, to be a registered as a certified social worker.
45. Training for child protection workers should be expanded, regular, and ongoing, and should include: a) building practical understanding of the Act and familiarization with the policies, procedures and regulations; b) training on human rights, the law, legal processes and court documentation;	Conditionally Accept	Cost analysis for a training program beyond the current two week statutory training will be undertaken. The use of distance education technologies and other innovations will also be considered to ensure new training programs are accessible and reduce travel costs. Implementation of this recommendation will be

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<p>c) focus on understanding the options and processes available under the Act;</p> <p>d) how to refer clients for prevention and support services;</p> <p>e) practical training in communication, collaborative process and dispute resolution;</p> <p>f) cross-cultural training relevant to the NWT;</p> <p>g) case management and least intrusive measures; and</p> <p>h) training on the implementation of the <i>Access to Information and Protection of Privacy Act</i> (ATIPP) and how to share information within the limits of the both ATIPP and the <i>Child and Family Services Act</i>.</p>		<p>impacted by the availability of resources required to develop and implement new training.</p>
<p>46. Improve case management by developing policy that includes:</p> <ul style="list-style-type: none"> a. regular meetings with clients, case review and progress monitoring; b. regular visits to children in care; and c. providing early intervention and prevention services and supports for clients. 	<p>Accept</p>	<p>The intent of this recommendation already exists in policy. However policies will be updated to ensure that evidence-based case management policies, standards and training are implemented.</p>
<p>47. Ensure that expertise in mediation and dispute resolution is available to both the department and at the community level.</p>	<p>Conditionally Accept</p>	<p>Training in mediation and dispute resolution is currently available through the NWT Law Society. Any expansion required will be included for consideration in future GNWT planning. Full implementation of this recommendation will be dependent on the availability of resources.</p>
<p>48. Create a "best interests" assessment for use by child protection workers during intervention planning to ensure that interventions are done in the best interest of the child.</p>	<p>Accept</p>	<p>A "best interests" assessment will be developed and implemented in policy.</p>
<p>49. Instead of the child protection worker, another HSS staff person with training in collaborative processes and dispute resolution should have the responsibility of informing the parent about the child protection process, their rights and responsibilities and generally to provide assistance to parents and families.</p>	<p>Do not Accept</p>	<p>This recommendation is not consistent with developing non-adversarial policies and practices. This is a role that could be undertaken by the Child and Family Services Committee.</p>

Placement Services

Standing Committee on Social Programs Recommendations	Response	Information and Action
<p>50. Amend the Act to:</p> <ul style="list-style-type: none"> a. allow the judge overseeing a protection hearing to consider returning a child to a non-custodial parent or an extended family member who has regular care or contact with the child; b. allow short-term extended family foster placements, with an expedited community screening process; c. allow assisted fostering by extended family, and develop policy to carry it out; d. include the consideration of custom adoption as a placement option, and develop policy to implement it; e. allow assisted adoptions; f. include that the court can consider placement and make a non-binding recommendation to the Director; and g. require the child protection worker to consider consulting the child's extended family on placement arrangements and options. 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) This recommendation may be beyond the scope of the Child and Family Services Act. This will need to be reviewed in collaboration with the Department of Justice. b) The Act already allows for short-term extended family placements with an expedited screening process. No amendment to the legislation is required. See Section 62 (3) which specifies the Director's power to designate foster homes. Where this process can be clarified in policy or other guidelines, it will be pursued as soon as is practicable. c) The Act allows for assisted fostering. No amendment to the legislation is required. See Section 62 (3) which specifies the Director's power to designate foster homes. At present, it is an NWT wide policy to reimburse extended family placements at the exact same rates as regular foster homes. Where this process can be clarified in policy or other guidelines, it will be pursued as soon as is practicable. d) The consideration of custom adoption is always an option. No amendment to the legislation is required. e) Adoptions are legally and administratively completed under the <i>Adoption Act</i> and provisions for assisted adoptions already exist (Section 17). No amendment to the legislation is required.

		<p>f) The court already has capacity and does make non-binding recommendations on placement to the Director of Child and Family Services. No amendment to the legislation is required.</p> <p>g) Child protection workers routinely consult with children's extended family to make placement arrangements that are based on the child's best interests. No amendment to the legislation is required. Please see the preamble to the Act as well as Section 2(a), 2(f), 2(i), 2(k-l).</p>
<p>51. Develop a database that flags case files when children become eligible for adoption.</p>	<p>Conditionally Accept</p>	<p>The numbers of children that become eligible for adoption are extremely low, allowing for efficient manual tracking. However, this recommendation will be flagged as part of the CFIS replacement project recommended by SCOSP in recommendation 42.</p>
<p>52. Enhance the foster family placement and recruitment program to include:</p> <ul style="list-style-type: none"> a. a focus on aboriginal recruitment; b. a more appropriate vetting process; c. greater placement flexibility; d. greater financial, social and other supports for foster families; and e. emphasis on local placement. 	<p>Conditionally Accept</p>	<p>The GNWT will work in collaboration with aboriginal leadership, communities, the Foster Family Coalition of the NWT along with future Child and Family Service Committees to enhance the foster family placement and recruitment program. Full implementation of this recommendation will require additional resources; these needs will be identified for future GNWT planning.</p>
<p>53. Create more short-term non-foster placement options, allowing flexibility for community input.</p>	<p>Conditionally Accept</p>	<p>Additional resource requirements will be identified for future GNWT planning.</p>
<p>54. Develop therapeutic placement services that include regular counselling and supervision, proper assessments and treatment of disabilities and special needs, and provide the special care that children in care generally require and deserve.</p>	<p>Do not Accept</p>	<p>There is currently a continuum of community-based, northern and southern or out of territory therapeutic placement services that are available to meet the treatment and special needs of children in care.</p>

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<p>55. In policy, allow foster families to maintain contact with children, and where possible, place children with the same foster families they have been placed with previously.</p>	<p>Accept</p>	<p>Policies will be clarified to indicate support for maintaining contact between children and former foster families, where it is in the best interest of the child. Already in practice, child protection workers consider and document all attempts to place children with the same foster family they have been placed with previously.</p>
<p>56. Develop policy and practice to keep siblings together in placements to the greatest extent possible.</p>	<p>Accept</p>	<p>This is already standard practice and inherent in policies and the Act. It will be clearly stated as part of the agreed to revisions in the Placement Services Manual.</p>
<p>57. Develop policy and procedures to provide financial, respite, training and other services and supports to foster families.</p>	<p>Conditionally Accept</p>	<p>Detailed program and cost analysis will be developed for consideration in future GNWT planning. Full implementation of this recommendation will be dependent on the availability of resources.</p>

Protection Services for Youth

Standing Committee on Social Programs Recommendations	Response	Information and Action
<p>58. Amend the Act to:</p> <ul style="list-style-type: none"> a. require the director to offer the same services to youth as to children; b. define youth as a person from age 16 through 18, who may opt out of services and supports offered by the Director and opt back into services at a later time; c. extend the Director's parental responsibility for permanent wards to the age of 23 years; d. require the Director to provide services and supports to children and youth transitioning out of care, and develop supporting policy. 	<p>Accept in Principle</p>	<ul style="list-style-type: none"> a) Section 6 of the Act has provisions that allow the Director to enter into an agreement with a youth and their family to provide a continuum of supports to ensure that youth's safety and wellbeing. These services are identical. b) This recommendation will be reviewed in consultation with the Department of Justice, to fully examine the impact as well as costing for the implementation. c) There are human rights considerations for youth in permanent custody who reach the age of majority that would not allow for the implementation of (c). Consideration will be given to amendments that would allow for the voluntary provision of services to youth aging out of care up until their 23th birthday. d) Under the Foundation for Change action plan, Health and Social Services has committed to improving transition services, including mentoring and life skills instruction, for older youth in care. In consultation with the Department of Justice, this recommendation will undergo a review to fully examine the impact of the recommendation as well as costing for the implementation.
<p>59. Develop policy and standards that include following up on children and youth after they have left the care of the Director.</p>	<p>Do not Accept</p>	<p>Children and youth leaving care are entitled to privacy and there are human rights issues that would not allow for full implementation of this recommendation.</p>

Community Empowerment

Standing Committee on Social Programs Recommendations	Response	Information and Action
<p>60. Amend the Act to:</p> <ul style="list-style-type: none"> a. require the Director to actively pursue the delegation of responsibilities to aboriginal and community organizations, as defined in the regulations; and b. require the Minister to enter into a community agreement with each community. Even if the agreement simply states that the community does not wish to acquire responsibilities from the Department of Child and Family Services. 	<p>Do not Accept</p>	<ul style="list-style-type: none"> a) The ability to delegate responsibilities exists in the current Act and there are provisions that allow for specific duties to be handed over to the Chairs of Child and Family Services Committees. Over time through the self government process, child and family services will be more formally delegated to the authority of Aboriginal organizations. b) There is general agreement about the need to pursue the development of additional Child and Family Services Committees. However this will be pursued based on the availability of resources and in consideration of ongoing devolution processes.
<p>61. Develop capacity for monitoring and oversight at the department and authority levels that would be required with delegation of authority to community organizations.</p>	<p>Conditionally Accept</p>	<p>Full implementation of this recommendation will be dependent on the availability of resources.</p>
<p>62. Develop policy and standards for delegating responsibilities and services to community organizations.</p>	<p>Conditionally Accept</p>	<p>Full implementation of this recommendation will be dependent on the availability of resources.</p>
<p>63. The Department should develop a plan and policy guidelines in preparation for devolution by working with the authorities and communities including both aboriginal and non-aboriginal northerners in the planning process.</p>	<p>Accept in Principle</p>	<p>The GNWT participates fully in the negotiation and implementation of land, resources and self-government agreements. These discussions include detailed implementation plans that trigger government to government discussions that are</p>

		<p>initiated once a self-government provides notice of an intention to enact legislation in a particular area. The interests of both Aboriginal and non-Aboriginal northerners are addressed through this process. Devolution is not linked in any way to this process.</p>
<p>64. Support and encourage interagency meetings and coordination of services at the community level.</p>	<p>Accept</p>	<p>The GNWT recognizes the importance of service integration at the community level and will continue to participate on and encourage inter-agency meetings.</p>

Community Agreements and Child and Family Services Committees

<p>Standing Committee on Social Programs Recommendations</p>	<p>Response</p>	<p>Information and Action</p>
<p>65. Amend the Act to:</p> <ul style="list-style-type: none"> a. require the Director to provide funds (including a salary for a committee coordinator position and per diems for members), training and support to Child and Family Services Committees; b. allow flexibility of mandate and function for the Child and Family Services Committees so that communities can create a model appropriate to their culture and situations; and c. allow and encourage Child and Family Services Committee members to participate in all child protection processes and develop the supporting policy. 	<p>Conditionally Accept</p>	<p>While the GNWT agrees with the intent of this recommendation, a detailed review of SCOSP recommendations to amend legislation will be undertaken in consultation with the Department of Justice to determine if this would be best accomplished through amendments to legislation or through policy.</p> <p>There are significant financial implications associated with this recommendation. A detailed cost analysis will be included for consideration in future GNWT planning and full implementation will be dependent on availability of resources.</p>
<p>66. Assign one or more staff members to pursue and administer the development of community agreements, community standards, and Child and Family Services Committees; provide public education</p>	<p>Conditionally Accept</p>	<p>There is agreement on the intent of this recommendation however full implementation will be dependent on availability of resources. A detailed</p>

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<p>and capacity building services to communities.</p>		<p>cost analysis of implementing this recommendation will be developed for inclusion in future GNWT planning.</p>
<p>67. Community Agreements should be designed to develop understanding and consensus on contextually appropriate definitions of neglect, harm and abuse.</p>	<p>Do not Accept</p>	<p>Appropriate definitions related to child maltreatment have been developed over time and through case law. For instance, in January 2004 the Supreme Court of Canada released its decision on the issue of corporal punishment which provides clear guidelines on the use of discipline to help distinguish between abuse and correction of a child's behaviour. While there is some capacity for community involvement in the establishment of community standards that can be used in the context of child protection assessments, it is not possible to change legal definitions.</p>

General Recommendations and Recommendations for Other Departments

<p>Standing Committee on Social Programs Recommendations</p>	<p>Response</p>	<p>Information and Action</p>
<p>68. The Department of Justice must increase its support for Legal Aid, and ensure access to Legal Aid for children and families involved with Child and Family Services.</p>	<p>Conditionally Accept</p>	<p>As per the comments in recommendation # 29, Legal Aid currently has the resources in place to deal with child protection matters. An increase in resources as a result of certain recommendations will be considered after each specific recommendation has been examined.</p>
<p>69. The NWT Housing Corporation must:</p> <ul style="list-style-type: none"> a. develop and implement policies to ensure that Child and Family Services' clients are not prevented from reuniting their families due to loss of adequate housing under the 	<p>Accept</p>	<p>The NWTHC is undergoing a Policy Review process that is assessing programs and services to ensure they continue to meet the needs of all residents in need, including clients of Child and Family Services who may require housing assistance.</p>

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<p>control of NWTTHC or local housing authorities;</p> <ul style="list-style-type: none"> b. ensure that its housing stock is fully utilized, particularly in communities with shortages of public housing; and c. ensure flexibility in dealing with Child and Family Services clients. 		<p>In addition, the NWTTHC is currently implementing a strategic plan to fill vacant housing units as well as taking steps to limit the amount of time that units remain empty following completion.</p>
<p>70. The Department of Education culture and Employment must review its income support and assistance programs and ensure that:</p> <ul style="list-style-type: none"> a. support is sufficient for a family to live on; b. support is delivered rapidly and efficiently, as called for in current policy; c. applications are simple and efficient; and d. renewals and updates of financial and personal information are required in a reasonable timeframe. 	<p>Do not Accept</p>	<p>In September 2007, based on a review of its income support programs, the GNWT made a number of changes to its Income Support Program as part of Income Security Reform. Benefits were increased with the intention of providing adequate financial supports to clients. Other changes included a move to a service management approach to further support clients in making productive choices toward achieving greater personal self-reliance.</p> <p>The GNWT will continue to monitor its Income Support program and service levels on an ongoing basis. There are currently no plans in place for a major program review.</p>
<p>71. The Department of Health and Social Services must expand its additions treatment programs to include alcohol treatment convenient to every region, and basic level of treatment and support in every community.</p>	<p>Conditionally Accept</p>	<p>Please see comments from recommendation #13.</p>
<p>72. The Government of the NWT must develop and implement a comprehensive anti-poverty strategy, involving all appropriate departments that, includes full consideration of child welfare issues.</p>	<p>Conditionally Accept</p>	<p>The GNWT has committed to the development of an overarching discussion paper that would address issues of defining and measuring progress on poverty, would summarize current programs and strategic direction related to reducing poverty and would identify areas for further action.</p>
<p>73. The Department of Health and Social Services must develop a strategic plan incorporating the recommendations of this report,</p>	<p>Accept</p>	<p>The GNWT will begin work on a Health and Social Services (HSS) Strategic Plan. The HSS system</p>

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<p>starting with a response to it within 120 days.</p>		<p>strategic plan will be a comprehensive plan encompassing the department, authorities and non-government service delivery partners. Input gathered through the Health and Wellness Dialogues, public consultation, along with reviews and evaluations that are currently underway will be used to set the strategic direction for the next four years. Recommendations agreed to out of the Report on the Review of the Child and Family Services Act will help inform the strategic priorities established in the new strategic plan.</p>
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