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DATE: December 29th, 2020

RE: Child & Family Services - Prevention measures: Federal, Territorial and Provincial Legislation

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
Federal (C-92)	<p data-bbox="325 191 1325 220">An Act respecting First Nations, Inuit and Métis children, and families, SC 2019, c 24</p> <p data-bbox="325 253 2050 311">4 For greater certainty, nothing in this Act affects the application of a provision of a provincial Act or regulation to the extent that the provision does not conflict with, or is not inconsistent with, the provisions of this Act.</p> <p data-bbox="325 344 2050 467">8 The purpose of this Act is to (a) affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services; (b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and (c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p data-bbox="325 500 2091 987">9 (1) This Act is to be interpreted and administered in accordance with the principle of the best interests of the child. (3) This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts: (a) the rights and distinct needs of a child with a disability are to be considered in order to promote the child’s participation, to the same extent as other children, in the activities of his or her family or the Indigenous group, community or people to which he or she belongs; (b) a child must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression; (c) a child’s family member must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression; (d) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which a child belongs must be able to exercise without discrimination the rights of the Indigenous group, community or people under this Act, including the right to have the views and preferences of the Indigenous group, community or people considered in decisions that affect that Indigenous group, community or people; and (e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.</p> <p data-bbox="325 1019 599 1049"><u>Prevention Measures</u></p> <p data-bbox="325 1081 2091 1169">10 (1) The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.</p> <p data-bbox="325 1201 2091 1318">(2) When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child’s physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child’s connections to his or her culture.</p> <p data-bbox="325 1351 1970 1442">(3) To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including (a) the child’s cultural, linguistic, religious and spiritual upbringing and heritage; (b) the child’s needs, given the child’s age and stage of development, such as the child’s need for stability;</p>

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	<p>(c) the nature and strength of the child’s relationship with his or her parent, the care provider and any member of his or her family who plays an important role in his or her life;</p> <p>(d) the importance to the child of preserving the child’s cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs;</p> <p>(e) the child’s views and preferences, giving due weight to the child’s age and maturity, unless they cannot be ascertained;</p> <p>(f) any plans for the child’s care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs;</p> <p>(g) any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and</p> <p>(h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child.</p> <p>11 Child and family services provided in relation to an Indigenous child are to be provided in a manner that</p> <p>(a) takes into account the child’s needs, including with respect to his or her physical, emotional and psychological safety, security and well-being;</p> <p>(b) takes into account the child’s culture;</p> <p>(c) allows the child to know his or her family origins; and</p> <p>(d) promotes substantive equality between the child and other children.</p> <p>12 (1) In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child’s parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.</p> <p>13 In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child,</p> <p>(a) the child’s parent and the care provider have the right to make representations and to have party status; and</p> <p>(b) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs has the right to make representations.</p> <p>14 (1) In the context of providing child and family services in relation to an Indigenous child, to the extent that providing a service that promotes preventive care to support the child’s family is consistent with the best interests of the child, the provision of that service is to be given priority over other services.</p> <p>(2) To the extent that providing a prenatal service that promotes preventive care is consistent with what will likely be in the best interests of an Indigenous child after he or she is born, the provision of that service is to be given priority over other services in order to prevent the apprehension of the child at the time of the child’s birth.</p> <p>15 In the context of providing child and family services in relation to an Indigenous child, to the extent that it is consistent with the best interests of the child, the child must not be apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider.</p>

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	<p>15.1 In the context of providing child and family services in relation to an Indigenous child, unless immediate apprehension is consistent with the best interests of the child, before apprehending a child who resides with one of the child's parents or another adult member of the child's family, the service provider must demonstrate that he or she made reasonable efforts to have the child continue to reside with that person.</p> <p>16 (1) The placement of an Indigenous child in the context of providing child and family services in relation to the child, to the extent that it is consistent with the best interests of the child, is to occur in the following order of priority:</p> <ul style="list-style-type: none"> (a) with one of the child's parents; (b) with another adult member of the child's family; (c) with an adult who belongs to the same Indigenous group, community or people as the child; (d) with an adult who belongs to an Indigenous group, community or people other than the one to which the child belongs; or (e) with any other adult. <p>(2) When the order of priority set out in subsection (1) is being applied, the possibility of placing the child with or near children who have the same parent as the child, or who are otherwise members of the child's family, must be considered in the determination of whether a placement would be consistent with the best interests of the child.</p> <p>(2.1) The placement of a child under subsection (1) must take into account the customs and traditions of Indigenous peoples such as with regards to customary adoption.</p> <p>(3) In the context of providing child and family services in relation to an Indigenous child, there must be a reassessment, conducted on a ongoing basis, of whether it would be appropriate to place the child with</p> <ul style="list-style-type: none"> (a) a person referred to in paragraph (1)(a), if the child does not reside with such a person; or (b) a person referred to in paragraph (1)(b), if the child does not reside with such a person and unless the child resides with a person referred to in paragraph (1)(a). <p>17 In the context of providing child and family services in relation to an Indigenous child, if the child is not placed with a member of his or her family in accordance with paragraph 16(1)(a) or (b), to the extent that doing so is consistent with the best interests of the child, the child's attachment and emotional ties to each such member of his or her family are to be promoted.</p> <p><u>Cultural Continuity</u></p> <p>9(2) This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:</p> <ul style="list-style-type: none"> (a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people; (b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity; (c) a child's best interests are often promoted when the child resides with members of his or her family and the culture of the Indigenous group, community or people to which he or she belongs is respected; (d) child and family services provided in relation to an Indigenous child are to be provided in a manner that does not contribute to the assimilation of the Indigenous group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people; and (e) the characteristics and challenges of the region in which a child, a family or an Indigenous group, community or people is located are to be considered.

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British Columbia	<p><u>Child, Family and Community Services Act, RSBC 1996, Chapter 46</u></p> <p><u>Guiding Principles</u> 2(b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents; (b.1) Indigenous families and Indigenous communities share responsibility for the upbringing and well-being of Indigenous children; (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided; (e) kinship ties and a child's attachment to the extended family should be preserved if possible (f) Indigenous children are entitled to (i) learn about and practise their Indigenous Traditions, customs and languages, and (ii) belong to their Indigenous communities.</p> <p><u>Prevention Measures</u> 3 The following principles apply to the provision of services under this Act: (b) Indigenous people should be involved in the planning and delivery of services to Indigenous families and their children (c) the impact of residential schools on Indigenous children, families, and communities should be considered in the planning and delivery of services to Indigenous children and family. (e) the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children.</p> <p>5(1) A director may make a written agreement with the parent of a child for the provision of services or support to assist the family to care for the child.</p> <p>6(4) Before making the agreement, the director must (a) consider whether a less disruptive way of assisting the parent to look after the child such as by providing available services in the child's own home, is appropriate in the circumstances</p> <p>8(1) A director may make a written agreement with a person who (a) has established a relationship with a child or has a cultural or traditional responsibility toward a child, and (b) is given care of the child by a child's parent.</p> <p>12.3 (1) Subject to the regulations, a director may make a written agreement with a person 19 years or older who, before the person's 19th birthday, was (a) a child in care, (b) the subject of an order for custody under this Act, other than as described in paragraph (a), or (c) the subject of, or a party to, an agreement under this Act. (2) The agreement may provide for support services or financial assistance, or both, to assist the person while (a) enrolled in an educational or vocational training program, or (b) taking part in a life skills or rehabilitative program.</p>

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	<p>16 (1) On receiving a report about a child under section 14, 15 or 27, a director must determine whether to refer the report</p> <p>(b)if the child is an Indigenous child who</p> <ul style="list-style-type: none"> (i)is a First Nation child and resides on the First Nation land of the First Nation, to that First Nation, (ii)is a Nisga'a child and resides on Nisga'a Lands, to the Nisga'a Nation, or (iii)is a Treaty First Nation child and resides on the treaty lands of the Treaty First Nation, to that Treaty First Nation. <p>(2) After the assessment under subsection (1.2) (b) or (1.4), the director may:</p> <ul style="list-style-type: none"> (a) offer support services and agreements to the child and family, (b) refer the child and family to one or more of the following: <ul style="list-style-type: none"> (i) a community agency; (ii) if the child is a First Nation child, the First Nation, (iii) if the child is a Nisga'a child, the Nisga'a Nation; (iv) if the child is a Treaty First Nation child, the Treaty First Nation; (v) if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, but is an Indigenous child, the child's Indigenous community, (b.1) conduct an assessment of the family respecting <ul style="list-style-type: none"> (i) the child's safety, and (ii) whether it is necessary to provide to the family available services to <ul style="list-style-type: none"> (A) support and assist the family to care for the child, and (B) make the family safe for the child (d)refer the report, in the case of an Indigenous child who <ul style="list-style-type: none"> (i)is a First Nation child and resides on the First Nation land of the First Nation, to that First Nation, (ii)is a Nisga'a child and resides on Nisga'a Lands, to the Nisga'a Nation, or (iii)is a Treaty First Nation child and resides on the treaty lands of the Treaty First Nation, to that Treaty First Nation. <p>21(1) The plan of care developed by means of a family conference must include the director's consent and may include provision of services to support and assist the family and to make the family safe for the child.</p> <p>21(2) The plan of care may include provision for one or more of the following:</p> <ul style="list-style-type: none"> (a) the child to reside in the home of a relative or other person; (b) a person, including a parent, to reside outside the child's home; (c) the director to have access to the child. <p>26(2) on taking charge of the child [lost or runaway], the director</p> <ul style="list-style-type: none"> (a) must make all reasonable efforts to locate a parent, guardian or other person responsible for the child, <p>27(5) The director must as soon as possible</p> <ul style="list-style-type: none"> (a) return the child to the parent, or (b) place the child with a person at the request of the parent and with the consent of the other person, unless the director proceeds under section 30. <p>28(3) If satisfied there are reasonable grounds to believe that contact between the child and another person would cause the child to need protection under section 13(1)(a) to (e) or (i), the court may, in the child's best interests, do one or more of the following: (a) prohibit the other person for a period</p>

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	<p>of up to 6 months from contacting or interfering with or trying to contact or interfere with the child or from entering any premises or vehicle or boarding any vessel the child attends; (b) prohibit the other person for a period of up to 6 months from residing with the child or from entering any premises or vehicle, or boarding any vessel, where the child resides, including any premises, vehicle or vessel that the other person owns or has a right to occupy</p> <p>30(1) A director may, without a court order, remove a child if the director has reasonable grounds to believe that the child needs protection and that: (a) the child's health or safety is in immediate danger, or (b) no other less disruptive measure that is available is adequate to protect the child. Before making the agreement, the director must (a) consider whether a less disruptive way of assisting the parent to look after the child, such as by providing available services in the child's own home, is appropriate in the circumstances, and (b) consider whether the agreement is in the child's best interests.</p> <p>33(1) Before a presentation hearing, or before the conclusion of a presentation hearing, relating to the removal of a child under section 30, the director may return the child to the parent apparently entitled to custody if (d) a less disruptive means of protecting the child becomes available.</p> <p>35(1) At a presentation hearing relating to the removal of a child under section 30, the director must present to the court a written report that includes (a) the circumstances that caused the director to remove the child, (b) an interim plan of care for the child, including, in the case of an Indigenous child, the steps to be taken to support the child to learn about and practise the child's Indigenous traditions, customs and language and to belong to the child's Indigenous community, and (c) information about any less disruptive measures considered by the director before removing the child.</p> <p>91 (1) Subject to the regulations, the minister may designate one or more persons as directors for the purposes of (a) any or all of the provisions of this Act, or (b) a provision of another Act that contains a reference to a director under this Act.</p> <p>92 (1) Subject to the regulations, a director may delegate to any person or class of person any or all of the director's powers, duties or functions under this Act. (2) A delegation of the powers, duties or functions of a director must be in writing and may include any terms or conditions the director considers advisable.</p> <p>93 (1) A director may do one or more of the following: (a) provide preventive and support services for families to promote the purposes of this Act; (b) make payments to a parent, or other person who has care of a child with special needs, to assist the parent or other person to purchase support services, other than health and medical benefits, so that the child can reside at home; (d) establish residential services for children and youths; (e) establish services to assist in the resolution of family disputes; (f) establish services to assist communities to strengthen their ability to care for and protect their children; (g) make agreements, including but not limited to agreements: (i) with any person for the provision of residential or other services, (ii) with a person who has custody by an interim order or a temporary custody order under Part 3 or by an order made under section 54.01 (5) or 54.1, for contributions to the child's support,</p>

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	<p>(iv) with the government of Canada, the government of a province of Canada or the government of a jurisdiction outside Canada, or an official or agency of any of those governments, to promote the purposes of this Act,</p> <p>(v) with any ministry of the government or any community agency if an agreement is necessary to integrate the planning and delivery of preventive and support services to families and children,</p> <p>(vi) with other directors, and</p> <p>(vii) with a person who is an employer of one or more persons to whom a director has delegated under section 92 any or all of the director's powers, duties or functions;</p> <p>(h) promote and encourage the participation of the community in the planning, development and delivery of services.</p> <p><u>Cultural Continuity</u></p> <p>4(2) If the Child is an Indigenous child, in addition to the relevant factors that must be considered under subsection (1), the following factors must be considered in determining the interests:</p> <p>(a) The importance of the child being able to learn about and practise the child's Indigenous traditions, customs and language;</p> <p>(b) The importance of the child belonging to the child's Indigenous communities.</p> <p>5(1.1) If a director makes an agreement under subsection (1) respecting an Indigenous child the following may be included as a party to the agreement:</p> <p>(a) If the child is a First Nation child, the First Nation;</p> <p>(b) If the child is a Nisga'a child, the Nisga'a Nation or the child's Nisga'a Village;</p> <p>(c) If the child is a Treaty First Nation child, the Treaty First Nation;</p> <p>(d) If the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the legal entity representing the child's Indigenous Community.</p> <p>12.2 (2.1) If a director makes an agreement under subsection (1) respecting a youth who is an Indigenous child, the following may be included as a party to the agreement:</p> <p>(a) if the youth is a First Nation child, the First Nation;</p> <p>(b) if the youth is a Nisga'a child, the Nisga'a Nation or the youth's Nisga'a Village;</p> <p>(c) if the youth is a Treaty First Nation child, the Treaty First Nation;</p> <p>(d) if the youth is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the legal entity representing the youth's Indigenous community.</p> <p>33.01(1) Before a presentation hearing, or before the conclusion of a presentation hearing, relating to the removal of a child under section 30, 36 or 42, the director may withdraw from the hearing if</p> <p>(a) the child is an Indigenous child and the parent apparently entitled to custody makes an agreement, that the director considers adequate to protect the child, with,</p> <p>(i) if the child is a First Nation child, the First Nation,</p> <p>(ii) if the child is a Nisga'a child, the Nisga'a Nation or the child's Nisga'a Village,</p> <p>(iii) if the child is a Treaty First Nation child, the Treaty First Nation, or</p> <p>(iv) if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the legal entity representing the child's Indigenous community,</p>

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	<p>(b)the parent apparently entitled to custody is not a resident of British Columbia and the director makes an agreement, that the director considers adequate to protect the child, with the government or child welfare agency of the jurisdiction where the parent apparently entitled to custody resides, or</p> <p>(c)the director makes an agreement under section 8 respecting the child.</p> <p>34 (3) The director must, if practicable, inform the following of the time, date and place of the hearing:</p> <p>(a)the child, if 12 years of age or over;</p> <p>(b)each parent;</p> <p>(c)the Public Guardian and Trustee, if the parent apparently entitled to custody of the child is under 19 years of age;</p> <p>(d)the applicable Indigenous organization prescribed in the regulations for the purpose of this section, if the child is an Indigenous child, other than a Nisga'a child or a Treaty First Nation child;</p> <p>(e)the Nisga'a Lisims Government, if the child is a Nisga'a child;</p> <p>(f)the Treaty First Nation, if the child is a Treaty First Nation child. (Similar notice provision can be found at36(2.1), 38(1), 49(2), 50(4), 54.01(3), 54.1(2))</p> <p>42.1 (5) At the presentation hearing, the director must present to the court a written report that includes</p> <p>(b)an interim plan of care for the child, including, in the case of an Indigenous child, the steps to be taken to support the child to learn about and practise the child's Indigenous traditions, customs and language and to belong to the child's Indigenous community.</p> <p>48 (1.1) At any time after the presentation hearing, the director may withdraw from a proceeding if</p> <p>(a)the child is an Indigenous child and the parent apparently entitled to custody makes an agreement, that the director considers adequate to protect the child, with,</p> <p>(i)if the child is a First Nation child, the First Nation,</p> <p>(ii)if the child is a Nisga'a child, the Nisga'a Nation or the child's Nisga'a Village,</p> <p>(iii)if the child is a Treaty First Nation child, the Treaty First Nation, or</p> <p>(iv)if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the legal entity representing the child's Indigenous community,</p> <p>50.01 A director, in respect of planning for the needs of an Indigenous child in the continuing custody of the director, must,</p> <p>(a)if the director makes an agreement under section 92.1 (2) (a) (v), conduct the planning in accordance with the agreement, or</p> <p>(b)if there is no agreement as referred to in paragraph (a), make reasonable efforts to involve, at least on an annual basis, the following:</p> <p>(i)if the child is a First Nation child, the designated representative of the First Nation;</p> <p>(ii)if the child is a Nisga'a child, the designated representative of the Nisga'a Lisims Government;</p> <p>(iii)if the child is a Treaty First Nation child, the designated representative of the Treaty First Nation;</p> <p>(iv)if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the designated representative of another Indigenous community that has been identified by</p> <p>(A)the child, if 12 years of age or over, or</p> <p>(B)the parent, if the child is under 12 years of age.</p> <p>60 (1) With the written consent of the following, the court may, at any time after a presentation hearing, make any custody or supervision order that is provided for in this Part, other than a transfer of custody under section 54.1, but including an order transferring custody of a child under section 54.01 (5) and a continuing custody order:</p>

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	<p>(e) if the child is an Indigenous child, the person who is or would have been entitled under section 38 (1) (c), (c.1), (c.2) or (d) to notice of any protection hearing concerning the child.</p> <p>70(1.1) In addition to the rights set out in subsection (1), Indigenous children have the right to</p> <ul style="list-style-type: none"> (a) receive guidance, encouragement and support to learn about and practise their Indigenous traditions, customs and languages, and (b) belong to their Indigenous communities. <p>71(1) When deciding where to place a child, the director must consider the child's best interests.</p> <p>(2) The director must give priority to placing the child with a relative or, if that is not consistent with the child's best interests, placing the child as follows:</p> <ul style="list-style-type: none"> (a) in a location where the child can maintain contact with relatives and friends; (b) in the same family unit as the child's brothers and sisters; (c) in a location that will allow the child to continue in the same school. <p>(3) If the child is an Indigenous child, the director must give priority to placing the child as follows:</p> <ul style="list-style-type: none"> (a) with the child's extended family or within the child's Indigenous community; (b) with another Indigenous family, if the child cannot be safely placed under paragraph (a); (c) in accordance with subsection (2), if the child cannot be safely placed under paragraph (a) or (b) of this subsection. <p>90 For the purposes of this Act, the minister may make an agreement with any of the following:</p> <ul style="list-style-type: none"> (a) a First Nation or a legal entity representing another Indigenous community; <ul style="list-style-type: none"> (a.1) the Nisga'a Nation or a Nisga'a Village; (a.2) a Treaty First Nation; (b) the government of Canada, the government of a province of Canada or the government of a jurisdiction outside Canada, or an official or agency of any of those governments; <ul style="list-style-type: none"> (b.1) Community Living British Columbia established under the <i>Community Living Authority Act</i>; (c) any person or group of persons. <p>92.1(1) If a First Nation, the Nisga'a Nation or a Treaty First Nation is prescribed by regulation under section 103 (2) (d.1), a director may make an agreement with the First Nation, Nisga'a Nation or Treaty First Nation respecting the referral of child protection reports under section 16 (1) (b) or (2) (d) in respect of the Indigenous children of the First Nation, Nisga'a Nation or Treaty First Nation.</p> <p>(2) A director may make an agreement with a First Nation, the Nisga'a Nation, a Treaty First Nation or a legal entity representing another Indigenous community for one or more of the following purposes:</p> <ul style="list-style-type: none"> (a) to involve the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community in one or more of the following: <ul style="list-style-type: none"> (i) the development of plans of independence for youth who are Indigenous children of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community; (ii) assessments under section 16 (2) (b.1) respecting the Indigenous families of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community; (iii) investigations under section 16 (2) (c) respecting the Indigenous children of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community; (iv) the development of plans of care for the Indigenous children of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community;

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>(v) planning for the needs of the Indigenous children of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community who are in the custody, care or guardianship of a director;</p> <p>(vi) placement decisions under section 71 respecting the Indigenous children of the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community;</p> <p>(b) for the First Nation, Nisga'a Nation, Treaty First Nation or Indigenous community to provide services;</p>
<p style="text-align: center;">Ontario</p>	<p><u>Child, Youth and Family Services Act, 2017, SO 2017, c 14</u></p> <p><u>Guiding Principles</u></p> <p>1(1) The paramount purpose of this Act is to promote the best interests, protection and well-being of children.</p> <p>(2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well-being of children, are to recognize the following:</p> <ol style="list-style-type: none"> 1. While parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent. 2. The least disruptive course of action that is available and is appropriate in a particular case to help a child, including the provision of prevention services, early intervention services and community support services, should be considered. 3. Services to children and young persons should be provided in a manner that, <ol style="list-style-type: none"> i. respects a child's or young person's need for continuity of care and for stable relationships within a family and cultural environment, ii. takes into account physical, emotional, spiritual, mental and developmental needs and differences among children and young persons, iii. takes into account a child's or young person's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression, iv. takes into account a child's or young person's cultural and linguistic needs, v. provides early assessment, planning and decision-making to achieve permanent plans for children and young persons in accordance with their best interests, and vi. includes the participation of a child or young person, the child's or young person's parents and relatives and the members of the child's or young person's extended family and community, where appropriate. 4. Services to children and young persons and their families should be provided in a manner that respects regional differences, wherever possible. 5. Services to children and young persons and their families should be provided in a manner that builds on the strengths of the families, wherever possible. 6. First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services, and all services to First Nations, Inuit and Métis children and young persons and their families should be provided in a manner that recognizes their cultures, heritages, traditions, connection to their communities, and the concept of the extended family. 7. Appropriate sharing of information, including personal information, in order to plan for and provide services is essential for creating successful outcomes for children and families.

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>2(1) “customary care” means the care and supervision of a First Nations, Inuk or Métis child by a person who is not the child’s parent, according to the custom of the child’s band or First Nations, Inuit or Métis community;</p> <p>“extended family” means persons to whom a child is related, including through a spousal relationship or adoption and, in the case of a First Nations, Inuk or Métis child, includes any member of,</p> <ul style="list-style-type: none"> (a) a band of which the child is a member, (b) a band with which the child identifies, (c) a First Nations, Inuit or Métis community of which the child is a member, and (d) a First Nations, Inuit or Métis community with which the child identifies <p>“service” includes,</p> <ul style="list-style-type: none"> (a) a service for a child with a developmental or physical disability or the child’s family, (b) a mental health service for a child or the child’s family, (c) a service related to residential care for a child, (d) a service for a child who is or may be in need of protection or the child’s family, (e) a service related to adoption for a child, the child’s family or others, (f) counselling for a child or the child’s family, (g) a service for a child or the child’s family that is in the nature of support or prevention and that is provided in the community, (h) a service or program for or on behalf of a young person for the purposes of the <i>Youth Criminal Justice Act</i> (Canada) or the <i>Provincial Offences Act</i>, or (i) a prescribed service <p>(4) In this Act, a reference to a child’s or young person’s bands and First Nations, Inuit or Métis communities includes all of the following:</p> <ul style="list-style-type: none"> 1. Any band of which the child or young person is a member. 2. Any band with which the child or young person identifies. 3. Any First Nations, Inuit or Métis community of which the child or young person is a member. 4. Any First Nations, Inuit or Métis community with which the child or young person identifies. <p><u>Prevention Measures</u></p> <p>17 (1) If a child is or may be in need of protection under this Act, a society shall consider whether a prescribed method of alternative dispute resolution could assist in resolving any issue related to the child or a plan for the child’s care.</p> <p>35 (1) The functions of a children’s aid society are to,</p> <ul style="list-style-type: none"> (a) investigate allegations or evidence that children may be in need of protection; (b) protect children where necessary; (c) provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children; (d) provide care for children assigned or committed to its care under this Act; (e) supervise children assigned to its supervision under this Act; (f) place children for adoption under Part VIII (Adoption and Adoption Licensing); and (g) perform any other duties given to it by this Act or the regulations or any other Act.

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>64(5) In conducting a review, an advisory committee shall,</p> <ul style="list-style-type: none"> (e) if it considers that a less restrictive alternative to the residential placement would be more appropriate for the child in the circumstances, specify that alternative; (f) consider the importance of continuity in the child’s care and the possible effect on the child of disruption of that continuity; and <p>65 (4) Where an advisory committee considers that the provision of a less restrictive service to a child would be more appropriate for the child than the residential placement, the advisory committee shall recommend in its report under subsection (3) that the less restrictive service be provided to the child.</p> <p>74 (3) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall,</p> <ul style="list-style-type: none"> (a) consider the child’s views and wishes, given due weight in accordance with the child’s age and maturity, unless they cannot be ascertained; (b) in the case of a First Nations, Inuk or Métis child, consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child’s cultural identity and connection to community, in addition to the considerations under clauses (a) and (c); and (c) consider any other circumstance of the case that the person considers relevant, including, <ul style="list-style-type: none"> (i) the child’s physical, mental and emotional needs, and the appropriate care or treatment to meet those needs, (ii) the child’s physical, mental and emotional level of development, (iii) the child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression, (iv) the child’s cultural and linguistic heritage, (v) the importance for the child’s development of a positive relationship with a parent and a secure place as a member of a family, (vi) the child’s relationships and emotional ties to a parent, sibling, relative, other member of the child’s extended family or member of the child’s community, (vii) the importance of continuity in the child’s care and the possible effect on the child of disruption of that continuity, (viii) the merits of a plan for the child’s care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent, (ix) the effects on the child of delay in the disposition of the case, (x) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent, and (xi) the degree of risk, if any, that justified the finding that the child is in need of protection. <p>75 (4) A society shall not make a temporary care agreement unless the society,</p> <ul style="list-style-type: none"> (a) has determined that an appropriate residential placement that is likely to benefit the child is available; and (b) is satisfied that no course of action less disruptive to the child, such as care in the child’s own home, is able to adequately protect the child <p>94(5) Before making a temporary order for care and custody under clause (2) (d), the court shall consider whether it is in the child’s best interests to make an order under clause (2) (c) to place the child in the care and custody of a person who is a relative of the child or a member of the child’s extended family or community.</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>99 Where a child is brought before the court on consent as described in clause 74 (2) (n), the court shall, before making an order under section 101 or 102 that would remove the child from the parent’s care and custody,</p> <ul style="list-style-type: none"> (a) ask whether, <ul style="list-style-type: none"> (i) the society has offered the parent and child services that would enable the child to remain with the parent, and (ii) the parent and, where the child is 12 or older, the child, has consulted independent legal counsel in connection with the consent; and (b) be satisfied that, <ul style="list-style-type: none"> (i) the parent and, where the child is 12 or older, the child, understands the nature and consequences of the consent, (ii) every consent is voluntary, and (iii) the parent and, where the child is 12 or older, the child, consents to the order being sought. <p>100 The court shall, before making an order under section 101, 102, 114 or 116, obtain and consider a plan for the child’s care prepared in writing by the society and including,</p> <ul style="list-style-type: none"> (a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found to be in need of protection; (b) a statement of the criteria by which the society will determine when its care or supervision is no longer required; (c) an estimate of the time required to achieve the purpose of the society’s intervention; (d) where the society proposes to remove or has removed the child from a person’s care, <ul style="list-style-type: none"> (i) an explanation of why the child cannot be adequately protected while in the person’s care, and a description of any past efforts to do so, and (ii) a statement of what efforts, if any, are planned to maintain the child’s contact with the person; (e) where the society proposes to remove or has removed the child from a person’s care permanently, a description of the arrangements made or being made for the child’s long-term stable placement; and (f) a description of the arrangements made or being made to recognize the importance of the child’s culture and to preserve the child’s heritage, traditions and cultural identity. <p>101 (1) Where the court finds that a child is in need of protection and is satisfied that intervention through a court order is necessary to protect the child in the future, the court shall make one of the following orders or an order under section 102, in the child’s best interests:</p> <p>Supervision order</p> <ol style="list-style-type: none"> 1. That the child be placed in the care and custody of a parent or another person, subject to the supervision of the society, for a specified period of at least three months and not more than 12 months. <p>Interim society care</p> <ol style="list-style-type: none"> 2. That the child be placed in interim society care and custody for a specified period not exceeding 12 months. <p>Extended society care</p> <ol style="list-style-type: none"> 3. That the child be placed in extended society care until the order is terminated under section 116 or expires under section 123. <p>Consecutive orders of interim society care and supervision</p> <ol style="list-style-type: none"> 4. That the child be placed in interim society care and custody under paragraph 2 for a specified period and then be returned to a parent or another person under paragraph 1, for a period or periods not exceeding a total of 12 months. <p>Less disruptive alternatives preferred</p> <p>(3) The court shall not make an order removing the child from the care of the person who had charge of the child immediately before intervention under this Part unless the court is satisfied that alternatives that are less disruptive to the child, including non-residential care and the assistance referred to in subsection (2), would be inadequate to protect the child.</p> <p>Community placement to be considered</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(4) Where the court decides that it is necessary to remove the child from the care of the person who had charge of the child immediately before intervention under this Part, the court shall, before making an order under paragraph 2 or 3 of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family under paragraph 1 of subsection (1) with the consent of the relative or other person.</p> <p><u>Cultural Continuity</u></p> <p>17(2) If the issue referred to in subsection (1) relates to a First Nations, Inuk or Métis child, the society shall consult with a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities to determine whether an alternative dispute resolution process established by the bands and communities or another prescribed alternative dispute resolution process could assist in resolving the issue.</p> <p>(3) If a society or a person, including a child, who is receiving child welfare services proposes that an alternative dispute resolution method or process referred to in subsection (1) or (2) be undertaken to assist in resolving an issue relating to a child or a plan for the child's care, the Children's Lawyer may provide legal representation to the child if, in the opinion of the Children's Lawyer, such legal representation is appropriate.</p> <p>(4) If a society makes or receives a proposal that an alternative dispute resolution method or process referred to in subsection (1) or (2) be undertaken under subsection (3) in a matter involving a First Nations, Inuk or Métis child, the society shall give notice of the proposal to a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.</p> <p>64(5) In conducting a review, an advisory committee shall</p> <p>(g) in the case of a First Nations, Inuk or Métis child, also consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child's cultural identity and connection to community.</p> <p>69 The Minister may, for the provision of services,</p> <p>(a) make agreements with bands and First Nations, Inuit or Métis communities and with any other parties whom the bands or communities choose to involve; and</p> <p>(b) provide funding to the persons or entities referred to in clause (a) pursuant to such agreements.</p> <p>70 (2) Where a band or First Nations, Inuit or Métis community has designated a First Nations, Inuit or Métis child and family service authority, the Minister,</p> <p>(a) shall, at the band's or community's request, enter into negotiations for the provision of services by the child and family service authority;</p> <p>(b) may enter into agreements with the child and family service authority and, if the band or community agrees, any other person, for the provision of services; and</p> <p>(c) may designate the child and family service authority, with its consent, as a society under subsection 34 (1).</p> <p>71 If a band or First Nations, Inuit or Métis community declares that a First Nations, Inuk or Métis child is being cared for under customary care, a society or entity may grant a subsidy to the person caring for the child.</p> <p>72 A society, person or entity that provides services or exercises powers under this Act with respect to First Nations, Inuit or Métis children or young persons shall regularly consult with their bands and First Nations, Inuit or Métis communities about the provision of the services or the exercise of the powers and about matters affecting the children or young persons, including,</p> <p>(a) bringing children to a place of safety and the placement of children in residential care;</p> <p>(b) the provision of family support services;</p> <p>(c) the preparation of plans for the care of children;</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(d) status reviews under Part V (Child Protection); (e) temporary care agreements under Part V (Child Protection); (f) society agreements with 16 and 17 year olds under Part V (Child Protection); (g) adoption placements; (h) the establishment of emergency houses; and (i) any other matter that is prescribed.</p> <p>73 A society, person or entity that proposes to provide a prescribed service to a First Nations, Inuk or Métis child or young person, or to exercise a prescribed power under this Act in relation to such a child or young person, shall consult with a representative chosen by each of the child’s or young person’s bands and First Nations, Inuit or Métis communities in accordance with the regulations.</p> <p>79 (1) The following are parties to a proceeding under this Part: 1. The applicant. 2. The society having jurisdiction in the matter. 3. The child’s parent. 4. In the case of a First Nations, Inuk or Métis child, the persons described in paragraphs 1, 2 and 3 and a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities. (Similar provisions can be found at 66(4)c), 104(2), 109(13), 113(4)d), 121(1)e), 137(4)f), 192(9).)</p> <p>(3) Any person, including a foster parent, who has cared for the child continuously during the six months immediately before the hearing, (a) is entitled to the same notice of the proceeding as a party; (b) may be present at the hearing; (c) may be represented by a lawyer; and (d) may make submissions to the court, but shall take no further part in the hearing without leave of the court.</p> <p>80 A society shall make all reasonable efforts to pursue a plan for customary care for a First Nations, Inuk or Métis child if the child, (a) is in need of protection; (b) cannot remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this Part 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; and (c) is a member of or identifies with a band, or is a member of or identifies with a First Nations, Inuit or Métis community.</p> <p>101 (5) Where the child referred to in subsection (4) is a First Nations, Inuk or Métis child, unless there is a substantial reason for placing the child elsewhere, the court shall place the child with a member of the child’s extended family if it is possible or, if it is not possible, (a) in the case of a First Nations child, another First Nations family; (b) in the case of an Inuk child, another Inuit family; or (c) in the case of a Métis child, another Métis family.</p> <p>109 (2) The society having care of a child shall choose a residential placement for the child that, (a) represents the least restrictive alternative for the child; (b) where possible, respects the child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, creed, sex, sexual orientation, gender identity and gender expression;</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(c) where possible, respects the child’s cultural and linguistic heritage;</p> <p>(d) in the case of a First Nations, Inuk or Métis child, is with, if possible, a member of the child’s extended family or, if that is not possible,</p> <p>(i) in the case of a First Nations child, another First Nations family,</p> <p>(ii) in the case of an Inuk child, another Inuit family, or</p> <p>(iii) in the case of a Métis child, another Métis family; and</p> <p>(e) takes into account the child’s views and wishes, given due weight in accordance with the child’s age and maturity, and the views and wishes of any parent who is entitled to access to the child.</p> <p>112 Where a child is in extended society care under an order made under paragraph 3 of subsection 101 (1) or clause 116 (1) (c), the society shall make all reasonable efforts to assist the child to develop a positive, secure and enduring relationship within a family through one of the following:</p> <ol style="list-style-type: none"> 1. An adoption. 2. A custody order under subsection 116 (1). 3. In the case of a First Nations, Inuk or Métis child, <ol style="list-style-type: none"> i. a plan for customary care, ii. an adoption, or iii. a custody order under subsection 116 (1). <p>186 (1) If a society intends to begin planning for the adoption of a First Nations, Inuk or Métis child, the society shall give written notice of its intention to a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities.</p> <p>(2) If a representative chosen by each of the child’s bands or First Nations, Inuit or Métis communities receives notice under subsection (1), each band and community may, within 60 days of the representative receiving the notice,</p> <ol style="list-style-type: none"> (a) prepare its own plan for the care of the child; and (b) submit its plan to the society. <p>(3) A society shall not place a First Nations, Inuk or Métis child with another person for adoption until,</p> <ol style="list-style-type: none"> (a) at least 60 days after notice is given to a representative chosen by each of the bands and First Nations, Inuit or Métis communities have elapsed; or (b) if a band or First Nations, Inuit or Métis community has submitted a plan for the care of the child, the society has considered the plan. <p>187 (1) Where a society begins planning for the adoption of a First Nations, Inuk or Métis child, the society shall consider the importance of developing or maintaining the child’s connection to the child’s bands and First Nations, Inuit or Métis communities.</p> <p>(2) For the purposes of subsection (1), the society shall include consideration of the benefits of,</p> <ol style="list-style-type: none"> (a) an openness agreement in respect of the child and a member of the child’s bands and First Nations, Inuit or Métis communities; or (b) where the child is in extended society care under an order made under paragraph 3 of subsection 101 (1) or clause 116 (1) (c), an openness order in respect of the child and a representative of the child’s bands and First Nations, Inuit or Métis communities. <p>212 (1) For the purposes of facilitating communication or maintaining relationships, an openness agreement may be made by an adoptive parent of a child or by a person with whom a society or licensee has placed or plans to place a child for adoption and any of the following persons:</p> <ol style="list-style-type: none"> 1. A birth parent, birth relative or birth sibling of the child. 2. A foster parent of the child or another person who cared for the child or in whose custody the child was placed at any time. 3. A member of the child’s extended family or community with whom the child has a significant relationship or emotional tie.

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>4. An adoptive parent of a birth sibling of the child or a person with whom a society or licensee has placed or plans to place a birth sibling of the child for adoption.</p> <p>5. In the case of a First Nations, Inuk or Métis child,</p> <ol style="list-style-type: none"> i. a person described in paragraph 1, 2, 3 or 4, or ii. a member of the child's bands and First Nations, Inuit or Métis communities who may not have had a significant relationship or emotional tie with the child in the past but will help the child to develop or maintain a connection with the child's First Nations, Inuit or Métis cultures, heritages and traditions and to preserve the child's cultural identity and connection to community. <p>220 (1) A society shall make all reasonable efforts to assist a child to maintain relationships with persons that are beneficial and meaningful to the child in the following circumstances:</p> <ol style="list-style-type: none"> 1. The child was placed for adoption by the society and the society has decided not to finalize the adoption of the child by the person with whom the child was placed. 2. A child returns to the care of a society after an adoption order was made. <p>338 Every review of this Act shall address the following matters:</p> <ol style="list-style-type: none"> 1. The additional purpose of the Act described in paragraph 6 of subsection 1 (2), with a view to evaluating the progress that has been made in working with First Nations, Inuit and Métis peoples to achieve that purpose. 2. The provisions imposing obligations on societies when providing services to a First Nations, Inuk or Métis person or in respect of First Nations, Inuit or Métis children, with a view to ensuring compliance by societies with those provisions. <p><u>Regulation - General Matters under the Authority of the Minister, Reg 156/18</u> <u>Notice re consultation, s. 73 of Act</u></p> <p>25. (1) For the purpose of consulting as required under section 73 of the Act with a representative chosen by each of a child's bands and First Nations, Inuit or Métis communities, a society shall provide notice to each representative regarding the prescribed service or power in respect of which the consultation is required.</p> <p>(2) The notice shall include the following information:</p> <ol style="list-style-type: none"> 1. A description of the service proposed to be provided or the power proposed to be exercised in relation to the child. 2. The society's estimated timeline for providing the service or exercising the power, based on information available to the society. 3. An invitation to consult with respect to the service proposed to be provided or the power proposed to be exercised. <p>39. If a society proposes or is apprised of a placement plan in the circumstances described in paragraph 3 of section 38 and the plan relates to the placement of a First Nations, Inuk or Métis child, the society shall,</p> <ol style="list-style-type: none"> (a) consult with each of the child's bands and First Nations, Inuit or Métis communities respecting the placement of the child before beginning to follow the procedures set out in section 40 or 41, as the case may be; and (b) if the consultation does not occur before the applicable procedures begin, continue to use best efforts to carry out the consultation after the procedures begin. <p>40. (1) This section applies if a society proposes or is apprised of a plan to place a child with a relative of the child or a member of the child's extended family or community before the placement occurs.</p> <p>(2) Before a child is placed in the care of a relative or member of the child's extended family or community, the society shall conduct an evaluation of the proposed plan for the care of the child to determine whether the person is capable of providing the child with a safe home environment.</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>41. (1) This section applies if a society is apprised of a plan to place a child with a relative of the child or a member of the child’s extended family or community after the child has begun living with that person. (2) In the circumstances described in subsection (1), the society shall, as soon as practicable but no later than seven days after a society is apprised of the placement with a person, conduct an evaluation of the placement to determine whether the person is providing the child with a safe home environment and is capable of continuing to do so.</p> <p><u>Regulation - General Matters under the Authority of the Lieutenant Governor in Council. Reg 155/18</u></p> <p>8. (1) A service provider shall comply with subsection (2) if it has received information respecting, (a) the child or young person’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity, gender expression or cultural or linguistic needs; or (b) regional differences that may affect the child or young person, such as the fact that a child or young person is from a region that is different from the region in which the services are provided to the child or young person. (2) A service provider shall make reasonable efforts to, (a) determine whether there are services, programs or activities that may complement the service being provided by the service provider and support the objectives of the service and that relate to the information described in subsection (1); and (b) if the service provider determines that such a service, program or activity is available and would assist the child or young person, (i) ask the child or young person if they wish to receive the service or participate in the program or activity, and (ii) if so, facilitate the child or young person receiving the service or participating in the program or activity in addition to continuing to receive the service from the service provider. (3) The service provider shall document the steps it has taken to comply with the requirements of this section.</p>
Newfoundland and Labrador	<p>Children, Youth and Families Act, 2018 Chap C-12.3</p> <p><u>Guiding Principles</u></p> <p>1 (s) “kin” means family and other persons who are significant to a child or youth or with whom a child or youth has a connection;</p> <p>(x) “parent” means (i) the custodial mother of a child or youth, (ii) the custodial father of a child or youth, (iii) a custodial step-mother of a child or youth, (iv) a custodial step-father of a child or youth, (v) a non-custodial mother of a child or youth who regularly exercises or attempts to exercise rights of access, (vi) a non-custodial father of a child or youth who regularly exercises or attempts to exercise rights of access, (vii) a person to whom custody of a child or youth has been granted by a written agreement or by a court order, or (viii) a person who is responsible for the child's or youth's care and with whom the child or youth resides, except a foster parent;</p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>8. The purpose of this Act is to promote the safety and well-being of children and youth who are in need of protective intervention by offering, where available and appropriate, services that are designed to maintain, support and preserve the family where it is in the best interests of children and youth.</p> <p>9. (1) This Act shall be interpreted and administered in accordance with the principle that the overriding and paramount consideration in a decision made under this Act shall be the best interests of the child or youth.</p> <p>(2) In determining a child's or youth's best interests, all relevant factors shall be considered, including</p> <ul style="list-style-type: none"> (a) the child's or youth's safety, health and well-being; (b) the child's or youth's physical, emotional and developmental needs; (c) the child's or youth's relationship with family or a person significant to the child or youth; (d) the child's or youth's opinion regarding his or her care and custody or the provision of services; (e) the child's or youth's identity and cultural and community connections; (f) the importance of preserving an Indigenous child's or Indigenous youth's unique cultural identity; (g) the importance of stability and permanency in the context of the child's or youth's care; and (h) the importance of family as the preferred environment for the care and upbringing of a child or youth. <p>(3) Where there is a conflict between paragraphs (2)(a) and (h), paragraph (2)(a) shall prevail.</p> <p><u>Prevention Measures</u></p> <p>10 (3) For the purposes of paragraph (1)(c), parental conduct or living situations that may lead to emotional harm or risk of emotional harm to the child may include</p> <ul style="list-style-type: none"> (a) rejection; (b) social deprivation; (c) deprivation of affection; (d) deprivation of cognitive stimulation; (e) subjecting the child to inappropriate criticism, threats, humiliation, accusations or expectations; (f) living in a situation where the mental or emotional health of a parent is negatively affecting the child; (g) living in a situation where a parent is an abuser of alcohol or drugs; or (h) living in a situation where there is violence. <p>12 (2) Where, after an investigation referred to in subsection (1), the manager or social worker has determined that the child is in need of protective intervention, the manager or social worker shall</p> <ul style="list-style-type: none"> (a) enter into a written agreement with the parent outlining the plan for the child and the child's parent with respect to the required services; or (b) where the manager or social worker is not satisfied that the child's need for protective intervention can be met under paragraph (a), take whatever action under this Act or the regulations that the manager or social worker considers appropriate. <p>(3) Where,</p> <ul style="list-style-type: none"> (a) upon assessing information received under subsection (1), a manager or social worker is satisfied that the information provided was without merit or without reasonable grounds; or (b) after an investigation referred to in subsection (1), a manager or social worker has determined that the child is not in need of protective intervention,

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	<p>the manager or social worker may, where appropriate, refer the child or the child's parent to health care, social, legal or other services which may assist the child or the child's parent and may, in exceptional circumstances, enter into a written agreement outlining the plan for the child and the child's parent with respect to the required services.</p> <p>13. (1) A manager or social worker may use a family group conference, mediation or another form of alternate dispute resolution to establish, replace or amend the plan referred to in section 12.</p> <p style="padding-left: 20px;">(2) Where a family group conference, mediation or another form of alternate dispute resolution is agreed upon, the parties shall enter into a written agreement to participate in the process.</p> <p style="padding-left: 20px;">(3) An issue with respect to a plan referred to in section 12 may be included in a family group conference, mediation or another form of alternate dispute resolution, other than the determination by a manager or social worker that the child is in need of protective intervention and the factors that led to that determination.</p> <p>18. (1) Where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, a manager or social worker may file an application with the court for an order to prohibit contact between the child and that person.</p> <p style="padding-left: 20px;">(5) Where a hearing under this section has not been concluded and it is in the best interests of the child, the judge may do one or more of the following:</p> <p style="padding-left: 40px;">(a) prohibit the person against whom the order is sought from contacting or interfering with, or trying to contact or interfere with, the child, or from entering a place where the child is located, until the conclusion of the hearing under this section;</p> <p style="padding-left: 40px;">(b) prohibit the person against whom the order is sought from residing with the child, or entering premises where the child resides including premises that the person owns or has a right to occupy, until the conclusion of the hearing under this section; and</p> <p style="padding-left: 40px;">(c) impose those conditions that the judge considers appropriate for implementing the order and protecting the child.</p> <p>(6) Where a judge is satisfied that there are reasonable grounds to believe that contact between a child and a person named in an application under subsection (1) would cause the child to be in need of protective intervention, the judge may do one or more of the following:</p> <p style="padding-left: 20px;">(a) prohibit the person against whom the order is sought from contacting or interfering with, or trying to contact or interfere with, the child, or from entering a place where the child is located, for a period of up to 6 months;</p> <p style="padding-left: 20px;">(b) prohibit the person against whom the order is sought from residing with the child, or entering premises where the child resides, including premises that the person owns or has a right to occupy, for a period of up to 6 months; and</p> <p style="padding-left: 20px;">(c) impose those conditions that the judge considers appropriate for implementing the order and protecting the child.</p> <p>20. (1) A manager or social worker shall apply to the court for a warrant to remove a child where he or she believes</p> <p style="padding-left: 20px;">(a) that the child is in need of protective intervention; and</p> <p style="padding-left: 20px;">(b) a less intrusive course of action that would adequately protect the child is not available.</p> <p style="padding-left: 20px;">(2) A judge may issue a warrant authorizing a manager or social worker to enter a premises or vehicle or board a vessel or aircraft, by force if necessary, to remove a child where he or she is satisfied on the basis of a manager's or social worker's sworn information that there are reasonable grounds to believe that</p> <p style="padding-left: 40px;">(a) the child is in need of protective intervention; and</p> <p style="padding-left: 40px;">(b) a less intrusive course of action that would adequately protect the child is not available.</p> <p>25. (1) Where a manager or social worker believes on reasonable grounds that</p> <p style="padding-left: 20px;">(a) a child is in need of protective intervention;</p> <p style="padding-left: 20px;">(b) the child's safety</p>

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	<p>(i) could be assured without removing the child with the provision of protective intervention services, or (ii) could not be assured without removing the child and a warrant under section 20 has been denied; and (c) a parent is unwilling to accept protective intervention services for the child, the manager or social worker shall file an application with the court for a protective intervention hearing and an order that the child is in need of protective intervention. (2) A hearing under this section shall be held within 10 days of the filing of the application under subsection (1).</p> <p>(3) Notice of the time and place of a hearing under this section shall be served not later than 3 days after the date for the hearing is obtained on (a) a parent; (b) the child, where the child is 12 years of age or older; and (c) the Indigenous representative of the appropriate Indigenous government or organization, where a manager or social worker believes the child is an Indigenous child. (Similar notice provision can be found at 36(3)c, 43(4)c, 45(2)d, 50(1)a iii)</p> <p>29. (1) A manager or social worker shall file with the court, not later than noon on the day before the presentation hearing or a hearing referred to in section 25 is scheduled, a plan for the child and provide a copy to those persons who have been served with a copy of the application. (2) A person who has received a plan under subsection (1) may respond to the plan by filing an alternate plan with the court and, in that case, shall provide a copy of that alternate plan to the manager or the social worker. (3) A plan filed under subsection (1) shall include (a) a description of the services required to address the situation or issues on the basis of which the child was determined to be in need of protective intervention; (b) a description of the indicators by which the manager or social worker will determine when custody or supervision may no longer be required; (c) an estimate of the time required to achieve the purpose of the intervention; (d) information respecting previous involvement with the child, or a parent, under this or a predecessor Act, that is relevant to the plan; (e) where the child has been removed from a parent's care, (i) an explanation of why the child cannot be adequately protected while in the parent's care and a description of past efforts to do so, (ii) an explanation of the efforts planned to maintain the child's contact with the parent, family or other person significant to the child, (iii) a description of the arrangements made or being made for the child's stability and permanency, and (iv) a description of the arrangements made or being made to recognize the importance of the child's identity and cultural and community connections, or, where the child is an Indigenous child, a cultural connection plan.</p> <p>31. (1) A presentation hearing (a) may be conducted by a judge in an informal manner; and (b) shall be concluded within one day, unless extended by the judge. (2) At the conclusion of a presentation hearing, a judge may (a) dismiss the application for a protective intervention hearing; (b) order that the child be returned to or remain with the parent under the supervision of a manager until the conclusion of the protective intervention hearing; (c) order that the child be placed in the custody of a parent, other than the parent from whom the child was removed, under the supervision of a manager until the conclusion of the protective intervention hearing;</p>

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	<p>(d) order that the child be placed in the care of the child's family or a person significant to the child, other than the parent from whom the child was removed, under the supervision of a manager until the conclusion of the protective intervention hearing;</p> <p>(e) order that the child be placed in the custody of a manager until the conclusion of the protective intervention hearing; or</p> <p>(f) make a declaration that the child is in need of protective intervention and make an order under subsection 32(2).</p> <p>(3) Where a judge makes an order under paragraphs (2)(a) to (e), the judge may attach reasonable conditions to that order, including conditions with respect to</p> <p>(a) the child's contact with a parent, unless the judge is satisfied that continued contact with the parent would not be in the best interests of the child;</p> <p>(b) the child's contact with a person significant to the child; and</p> <p>(c) the assessment, treatment or services to be obtained by the child or the child's parent,</p> <p>but an order shall not contain conditions with respect to the type or the geographic location of the placement for the child.</p> <p>56. Where a child who is the subject of a proceeding under this Act requests that his or her views be known at the proceeding, a judge shall</p> <p>(a) meet with the child with or without the other parties and their legal counsel;</p> <p>(b) permit the child to testify at the proceeding;</p> <p>(c) consider written material submitted by the child; or</p> <p>(d) allow the child to express his or her views in some other way.</p> <p>61. (1) Where a parent consents to an order made under this Act, a judge shall be satisfied that</p> <p>(a) the opinion of the child has been considered; and</p> <p>(b) the parent consenting to the order has been informed that he or she may be represented by legal counsel and understands the nature and consequences of the consent.</p> <p>(2) A consent by a parent under this Act is not an admission by the parent of a ground for protective intervention alleged by a manager or social worker.</p> <p>65. (1) The placement of a child or youth shall be conducted in a manner which is least disruptive to the child or youth and recognizes the importance of placement with his or her siblings and contact with his or her parents and kin.</p> <p>(2) A manager or social worker shall first consider placement of a child or youth with kin and, where that is not in the best interests of the child or youth, the manager or social worker shall place the child in a foster care placement.</p> <p>(3) Notwithstanding subsection (2), where a child is an Indigenous child or a youth is an Indigenous youth, a manager or social worker shall first consider placing the Indigenous child or Indigenous youth with kin within his or her community or where that is not in the best interests of the Indigenous child or Indigenous youth, consider placing him or her</p> <p>(a) with a non-relative foster parent with the same cultural background within the Indigenous child's or Indigenous youth's community; or</p> <p>(b) with kin outside the Indigenous child's or Indigenous youth's community.</p> <p>(4) Where a manager or social worker is satisfied that an Indigenous child or an Indigenous youth cannot be placed in accordance with subsection (3), the Indigenous child or Indigenous youth shall be placed in a foster care placement that supports the Indigenous child's or Indigenous youth's connection with his or her culture, heritage, traditions, community, language and spirituality.</p> <p>67. (1) A manager or social worker may make an agreement for services, including financial support, with a person with whom a child or youth has been placed for care.</p>

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	<p>(2) Where an agreement is made under subsection (1) with a non-custodial mother or non-custodial father, the non-custodial mother or non-custodial father is not entitled to financial support.</p> <p>88 (3) Where the youth is engaged in a plan approved by a manager or social worker, an agreement under this section may be extended until the youth reaches the age of 21.</p> <p>89. Where a manager or social worker enters into an agreement with a youth under this Act, the agreement is binding on the youth and enforceable against him or her notwithstanding he or she is less than 19 years of age.</p> <p>102. (1) The minister shall, every 5 years, conduct a review of this Act and the principles on which it is based and consider the areas which may be improved. (2) A review conducted under subsection (1) shall include public consultations.</p> <p>103. There shall be a process to regularly monitor plans for children who are under the supervision or in the care or custody of a manager.</p> <p>Cultural Continuity 1 (f) "cultural connection plan" means a description of the arrangements made or being made to foster an Indigenous child's or Indigenous youth's connection with his or her culture, heritage, traditions, community, language and spirituality to preserve the Indigenous child's or Indigenous youth's cultural identity;</p> <p>25 (3) Notice of the time and place of a hearing under this section shall be served not later than 3 days after the date for the hearing is obtained on (a) a parent; (b) the child, where the child is 12 years of age or older; and (c) the Indigenous representative of the appropriate Indigenous government or organization, where a manager or social worker believes the child is an Indigenous child.</p> <p>27. (1) Where a child has been removed and a manager or social worker applies for a protective intervention hearing, he or she shall at the same time be given a date for a presentation hearing, which shall be held not later than 10 days after the date on which the application is filed. (2) Notice of the time and place of a presentation hearing and a protective intervention hearing shall be served not later than 3 days after the dates for the hearings are obtained on (a) a parent; (b) the child, where the child is 12 years of age or older; and (c) the Indigenous representative of the appropriate Indigenous government or organization, where a manager or social worker believes the child is an Indigenous child. (3) When a parent is served with a notice under subsection (2), that parent shall also be served with (a) a copy of the application; (b) a written report of the circumstances that led to the removal of the child; and (a) the manager's or social worker's plan for the child until the protective intervention hearing.</p> <p>54. The following persons may apply to be heard at a proceeding under this Act: (a) a person significant to a child; and (b) an Indigenous representative of the appropriate Indigenous government or organization.</p>

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	<p>105. (1) The minister may negotiate an agreement with an Indigenous government or organization who satisfies the eligibility requirements prescribed in the regulations for the provision of services or the administration of all or a part of this Act by the Indigenous government or organization.</p> <p>(2) With the approval of the Lieutenant-Governor in Council the minister may enter into an agreement negotiated under subsection (1).</p> <p>(3) An Indigenous government or organization that enters into an agreement under subsection (1) is responsible for the services it provides and for the administration of those parts of the Act the Indigenous government or organization is delegated under the agreement.</p> <p>(4) An agreement entered into under this section shall include</p> <ul style="list-style-type: none"> (a) the term of the agreement; (b) the powers, duties and functions delegated to the Indigenous government or organization; (c) a requirement that the Indigenous government or organization report to the minister when required by the minister and in the form, manner and time period directed by the minister; (d) a requirement that the Indigenous government or organization submit an annual report to the minister in the form, manner and time period prescribed in the regulations; (e) a requirement that the Indigenous government or organization carry insurance coverage satisfactory to the minister; (f) a requirement that the Indigenous government or organization comply with the monitoring and auditing requirements set by the minister; (g) a requirement that the Indigenous government or organization comply with the access to information and protection of privacy requirements set by the minister; (h) a requirement that the persons performing the powers, duties and functions delegated to the Indigenous government or organization satisfy the minimum qualifications set by the minister; (i) a requirement that an Indigenous government or organization use and maintain financial and information management systems satisfactory to the minister; (j) a requirement that an Indigenous government or organization use and maintain documentation standards and system requirements satisfactory to the minister; (k) the terms and conditions that are to be imposed on the Indigenous government or organization; (l) mechanisms for the settlement of disputes arising from the agreement; (m) funding arrangements; (n) the obligations of the parties if the agreement is terminated; and (o) other provisions prescribed in the regulations. <p>(5) An agreement entered into under subsection (1) may be renewed or amended in the form, manner and time period prescribed in the regulations.</p> <p>(6) Notwithstanding the terms of an agreement entered into under subsection (1) or anything in this Act, the regulations or another Act, the minister may terminate an agreement or a part of an agreement entered into under subsection (1) in the form, manner and time period prescribed in the regulations where, in the opinion of the minister, it is in the public interest to terminate the agreement or a part of the agreement.</p> <p>(7) The minister may, in accordance with the regulations, enter into those agreements that are necessary to give effect to an agreement under this section.</p> <p>Children, Youth and Families Regulation, 38/19</p> <p>Indigenous representative</p> <p>37. (1) An Indigenous government or organization may designate an Indigenous representative.</p> <p>(2) Where an Indigenous government or organization designates an Indigenous representative, it shall notify the minister, in writing, of the name of the Indigenous representative.</p>

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	<p>(3) An Indigenous representative designated under subsection (1) may designate a person as an acting Indigenous representative to perform the duties of the Indigenous representative where the Indigenous representative is absent or unable to act.</p> <p>(4) Where an acting Indigenous representative is designated under subsection (3),</p> <p>(a) the Indigenous representative shall notify the Indigenous government or organization of the designation and the time period in which the person designated will be acting as the Indigenous representative; and</p> <p>(b) the Indigenous government or organization shall immediately provide that information to the minister in writing.</p> <p>(5) Where an Indigenous government or organization replaces a person appointed under subsection (1), the Indigenous government or organization shall immediately notify the minister, in writing of the change.</p> <p>Indigenous Government or Organization Delegation Regulation, 21/19</p> <p>3. The minister may negotiate an agreement with an Indigenous government or organization under section 105 of the Act where the Indigenous government or organization submits to the minister</p> <p>(a) a request in writing; and</p> <p>(b) proof satisfactory to the minister that the Indigenous government or organization has, by motion or resolution, authorization from its Indigenous community to enter into an agreement for the provision of services or the administration of all or part of the Act.</p>
Nova Scotia	<p><u>Children and Family Services Act, 1990 c-5</u></p> <p><u>Guiding Principles</u></p> <p>2 (1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children</p> <p>3(1) (g) “child-care services” means</p> <p>(i) assessment, counselling and referral services,</p> <p>(ii) child-protection and child-placing services,</p> <p>(iii) parenting-skill and support services,</p> <p>(iv) consulting, research and evaluation services with respect to child-care services,</p> <p>(v) such other services as the Minister may approve or license as child-care services;</p> <p>(na) “kinship placement” means a placement with a foster parent who (i) is a relative of the child, or (ii) has an established relationship with the child;</p> <p>3 (2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:</p> <p>(a) the importance for the child’s development of a positive relationship with a parent or guardian and a secure place as a member of a family;</p> <p>(b) the child’s relationships with relatives;</p> <p>(c) the importance of continuity in the child’s care and the possible effect on the child of the disruption of that continuity;</p> <p>(d) the bonding that exists between the child and the child’s parent or guardian;</p> <p>(e) the child’s physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;</p>

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	<p>(f) the child’s physical, mental and emotional level of development;</p> <p>(g) the child’s cultural, racial and linguistic heritage; (ga) the child’s sexual orientation, gender identity and gender expression;</p> <p>(h) the religious faith, if any, in which the child is being raised;</p> <p>(i) the merits of a plan for the child’s care proposed by an agency, including a proposal that the child be placed for adoption, compared with the merits of the child remaining with or returning to a parent or guardian;</p> <p>(j) the child’s views and wishes, if they can be reasonably ascertained;</p> <p>(k) the effect on the child of delay in the disposition of the case;</p> <p>(l) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent or guardian;</p> <p>(m) the degree of risk, if any, that justified the finding that the child is in need of protective services;</p> <p>(n) any other relevant circumstances.</p> <p><u>Prevention Measures</u></p> <p>5 (1) The Minister may designate, in writing, a person to have, perform and exercise any of the powers, privileges, duties and functions of the Minister pursuant to this Act and shall, when so designating, specify the powers, privileges, duties and functions to be had, performed and exercised by the person so designated</p> <p>9 The functions of an agency are to:</p> <p>(a) protect children from harm;</p> <p>(b) work with other community and social services to prevent, alleviate and remedy the personal, social and economic conditions that might place children and families at risk;</p> <p>(c) provide guidance, counselling and other services to families for the prevention of circumstances that might require intervention by an agency;</p> <p>(d) investigate allegations or evidence that children may be in need of protective services;</p> <p>(e) develop and provide services to families to promote the integrity of families, before and after intervention pursuant to this Act;</p> <p>(f) supervise children assigned to its supervision pursuant to this Act;</p> <p>(g) provide care for children in its care or care and custody pursuant to this Act;</p> <p>(h) provide adoption services and place children for adoption pursuant to this Act;</p> <p>(i) provide services that respect and preserve the cultural, racial and linguistic heritage of children and their families;</p> <p>(j) take reasonable measures to make known in the community the services the agency provides; and</p> <p>(k) perform any other duties given to the agency by this Act or the regulations.</p> <p>13 (1) Where it appears to the Minister or an agency that services are necessary to promote the principle of using the least intrusive means of intervention and, in particular, to enable a child to remain with the child’s parent or guardian or be returned to or placed in the care of a parent or guardian of the child, the Minister and the agency shall take reasonable measures to provide services to families and children that promote the integrity of the family.</p> <p>(2) Services to promote the integrity of the family include, but are not limited to, services provided by the agency or provided by others with the assistance of the agency for the following purposes:</p> <p>(a) improving the family’s financial situation;</p> <p>(b) improving the family’s housing situation;</p>

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	<p>(c) improving parenting skills; (d) improving child-care and child-rearing capabilities; (e) improving homemaking skills; (f) counselling and assessment; (g) drug or alcohol treatment and rehabilitation; (h) child care; (i) mediation of disputes; (j) self-help and empowerment of parents whose children have been, are or may be in need of protective services; (k) such matters prescribed by the regulations.</p> <p>17 (1) A parent or guardian who is temporarily unable to care adequately for a child in that person’s custody and an agency may enter into a written agreement for the agency’s temporary care and custody of the child. (2) An agency shall not enter into a temporary-care agreement unless the agency (a) has determined that an appropriate placement that is likely to benefit the child is available; and (b) is satisfied that no less restrictive course of action, such as care in the child</p> <p>21 (1) An agency and a parent or guardian of a child may, at any time, agree to the appointment of a mediator to attempt to resolve matters relating to the child who is or may become a child in need of protective services.</p> <p>30 (2) The judge may make a protective-intervention order in the child’s best interests, ordering that the person named in the order (a) cease to reside with the child; (b) not contact the child or associate in any way with the child, and imposing such terms and conditions as the judge considers appropriate for implementing the order and protecting the child.</p> <p>37 (3) Upon the application of a party or on its own motion, the court may, at any stage of a proceeding, order that a guardian ad litem be appointed for a child who is the subject of the proceeding and, where the child is not a party to the proceeding, that the child be made a party to the proceeding, if the court determines that such a guardian is desirable to protect the child’s interests and, where the child is sixteen years of age or more, that the child is not capable of instructing counsel. (4) Where a child is represented by counsel or a guardian ad litem pursuant to this Section, the Minister shall in accordance with the regulations, pay the reasonable fees and disbursements of the counsel or guardian as the case may be, including the reasonable fees and disbursements of counsel for the guardian</p> <p>40A The purpose of conferencing is to facilitate the timely resolution of the issues that resulted in the proceeding being commenced in a manner that is consensual and that serves the child’s best interests.</p> <p>42 (2) The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family pursuant to Section 13, (a) have been attempted and have failed; (b) have been refused by the parent or guardian; or (c) would be inadequate to protect the child. (3) Where the court determines that it is necessary to remove the child from the care of a parent or guardian, the court shall, before making an order for temporary or permanent care and custody pursuant to clause (d), (e) or (f) of subsection (1), consider whether</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(a) it is possible to place the child with a relative, neighbour or other member of the child’s community or extended family with whom the child at the time of being taken into care had a meaningful relationship pursuant to clause (c) of subsection (1), with the consent of the relative or other person; and</p> <p>(b) where the child is or is entitled to be an aboriginal child, it is possible to place the child within the child’s community.</p> <p>(4) The court shall not make an order for permanent care and custody pursuant to clause (f) of subsection (1), unless the court is satisfied that the circumstances justifying the order are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits, based upon the age of the child, set out in subsection (1) of Section 45, so that the child can be returned to the parent or guardian.</p> <p>88A (1) The Minister shall periodically appoint a committee to conduct a review of this Act or those provisions of it specified by the Minister.</p> <p>(2) The Minister shall inform the public when a review under this Section begins and of the provisions of the Act included in the review.</p> <p>(3) The committee shall prepare a written report respecting the review for the Minister.</p> <p>(4) The Minister shall make the report available to the public.</p> <p>(5) The first review shall be completed and the report made available to the public within four years after the day this Section comes into force.</p> <p>(6) Each subsequent review shall be completed and the report made available to the public within four years after the day the report on the previous review has been made available to the public.</p> <p><u>Cultural Continuity</u></p> <p>20 Where the Minister or an agency enters into an agreement pursuant to Section 17, 18 or 19, the Minister or the agency shall, where practicable, in order to ensure the child’s best interests are served, take into account</p> <p>(a) the maintenance of regular contact between the child and the parent or guardian;</p> <p>(b) the desirability of keeping brothers and sisters in the same family unit;</p> <p>(c) the child’s need to maintain contact with the child’s relatives and friends;</p> <p>(d) the preservation of the child’s cultural, racial and linguistic heritage; and</p> <p>(e) the continuity of the child’s education and religion.</p> <p>36 (3) Where the child who is the subject of a proceeding is or is entitled to be a Mi’kmaq child, the Mi’kmaq Family and Children’s Services of Nova Scotia shall receive notice in the same manner as a party to the proceedings and may, with its consent, be substituted for the agency that commenced the proceeding.</p> <p>(4A) Where the child who is the subject of a proceeding is or is entitled to be a Mi’kmaq child,</p> <p>(a) at an interim hearing;</p> <p>(b) at a disposition hearing;</p> <p>(c) on a hearing to review a disposition order pursuant to Section 46; or</p> <p>(d) on an application to terminate, or vary access under, an order for permanent care and custody pursuant to Section 48, the child’s band, if known,</p> <p>(e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;</p> <p>(f) may have a designate present at the hearing;</p> <p>(g) may be represented by counsel; and</p> <p>(h) may make submissions to the court, but shall take no further part in the hearing without leave of the court.</p> <p>39 (1) As soon as practicable, but in any event no later than five working days after an application is made to determine whether a child is in need of protective services or a child has been taken into care, whichever is earlier, the agency shall bring the matter before the court for an interim hearing, on two days’ notice to the parties, but the notice may be waived by the parties or by the court.</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(4) Within thirty days after the child has been taken into care or an application is made, whichever is earlier, the court shall complete the interim hearing and make one or more of the following interim orders: (da) where the child is or is entitled to be an aboriginal child, the child shall be placed in the customary care and custody of a person, with the consent of that person, subject to the supervision of the agency and on such reasonable terms and conditions as the court considers appropriate;</p> <p>(8) Where the agency places a child who is the subject of an order pursuant to clause (e) of subsection (4), the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account</p> <ul style="list-style-type: none"> (a) the desirability of keeping brothers and sisters in the same family unit; (b) the need to maintain contact with the child’s relatives and friends; (c) the preservation of the child’s cultural, racial and linguistic heritage; and (d) the continuity of the child’s education and religion. <p>42 (1) At the conclusion of the disposition hearing, the court shall make one of the following orders, in the child’s best interests: (ca) where the child is or is entitled to be an aboriginal child, the child shall remain in or be placed in the customary care and custody of a person, with the consent of that person, subject to the supervision of the agency, for a specified period, in accordance with Section 43;</p> <p>44 (3) Where the agency places a child who is the subject of an order for temporary care and custody, the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account</p> <p>(e) where the child is or is entitled to be an aboriginal child, the desirability of placing the child</p> <ul style="list-style-type: none"> (i) in a kinship placement with a relative, (ii) if unable to place the child in a kinship placement with a relative, in a kinship placement, (iii) if unable to place the child in a kinship placement, with a member of the child’s community who is approved as a foster parent, or (iv) if unable to place the child in a kinship placement or with a member of the child’s community who is approved as a foster parent, with an aboriginal foster parent. <p>47 (5) Where practicable, a child, who is the subject of an order for permanent care and custody, shall be placed with a family of the child’s own culture, race, religion or language but, if such placement is not available within a reasonable time, the child may be placed in the most suitable home available with the approval of the Minister.</p> <p>47A The agency shall develop, in a timely manner, a cultural connection plan for a child who is in the permanent care and custody of the agency or is the subject of an adoption agreement pursuant to Section 68.</p> <p>68 (11) Where an agency other than the Mi’kmaw Family and Children’s Services of Nova Scotia has reason to believe that a child who is to be the subject of an adoption agreement is or is entitled to be a Mi’kmaq child, the agency shall not enter into an adoption agreement respecting the child until fifteen days after the agency has notified the Mi’kmaw Family and Children’s Services of Nova Scotia.</p> <p>(12) Where, subsequent to the execution of an adoption agreement and prior to the placement for adoption of the child who is the subject of the adoption agreement, the agency determines that the child is or is entitled to be a Mi’kmaq child, the agency shall, as soon as possible, notify the Mi’kmaw Family and Children’s Services of Nova Scotia and shall not place the child for adoption until fifteen days have elapsed from the date of such notification</p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>78 (4) Where an adoption order is granted in respect to a child who is or may be an Indian child, the Minister shall be so advised by the court and the Minister shall forward notification of the adoption of the Indian child in such form as may be prescribed, to the federal Department of Indian and Northern Affairs and, where the child is or is entitled to be a Mi'kmaq child, to the Mi'kmaq Family and Children's Services of Nova Scotia</p> <p>78A (1) Upon application, the court may recognize that an adoption of a person in accordance with the custom of a band or an aboriginal community has the effect of an adoption under this Act. (2) Subsections (2) to (6) of Section 78 apply mutatis mutandis to an adoption recognized by the court pursuant to subsection (1).</p> <p><u>Children and Family Services Regulation, NS 120/2018</u></p> <p>6 Services to promote the integrity of the family may include but are not limited to the following:</p> <ul style="list-style-type: none"> (a) family group conferencing; (b) culturally appropriate services and programs.
New Brunswick	<p><u>Family Services Act, cF-2.2</u></p> <p><u>Guiding Principles</u></p> <p>“associated person” means an adult, excluding an operator, a staff member, a care provider, a foster parent, a kinship caregiver and a person receiving services in a community placement resource or receiving Alternative Family Living Arrangement services, who</p> <ul style="list-style-type: none"> (a) resides in a community placement resource, (b) resides in a home where kinship services or Alternative Family Living Arrangement services are provided, or (c) has frequent contact with a person residing in a community placement resource or a child receiving kinship services by virtue of the adult's relationship with the operator, staff member, care provider, foster parent or kinship caregiver; <p>“best interests of the child” means the best interests of the child under the circumstances taking into consideration</p> <ul style="list-style-type: none"> (a) the mental, emotional and physical health of the child and his need for appropriate care or treatment, or both; (b) the views and preferences of the child, where such views and preferences can be reasonably ascertained; (c) the effect upon the child of any disruption of the child's sense of continuity; (d) the love, affection and ties that exist between the child and each person to whom the child's custody is entrusted, each person to whom access to the child is granted and, where appropriate, each sibling of the child and, where appropriate, each grandparent of the child; (e) the merits of any plan proposed by the Minister under which he would be caring for the child, in comparison with the merits of the child returning to or remaining with his parents; (f) the need to provide a secure environment that would permit the child to become a useful and productive member of society through the achievement of his full potential according to his individual capacity; and (g) the child's cultural and religious heritage; <p>“best interests of the child” means the best interests of the child under the circumstances taking into consideration</p> <ul style="list-style-type: none"> (a) the mental, emotional and physical health of the child and his need for appropriate care or treatment, or both; (b) the views and preferences of the child, where such views and preferences can be reasonably ascertained;

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(c) the effect upon the child of any disruption of the child's sense of continuity;</p> <p>(d) the love, affection and ties that exist between the child and each person to whom the child's custody is entrusted, each person to whom access to the child is granted and, where appropriate, each sibling of the child and, where appropriate, each grandparent of the child;</p> <p>(e) the merits of any plan proposed by the Minister under which he would be caring for the child, in comparison with the merits of the child returning to or remaining with his parents;</p> <p>(f) the need to provide a secure environment that would permit the child to become a useful and productive member of society through the achievement of his full potential according to his individual capacity; and</p> <p>(g) the child's cultural and religious heritage;</p> <p>“cohabit” means to live together in a family relationship</p> <p>community” means a geographic unit or group of persons sharing common interests within a geographic unit who provide or receive services on a collective basis</p> <p>“community social services” or “social services” means services that are protective, preventive, developmental or rehabilitative in nature and which</p> <p>(a) facilitate access to the necessities of life;</p> <p>(b) assist disabled or disadvantaged persons to live as normally and independently as possible or support them in doing so;</p> <p>(c) prevent the need for institutional care as well as provide alternatives to it;</p> <p>(d) support or assist the aged, children or families;</p> <p>(e) facilitate or support the involvement and participation of people in their communities;</p> <p>(f) enhance or maintain employment skills and capabilities of persons;</p> <p>(g) provide protection to children and adults;</p> <p>(h) provide information and refer people to available services;</p> <p>and includes</p> <p>(i) homemaker services;</p> <p>(j) Repealed: 2010, c.E-0.5, s.66</p> <p>(k) family services;</p> <p>(k.1) birth parent services;</p> <p>(l) children's services;</p> <p>(m) adoption services;</p> <p>(n) employment-related services;</p> <p>(o) sheltered workshops;</p> <p>(p) rehabilitation services;</p> <p>(q) community services for seniors;</p> <p>(r) services for the disabled;</p> <p>(s) social development services;</p> <p>(t) protection services for children and adults;</p> <p>(t.1) kinship services;</p> <p>(t.2) Alternative Family Living Arrangement services;</p> <p>(u) Repealed: 2010, c.E-0.5, s.66</p> <p>(v) any other services prescribed in the regulations;</p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>“immediate family”, when used in reference to any person, includes</p> <ul style="list-style-type: none"> (a) a parent or grandparent of the person; (b) a brother or sister of the person; (c) a brother or sister of the person’s mother or father; (d) the spouse or common-law partner of any of the above, while the parties are cohabiting; (e) the spouse or common-law partner of the person, while the parties are cohabiting; <p>“kin” means extended family members, relatives or other significant persons who have an attachment to a child or are known to a child, but does not include a parent, and “kinship” has the corresponding meaning;</p> <p>“kinship caregiver” means an adult who is kin to a child and who cares for a child as part of his or her family</p> <p><u>Prevention Measure</u></p> <p>3(1)The Minister</p> <p>(b) may, in writing, authorize any appropriate person, including any appropriate employee of a community social service agency approved under paragraph (b.1), to exercise any authority, power, duty or function conferred upon him by this Act and specified in the authorization;</p> <p>(b.1) may, in writing, approve any community social service agency that meets the standards and criteria prescribed by regulation, and such additional standards and criteria as the Minister considers fit, for the purposes of paragraph (b) and sections 67, 71, 74 and 75;</p> <p>(c) may enter into contracts with persons, whether within or outside the Province, or with a representative of the Crown in right of Canada or of any other province, or with a representative of the government of any state, to carry out his responsibilities under this Act;</p> <p>6(3)A person who is authorized under this Act to make a decision that affects a child may, in order to comply with subsection (1), consult directly with the child, in which case he shall do so <i>in camera</i> unless he determines that to do so would not be in the best interests of the child; and in consulting with the child <i>in camera</i> the person may exclude any person, including any party to a proceeding and his counsel, from participating in or observing the consultation.</p> <p>6(4)In any matter or proceeding under this Act affecting a child, whether before a court or any person having authority to make a decision that affects a child, the child has the right to be heard either on his own behalf or through his parent or another responsible spokesman.</p> <p>6(5)In any proceeding under this Act the court may waive any requirement that the child appear before the court where it is of the opinion that it would be in the best interests of the child to do so and the court is satisfied that the interests and concerns of the child with respect to the matter before the court will not be thereby prejudiced.</p> <p>13When the Minister considers it to be in the best interests of the child, the Minister may prohibit in writing any person from visiting, writing to, telephoning or otherwise communicating with a child in care, his or her parent, foster parent or kinship caregiver, and any person who violates a prohibition executed under this section, having been given notice of the prohibition, or who otherwise in any way interferes with a child in care without the consent of the Minister, commits an offence.</p> <p>16 Subject to this Part and to the regulations, the Minister may enter into contracts for the provision of social services to any person, any family, any group of persons, any group of families or any community.</p> <p>17The Minister may provide social services under this Part</p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>(a) under a contract entered into by the Minister under section 16; (b) under a custody agreement between a parent and the Minister; or (c) where a child or adult is in a community placement resource, as defined in Part II.</p> <p>19(1)The Minister may enter into a contract to purchase from any government department or agency or any other agency or person, whether within or outside the Province, any social service that the Minister is authorized to provide under section 16.</p> <p>19(2)Where a contract has been entered into under subsection (1) the Minister may provide social services under section 16 on a joint basis with any department, agency or person referred to in subsection (1).</p> <p>19(3)The Minister shall not purchase a social service under this section unless the department, agency or person providing the service</p> <p>(a) has been approved by the Minister prior to the purchase of the social service; and (b) in the opinion of the Minister, is capable of providing the social service in accordance with standards that have been prescribed by the Minister or by the regulations.</p> <p>20(1) The Minister may</p> <p>(a) provide for research to be undertaken to determine social service needs within the Province; (b) establish and operate social service programs and social service agencies in accordance with the regulations; and (c) provide, in accordance with the regulations, resources for the establishment and operation of social service programs and social service agencies where the Minister is of the opinion that the social service</p> <p>(i) is needed in the community, and (ii) is being provided or will be provided in accordance with standards prescribed by the Minister or by the regulations.</p> <p>21 Resources shall be provided by the Minister under paragraph 20(1)(c) only under a contract, and any such contract shall be subject to terms and conditions prescribed by regulation.</p> <p>22(1)Where the Minister is advised that a community social service agency that provides a social service under a contract with the Minister, or that has been provided with resources under this Part, is providing a social service that may be</p> <p>(a) of inadequate quality, or (b) dangerous, destructive or damaging to a recipient of the social service, the Minister shall evaluate the matter brought to his attention and may make such investigation as he considers necessary, including</p> <p>(c) entering any premises occupied by the agency in question, (d) inspecting records and documents of the agency, and (e) interviewing employees of the agency and recipients of the social service provided by the agency.</p> <p>23In this Part “community placement resource” means a social service facility providing services to children or adults, and includes a foster home, a kinship placement, a child-specific placement, a group home, a treatment centre, a community residence, an institution for the care of children or adults, a special care home, a sheltered workshop and any facility designated under paragraph 24(2)(e), but does not include a facility whose primary objective is medical care or educational or correctional services;</p> <p>24(1)The Minister shall determine the need for community placement resources.</p> <p>24(2)The Minister may</p> <p>(a) prescribe criteria for the admission to and discharge from a community placement resource;</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(b) prescribe program and physical standards for a community placement resource;</p> <p>(c) establish and operate a community placement resource;</p> <p>(d) provide resources to assist in the establishment or operation, or both, of community placement resources within the Province; and</p> <p>(e) designate any facility as a community placement resource for the purpose of this Act.</p> <p>30(8) Upon completion of any investigation undertaken by the Minister as a result of any information provided by any person, the Minister may so advise the person who provided the information, and shall inform</p> <p>(a) the parent;</p> <p>(b) any person identified during the investigation as a person neglecting or ill-treating the child; and</p> <p>(c) the child, if in the opinion of the Minister he is capable of understanding, as to the findings and conclusions drawn by the Minister.</p> <p>31(2) Where the Minister receives a report or information about any situation that causes him to suspect that the security or development of a child may be in danger, he shall intervene and shall take such steps as the Minister considers necessary to determine whether the security or development of the child is in danger.</p> <p>31(2.1) The Minister shall advise the parent of a child in respect of whom an investigation is being conducted under this section of the steps to be taken, being taken or that have been taken by the Minister in relation to the investigation, giving reasons wherever possible, at such times as are practicable and where the Minister believes that to do so would not impede the investigation or place the security or development of the child in danger.</p> <p>31.1(2) The Minister shall consider using the collaborative approach of mediation or a family group conference in establishing, replacing or amending a plan referred to in subsection (1).</p> <p>31.1(3) If the Minister and the parent of the child agree, they may establish, replace or amend a plan referred to in subsection (1) by means of mediation or a family group conference.</p> <p>31.2(1) After the Minister completes an investigation, if the Minister has determined that the security or development of a child is in danger and a plan for the care of the child has been established which does not include placing the child as a child in care, the child may receive kinship services in the home of a kinship caregiver if, in the opinion of the Minister, the kinship caregiver is capable of providing for the child in accordance with standards prescribed by the Minister or by regulation.</p> <p>31.2(2) The Minister may enter into an agreement with a kinship caregiver, who fulfils the eligibility conditions for assistance prescribed by regulation, to provide financial or other assistance to the kinship caregiver if, in the opinion of the Minister, financial or other assistance is required to provide for the basic or exceptional needs of the child.</p> <p>31.2(3) The agreement referred to in subsection (2) may remain in force until the termination of the placement.</p> <p>32(2) Where the Minister places a child under protective care he shall make adequate provision for his care, and he may</p> <p>(a) remove the child from the home and place the child in another home or in such other location as in the Minister's opinion is suitable;</p> <p>(b) arrange for medical examination and treatment of the child without the consent of any person;</p> <p>(c) return the child to the care of the parent</p> <p>(i) pending a court determination, or</p> <p>(ii) if there is no longer any need for protective care; or</p> <p>(d) leave the child in his own home and may provide social services when the provision of social services is adequate to ensure his proper care.</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>45(1)Where a child is in the care of the Minister under a custody agreement the Minister shall, to the extent the parent cannot, (a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs; and (b) provide for the support of the child.</p> <p>45(3)Where the child is in care under a guardianship agreement the Minister shall (a) provide care for the child that will meet his physical, emotional, religious, educational, social, cultural and recreational needs; (b) provide for the support of the child; and (c) consider any wishes that the child expresses with regard to any placement or planning the Minister proposes; and the Minister has full parental rights and shall exercise full parental responsibilities with respect to the child.</p> <p>51(1)Where the Minister places a child under protective care, the Minister shall immediately advise the parent of the child stating the action taken and giving reasons for the action taken, wherever possible, and within five days after placing the child under protective care shall (a) release the child from protective care, (b) enter into an agreement with the parent of the child that specifies what is and what is not to be done to ensure that the security or development of the child is adequately protected and release the child from protective care, subject to and in accordance with the agreement, or (c) apply for an order regarding the child.</p> <p>58(2)A protective intervention order may contain such provisions as the court considers to be in the best interests of the child, including a direction to the person named in the order to do either or both of the following: (a) to cease to reside in the same premises in which the child resides, (b) to refrain from any contact or association with the child.</p> <p>96(1)Subject to subsection (2), for all purposes of the law of the Province a person is the child of his or her natural parents and his or her status as their child is independent of whether the child is born within or outside marriage. 96(2)An adopted child in respect of whom Part V applies is the child of the adopting parents as if they were the natural parents. 96(3)The parent and child relationship as determined under subsection (1) or (2) shall be followed in the determination of other kindred relationships flowing therefrom.</p> <p><u>General Administration Regulation, 81-132</u></p> <p>20The Minister may provide resources for the establishment and operation of social service programs and social service agencies where, in his opinion, the resources will be used to establish and operate services that are community social services.</p> <p>21(1)A request for resources for the establishment and operation of a social service program or a social service agency may be made in writing to the Minister.</p> <p>7(1)The Minister may provide support to the family of a child if the care in the home that is detrimental to the security or development of the child. 7(2)The support under subsection (1) is for the purpose of promoting family engagement to maintain the security and development of the child, improve family functioning and assist during the establishment and implementation of a plan for the care of the child.</p> <p><u>Children's Services and Resources Regulation, 2020-21</u></p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	This regulation is extensive and outlines many things related to children’s services and resources, it also requires that resources and supports meet specific standards.
Prince Edward Island	<p>Child Protection Act, PEI c C-5.1</p> <p><u>Guiding Principles</u></p> <p>2 (1) The primary purpose of this Act is to protect children from harm due to abuse and neglect, within the context of section 9 and the best interests of the child.</p> <p>(2) The best interests of the child means the interests that appear, to the Director, or to a court, to be best for the child under the circumstances, having regard to all relevant considerations, including</p> <ul style="list-style-type: none"> (a) the safety of the child; (b) the capacity of a parent to properly discharge parental obligations; (c) the physical, mental and emotional needs of the child, and the appropriate care or treatment to meet those needs; (d) the physical, mental and emotional level of development of the child; (e) the views of the child, where appropriate; (f) a secure place for the child and the development of a positive relationship as a member of a family; (g) the love, affection and ties between the child and persons who have had custody of the child; (h) the love, affection and ties between the child and other persons in the life of the child; (i) the cultural, racial, linguistic and religious heritage of the child; (j) if the child is aboriginal, the importance of preserving the cultural identity of the child; (k) the capacity of persons other than a parent to exercise custody rights and duties respecting a child; (l) the continuity of care for the child and the possible effect of disruption of that care on the child; and (m) the difference in the concept of time, and the developmental capacity of a child. <p>3 (2) The Minister shall</p> <ul style="list-style-type: none"> (a) ensure that child protection services are provided in the province in accordance with this Act; (b) ensure the provision of such facilities and programs as the Minister considers necessary for the provision of child protection services in the province; and (c) provide direction and ensure coordination of child protection services. <p>5. Delegation, child protective services (1) The Director may delegate to any person, the power to provide child protection services and the ability to exercise specified powers and duties of the Director in accordance with this Act.</p> <p>12(5) Subject to subsection (6) and the regulations, the Director shall make reasonable efforts to give a general report of the results of an investigation to</p> <ul style="list-style-type: none"> (a) the parent of the child, who is the subject of the investigation; and

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(b) the child who is the subject of the investigation, if the child is at least 12 years old and apparently capable of understanding the circumstances of the investigation.</p> <p>13. Agreement for child protection services (1) Where the Director concludes, after an investigation, that a child is in need of protection, the Director may offer child protection services to the parent.</p> <p>18(2) Before making an agreement pursuant to subsection (1), the Director may consider the opinions of other persons respecting the care of the child and the Director shall (a) consider the opinions and proposals for care of the child which a non-custodial parent may propose; (b) where a child is 12 years old or more, explain in a manner appropriate to the child, the reasons for and the nature, effect and implications of the proposed agreement to the child, and consider the views of the child; and (c) be satisfied that the agreement is in the best interests of the child.</p> <p>23. Apprehension of child (1) The Director may apprehend a child, without a warrant, where the Director has reasonable grounds to believe that (a) a child is in need of protection; and (b) a less intrusive course of action will not adequately protect the health or safety of the child.</p> <p>30. Right to be heard and to counsel (1) A parent of a child has the right to be heard and the right to counsel on applications under this Act, except applications that are made without notice by the Director (2) Where the child who is the subject of a protection or disposition hearing under this Act is an aboriginal child, the court shall consider the submissions at the hearing of the designated representative of the band or counsel for the designated representative.</p> <p>34 (3) At a hearing pursuant to this Act the court may (a) admit any hearsay evidence of the child who is the subject of the hearing that the court considers reliable; and (b) give any other direction concerning the receipt of the child's evidence that the court considers just.</p> <p><u>Cultural Continuity</u></p> <p>12. (3.1) Where the child who is the subject of an investigation is an aboriginal child and a registered member of a band, the Director shall notify a designated representative of the band that the Director is conducting the investigation. (3.2) Where the Director believes that the child who is the subject of an investigation is an aboriginal child who is entitled to be registered as a member of a band, the Director shall give notice that the investigation is taking place to a designated representative of the band that has been identified by (a) the child, if the child is 12 years old or older; or (b) the parent of the child, if the child is less than 12 years old.</p> <p>13(7) Where an investigation has been completed in respect of a child who is an aboriginal child and a registered member of a band, the Director shall notify a designated representative of the band of the outcome of the investigation and whether an agreement for the provision of child protection services in respect of the child has been entered into with the parent of the child, or with the child, under this section. (8) Where an investigation has been completed in respect of a child and the Director believes that the child is an aboriginal child who is entitled to be registered as a member of a band, the Director shall give notice of the outcome of the investigation to a designated representative of the band that has been identified by (a) the child if the child is 12 years old or older; or (b) the parent of the child if the child is less than 12 years old.</p>

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	<p>18.1 Notice of temporary agreement for aboriginal child (1) Where</p> <p>(a) the Director enters into a temporary agreement under subsection 18(1) with a parent of a child; and</p> <p>(b) the child is an aboriginal child and a registered member of a band,</p> <p>the Director shall notify a designated representative of the band that an agreement has been entered into between the Director and the parent of the child for the transfer of temporary custody and guardianship of the child to the Director.</p> <p>(2) Where</p> <p>(a) the Director enters into a temporary agreement under subsection 18(1) with a parent of a child; and</p> <p>(b) the Director believes that the child is an aboriginal child who is entitled to be registered as a member of a band,</p> <p>the Director shall give notice of a temporary agreement to a designated representative of the band that has been identified by (c) the child, if the child is 12 years old or older; or (d) the parent of the child, if the child is less than 12 years old.</p> <p>24. (1.1) The court may, on the application of the Director without notice, grant a warrant to the Director, for execution immediately after the birth of a child, where the court is satisfied that there are reasonable grounds to believe that</p> <p>(a) the child will be a child in need of protection on its birth; and</p> <p>(b) a less intrusive course of action will not adequately protect the health or safety of the child.</p> <p>(1.2) Where the Director plans to apprehend a child on its birth and the Director has reason to believe the child is an aboriginal child who will be entitled to be registered as a member of a band, the Director may notify the designated representative of the band of the Director's plan to apprehend the aboriginal child.</p> <p>27. Apply for order after apprehension (1) Where a child is apprehended under this Act, the Director shall</p> <p>(a.1) notify, in the case of a child who is an aboriginal child and a registered member of a band, the designated representative of the band that the child has been apprehended; and</p> <p>(b) not later than 4 clear days after the apprehension, apply for an order under section 29</p> <p>32 (2) Where an aboriginal child is registered as a member of a band, the Director shall serve 10 days' notice of the protection hearing on a designated representative of the band.</p> <p>35. Hearing private (1) No person shall be present at a hearing pursuant to this Act except</p> <p>(a) the parents of the child and persons having custody or guardianship rights respecting the child;</p> <p>(b) if the child is an aboriginal child, a designated representative of the band served with the notice of hearing;</p> <p>(c) the Director or delegates of the Director;</p> <p>(d) the child who is the subject of the hearing, if the child is at least 12 years old and apparently capable of understanding the circumstances;</p> <p>(e) counsel; and</p> <p>(f) such other persons as the court may consider appropriate.</p> <p>(2) The court may accept the evidence of a child without an oath, where it is satisfied that the child has sufficient appreciation of the facts of his or her evidence and sufficient understanding of the duty to speak the truth.</p> <p>37 (4) Where the Director believes that a child is an aboriginal child who is entitled to be registered as a member of a band, the Director shall consult and collaborate with the designated representative of the band in developing a plan of care for the child.</p> <p>46. Continued child protection services</p>

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	<p>(1) Where a person in the permanent custody and guardianship of the Director reaches the age of 18 years, the Director may enter into a written agreement with the person for continued services to prepare the person for independent living, where</p> <p>(a) the person is a student or a participant in an approved educational, training or rehabilitative program; or</p> <p>(b) the Director considers that there are unusual circumstances which necessitate special transitional support, until the person reaches the age of 21 years or until the Director considers that there is no longer a need for services under this subsection, whichever occurs earlier.</p> <p>(2) Where a mentally incompetent person in the permanent custody and guardianship of the Director reaches the age of 18 years, the Director shall apply to the court for an order appointing another person, other than the Director, as guardian of the mentally incompetent person.</p> <p>(3) The Director may enter into a written agreement with the guardian appointed pursuant to subsection (2) to provide transitional support for the person, up to the age of 21 years.</p> <p>48. Director may delegate care of child (1) For the purpose of accessing specialized treatment or service, the Director may delegate the Director’s rights and responsibilities respecting a child in the custody and guardianship of the Director, subject to monitoring and direction by the Director, to an approved caregiver, within or outside the province.</p>
Quebec	<p><u>Quebec Youth Protection Act, c P-34.1</u></p> <p><u>Guiding Principles</u></p> <p>(c.2) “alternative living environment” means an environment to which a child is entrusted under this Act, other than that of either of the child’s parents;</p> <p>2.2. The primary responsibility for the care, maintenance and education of a child and for ensuring his supervision rests with his parents.</p> <p><u>Prevention Measures</u></p> <p>2.3. Any intervention in respect of a child and the child’s parents under this Act</p> <p>(a) must be designed to put an end to and prevent the recurrence of a situation in which the security or the development of the child is in danger; and</p> <p>(b) must, if the circumstances are appropriate, favour the means that allow the child and the child’s parents to take an active part in making decisions and choosing measures that concern them.</p> <p>Every person, body or institution having responsibilities under this Act towards a child and the child’s parents must encourage the participation of the child and the parents, and the involvement of the community.</p> <p>The parents must, whenever possible, take an active part in the application of the measures designed to put an end to and prevent the recurrence of the situation in which the security or development of their child is in danger.</p> <p>2.4. Every person having responsibilities towards a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity</p> <p>(1) of treating the child and the child’s parents with courtesy, fairness and understanding, and in a manner that respects their dignity and autonomy;</p> <p>(2) of ensuring that any information or explanation that must be furnished to a child under this Act is presented in language appropriate to the child’s age and understanding;</p>

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	<p>(3) of ensuring that the parents have understood the information or explanations that must be furnished to them under this Act;</p> <p>(4) of giving the child and the child’s parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention; and</p> <p>(5) of opting for measures, in respect of the child and the child’s parents, which allow action to be taken diligently to ensure the child’s protection, considering that a child’s perception of time differs from that of adults, and which take into consideration the following factors:</p> <ul style="list-style-type: none"> (a) the proximity of the chosen resource; (b) the characteristics of cultural communities; (c) the characteristics of Native communities, including Aboriginal customary tutorship and adoption. <p>3. Decisions made under this Act must be in the interest of the child and respect his rights. In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account. In the case of a Native child, the preservation of the child’s cultural identity must also be taken into account.</p> <p>4. Every decision made under this Act must aim at keeping the child in the family environment. If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child’s needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents’ involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities. If, in the interest of the child, returning the child to the family is impossible, the decision must aim at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child’s needs and age on a permanent basis. A decision made under the second or third paragraph regarding a Native child must aim at entrusting the child to an alternative living environment capable of preserving his cultural identity, by giving preference to a member of his extended family or his community or nation.</p> <p>5. Persons having responsibilities regarding a child under this Act must inform him and his parents as fully as possible of their rights under this Act and in particular, of the right to consult an advocate and of the rights of appeal provided for in this Act. In the case of an intervention under this Act, a child as well as his parents must obtain a description of the means and stages of protection and rehabilitation envisaged towards ending the intervention.</p> <p>6. The persons and courts called upon to take decisions respecting a child under this Act must give this child, his parents and every person wishing to intervene in the interest of the child an opportunity to be heard.</p> <p>8. The child and the parents are entitled to receive, with continuity and in a personalized manner, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources.</p> <p>33. The director may, in writing and to the extent he may indicate, authorize a natural person to perform one or more of his duties, except those listed in section 32.</p>

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	<p>37.5. In order to better adapt the application of this Act to the realities of Native life, the Government is authorized, subject to the applicable legislative provisions, to enter into an agreement with a first nation represented by all the band councils of the communities making up that nation, with a Native community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Native group, for the establishment of a special youth protection program applicable to any child whose security or development is or may be considered to be in danger within the meaning of this Act.</p> <p>The program established by such an agreement must be compatible with the general principles stated in this Act and with children’s rights thereunder, and is subject to the provisions of Division I of Chapter III thereof. In particular, the powers provided for in section 26 may be exercised with respect to the record relating to the case of a child to whom such an agreement applies. The agreement shall specify the persons to whom it applies and define the territory in which the services are to be organized and provided. It shall identify the persons or authorities that will be entrusted with exercising, with full authority and independence, all or part of the responsibilities assigned to the director, and may provide, as regards the exercise of the entrusted responsibilities, procedures different from those provided for in this Act.</p> <p>The agreement shall contain provisions determining the manner in which a situation is to be taken in charge by the youth protection system provided for in this Act.</p> <p>The agreement shall also provide measures to evaluate its implementation, and specify the cases, conditions and circumstances in which the provisions of the agreement cease to have effect.</p> <p>To the extent that they are in conformity with the provisions of this section, the provisions of an agreement shall have precedence over any inconsistent provision of this Act and, as regards the organization and provision of services, of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5).</p> <p>Any agreement entered into under this section shall be tabled in the National Assembly within 15 days of being signed, or, if the Assembly is not in session, within 15 days of resumption. It shall also be published in the Gazette officielle du Québec.</p> <p>37.6. In order to facilitate preservation of the cultural identity of Native children and the involvement of Native communities in the decision-making and choice of measures concerning these children, an institution operating a child and youth protection centre may enter into an agreement with a Native community represented by its band council or by the northern village council or with a group of communities so represented which stipulates that such a community or such a group is to recruit and evaluate, in keeping with the general criteria determined by the Minister, persons able to take in one or more children who are members of the community and who are entrusted to them under this Act.</p> <p>Such an agreement may also stipulate any other responsibility of the community or group of communities in relation to these persons’ activities, in accordance with ministerial policy directions.</p> <p>37.7. An institution operating a child and youth protection centre may, for the same purposes as those mentioned in section 37.6, enter into an agreement with a Native community represented by its band council or by the northern village council or with a group of communities so represented that specifies the terms applicable to the authorizations granted by the director for the exercise of one or more of the exclusive responsibilities of the director provided for in the following paragraph.</p> <p>The director may, within the framework of such an agreement, authorize a person who is an employee of the Native community or the group of communities, in writing and to the extent the director specifies,</p> <p>(1) to carry out the assessment of a child’s situation and living conditions as provided for in subparagraph b of the first paragraph of section 32, without, however, allowing that person to decide whether the security or development of the child is in danger; and</p> <p>(2) to exercise, under the director’s authority as regards clinical matters or under the authority of the person the director authorizes in writing, one or more of the responsibilities provided for in subparagraphs b to e and h.1 of the first paragraph of section 32.</p> <p>Section 35 and any other section that applies to a person acting under section 32 apply to a person authorized to exercise a responsibility under this section. The director may, at any time, terminate an authorization.</p>

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	<p>38.2. A decision to determine whether a report must be accepted for evaluation or whether the security or development of a child is in danger must take the following factors into consideration:</p> <ul style="list-style-type: none"> (a) the nature, gravity, persistence and frequency of the facts reported; (b) the child's age and personal characteristics; (c) the capacity and the will of the parents to put an end to the situation in which the security or development of the child is in danger; (d) the community resources available to help the child and the child's parents. <p>45.2. If the director decides not to accept a report but is of the opinion that the child or one or both of the child's parents require assistance, the director must inform them of the services and resources available in their community. If they consent to it, the director must, in a personalized manner, advise them and direct them to the institutions, bodies or persons best suited to assist them and come to an agreement with the service provider on the terms of access to such service, in particular, on the time limit. In addition, if they consent to it, the director must forward the information relevant to the situation to the service provider.</p> <p>46. If the director accepts the report, he may take immediate protective measures to ensure the security of the child for a maximum period of 48 hours even before making an assessment to determine if the security or development of the child is in danger in accordance with section 49. As far as possible, the child and the child's parents must be consulted with respect to the application of immediate protective measures.</p> <p>50.1. Where the director establishes that the security or development of the child is not in danger, but the director is of the opinion that the child or one or both of the child's parents require assistance, the director is subject to the obligations set out in section 45.2.</p> <p>51. Where the director is of the opinion that the security or development of a child is in danger, he shall take charge of the situation of the child and decide whereto he is to be directed. For that purpose, before proposing an agreement on a short-term intervention or on voluntary measures, or referring the matter to the tribunal, the director shall favour the means that encourage the active participation of the child and the child's parents, if the circumstances are appropriate.</p> <p>54. The director may propose as voluntary measures that may be included in an agreement</p> <ul style="list-style-type: none"> (a) that the child remain with his family and that the child's parents report periodically to the director on the measures they apply in their own regard or in their child's regard to put an end to the situation in which the security or development of the child is in danger; (b) that the child and the child's parents undertake to take an active part in the application of the measures designed to put an end to the situation in which the security or development of the child is in danger; (c) that the parents ensure that the child not come into contact with certain persons or that certain persons not come into contact with the child; (d) that the child undertake not to come into contact with certain persons; (e) that the parents entrust the child to other persons; (e.1) that the parents entrust the child to a kinship foster family chosen by the institution operating the child and youth protection centre; (f) that a person working for an institution or body provide aid, counselling or assistance to the child and the child's family; (g) that the parents entrust the child to an institution operating a hospital centre or a local community service centre or to another body so that he may receive the care and assistance he needs; (h) that the child or the child's parents report in person, at regular intervals, to the director to inform him of the current situation; (i) that the parents ensure that the child receive health services required by his situation; (j) that the parents entrust the child for a fixed period to an institution operating a rehabilitation centre or to a foster family, chosen by the institution operating a child and youth protection centre;

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	<p>(k) that the parents ensure that the child attend a school or another place of learning or participate in a program geared to developing skills and autonomy and that the child undertake to do so;</p> <p>(l) that the parents undertake to ensure that the child attend a childcare establishment.</p> <p>For the purposes of this section, the director must, whenever possible, call upon persons or bodies active in the community where the child lives. He must also ensure that the required services are provided to the child or to the child’s parents for the implementation of the voluntary measures.</p> <p>S 91 Where the tribunal concludes that the security or development of the child is in danger, it may, for the period it determines, order the implementation of one or more of the following measures:</p> <p>(a) – (l) same as above section 54</p> <p>(l.1) that specific information not be disclosed to one or both of the parents or any other person designated by the tribunal;</p> <p>(m) that a person ensure that the child and his parents comply with the conditions imposed on them and that that person periodically report to the director;</p> <p>(n) that the exercise of certain attributes of parental authority be withdrawn from the parents and granted to the director or any other person designated by the tribunal;</p> <p>(o) that a period over which the child will be gradually returned to his family or social environment be determined.</p> <p>It may thus authorize that personal relations between the child and the child’s parents, grandparents or another person be maintained, in the manner determined by the tribunal; it may also provide for more than one environment to which the child may be entrusted and state how long the child is to stay in each of those environments.</p> <p>57. On the conditions prescribed by regulation, the director shall review the case of each child whose situation he has taken in charge, except the situation of a child taken in charge under an agreement on a short term intervention. He shall ensure that every measure is taken to return the child to his parents. If it is not in the interest of the child to be returned to his parents, the director shall see that the child benefits from continuity of care, stable relationships and stable living conditions corresponding to the child’s needs and age on a permanent basis.</p> <p>57.2. The purpose of the review is to determine whether the director shall</p> <p>(a) maintain the child in the same situation;</p> <p>(b) propose other measures of assistance for the child or his parents;</p> <p>(c) propose measures of assistance to the parents with a view to returning the child to his parents;</p> <p>(d) refer to the tribunal, in particular, for an order entrusting the child to an alternative living environment for a period determined by the tribunal;</p> <p>(e) apply to the tribunal to be appointed tutor, to have a person he recommends appointed as tutor or to replace the tutor of the child;</p> <p>(f) act with a view to causing the child to be adopted;</p> <p>(g) put an end to the intervention.</p> <p>70.3. To facilitate tutorship, financial assistance for the child’s upkeep may be granted to the tutor referred to in section 70.2, according to the terms and conditions prescribed by regulation.</p> <p>76.1 The tribunal may, if it considers it necessary for the security or development of the child, give any order for the execution, while proceedings are in progress, of one or several of the measures applicable under section 91.</p> <p>However, it may order the execution of the measure provided for in subparagraph j of the first paragraph of section 91 only if it concludes that the child’s remaining with or returning to his parents or to his residence is likely to cause him serious harm. Such a measure may not exceed 60 days, unless the parties consent to a longer period or there are serious reasons warranting one.</p>

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	<p>81. The child, the child’s parents and the director are parties to the hearing. Any person who wishes to intervene at the hearing in the interest of the child may, on an application, testify before the tribunal and make representations if the person has information likely to enlighten the tribunal, and may, for that purpose, be assisted by an advocate. The tribunal may, for exceptional reasons, in urgent cases or if the parties present at the hearing consent to it, authorize the person to make the application orally. For the requirements of the hearing, the tribunal may grant a person the status of party to the hearing if the tribunal considers it advisable to do so in the interest of the child. The status of party remains valid until withdrawn by a decision or order of the tribunal.</p> <p><u>Cultural Continuity</u></p> <p>71.3.1. The director shall consider Aboriginal customary tutorship or adoption contemplated in article 199.10 or 543.1, as applicable, of the Civil Code if he considers that either of those measures is likely to ensure the interest of the child and the respect of his rights.</p> <p>71.3.2. From the time the child becomes the subject of a report and until the end of the director’s intervention, no Aboriginal customary tutorship or adoption certificate may be issued in accordance with article 199.10 or 543.1, as applicable, of the Civil Code without the opinion of the director regarding the interest of the child and the respect of his rights.</p> <p>71.3.3. Financial assistance may, in the cases and on the terms and conditions prescribed by regulation, be granted by an institution operating a child and youth protection centre to facilitate Aboriginal customary tutorship to or adoption of a child whose situation is taken in charge by the director of youth protection.</p> <p>72.6.0.1. Despite section 72.5, as soon as a Native child must be removed from his family environment to be entrusted to an alternative living environment, the director must inform the person responsible for youth protection services in the community of the child’s situation. In the absence of such a person, the director shall inform the person who assumes a role in matters of child and family services within the community. The director shall then solicit the cooperation of the person informed of the child’s situation in order to foster the preservation of the child’s cultural identity and, as far as possible, ensure that the child is entrusted to a member of his extended family or his community or nation.</p> <p>81.1. A person responsible for the youth protection services of a Native community or, in the absence of such a person, the person who assumes a role in child and family services in a Native community may testify and make representations before the tribunal at the hearing of any application concerning a Native child of that community and may, for those purposes, be assisted by an advocate. That person may not otherwise participate in the hearing, unless the person has obtained the tribunal’s authorization to do so. Except in the case of an application under section 47, the director must, as soon as possible, inform the person responsible for the youth protection services of a Native community or, in the absence of such a person, the person who assumes a role in child and family services in a Native community of the date, time and place of the hearing of any application concerning a Native child of that community, of the subject of such an application and of the person’s right to participate in the hearing to the extent provided for in this section.</p>
Manitoba	<p><u>The Child and Family Services Act, CCSM c C80</u></p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p><u>Guiding Principles</u></p> <p>The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:</p> <ol style="list-style-type: none"> 1. The safety, security and well-being of children and their best interests are fundamental responsibilities of society. 2. The family is the basic unit of society and its well-being should be supported and preserved. 3. The family is the basic source of care, nurture and acculturation of children and parents have the primary responsibility to ensure the well-being of their children. 4. Families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibilities of society. 5. Children have a right to a continuous family environment in which they can flourish. 6. Families and children are entitled to be informed of their rights and to participate in the decisions affecting those rights. 7. Families are entitled to receive preventive and supportive services directed to preserving the family unit. 8. Families are entitled to services which respect their cultural and linguistic heritage. 9. Decisions to place children should be based on the best interests of the child and not on the basis of the family's financial status. 10. Communities have a responsibility to promote the best interests of their children and families and have the right to participate in services to their families and children. 11. Indian bands are entitled to the provision of child and family services in a manner which respects their unique status as aboriginal peoples. <p><u>Prevention Measures</u></p> <p><u>2(1)</u> The best interests of the child shall be the paramount consideration of the director, an authority, an agency and a court in all proceedings under this Act affecting a child, other than proceedings to determine whether a child is in need of protection, and in determining best interests the child's safety and security shall be the primary considerations. After that, all other relevant matters shall be considered, including</p> <ol style="list-style-type: none"> (a) the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure; (b) the mental, emotional, physical and educational needs of the child and the appropriate care or treatment, or both, to meet such needs; (c) the child's mental, emotional and physical stage of development; (d) the child's sense of continuity and need for permanency with the least possible disruption; (e) the merits and the risks of any plan proposed by the agency that would be caring for the child compared with the merits and the risks of the child returning to or remaining within the family; (f) the views and preferences of the child where they can reasonably be ascertained; (g) the effect upon the child of any delay in the final disposition of the proceedings; and (h) the child's cultural, linguistic, racial and religious heritage. <p><u>4(3)</u> The director may, in writing, authorize a person or an agency to perform any of the director's duties or exercise any of the director's powers and may pay reasonable fees and out-of-pocket expenses therefor.</p> <p><u>7(1)</u> According to standards established by the director and subject to the authority of the director every agency shall:</p> <ol style="list-style-type: none"> (a) work with other human service systems to resolve problems in the social and community environment likely to place children and families at risk;

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	<p>(b) provide family counselling, guidance and other services to families for the prevention of circumstances requiring the placement of children in protective care or in treatment programs;</p> <p>(c) provide family guidance, counselling, supervision and other services to families for the protection of children;</p> <p>(d) investigate allegations or evidence that children may be in need of protection;</p> <p>(e) protect children;</p> <p>(f) develop and provide services which will assist families in re-establishing their ability to care for their children;</p> <p>(g) provide care for children in its care;</p> <p>(h) develop permanency plans for all children in its care with a view to establishing a normal family life for these children;</p> <p>(i) provide adoption services under <i>The Adoption Act</i>;</p> <p>(j) provide post-adoption services to families and adults under <i>The Adoption Act</i>;</p> <p>(k) provide parenting education and other supportive services and assistance to children who are parents, with a view to ensuring a stable and workable plan for them and their children;</p> <p>(l) develop and maintain child care resources;</p> <p>(m) provide services which respect the cultural and linguistic heritage of families and children;</p> <p>(n) provide such reports as the director may require;</p> <p>(o) take reasonable measures to make known in the community the services the agency provides;</p> <p>(p) conform to a written directive of the director;</p> <p>(q) maintain such records as are required for the administration or enforcement of any provision of this Act or <i>The Adoption Act</i> or the regulations;</p> <p>(r) provide any other services and perform any other duties given to it by this Act or <i>The Adoption Act</i>, or by the director in accordance with this Act or <i>The Adoption Act</i>.</p> <p>9(1) A member of a family may apply to an agency for and may receive from the agency counselling, guidance, supportive, educational and emergency shelter services, including related financial or material assistance, in order to aid in the resolution of family matters which if unresolved may create an environment not suitable for normal child development or in which a child may be at risk of abuse.</p> <p>10(1) An agency may provide or purchase such prescribed supportive and treatment services as may be required to prevent family disruption or restore family functioning.</p> <p>10(2) An agency may provide prescribed emergency financial and material assistance to prevent family disruption.</p> <p>11(1) Any interested community group or individual may apply to an agency for assistance in resolving community problems which are affecting the ability of families to care adequately for their children.</p> <p>12 Where it appears to an agency that a child is in need of care outside the home for varying periods of time during the day, the agency may, by agreement with the parent or guardian of the child, place the child in a day care facility licensed under <i>The Community Child Care Standards Act</i> or obtain a suitable alternative.</p> <p>13(1) Where it appears that there is temporarily no person able to care for a child in the child's home and the child needs such care, and agency may</p> <p>(a) with the consent of the parent or guardian; or</p> <p>(b) in the absence of the parent or guardian;</p> <p>place a homemaker in the home to care for the child during that temporary period.</p>

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	<p><u>13(3)</u> A homemaker placed under subsection (1) may</p> <ul style="list-style-type: none"> (a) enter the home; (b) live in the home; (c) use any equipment, apparatus, tools, fixtures or implements on the premises normally used in housekeeping or maintaining the home, and carry on normal housekeeping activities on the premises in such manner and to such extent as is reasonably necessary to care for the child properly; (d) exercise reasonable control and discipline over the child; (e) provide goods and services necessary to care for the child on the premises; (f) provide training, teaching and counselling to parents or guardians to assist them in properly caring for the child in the home. <p><u>13(4)</u> Where it appears that the parent or guardian requires training in homemaking and child care, the agency may with the consent of the parent or guardian place a parent aide in the home of the parent or guardian in order to provide the training.</p> <p><u>20(1)</u> Where an agency has reasonable and probable grounds to believe that a person has subjected a child to abuse or is likely to subject a child to abuse, it may apply to court for an order that the person</p> <ul style="list-style-type: none"> (a) cease to reside in the same premises in which a child resides; (b) refrain from any contact or association with a child. <p><u>30(1)</u> The agency shall give two clear days notice of the date the application under subsection 27(1) is returnable or is set for hearing, together with particulars of the grounds that are alleged to justify a finding that the child is in need of protection, to</p> <ul style="list-style-type: none"> (a) the parents; (b) the guardians; (c) the child where the child is 12 years of age or more; (d) the person in whose home the child was living at the time of apprehension or immediately prior to placement in hospital or other place of safety; and (e) the agency serving the appropriate Indian band if the agency making the application has reason to believe that the child is registered as an Indian under the <i>Indian Act (Canada)</i>; <p>and no further notice is required to be given by the agency thereafter.</p> <p><u>38(1)</u> Upon the completion of a hearing under this Part, a judge who finds that a child is in need of protection shall order</p> <ul style="list-style-type: none"> (a) that the child be returned to the parents or guardian under the supervision of an agency and subject to the conditions and for the period the judge considers necessary; or (b) that the child be placed with such other person the judge considers best able to care for the child with or without transfer of guardianship and subject to the conditions and for the period the judge considers necessary; or (c) that the agency be appointed the temporary guardian of a child under 5 years of age at the date of apprehension for a period not exceeding 6 months; or (d) that the agency be appointed the temporary guardian of a child 5 years of age or older and under 12 years of age at the date of apprehension for a period not exceeding 12 months; or (e) that the agency be appointed the temporary guardian of a child of 12 years of age or older at the date of apprehension for a period not exceeding 24 months; or (f) that the agency be appointed the permanent guardian of the child.

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	<p><u>Cultural Continuity</u></p> <p>38(8) A copy of an order made under subsection (1) or (2) shall be mailed or delivered by the court to (e) the agency serving the Indian band with which the child is registered, if applicable</p> <p>77(2) No order shall be made under subsection (1) [appointing a guardian of a child] unless the person applying has given at least 30 days notice of the time, date and place of the hearing to</p> <ul style="list-style-type: none"> (a) the parents of the child; (b) the guardian of the child; (c) the child, if the child is 12 years of age or older; (c.1) the agency that has care of the child; (c.2) the agency serving the appropriate Indian band if the person making the application has reason to believe that the child is registered or is entitled to be registered as an Indian under the <i>Indian Act</i> (Canada); and (d) such other person as a judge or master may direct. <p><u>Child and Family Services Regulation, MB Reg 16/99</u></p> <p>5(1) The following supportive and treatment services are prescribed for the purpose of subsection 10(1) of the Act:</p> <ul style="list-style-type: none"> (a) family and community education and information; (b) referral to an appropriate community support program or specialized service; (c) family support and preservation; (d) other services to prevent family disruption or restore family functioning. <p>5(2) An agency shall not</p> <ul style="list-style-type: none"> (a) agree to purchase a service on behalf of a client unless that client is ordinarily required to pay or be charged for that service; or (b) pay for a service for which a client is not required to pay. <p>5(3) The following items are prescribed as emergency financial and material assistance for the purpose of subsection 10(2) of the Act:</p> <ul style="list-style-type: none"> (a) food; (b) clothing; (c) transportation; (d) other assistance as may be required to alleviate immediate need. <p>5(4) An agency may provide emergency financial and material assistance only where</p> <ul style="list-style-type: none"> (a) income assistance, general assistance or municipal assistance, as the case may be, under The Employment and Income Assistance Act; or (b) income assistance provided to members of Indian bands; is not immediately available <p>6(1) Where in the course of providing services to a family, an agency, in consultation with the parent or guardian of a child, agrees to the need for day care services for the child and</p> <ul style="list-style-type: none"> (a) a day care facility licensed under The Community Child Day Care Standards Act is not available or accessible; and (b) the child is at risk of having to be placed outside the home either through a voluntary placement agreement or by apprehension;

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	<p>the agency may enter into an agreement under section 12 of the Act with the parent or guardian for the provision of day care services for the child and place the child in a suitable alternative to a licensed day care facility.</p>
Saskatchewan	<p><u>The Child and Family Services Act, SS C-7.2</u></p> <p><u>Guiding Principles</u></p> <p>3 The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner</p> <p>4 If a person or court is required by any provision of this Act other than subsection 49(2) to determine the best interests of a child, the person or court must take into account:</p> <ul style="list-style-type: none"> (a) the quality of the relationship that the child has with any person who may have a close connection with the child; (b) the mental, emotional, physical and educational needs of the child and the appropriate care or treatment, or both, to meet those needs; (c) the child's cultural and spiritual heritage and upbringing; (d) the home environment proposed to be provided for the child; (e) the plans, with respect to the care of the child, of the person to whom it is proposed that the custody of the child be entrusted; (f) if practicable, the child's wishes, having regard to the age and level of the child's development; (g) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity; and (h) the effect on the child of a delay in making a decision. <p><u>Prevention Measure</u></p> <p>5 Subject to this Act and the regulations, the minister may:</p> <ul style="list-style-type: none"> (a) establish, operate and maintain family services; (b) provide family services to or for the benefit of a parent or a child where the minister considers them essential to enable the parent to care for the child; (c) enter into agreements with any person providing family services by which the minister is obliged to make payments for the provision of family services pursuant to this section <p>14(1) If, on investigation, an officer concludes that a child is in need of protection, the officer shall:</p> <ul style="list-style-type: none"> (a) notify the parent in writing of the officer's conclusion; and (b) offer family services to the parent. <p>(2) If a parent acknowledges the need for family services and agrees to the provision of those services, a director may enter into an agreement with the parent for the provision of family services.</p> <p>(3) Section 9 applies, with any necessary modification, to an agreement for residential services made pursuant to this section.</p> <p>(4) If the parent and a director do not enter into an agreement pursuant to subsection (2) and an officer believes that the child is in need of protection, the officer shall, within 30 days after giving notice to the parent pursuant to clause (1)(a), apply to the court for a protection hearing.</p> <p>(5) An application pursuant to subsection (4) may be made by telephone in accordance with the regulations.</p>

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	<p>16(3) If, on an application pursuant to subsection (1), the court is of the opinion that contact between a child and another person would cause the child to be in need of protection, the court may make a protective intervention order containing any terms and conditions that the court considers to be in the best interests of the child, including, without limiting the generality of the foregoing, a direction to a person named in the order to refrain from any contact or association with the child.</p> <p>21(1) An officer shall offer family services to the parent if:</p> <p>(a) a child who has been apprehended pursuant to subsection 17(1) is returned pursuant to subsection 17(3) to a person who has a right to custody of the child; and</p> <p>(b) the officer continues to be of the opinion that the child is in need of protection.</p> <p>(2) Section 14 applies, with any necessary modification, where an officer offers family services pursuant to subsection (1).</p> <p>(3) If an agreement is entered into pursuant to subsection 14(2), the officer shall withdraw the application for a protection hearing.</p> <p>53 In any case where an officer is arranging residential services for a child or an order is to be made by the court pursuant to subsection 37(1), the officer or court shall, having regard to the best interests of the child:</p> <p>(a) consider the feasibility of placing the child with a member of the child’s extended family; and</p> <p>(b) if practicable, attempt to maintain the child in an environment that is consistent with the child’s cultural background.</p> <p>56(1) This section applies to persons:</p> <p>(a) who, immediately before attaining 18 years of age, were committed to the minister pursuant to subsection 37(2) or section 46 or were in the custody of the minister pursuant to an order made pursuant to subsection 37(3);</p> <p>(b) who have not attained 21 years of age; and</p> <p>(c) who:</p> <p>(i) are continuing their education;</p> <p>(ii) require assistance or training to enable them to continue their education or obtain employment; or</p> <p>(iii) because of a mental or physical disability or impairment, require care or participation in a program to assist them in their mental or physical development or in the acquisition of life skills.</p> <p>(2) Subject to subsection (3), the minister may, pursuant to an agreement with a person described in subsection (1), pay on behalf of that person any of the expenses described in clause 55(1)(a) or provide the person with any of the services described in that clause.</p> <p>(3) The minister shall not make payments or provide services pursuant to subsection (2) with respect to a person: (a) after the person attains 21 years of age; or (b) after the person completes his or her education if that occurs before the person attains 21 years of age.</p> <p>(4) If a person described in subsection (1) lacks capacity to enter into an agreement, the minister may, in accordance with subsections (2) and (3), pay expenses on behalf of the person or provide services to the person without entering into an agreement.</p> <p><u>Cultural Continuity</u></p> <p>23(1) Subject to subsection (2), where an application for a protection hearing has been made, the court may, on an oral or written request, by order designate as a person having a sufficient interest in a child:</p> <p>(a) a person who, in the opinion of the court, is a member of the child’s extended family;</p> <p>(b) where the child is a status Indian:</p> <p>(i) whose name is included in a Band List; or</p> <p>(ii) who is entitled to have his or her name included in a Band List; the chief of the band in question or the chief’s designate; or</p> <p>(c) any other person who is not a parent of the child but who, in the opinion of the court, has a close connection with the child.</p>

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	<p>(2) Where a request pursuant to subsection (1) is made, the court:</p> <p>(a) may direct the person making the request to notify each parent and the ministry of the request within any time and in any manner that the court considers appropriate; and</p> <p>(b) shall consider the views, if any, of each parent and the ministry before making an order pursuant to subsection (1).</p> <p>(3) Where the court makes an order pursuant to subsection (1), the court shall give directions respecting the service of notices on the person designated as a person having a sufficient interest in a child.</p> <p>(4) A person designated pursuant to subsection (1) as a person having a sufficient interest in a child is a party to a protection hearing respecting that child.</p> <p>37 (10) Notwithstanding subsection 33(1), where an officer intends to apply to the court for an order pursuant to subsection (2) or (3) and the child who is the subject of the proposed hearing is a status Indian whose name is included in a Band List or who is entitled to have his or her name included in a Band List, the officer shall give 60 days' notice of the application for the protection hearing to the child's band or the agency, if any, that is providing family services to members of the child's band.</p> <p>(11) Where a band or an agency has received a notice pursuant to subsection (10):</p> <p>(a) the chief of the band, the chief's designate or the agency may appear in court to make recommendations with respect to the application; and</p> <p>(b) where the chief, the chief's designate or the agency appears in court pursuant to clause (a), the band or the agency is a party to the proceedings.</p> <p>61(1) The minister may, having regard to the aspirations of Aboriginal people to provide services to their communities, enter into an agreement with a band or any other legal entity in accordance with the regulations:</p> <p>(a) for the provision of services or the administration of all or any part of this Act by the band or legal entity as an agency; or</p> <p>(b) for the exercise by the agency of those powers of the minister pursuant to this Act to the extent to which those powers are specified in the agreement.</p> <p>(2) An agency that enters into an agreement pursuant to subsection (1) is responsible for the exercise of the powers of the minister to the extent to which those powers are specified in the agreement</p>
Alberta	<p><u>Child, Youth and Family Enhancement Act, RSA 2000, c C-12</u></p> <p><u>Guiding Principles</u></p> <p>1.1 This Act must be interpreted and administered in accordance with the following principles:</p> <p>(b) the well-being of families and communities is crucial to the well-being of children;</p> <p>(c) children benefit from</p> <p>(i) lasting relationships with people with whom they have connections, including family, friends, caregivers and other significant individuals,</p> <p>(ii) connections with their culture and cultural communities and opportunities to form those connections, and</p> <p>(iii) permanent, formalized ties with people who care about them;</p> <p>(d) Indigenous people should be involved with respect to the planning and provision of services to and decisions respecting Indigenous families and their children</p>

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	<p>2(1) If a child is in need of intervention, a court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:</p> <p>(a) the child’s family has the primary responsibility for the safety and well-being of the child and the family’s well-being should be supported and preserved;</p> <p>(b) if the child is capable of forming an opinion, the child’s opinion should be taken into account;</p> <p>(c) in the case of an Indigenous child, the importance of respecting, supporting and preserving the child’s Indigenous identity, culture, heritage, spirituality, language and traditions;</p> <p>(d) the benefits to the child of lasting relationships with the people with whom the child is connected, including family, friends, caregivers and other significant individuals;</p> <p>(e) the benefits to the child of connections with the child’s culture and cultural communities and opportunities to form those connections;</p> <p>(f) the child’s race, spiritual beliefs, colour, gender, gender identity, gender expression, age, ancestry, place of origin, family status, sexual orientation and any disability the child may have;</p> <p>(g) the importance of stability, permanence and continuity of care and relationships to the child’s long-term safety and well-being;</p> <p>(h) any decision concerning the removal of the child from the child’s family should take into account the risk to the safety, security or development of the child if the child remains with the family, is removed from the family or is returned to the family;</p> <p>(i) subject to clause (h), if the child has been exposed to family violence within the child’s family, intervention services should be provided to the family in a manner that supports family members and prevents the need to remove the child from the custody of an abused family member;</p> <p>(j) any decision concerning the placement of the child outside the child’s family must include a plan to address the child’s need for permanent, formalized ties to people who care about the child and must take into account</p> <p style="padding-left: 20px;">(i) the benefits to the child of a placement within the child’s extended family, or with persons who have a significant relationship with the child,</p> <p style="padding-left: 20px;">(ii) the benefits to the child of a placement within or as close as possible to the child’s home community,</p> <p style="padding-left: 20px;">(iii) in the case of an Indigenous child, the benefits to the child of a placement where the child’s Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved,</p> <p style="padding-left: 20px;">(iv) the benefits to the child of a placement where the child’s familial, cultural, social, linguistic and spiritual heritage are valued as central to the child’s safety, security and development, and</p> <p style="padding-left: 20px;">(v) the mental, emotional, spiritual and physical needs of the child and the child’s mental, emotional and physical stage of development;</p> <p>(k) in the case of a child who has a disability, planning for the care of the child should address the need for resources and supports adequate to the unique needs of the child;</p> <p>(l) in the case of a youth who is being provided with care under this Act, the plan for the care of the youth should address the youth’s need for preparation for the transition to independence and adulthood;</p> <p>(m) there should be no unreasonable delay in making or implementing a decision respecting the child.</p> <p><u>Prevention Measures</u></p> <p>6(1) If a director receives information in the form of</p> <p>(a) a request for intervention services,</p> <p>(b) a report under section 4 or 5, or</p> <p>(c) any other allegation or evidence that a child may be in need of intervention, the director must investigate the child’s need for intervention unless the director is satisfied that the information was provided maliciously or is unfounded or that the report or allegation was made without reasonable and probable grounds.</p> <p>(3) If, after an investigation referred to in subsection (1), the director is of the opinion that the child is in need of intervention,</p>

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	<p>(a) the director must,</p> <p style="padding-left: 20px;">(i) if the director is satisfied that it is consistent with the child’s need for intervention, provide family enhancement services to the child or to the child’s family in accordance with this Act, or</p> <p style="padding-left: 20px;">(ii) if the director is not satisfied that the child’s need for intervention can be met under subclause (i), take whatever action under this Act that the director considers appropriate, including the provision of protective services in accordance with this Act, and</p> <p>(b) the director may, if the director is satisfied that it is consistent with the child’s need for intervention, convey the child to the person who has custody of the child or to a person who is temporarily caring for the child.</p> <p>8(1) A director may enter into an agreement with the guardian of a child or with another person who, with the express or implied consent of the guardian or pursuant to a Court order or an agreement, has custody of the child with respect to the provision of services to the family or the child if, in the opinion of the director,</p> <p style="padding-left: 20px;">(a) the child is in need of intervention, and</p> <p style="padding-left: 20px;">(b) as a result of the provision of the services, the child’s safety, security or development will be adequately protected if the child remains with the child’s guardian or the person who has custody of the child, as the case may be</p> <p>43.1(1) Subject to subsection (2), if a child</p> <p style="padding-left: 20px;">(a) other than a youth who is the subject of a custody agreement under section 57.2(2), is in the custody of a director,</p> <p style="padding-left: 20px;">(b) is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order, or</p> <p style="padding-left: 20px;">(c) is the subject of a family enhancement agreement under section 8, and a director has reasonable and probable grounds to believe that</p> <p style="padding-left: 20px;">(d) the child is in a condition presenting an immediate danger to the child or others,</p> <p style="padding-left: 20px;">(e) it is necessary to confine the child in order to stabilize and assess the child, and</p> <p style="padding-left: 20px;">(f) less intrusive measures are not adequate to sufficiently reduce the danger,</p> <p>the director may issue a secure services certificate in the prescribed form, and on issuing it the director may convey the child, and may detain the child while the child is being conveyed, to a secure services facility and may confine the child in a secure services facility.</p> <p>57.3 When a youth who is the subject of a family enhancement agreement under section 57.2(1), a custody agreement under section 57.2(2), a temporary guardianship order or a permanent guardianship agreement or order attains the age of 18 years, a director may continue to provide the person with support and financial assistance (a) for the periods and the purposes, and (b) on the conditions prescribed in the regulations.</p> <p>105.8 If the guardian of a child is unable or unwilling to care for the child and the child is, in the opinion of a director, being cared for by another adult person, financial assistance may be provided in accordance with the regulations to that adult person on behalf of the child.</p> <p>121(1) The Minister may delegate to any person or government any power, duty or function of the Minister under this Act.</p> <p>122(1) The Minister or a director may enter into an agreement with any person for the purpose of that person providing intervention services to a child under this Act. (2) The Minister may enter into an agreement, in accordance with the regulations, for the purposes of providing services under this Act on a reserve.</p> <p><u>Cultural Continuity</u></p>

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	<p>52 (1.3) If an applicant has reason to believe that the child is an Indigenous child, the application under subsection (1) must include a plan that addresses how the child’s Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.</p> <p>53 (1.1) A band that is required to be served with notice of an application under section 53(1.1) may attend Court the first time the matter is heard in Court and may make submissions to the Court regarding the band’s participation in the proceedings.</p> <p>(2) In any proceedings before the Court relating to the application, a band that is required to be served under section 53(1.1) and that attends Court the first time the matter is heard in Court may</p> <p>(a) appear,</p> <p>(b) be represented by a lawyer,</p> <p>(c) make representations to the Court, and</p> <p>(d) if the Court grants leave, and subject to any conditions the Court may impose, take further part in the proceedings.</p> <p>(3) If a band is served in accordance with section 53(1.1) and does not attend Court the first time the matter is heard in Court, no further notice to the band is required, and the Court may proceed to hear the application if the Court considers it to be in the best interests of the child to do so.</p> <p>(4) A band that makes submissions to the Court regarding the band’s participation in the proceedings may appeal the Court’s decision referred to in subsection (2)(d) to the Court of Queen’s Bench.</p> <p>56(1.2) On making an order under subsection (1) appointing a guardian of an Indigenous child, the Court shall advise the guardian of the guardian’s obligations under section 57.01.</p> <p>57.01 If a private guardianship order is made under section 56 appointing a guardian of an Indigenous child, that guardian shall</p> <p>(a) take reasonable steps to comply with the plan included in the application in respect of that child under section 52(1.3), and</p> <p>(b) if the Indigenous child is a First Nation Individual,</p> <p style="padding-left: 20px;">(i) take reasonable steps on behalf of the child necessary for the child to exercise any rights the child may have as a First Nation Individual, and</p> <p style="padding-left: 20px;">(ii) inform the child of the child’s status as a First Nation Individual as soon as, in the opinion of that guardian, the child is capable of understanding the child’s status as a First Nation Individual.</p> <p>58.1 A Court and all persons who exercise any authority or make any decision under this Act relating to the adoption of a child must do so in the best interests of the child, and must consider the following as well as any other relevant matter:</p> <p>(a) the importance of a positive relationship with a parent, and a secure place as a member of a family, in the child’s development;</p> <p>(d) the benefits to the child of maintaining, wherever possible, the child’s familial, cultural, social, linguistic and spiritual heritage;</p> <p>(g) in the case of an Indigenous child, the importance of respecting, supporting and preserving the child’s Indigenous identity, culture, heritage, spirituality, language and traditions.</p> <p>63(1) An application for an adoption order in respect of a child who is the subject of a permanent guardianship agreement or order or who is the subject of an equivalent order or agreement in another country and has been lawfully admitted to Canada for permanent residence shall be filed with the Court by a director and must be accompanied with the following documentation:</p> <p>(f) if the applicant has reason to believe that the child is an Indigenous child, a plan that addresses how the child’s Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.</p> <p>(2) An application for an adoption order in respect of a child who is placed in the custody of the applicant by a licensed adoption agency shall be filed with the Court by an officer of the licensed adoption agency and must be accompanied with the following documentation:</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(f) if the applicant has reason to believe that the child is an Indigenous child, a plan that addresses how the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.</p> <p>(3) An application for an adoption order in respect of a child whose step-parent is the applicant or a child who is placed by a parent directly in the custody of an applicant shall be filed with the Court and must be accompanied with the following documentation:</p> <p>(f) in the case of an applicant who is not a step-parent of the child, if the applicant has reason to believe that the child is an Indigenous child, a plan that addresses how the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.</p> <p>67(1) If a director or an officer of a licensed adoption agency, as the case may be, has reason to believe that a child who is being placed for adoption is a First Nation Individual and a member of a band and that the guardian who is surrendering custody of the child is a resident of a reserve, the director or officer shall involve a person designated by the council of the band in decisions relating to the adoption of the child.</p> <p>71.1 If an adoption order is made in respect of an Indigenous child, the adopting parent shall</p> <p>(a) take reasonable steps to comply with the plan filed in respect of that child under section 63, and</p> <p>(b) if the Indigenous child is a First Nation Individual,</p> <p>(i) take reasonable steps on behalf of the child necessary for the child to exercise any rights the child may have as a First Nation Individual, and</p> <p>(ii) inform the child of the child's status as a First Nation Individual as soon as, in the opinion of that adopting parent, the child is capable of understanding the child's status as a First Nation Individual.</p> <p>107(1) If a director has reason to believe that a child is a First Nation Individual and a member of a band, the director shall involve a person designated by the council of the band in planning for services to be provided to the child if the child</p> <p>(a) is in need of intervention services and</p> <p>(i) is a resident of a reserve, or</p> <p>(ii) if the child is not a resident of a reserve, the guardian of the child has consented to the involvement of a person designated by the council of the band, or</p> <p>(b) is the subject of a temporary guardianship order, a permanent guardianship agreement or order or an application for a permanent guardianship order, regardless of whether the child is a resident of a reserve or not.</p> <p>(2) If a child referred to in subsection (1)(a) is not a resident of a reserve, a director shall ask the child's guardian to consent to the involvement of a person designated by the council of the band.</p> <p>(2.1) The consent of a child's guardian is not required to involve a person designated by the council of a band under subsection (1)(a)(i) or (b).</p> <p><u>Child, Youth and Family Enhancement Regulation, AB Reg 160/2004</u></p> <p>6(1) A director may enter into an agreement with a person described in <u>section 57.3</u> of the <u>Act</u> with respect to the provision of support and financial assistance required to assist or enable the person to establish or maintain an independent living arrangement if, in the opinion of the director, the support and financial assistance are not reasonably available to the person from other sources.</p> <p>(2) An agreement referred to in subsection (1) must include a plan for the person's transition to independence and adulthood.</p> <p>(3) An agreement referred to in subsection (1) may provide support and financial assistance that are required for the health, well-being and transition to independence and adulthood of the person referred to in <u>section 57.3</u> of the <u>Act</u>, including</p> <p>(a) living accommodation,</p> <p>(b) financial assistance related to necessities of life,</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(c) if the person is less than 20 years of age, financial assistance related to training and education,</p> <p>(d) if the person is less than 20 years of age, health benefits, and</p> <p>(e) any other services that may be required to enable the person to live independently or achieve independence.</p> <p>(4) No agreement referred to in subsection (1) may be entered into or remains in force after the person's 22nd birthday.</p> <p>12 A director may, in accordance with this Part, provide benefits under this Part to a caregiver in respect of a child referred to in section 105.8 of the Act.</p>
Yukon	<p><u>Child and Family Services Act, SY 2008 c1</u></p> <p><u>Guiding Principles</u></p> <p>1 “extended family” means persons to whom a child is related by blood, through a spousal relationship, or through adoption, and includes other persons who have, or have had, a parent-like relationship with the child;</p> <p>2 This Act shall be interpreted and administered in accordance with the following principles</p> <p>(a) the best interests of the child shall be given paramount consideration in making decisions or taking any action under this Act;</p> <p>(b) a child has a right to be protected from harm or threat of harm;</p> <p>(c) knowledge about family origins is important to the development of a child's sense of identity;</p> <p>(d) the cultural identity of a child, including a child who is a member of a First Nation, should be preserved;</p> <p>(e) family has the primary responsibility for the safety, health and well-being of a child;</p> <p>(f) a child flourishes in stable, caring and long-term family environments;</p> <p>(g) the family is the primary influence on the growth and development of a child and as such should be supported to provide for the care, nurturance and well-being of a child;</p> <p>(h) extended family members should be involved in supporting the health, safety and well-being of a child;</p> <p>(i) a child, a parent and members of their extended family should be involved in decision-making processes regarding their circumstances;</p> <p>(j) First Nations should be involved as early as practicable in decision-making processes regarding a child who is a member of the First Nation;</p> <p>(k) the safety and well-being of a child is a responsibility shared by citizens; and</p> <p>(l) prevention activities are integral to the promotion of the safety, health and wellbeing of a child.</p> <p><u>Prevention Services</u></p> <p>3 The following principles apply to the provision of services under this Act</p> <p>(a) in making decisions, providing services and taking any other actions under this Act, a child's sense of time and developmental capacity should be respected;</p> <p>(b) families and children should receive the most effective but least disruptive form of support, assistance and protection that is appropriate in the circumstances;</p> <p>(c) programs and services should be planned and delivered in ways that are sensitive to the cultural heritage of the families participating in the programs or receiving the services;</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(d) communities should be involved in the planning and delivery of programs and services to their residents;</p> <p>(e) First Nations should be involved in the planning and delivery of programs and services to their members;</p> <p>(f) collaboration builds on the collective strengths and expertise of children, families, First Nations, and communities; and</p> <p>(g) a child and members of the family and extended family should have an opportunity to seek a timely review of decisions made under this Act which affect them.</p> <p>4(1) In determining the best interests of the child all relevant factors shall be considered, including</p> <p>(a) the child’s safety, health and wellbeing;</p> <p>(b) the attachment and emotional ties between the child and significant individuals in the child’s life;</p> <p>(c) the views and preferences of the child;</p> <p>(d) the child’s physical, cognitive and emotional needs and level of development;</p> <p>(e) the importance of continuity and the resulting stability to the child, and the effect of any disruption in that continuity;</p> <p>(f) the child’s cultural, linguistic, religious and spiritual upbringing and heritage;</p> <p>(g) the importance to the child of an ongoing, positive relationship with their parents and with members of their extended family;</p> <p>(h) the ability of a proposed care provider for the child to fulfill parental responsibilities;</p> <p>(i) the role assumed by a proposed care provider during the child’s life; and</p> <p>(j) any history of family violence or child maltreatment perpetrated by a prospective care provider, and the effect on the child of any past experiences of family violence or maltreatment.</p> <p>(2) If a child is a member of a First Nation, the importance of preserving the child’s cultural identity shall also be considered in determining the best interests of the child.</p> <p>5 For greater certainty, nothing in this Act shall be construed so as to affect any provision of a self-government agreement</p> <p>6(1) The purpose of cooperative planning is to develop a case plan that will</p> <p>(a) serve the best interests of the child;</p> <p>(b) take into account the wishes, needs, and role of the family; and</p> <p>(c) take into account the child’s culture and community.</p> <p>(2) A director shall offer the use of a family conference or other co-operative planning process</p> <p>(a) as set out in subsection 44(1), when developing a case plan for a child who the director believes is in need of protective intervention; and</p> <p>(b) as set out in subsection 18(2), when developing a case plan for a child leaving the custody of the director. intervention</p> <p>(3) The director may offer the use of a family conference or other co-operative planning process in any other situation when developing a case plan for the safety or care of a child or support services to be provided to a family.</p> <p>10(1) The purpose of services and programs provided under this Division is to promote family integrity and provide support to families and children whether the children are residing at home, residing with extended family, are in out-of-home care, or have returned home, these services and programs may include</p> <p>(a) services for children;</p> <p>(b) counselling;</p> <p>(c) in-home support;</p> <p>(d) out-of-home care;</p> <p>(e) home-maker services;</p> <p>(f) respite care;</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(g) parenting programs; and (h) services to support children who witness family violence (2) Transitional services or services to support youth provided under this Division may include (a) counselling; (b) independent living skills training; (c) educational training supports; and (d) facilitating connections to appropriate educational or community resources.</p> <p>11(1) A director may make a written agreement with a parent who has custody of a child to provide support services to maintain the child in the home, to prepare for and facilitate a child's return home while the child is in out-of-home care, and to support the child and family where the child has returned from out-of-home care or from any other living arrangement.</p> <p>12(1) A director may make a written agreement with a parent who has custody of a child with special needs for in-home support services or out-of-home care services.</p> <p>14(1) A director may make a written agreement with a person who is a member of a child's extended family or other person to whom the parent of the child has given the care of the child, for the provision of support services to maintain the child safely within that family setting.</p> <p>27(1) A director shall, as soon as practicable after commencing an investigation, make all reasonable efforts to contact the child's parents and, if the child is a member of a First Nation, the child's First Nation, to advise them of the investigation.</p> <p>28(1) A director shall make all reasonable efforts to report the results of an investigation as soon as practicable to (a) the child's parents; (b) if the child is a member of a First Nation, the child's First Nation; and (c) the child, if the child is capable of understanding the information. (2) The director is not required to report the results of the investigation if (a) the director believes that reporting the results is likely to endanger the child's safety or cause physical or emotional harm to any person; or (b) a criminal investigation into the matter is underway or contemplated</p> <p>29 If a director believes a child is in need of protective intervention, the director may offer to enter an agreement under section 11 to provide support services to the family or refer the family to other community services if such services would help keep the child safe in the family home.</p> <p>34 In determining whether a child, who a director believes is in need of protective intervention, requires out-of-home care, the director shall balance the potential harm to the child from staying in the parent's home against the potential harm from being removed from the home.</p> <p>36 If a director believes that a child is in need of protective intervention and requires out-of-home care, the director shall, if practicable, explore with the child's parents, the possibility of voluntary placement of the child with an extended family member or other person significant to the child.</p> <p>41(1) If a child has been brought into the care of a director under sections 38 or 39, the director shall make all reasonable efforts to notify as soon as practicable</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>(a) the child’s parents; and (b) if the child is a member of a First Nation, the child’s First Nation.</p> <p>47(1) In respect of an application referred to in subsections 46(1), (2) or (3), a director shall serve the following documents on the child’s parents and if the child is a member of a First Nation, the child’s First Nation</p> <p>(a) the notice of application stating the order for protective intervention sought and the grounds for the order; and (b) notice of the time, date and place of the presentation hearing.</p> <p>*Similar notifications, service and disclosure provisions as in 41 & 47 to First Nations found at ss 32(2)(d), 33(2)(c), 51 & ss 178(2)(e).*</p> <p>48(1) In addition to the director, the following persons have the right to be a party to an application referred to in subsections 46(1), (2) or (3)</p> <p>(a) the child’s parents; and (b) if the child is a member of a First Nation, the child’s First Nation, provided an authorized representative of the First Nation appears at the commencement of the presentation hearing having been served with the documents under section 47.</p> <p>51 A director shall provide the following at a presentation hearing</p> <p>(c) if the child has been brought into the director’s care, the alternatives to bringing the child into care that have been explored and reasons why those alternatives were not suitable including</p> <p style="padding-left: 20px;">(i) which supports had been offered to the family to maintain the child in the home, and (ii) whether placement of the child with an extended family member or other person significant to the child, or entering into a voluntary care agreement have been explored;</p> <p>89 (2) In determining the placement for the child as part of the case plan developed under section 44, priority shall be given to placing the child with a member of the child’s extended family, or if that is not consistent with the best interests of the child, priority shall be given to placing the child as follows</p> <p>(a) in a location where the child can maintain contact with friends and members of the child’s extended family; and (b) in a location that will allow the child to continue in the same school.</p> <p>164 The Minister’s responsibilities include</p> <p>(a) delivering or providing for services for children and families contemplated under this Act; (b) establishing territorial objectives, priorities, policies and standards for the provision of services under this Act; (c) monitoring and assessing service delivery under this Act to ensure standards of service are met; and (d) allocating funding and other resources for the purposes of this Act.</p> <p>165 (2) The Minister may establish, operate and provide services for children in need of protective intervention including</p> <p>(a) home-maker services for care, supervision and maintenance in a home; (b) day-care services for care, supervision and maintenance out of a home; (c) services for assessment, counselling and treatment; and (d) services for protection and placement.</p> <p>(3) The Minister may make agreements with persons to operate residential facilities or to provide services for children on behalf of the Minister.</p>

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>183(1) The operation of this Act shall be reviewed every 5 years by an advisory committee established by the Minister.</p> <p>(2) The committee shall report to the Minister on the operation of the Act including, whether in its opinion, the purposes and principles of the Act are being achieved.</p> <p>(4) The committee shall be comprised of</p> <ul style="list-style-type: none"> (a) a representative of the Minister; (b) a representative of First Nations; (c) a lawyer; and (d) other persons, not exceeding 3 in number, as determined by the Minister, which may include a person who themselves or whose children are receiving or have received services under this Act or a predecessor to this Act. <p>184(1) A director shall establish a procedure for reviewing the exercise of the director’s powers, duties and functions under this Act.</p> <p>(2) A director shall respond to a request for a review within a reasonable timeframe having regard to the nature of the request and shall advise the person making the request of the expected timeframe for the response.</p> <p>(3) A director shall ensure that information about the review procedure is made available to the public.</p> <p><u>Cultural Continuity</u></p> <p>7(1) When a family conference or other cooperative planning process is used to develop a case plan, a director shall invite the following persons to participate</p> <ul style="list-style-type: none"> (a) the child, if the child is able to understand the process and wishes to attend; (b) the child’s parents; (c) if the child is a member of a First Nation, an authorized representative of the child’s First Nation; (d) members of the child’s extended family who are significant to the child; (e) relevant service providers; and (f) any other person whose involvement would be of assistance in developing the plan. <p>(2) The director may refuse to invite a person</p> <ul style="list-style-type: none"> (a) who may disrupt the process or compromise the safety of other participants; or (b) in respect of whom there is an order of a court of competent jurisdiction restricting contact between that person and any of the other participants. <p>88(1) A child in the care or custody of a director has the following rights</p> <ul style="list-style-type: none"> (d) if it is not inconsistent with the best interests of the child to <ul style="list-style-type: none"> (i) visit and receive visits from members of the child’s extended family, and (ii) regularly speak in private with members of the child’s extended family; (i) to receive guidance and encouragement to maintain their cultural heritage; <p>89 (3) If the child is a member of a First Nation, in determining the placement for the child as part of the case plan developed under section 44, priority shall be given to placing the child as follows</p> <ul style="list-style-type: none"> (a) with a member of the child’s extended family; (b) with a family that includes a person who is a member of the child’s First Nation; or (c) with a family that includes a person who is a member of another First Nation.

<u>Jurisdiction</u>	<u>Prevention Measures</u> (Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)
	<p>94(2) Despite any provision of this Act, and subject to the regulations, the director of family and children’s services may arrange for an equivalent officer or authority in another province, territory, First Nation, country, or state, to have the care or custody of a child, or any other right, power, duty, responsibility or function that the transferring officer or authority has under the law governing the officer or authority.</p> <p>98(1) For greater certainty, if a director intends to place for adoption a child who is in the continuing custody of the director under Part 3, the case plan developed under section 44, or the review of that plan conducted under section 186, shall address the placement of the child for adoption.</p> <p>(2) Before a director or an adoption agency places for adoption a child</p> <p>(a) who is a member of a First Nation; and</p> <p>(b) who has been placed for the purpose of adoption with the director or adoption agency by a birth parent or other person who has custody of the child, the director or adoption agency shall involve an authorized representative of the child’s First Nation in planning related to the adoption of the child.</p> <p>134(1) On application, the court may declare that there has been an adoption of a person in accordance with the customs of a First Nation.</p> <p>166 For the purposes of this Act, the Minister may enter into an agreement with</p> <p>(a) a First Nation;</p> <p>(b) the government of Canada;</p> <p>(c) the government of a territory or province;</p> <p>(d) a municipality;</p> <p>(e) the government of a jurisdiction outside of Canada; or</p> <p>(f) any other person or group of persons.</p> <p>168(1) The Minister</p> <p>(a) shall, at the request of a First Nation, enter into negotiations with the First Nation or other legal entity, respecting the proposed designation of a First Nation service authority to provide services under this Act; and</p> <p>(b) may enter into an agreement with the First Nation or other legal entity respecting the proposed designation of a First Nation service authority to provide services under this Act.</p> <p>(2) An agreement entered into under paragraph (1)(b) shall include provisions respecting</p> <p>(a) the proposed composition and mandate of the authority including the services to be provided by the authority, the people in respect of whom the authority would be responsible for delivering services to and the area of the Yukon in which the authority would act;</p> <p>(b) financial arrangements; and</p> <p>(c) applicable terms and conditions.</p> <p>169 Following the entering into of an agreement under paragraph 168(1)(b) and upon the recommendation of the Minister, the Commissioner in Executive Council may designate a First Nation or other legal entity as a First Nation service authority to provide services under this Act as set out in the Order-in-Council making the designation.</p> <p>170 A First Nation service authority is responsible for administering and providing for the delivery of services in accordance with the Order-in-Council designating the authority, subject to this Act and any regulations made under this Act.</p>

<u>Jurisdiction</u>	<p style="text-align: center;"><u>Prevention Measures</u></p> <p style="text-align: center;">(Least Disruptive, Family Preservation, Cultural Continuity, Best Interests, etc.)</p>
	<p>176(1) A director may, in writing, delegate any power, duty or other function of the director under a provision of this Act or an agreement entered into under this Act, to any person, class of person, group or other organization.</p> <p>(3) The right of the director to custody of a child in the director's temporary or continuing custody shall not be delegated and shall remain with the director despite any delegation under subsection (1).</p>
Northwest Territories	<p><u>Child and Family Services Act, SNWT 1997, c 13</u></p> <p><u>Guiding Principles</u></p> <p>2. This Act shall be administered and interpreted in accordance with the following principles:</p> <ul style="list-style-type: none"> (a) the paramount objective of this Act is to promote the best interests, protection and well-being of children; (b) children are entitled to protection from abuse and harm and from the threat of abuse and harm; (c) parents should use methods other than force by way of correction towards their children or in the discipline of their children; (d) the family's well-being should be supported and promoted; (e) parents are responsible to care and provide for and to supervise and protect their children; (f) measures taken for the protection and well-being of children should, as far as possible, promote family and community integrity and continuity; (g) communities should be encouraged to provide, wherever possible, their own child and family services; (h) children, where appropriate, and parents should participate in decisions affecting them; (i) children, where appropriate, parents, and adult members of the extended family should be given the opportunity to be heard and their opinions should be considered when decisions affecting their own interests are being made; (j) there should be no unreasonable delay in making or carrying out a decision affecting a child; (k) services to children and their families should cause the least amount of disruption to the family and should promote the early reunification of the child with the family; (l) children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family; (m) children removed from their family should be provided with a level of care adequate to meet their needs, within available resources, and consistent with community standards; (n) consistent with the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, persons who have attained 16 years of age but have not attained the age of majority and cannot reside with their parents should be supported in their efforts to care for themselves. <p><u>Prevention Measures</u></p> <p>3. Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:</p> <ul style="list-style-type: none"> (a) the child's safety; (b) the child's physical, mental and emotional level of development and needs, and the appropriate care or treatment to meet those needs; (c) the child's cultural, linguistic and spiritual or religious upbringing and ties;

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	<p>(d) the importance for the child's development of a positive relationship with his or her parent, a secure place as a wanted and needed member of the family, and a stable environment;</p> <p>(e) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;</p> <p>(f) the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent;</p> <p>(g) the merits of any proposed case plan for the child;</p> <p>(h) the child's relationship by blood or through adoption;</p> <p>(i) the child's views and preferences, if they can be reasonably ascertained;</p> <p>(j) the effects on the child of a delay in making a decision.</p> <p>3.1. (1) The following persons are entitled to be informed of the right to be represented by legal counsel throughout the child protection process:</p> <p>(a) a parent or person having lawful custody or actual care of a child;</p> <p>(b) a child who is able to express his or her views and preferences respecting decisions affecting him or her.</p> <p>(2) After advising a person of the right to be represented by legal counsel, the Director or a Child Protection Worker shall endeavour, to the extent that it is practicable, to facilitate that person's access to legal counsel and, where appropriate, the services of an interpreter.</p> <p>5. (1) The Director may enter into a written agreement with a person who has lawful custody of a child to provide services or to assist others in providing services, or to assist that person's family in obtaining services, to support and assist that person's family to care for the child.</p> <p>(3) The services to support and assist the family of a person who has lawful custody of a child referred to in subsection (1) may include</p> <p>(a) counselling;</p> <p>(b) in-home support;</p> <p>(c) respite care;</p> <p>(d) parenting programs;</p> <p>(e) services for improving the family's financial situation;</p> <p>(f) services for improving the family's housing;</p> <p>(g) drug or alcohol treatment and rehabilitation;</p> <p>(h) mediation of disputes;</p> <p>(i) services to assist the family to deal with the illness of a child or a family member; and</p> <p>(j) any other services agreed to by the Director and the person who has lawful custody of the child.</p> <p>6.2. The Director may, in respect of a youth who was in the permanent custody of the Director immediately before attaining the age of majority, continue to provide services or to assist others in providing services, or to assist that person in obtaining services, after that person attains the age of majority until he or she attains 23 years of age.</p> <p>12.4 (2) An apprehension order must not include provisions respecting the placement of the child.</p> <p>40. Before a parent consents to the placing of his or her child in the permanent custody of the Director for the purpose of adoption, a Child Protection Worker shall</p> <p>(a) provide information prepared by the Director to the parent on the services available to the parent and to the child if the child remains with the parent or an order is made respecting the child;</p> <p>(b) explain the effect of an order, and when a consent may be given or revoked; and</p> <p>(c) advise the parent to obtain independent legal advice before giving his or her consent.</p>

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	<p>85. (1) At a meeting of a plan of care committee or at a hearing under this Act, the child who is to be the subject of the plan of care agreement or is the subject of the hearing and each parent of the child is entitled to choose and be accompanied by an adult who may assist the child or the parent in expressing his or her views to the plan of care committee or to the court.</p> <p>(2) An adult referred to in subsection (1) is not a representative of or an advocate for the child or the parent</p> <p>86. (1) The court shall ensure that a child who is the subject of a hearing before the court is represented by counsel independent of his or her parents where it appears to the court that</p> <p>(a) the interests of the child and the child's parents are in conflict; or</p> <p>(b) it would be in the best interests of the child to be represented by his or her own counsel.</p> <p>(2) The court may require the parents of the child to pay the fees, disbursements and expenses of counsel referred to in subsection (1) and shall specify in the order the proportion or amounts of the fees, disbursements and expenses that each parent is required to pay.</p> <p>88.1. (1) Within five years after this section comes into force, and every five years after that, the Legislative Assembly or one of its committees shall commence a comprehensive review of the provisions and operation of this Act, and any other related legislation, policies, guidelines, plans or directives as the Legislative Assembly or the committee considers appropriate. (2) The review must include an examination of the administration and implementation of this Act and the effectiveness of its provisions, and may include recommendations for changes to this Act.</p> <p><u>Cultural Continuity</u></p> <p>12 (2) A Child Protection Worker shall, unless it is impracticable to do so within the time limits set out in subsections 12.1(1) and (2), serve a copy of the application for an apprehension order on the applicable aboriginal organization set out in the regulations, if the child is an aboriginal child.</p> <p>(3) The aboriginal organization served under subsection (2) is entitled to be present and to present evidence and make representations at the apprehension</p> <p>15. (1) In this section and section 16, "child's community" means the community in which a child is ordinarily resident at the time a report is made in respect of the child or the child is apprehended under subsection 11(1).</p> <p>(3.1) A majority of the members of a plan of care committee listed in subsection (2) (a) shall, if there is a member of the child's extended family who lives in the child's community and who the majority considers suitable, invite a member of the child's extended family to become a member of the committee; and</p> <p>(b) may agree to invite one or more additional persons to become members of the committee where they believe such persons may be of assistance in developing and entering into a plan of care agreement.</p> <p>19. (1) A plan of care agreement for a child may include provision for</p> <p>(a) where and with whom the child will live;</p> <p>(b) support services to make the child's home safe for the child;</p> <p>(c) counselling;</p> <p>(d) access to the child by a parent where the child will not be living with the parent;</p> <p>(e) the child's education;</p> <p>(f) the child's social and recreational activities;</p> <p>(g) the responsibilities of any of the persons</p> <p>(i) listed in paragraphs 15(2)(a) and (c), or</p>

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	<p>(ii) who become members of a plan of care committee under subsection 15(3.1);</p> <p>(h) a person named in the agreement to have the rights and responsibilities of a parent in respect of the person of the child that are set out in the agreement during the term of the agreement;</p> <p>(i) support for the child by a parent under the Children’s Law Act during the term of the agreement; and</p> <p>(j) any other matter or thing that the plan of care committee considers necessary and in the best interests of the child.</p> <p>25. (1) A Child Protection Worker shall serve a copy of the application for a declaration that a child needs protection and for a child protection order and an affidavit in support of the application on</p> <p>(a) the child’s parents;</p> <p>(b) the person having actual care of the child at the time the investigation under subsection 9(1) or 11(3) commenced, where the child was not apprehended;</p> <p>(c) the person having actual care of the child at the time the child was apprehended, where the child was apprehended;</p> <p>(d) the child, where the child has attained 12 years of age; and (e) the members of the plan of care committee not otherwise served under this section</p> <p>(2) A Child Protection Worker shall serve a copy of the application for a declaration that a child needs protection and for a child protection order on the applicable aboriginal organization set out in the regulations, if the child is an aboriginal child.</p> <p>(3) The aboriginal organization served under subsection (2) is entitled to be present and to present evidence and make representations at the child (Similar notification and participation at 27(2)(a)vi, ss 29.3(2)&(3).)</p> <p>The Northwest Territories also has an Aboriginal Customary Adoption Act.</p>
<p>Nunavut</p>	<p><u>Consolidated Child and Family Services Act, SNWT (Nu) 1997, c 13</u></p> <p><u>Guiding Principles</u></p> <p>2. (1) This Act shall be administered and interpreted in accordance with the following principles:</p> <p>(a) the paramount objective of this Act is to promote the best interests, protection and well-being of children;</p> <p>(b) children are entitled to protection from abuse and harm and from the threat of abuse and harm;</p> <p>(c) parents should use methods other than force by way of correction towards their children or in the discipline of their children;</p> <p>(d) the family’s well-being should be supported and promoted;</p> <p>(e) parents are responsible to care and provide for and to supervise and protect their children;</p> <p>(f) measures taken for the protection and well-being of children should, as far as possible, promote family and community integrity and continuity;</p> <p>(g) communities should be encouraged to provide, wherever possible, their own child and family services;</p> <p>(h) children, where appropriate, and parents should participate in decisions affecting them;</p> <p>(i) children, where appropriate, parents, and adult members of the extended family should be given the opportunity to be heard and their opinions should be considered when decisions affecting their own interests are being made;</p> <p>(j) there should be no unreasonable delay in making or carrying out a decision affecting a child;</p> <p>(k) services to children and their families should cause the least amount of disruption to the family and should promote the early reunification of the child with the family;</p>

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	<p>(l) children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family;</p> <p>(m) children removed from their family should be provided with a level of care adequate to meet their needs, within available resources, and consistent with community standards; and</p> <p>(n) consistent with the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, persons who have attained the age of 16 years but have not attained the age of majority and cannot reside with their parents should be supported in their efforts to care for themselves.</p> <p><u>Prevention Measures</u></p> <p>3. Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:</p> <p>(a) the child's safety;</p> <p>(b) the child's physical, mental and emotional level of development and needs, and the appropriate care or treatment to meet those needs;</p> <p>(c) the child's cultural, linguistic and spiritual or religious upbringing and ties;</p> <p>(d) the importance for the child's development of a positive relationship with his or her parent, a secure place as a wanted and needed member of the family, and a stable environment;</p> <p>(e) the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;</p> <p>(f) the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent;</p> <p>(g) the merits of any proposed plan of care for the child;</p> <p>(h) the child's relationship by blood or through adoption;</p> <p>(i) the child's views and preferences, if they can be reasonably ascertained; and</p> <p>(j) the effects on the child of a delay in making a decision.</p> <p>5.(1) The Director may enter into a written agreement with a person who has lawful custody of a child to provide services or to assist others in providing services, or to assist that person's family in obtaining services, to support and assist that person's family to care for the child.</p> <p>(3) The services to support and assist the family of a person who has lawful custody of a child referred to in subsection (1) may include</p> <p>(a) counselling;</p> <p>(b) in-home support;</p> <p>(c) respite care;</p> <p>(d) parenting programs;</p> <p>(e) services for improving the family's financial situation;</p> <p>(f) services for improving the family's housing;</p> <p>(g) alcohol or other drug treatment and rehabilitation;</p> <p>(h) mediation of disputes;</p> <p>(i) services to assist the family to deal with the illness of a child or a family member; and</p> <p>(j) any other services agreed to by the Director and the person who has lawful custody of the child.</p>

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	<p>10. (1) Where a report is made to a Child Protection Worker and during or as a result of an investigation the Child Protection Worker has reasonable grounds to believe that the child needs protection, or where a matter is referred to the Child Protection Worker under paragraph (2)(b), the Child Protection Worker</p> <p>(a) may apprehend the child if the Child Protection Worker has reasonable grounds to believe that the child's health or safety is in danger and the child has not already been apprehended under paragraph (2)(a);</p> <p>(b) may offer the services referred to in section 5 to the family of the person who has lawful custody of the child without entering into an agreement under that section until a plan of care agreement commences or a court makes a child protection order; and</p> <p>(c) shall, subject to subsection 12(1) and section 18, within eight days after the report is made or the matter is referred, endeavour to establish a plan of care committee, whether or not the child has been apprehended.</p> <p>19. (1) A plan of care agreement for a child may include provision for</p> <p>(a) where and with whom the child will live;</p> <p>(b) support services to make the child's home safe for the child;</p> <p>(c) counselling;</p> <p>(d) access to the child by a parent where the child will not be living with the parent;</p> <p>(e) the child's education;</p> <p>(f) the child's social and recreational activities;</p> <p>(g) the responsibilities of any of the persons (i) listed in paragraphs 15(2)(a), (c), and (d), or (ii) who become members of a plan of care committee under subsection 15(3.1);</p> <p>(h) a person named in the agreement to have the rights and responsibilities of a parent in respect of the person of the child that are set out in the agreement during the term of the agreement;</p> <p>(i) support for the child by a parent under the Children's Law Act during the term of the agreement; and</p> <p>(j) any other matter or thing that the plan of care committee considers necessary and in the best interests of the child.</p> <p>40. Before a parent consents to the placing of his or her child in the permanent custody of the Director for the purpose of adoption, a Child Protection Worker shall</p> <p>(a) provide information prepared by the Director to the parent on the services available to the parent and to the child if the child remains with the parent or an order is made respecting the child;</p> <p>(b) explain the effect of an order, and when a consent may be given or revoked; and</p> <p>(c) advise the parent to obtain independent legal advice before giving his or her consent.</p> <p>85. (1) At a meeting of a plan of care committee or at a hearing under this Act, the child who is to be the subject of the plan of care agreement or is the subject of the hearing and each parent of the child is entitled to choose and be accompanied by an adult who may assist the child or the parent in expressing his or her views to the plan of care committee or to the court. Status of adult</p> <p>(2) An adult referred to in subsection (1) is not a representative of or an advocate for the child or the parent. Counsel for child</p> <p>86. (1) The court shall ensure that a child who is the subject of a hearing before the court is represented by counsel independent of his or her parents where it appears to the court that</p> <p>(a) the interests of the child and the child's parents are in conflict; or</p> <p>(b) it would be in the best interests of the child to be represented by his or her own counsel. Payment of fees, disbursements and expenses</p> <p>(2) The court may require the parents of the child to pay the fees, disbursements and expenses of counsel referred to in subsection (1) and shall specify in the order the proportion or amounts of the fees, disbursements and expenses that each parent is required to pay.</p>

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	<p><u>Cultural Continuity</u></p> <p>2(2) This Act shall be administered and interpreted in accordance with the following Inuit societal values:</p> <ul style="list-style-type: none"> (a) Inuuqatigiitsiarniq (respecting others, relationships and caring for people); (b) Tunnganarniq (fostering good spirit by being open, welcoming and inclusive); (c) Pijitsirniq (serving and providing for family or community, or both); (d) Aajiqatigiinni (decision making through discussion and consensus); (e) Piliriqatigiinni or Ikajuqtiinni (working together for a common cause); and (f) Qanuqtuurniq (being innovative and resourceful). <p>(3) In addition to the Inuit societal values named in subsection (2), the following Inuit societal values may be used or incorporated in the administration or interpretation of this Act:</p> <ul style="list-style-type: none"> (a) Inunguqsainiq (nurturing or raising an individual to be a productive member of society); (b) Inuttiavaunasuaqniq (working towards a good or problem-free life); (c) Pijutingani qiniriaquqtugu (the importance of assessing and addressing the root cause of undesirable behaviour or circumstances). <p>25. A Child Protection Worker must serve a copy of the originating notice commencing an application for a declaration that a child needs protection and for a child protection order and an affidavit in support of the application on</p> <ul style="list-style-type: none"> (a) the following persons, if their identities and whereabouts are known: <ul style="list-style-type: none"> (i) the child's parents, (ii) the person having actual care of the child at the time the investigation under subsection 9(1) or 11(3) commenced, where the child was not apprehended, (iii) the person having actual care of the child at the time the child was apprehended, where the child was apprehended; (b) the child, where the child has attained the age of 12 years; (b.1) the members of the plan of care committee not otherwise served under this section or, where a plan of care committee was not established and there is a Child and Family Services Committee in the child's community, the chairperson of the Child and Family Services Committee; and (c) if the child is an Inuk child, whichever of the following Inuit organizations the child, or the mother or father of the child, is or is eligible to be a member: <ul style="list-style-type: none"> (i) Kitikmeot Inuit Association, (ii) Kivalliq Inuit Association, (iii) Qikiqtani Inuit Association <p><u>Child and Family Services Regulations, NWT Reg (NU 142-98)</u></p> <p>44. The minimum community standards to be used in determining the level of care adequate to meet a child's needs under paragraph 2(m) of the Act are the following:</p> <ul style="list-style-type: none"> (a) the child shall be provided with living accommodation that gives the child adequate protection from the elements and conforms to applicable health and safety standards established by law; (b) the child shall be provided with adequate food to sustain good health and growth; (c) the child shall be provided with adequate clothing suitable for the season; (d) the child shall enjoy freedom from abuse and harm, and from the threat of abuse and harm, in care;

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	<p>(e) the child shall be provided with medical care or treatment where the child requires it;</p> <p>(f) the child shall be provided with supervision, appropriate to his or her level of development, to protect the child from harm;</p> <p>(g) the child shall be provided with access to education;</p> <p>(h) the development of the child shall be nurtured and the child's emotional and spiritual or religious needs shall be met adequately.</p> <p>45. The minimum community standard to be used in determining whether or not a child needs protection under subsection 7(3) of the Act is the standard that a Child Protection Worker would apply to establish that he or she has reasonable grounds to believe that a child needs protection.</p>