

# **Report on the 2005 review of the Child and Family Services Act (CFSA)**

March 2005

## **Minister's Message**

I am very pleased to release this report on the first review of the Child and Family Services Act, carried out in accordance with requirements that came into effect in 2000.

For the first time in over 20 years, the government has created a brand new ministry specifically for children - the Ministry of Children and Youth Services. The publication of this report is just one component of this ministry's very ambitious approach to reforming services for children and youth. I am proud that it addresses a subject that has been important to me and to many people in Ontario for some time: the need to find stable homes for children in the care of a children's aid society.

I would like to thank the individuals and organizations affected by the legislation, including parents, young people, professionals and interested stakeholders, who shared their views with us during the course of this review. Their suggestions varied, of course, but everyone shared one goal - a common desire to achieve the best possible outcomes for our children and youth.

I am pleased to report that the review yielded valuable information that will help us create more opportunities to provide our children and youth with continuity and stability in their family lives. Legislation should reflect the values held by the people of Ontario and provide the appropriate tools for professionals to carry out their work. I intend to act on the advice that has been provided as I move forward on improving services for children and youth.

Honourable Marie Bountrogianni

Minister  
Children and Youth Services

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## EXECUTIVE SUMMARY

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On January 28, 2005, the Minister of Children and Youth Services announced a technical review of the Child and Family Services Act focussed on key provisions of the legislation relating to permanency options for children in care, including adoption. Under the Child and Family Services Act (CFSA), a review must be carried out at least every five years.

This first review is a critical component of the ministry's overall plans for reform of the child welfare system, including permanency, and of adoption<sup>1</sup> services.

Among the conclusions of the review:

- Permit openness in adoption where appropriate and in a variety of ways according to the individual needs of the child or youth and to the circumstances of individual families
- Give priority to placing children with kin or extended family members before considering taking them into the care of a children's aid society and as an alternative to foster or group care
- Increase supports and services available to families to prevent the need to take children into care, e.g. to keep families together or to keep children in their communities
- Reduce the backlog in courts as it delays permanency for children and youth; alternative dispute resolution approaches including mediation should be used
- Provide supports, including subsidies, for post adoption and other permanency options such as kinship care and guardianship or custody
- Integrate or co-ordinate children's aid society services and programs with other community services, e.g., mental health, to achieve efficiencies.

In addition, many submissions addressed matters outside the scope of the review, such as adoption information disclosure, youth justice, confidentiality of records, various aspects of the child welfare system, and the children's service system in general. They addressed matters related to the availability of services, policies, practices and funding in addition to legislation. Many, for instance, expressed concern around the need to balance protection of children with supports that help families to care for children and youth. There were also comments about the review itself. These submissions provide a rich source of information from a valuable and varied range of perspectives. They will be useful in the ministry's ongoing work as it pursues directions for the service system of the future.

1. Adoption services refer to procedures and requirements related to the placement of children for adoption, and excludes adoption information disclosure services provided by the Ministry of Community and Social Services.

## **INTRODUCTION**

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On January 28, 2005, the Minister of Children and Youth Services announced a technical review of the Child and Family Services Act focusing on key provisions of the legislation relating to permanency options for children in care, including adoption. Members of the public were invited to provide input.

Under the Child and Family Services Act (CFSA), a review must be carried out at least every five years. Because this provision came into effect in 2000, the first review must be completed by March 31, 2005. The CFSA provides the minister with discretion to determine the scope and approach to the review; requires that the public be informed when the review begins and what parts of the act will be included in it and requires that a written report be made public on completion of the review.

This review focuses on key aspects of the legislation relevant to a stated priority of the Ministry of Children and Youth Services (MCYS): to increase opportunities for stability and permanency in the lives of children. These opportunities include facilitating adoption, where appropriate, to meet children's needs

This report provides the results of the review, including information about submissions received, practices in other jurisdictions and relevant research.

## CONTEXT

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The Child and Family Services Act (CFSA), which was proclaimed in 1985, was to be a final step in the reform of children's services that began in 1978. The CFSA was intended to present a cohesive philosophy and to enshrine in law key elements deemed essential to reform. It is a large piece of legislation that covers a broad range of services.

This legislation did not anticipate the creation of the Ministry of Children and Youth Services, which has a mandate that exceeds the range of services addressed by the act. As the ministry moves forward on its initiatives to improve services for children and youth, there will be opportunities for further consideration of legislative requirements. This will be done through consultation with those affected. It is recognized that the act reflects the times and circumstances in which it was developed and that additional changes may be required to implement new policy directions.

The focus of this first review under the requirements of the legislation is on a matter of critical concern — the compelling needs of a large number of children in the care of children's aid societies. At the same time, this review addresses a related matter - the provisions governing adoption of children and youth. The focus is consistent with the priority that the ministry has given to child welfare and adoption in its overall policy agenda since its establishment in October 2003.

First, the ministry established the Child Welfare Secretariat in April 2004 to implement the findings and recommendations of the Child Welfare Program Evaluation, which was completed in 2003. The program evaluation called for a major transformation of the child welfare system. Since its creation, the secretariat has been consulting broadly with stakeholders, practitioners in other jurisdictions and researchers. It will bring forward recommendations and lead the implementation of changes across a range of services provided by children's aid societies, including permanency planning and adoption.

Secondly, the minister publicly stated her intent in the spring of 2004 to address long standing concerns about adoption and the need for reform in Ontario. In the intervening months, it became clear that there is a degree of consensus on the need for reform but not on the specifics, including what changes, if any, would be required to the existing legislation.

The focus of the CFSA review complements the policy work that the ministry has undertaken with respect to child welfare and adoption, excluding adoption information disclosure, which is under the jurisdiction of the Ministry of Community and Social Services. It is a critical component of the ministry's reform agenda in these areas but not the only component. The results of this review and any steps taken in response to it will be linked with the above noted initiatives.

It should be noted that the statutory requirement for a review every five years, does not preclude the ministry from undertaking reviews as required to address matters of concern, nor does it preclude the government from introducing amendments from time to time in order to implement new policies or to address provisions that have become outdated because of legislative developments.

## METHODOLOGY

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On January 28, 2005, the Minister of Children and Youth Services issued a press release advising that a technical review of the Child and Family Services Act would "...focus on key provisions relating to permanency options for children in care, including adoption." Members of the public were invited to contribute to the review in writing by February 28, 2005. The government established a special e-mail address to receive input<sup>2</sup>.

The material surveyed to compile this report includes:

- written material submitted by the public, professionals and organizations
- information about practices and legislation in other jurisdictions
- research related to permanency, including adoption and kinship care.

In addition, the ministry made use of suggestions put forward in recent discussions with individuals and organizations through related work carried out by, for example, the Child Welfare Secretariat.

This review process was designed to provide the ministry with broad-based input from the general public, individuals who have had experience with adoption and with the child welfare system, experts and other stakeholders. This rich body of material, combined with the information also obtained from research and experience in other jurisdictions, will inform the ministry on appropriate ways to move forward to improve the circumstances for children in care and to reform outdated approaches to adoption.

2. There were approximately 150 'hits' on the special account set up to receive input on the CFSA review. A number of these were duplicates and many did not address the CFSA review specifically or matters related to it. The latter were referred to other departments in the ministry for consideration.

## **THE RESPONDENTS**

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The ministry reviewed over 90 submissions with recommendations regarding the CFSA and related matters. There were 24 submissions from advocacy groups, professional organizations and service provider associations. The majority of the 72 responses came from individuals.

The submissions included reports and letters sent by mail and e-mail. Recommendations came from:

- parents who had experience with children's aid societies and with adoption
- individuals who had been or are currently in the care of a children's aid society
- individuals who have been adopted
- foster parents
- social workers, teachers, mental health professionals
- group home workers, probation officers, community development workers
- parents who are home educators
- mothers who have relinquished children for adoption
- grandparents caring for their grandchildren
- lawyers who have represented parents and/or children
- advocacy and service organizations for children and youth
- people affected by adoption
- people affected by domestic violence
- organizations that represent service providers and professionals
- representatives of First Nations and representatives of Aboriginal agencies.

The majority of the respondents addressed matters that went beyond the scope of the review. Many made comments and recommendations that reflected the individual experiences and perspectives of people as well as the positions of specific sectors and organizations.



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## OVERVIEW OF FINDINGS ON PERMANENCY, INCLUDING ADOPTION

### Input from submissions

For the most part, input on permanency and adoption was not limited to specific provisions in the legislation. It focussed more broadly on the needs of children, youth and adults involved in child protection matters or in the adoption process. A few submissions identified specific legislative barriers.

The most frequent themes and directions expressed in the submissions recommended changes in legislation and practice. They include:

- permitting openness in adoption where appropriate and in a variety of ways, according to the individual needs of the child or youth and to the circumstances of individual families
- giving priority to placing children with kin or extended family members before considering taking them into the care of a children's aid society and as an alternative to foster or group care
- increasing supports and services available to families in order to keep families together or to keep children in their communities and to prevent the need to take children into care
- reducing the backlog in courts as it delays permanency for children and youth alternative dispute resolution approaches including when mediation should be used
- providing supports, including subsidies, for post adoption and other permanency options such as kinship care and guardianship or custody
- integrating or coordinating children's aid society services and programs with other community services, e.g., mental health, to achieve efficiencies.

The submissions were relatively consistent in emphasizing the importance of continuity and stability in relationships for the healthy development of children and youth and the importance of respecting the individual needs of the child or youth. Some submissions emphasized that adoption is not the only means of establishing a sense of permanency for children in the care of a children's aid society and that it is not always desirable from the perspective of the child or youth. There were recommendations for increased use of customary care as well as on-reserve prevention and family support services to reduce risk for Aboriginal children and avoid the need for child protection services.

A number of submissions stressed the importance of maintaining and supporting connections with family members when a child is taken into the care of a children's aid society. Others emphasized that children's aid societies should consider the feasibility

of placing a child with a member of his or her extended family before taking a child into the care of the society. Various submissions highlighted the importance of maintaining relationships with siblings even in cases of adoption.

Finally, a number of submissions identified the need for ongoing financial and/or counselling support to family members, including grandparents who take on responsibility for the care of child relatives.

With respect to care by families or kinship care, it is notable that recommendations were not limited to situations in which there is children's aid society involvement. Some grandparents are seeking access to financial support to assist them in raising their grandchildren. In addition, there were recommendations to create an alternative to adoption that would provide for the transfer of legal custody or guardianship to a relative or, in the case of long-term foster care placements, to foster parents.

With respect to adoption, submissions emphasized that when adoption is the appropriate plan for a child, there should be flexibility to respect the individual needs of those involved. This view was consistent for both private adoption and public adoption (where a children's aid society is involved). Some submissions noted that flexibility should be available at the actual time of the adoption and also later when the circumstances and interests change. Support for the stability and integrity of the adoptive family was also identified as an important consideration.

Overall, the preponderance of submissions focused on the importance for the child or youth of maintaining relationships with family including siblings, birth parents and other relatives, even after adoption. One submission also recommended that information should be collected and reported on outcomes for children who have been adopted.

In addition, a few submissions spoke to specific aspects of the adoption process:

- the age of consent to adoption should be raised from seven to 10 years
- procedural protections for individuals relinquishing children, especially infants, for adoption — such as independent legal advice and/or longer time frames for decision-making
- procedural protections for children on adoption probation to prevent disruption for the child
- prohibiting changing a given name of a child under 12 who is being adopted if that name is meaningful to the child
- deleting the section of the CFSA that indicates an adopted child is "as if born to" the adopted family
- reverting to the previous practice of children's aid societies obtaining consents to adoption rather than the current requirement that lawyers take the consents.

## Practices in other jurisdictions

Many jurisdictions are continuing the trend towards greater openness in the adoption process:

- In Canada, British Columbia, Manitoba and Newfoundland have recently moved to introduce legislation that supports openness in adoption. Alberta and Saskatchewan provide for openness in policy.
- In the United States, approximately 30 states currently allow for open adoption, and approximately 18 of these states allow for written and legally enforceable contact agreements; the Child Welfare League of America Standards of Excellence for Adoption Services advocates an open and honest adoption process.
- In Australia, access by birth parents or relatives, to the adopted child is encouraged in most states and territories to varying degrees.
- In the United Kingdom, legislation recognizes the need to preserve connections to birth families and cultural heritage for some children, and that contact arrangements should be considered in every adoption.

Similarly, other jurisdictions are moving towards greater use of kinship care and subsidized guardianship or custody as alternatives to adoption:

- Alberta and British Columbia have implemented kinship care policies; in B.C. it is supported by legislation.
- The United Kingdom, Australia and New Zealand have kinship care programs of varying types.
- In the United States there is wide use of kinship care and subsidized guardianship. Illinois, California, Washington and Maryland are particularly well known for kinship care programs. Most states have formal policy or legislation to promote and support these practices.

## Research findings

Research on attachment and openness in adoption supports the trends in other jurisdictions towards increased use of kinship care and openness in adoption. It supports the need for children and youth to maintain important ties to family, community, culture and heritage. These ties promote a sense of identity and aid in the healthy development and growth of children.

Among the highlights of findings from the research literature on adoption:

- adoption should be viewed as an ongoing process, rather than a one-time event
- openness should be seen as a continuum that can change over time
- one type of openness arrangement is not best for all circumstances or relationships
- successful openness relationships hinge on flexibility, commitment and communication skills
- mediated adoption agreements may result in high levels of satisfaction and cooperation
- there is a need for education for the adoption community and the general public about openness in adoption
- all decisions about openness need to be based on the best interests of the child.

Most of this research indicates positive or neutral permanency outcomes when compared with closed adoptions. It should be noted that the research focus to date on open adoption has been mainly on private and infant adoption. There has been no comprehensive study comparing the outcomes of open and closed adoptions in the public sector where there has been involvement with a children's aid society.

The research on kinship care and subsidized guardianship suggests that:

- kinship care programs tend to provide stable placements for children with low rates of disruption and the outcomes for children are positive
- children return home at a slower rate but are less likely to re-enter state care than reunified children from non-kin foster homes
- successful kinship and guardianship placements require ample financial supports, clinical services and relevant training for staff and caregivers
- the availability of post-placement services in the community is seen as necessary to support the viability of the placements over time
- subsidized guardianship can reduce court involvement, child welfare agency supervision and casework while expediting the establishment of a permanent home.

## **RESPONSES OUTSIDE THE SCOPE OF THE REVIEW**

Many submissions addressed matters outside the scope of the review, such as adoption information disclosure, youth justice, confidentiality of records, various aspects of the child welfare system, and the children's service system in general. Recommendations and comments addressed matters related to legislation, policies, funding and practice. In addition, there were comments about the review itself.

The following overview of the recommendations made to the ministry provides a sense of the detail and range of comments received. It is not intended to be comprehensive.

### **Child and Family Services Act review process**

A number of respondents recommended the review process allow more time for input and include consultation as well as written submissions. Some respondents believed the focus of the review was too narrow. One submission suggested the legislation be amended to eliminate the minister's discretion to determine the scope of the review, on the basis that the CFSA does not lend itself to review in a piecemeal fashion. Some respondents had anticipated the review and taken the initiative to begin developing submissions as early as 18 months before the announcement of the review, but they also noted the need for a lengthier and more comprehensive review process. Finally, one respondent suggested that youth in care be specifically notified of the review process.

### **The child and youth service system**

A large number of the submissions made recommendations for improving overall services to children and families. For example, some submissions noted the need for improved collaboration or integration of child welfare services with other services in the community. Others explicitly or implicitly noted the need for better integration of child protection services with services designed to support families, children and youth. One stressed that child welfare services do not function in isolation and that it is detrimental to change one system without consideration of others such as children's and adult mental health, youth justice, social assistance and education.

There were also recommendations to streamline decision-making in child welfare and to differentiate the protection function of the child welfare system from that of assisting families in raising their children. One recommendation was to blend the intake processes for child welfare and children's mental health in order to facilitate timely identification of the appropriate response to specific needs. Another emphasized the need for consistency and collaboration between the youth justice and child welfare systems so that children and youth do not 'fall through the cracks.' A few submissions recommended increased access to and availability of services for children with special needs and some recommended that children's aid societies be permitted to enter into special needs agreements.

A number of submissions focussed on the importance of assisting families to remain together rather than removing children. A few recommended that the principles in the CFSA be amended to promote strengthening of families as opposed to protection by removal of children, and some suggested that the child welfare system disproportionately impacts low income families.

All in all, the submissions clearly reflect varying views and understandings about the role and functions of children's aid societies and the provincial government with respect to child welfare services. A number of submissions either, explicitly or implicitly, noted the need for better integration of child protection services with services designed to support families, children and youth.

## **Accountability in child welfare**

There were many comments about the child welfare system from a very broad range of perspectives, including individuals and professionals who have been involved with a children's aid society. Many recommendations called for increased accountability of children's aid societies to the public for the quality of service provided and of children's aid society staff to clients. A few respondents suggested requiring children's aid societies to report on outcomes for children and youth. At least one submission noted that the current funding formula, because it is based on volume, creates a perception that there is an incentive for societies to open cases and keep them open.

There were calls for increased regulation and accountability of children's aid society staff as well as for training and skills development. Some raised concern about variation in staff values and recommended skills training. Others recommended that direct service workers be required to be registered with the Ontario College of Social Workers and Social Service Workers.

The majority of comments relating to accountability focussed on children's aid societies. A few also made reference to legal counsel provided by the Ontario Children's Lawyer. Some individuals felt that their views had not been appropriately represented in court.

## **Transparency and procedural fairness**

There were calls for more transparency including giving families and children a greater voice in processes that directly affect them. Some of these recommendations made reference to complaints processes and the use of alternative dispute resolution approaches including mediation. Respondents identified the need for checks and balances on how the very significant powers vested in children's aid societies are exercised. One suggestion was that the ombudsman be given jurisdiction over child welfare.

A number of submissions recommended clarifying the purpose of the children's aid society complaint process, developing criteria for its use and improving the process. Some suggested that involvement of the children's aid society board of directors was not appropriate or effective, and others were critical of the ministry's involvement. Some suggested mediation as an appropriate mechanism for addressing complaints. In addition, there was criticism of the complaints process with respect to adoption on similar grounds and an explicit recommendation, as previously noted, that it not be available once a child had been placed for adoption.

## **Definition of a child in need of protection**

A number of respondents recommended raising the upper age limit for finding a child in need of protection from under 16 to under 18 years of age. Some submissions pointed out that this would be consistent with the Youth Criminal Justice Act, Canada's recent directions in its education system, the United Nations Convention on the Rights of the Child and the upper age limit for other services under the CFSA.

There were, however, conflicting views on whether the grounds for finding a child in need of protection should be more or less stringent. Some wanted to see more restrictive criteria for finding a child in need of protection while others suggested that the criteria be expanded. One submission recommended expanding the grounds to include the specific behaviours of parents such as mental illness, addiction or domestic violence. Other submissions focussed explicitly on including domestic violence as a reason for child protection. In contrast, some submissions stated that the current grounds and risk assessment model used by societies impacts negatively on women and children and should be modified.

## Legal processes and requirements

A range of recommendations were aimed at expediting court processes, including suggestions to:

- increase the use of mediation
- eliminate the requirement for the court to find that a child is in need of protection before making a disposition
- permit greater latitude to introduce evidence about past parenting behaviour
- allow for assessments (e.g. psychiatric, psychological) of families and children before the court makes a finding that a child is in need of protection
- after a child has been apprehended, allow up to five court days before the matter is taken before the court rather than the current five calendar days to allow parents more time to obtain legal counsel and children's aid societies more time to prepare.

In addition, recommendations were made to increase the options available to the court that would promote permanency for children and support for families, such as:

- directing the court to consider placement with kin at any stage in the process
- allow for custody orders (e.g. transfer custody to a grandparent) under the CFSA to make the most effective use of court time and to support permanency for the child.

There were a number of recommendations for amendments with a range of potential implications for those affected, including suggestions to:

- modernize terminology, e.g., apprehension and wardship
- add a requirement to the duty to report that written material also be provided to a children's aid society and specify that the Crown rather than a children's aid society is responsible for failure to report a suspicion that a child is in need of protection
- retain the current rights of foster parents to receive notice and to request a review before removing a child who has lived with them for two years.

There were also conflicting recommendations. One submission, for instance, recommended eliminating the requirement that a society obtain a warrant before removing a child from a family, while another recommended use of tele-warrants, and still others expressed concern about apprehension without warrants.



## **Transition from Care and Extended Care and Maintenance (ECM)**

Another area that received significant attention was the transition of children and youth out of the care of a children's aid society and into independent living. There were recommendations to increase the types of services and supports available to help youth make the difficult transition and to support their pursuit of post secondary education. A number of submissions asked that ECM be available up to 24 years of age rather than 21 or that it be available for four years after graduation from secondary school. One submission suggested that ECM include assistance for dental, vision and other health care. Another noted the critical importance of education and suggested that children's aid societies be held accountable for the youth attaining appropriate educational milestones before leaving care. One recommended that former youth in care be exempt from paying tuition fees for post-secondary education. Many made reference to the importance of former Crown wards having full access to their records.

## **Children's rights**

A few respondents recommended that the legislation establish rights, consistent with the United Nations Convention on the Rights of the Child, for all children in Ontario and called for a ban on the use of corporal punishment. Others called for greater attention to and respect for family rights.

## **Intrusive measures**

One submission addressed Part VI of the CFSA, Extraordinary Measures, including the use of intrusive procedures, secure isolation and psychotropic drugs as well as the review provisions associated with them. It was noted that some of these provisions have not been proclaimed, others have become outdated and, in some cases, there may be a need to ensure that practices are consistent with requirements.

## **Youth justice**

Another submission noted that Part IV of the CFSA, Young Offenders, has not been updated since the Youth Criminal Justice Act, came into effect in 2003. Furthermore, it is not consistent with the mandate of the ministry for youth justice services for youth up to the age of 18 years of age.

## **Records and privacy**

Finally, submissions addressed matters related to information sharing and privacy. It was noted that federal and provincial legislation has overtaken the unproclaimed provisions in Part VIII of the act, access to and confidentiality of records. Service providers, advocates and service recipients put forward the view that there should be legislation specific to child and youth services on this subject.

Some identified the need for direction specific to the child and youth services sector particularly with respect to investigations by children's aid societies and with respect to the records of Crown wards. Others spoke to the need for sharing of information between programs like child welfare and young offenders in order to meet the needs of youth and to provide services effectively.

Views on privacy and access to information varied. For example, there were conflicting opinions on whether the name of a person who reports a family to a children's aid society should be kept confidential or made available to that family. One submission called for elimination of the child abuse register and recommended that children's aid societies be permitted to use the shared child welfare information system to screen foster parents and adoptive parents.

## **Adoption information disclosure**

There were a relatively large number of submissions that addressed adoption information disclosure, which falls under the jurisdiction of the Ministry of Community and Social Services. These submissions focused on increasing access to information for those directly affected by an adoption. As previously noted, these submissions also recommended changes to other aspects of adoption.

## **Aboriginal provisions**

A few submissions focussed on the provisions of the CFSA with specific application to children of Aboriginal heritage. One noted that the language (Indian and Native) is outdated. Others recommended that there be clear policies and practices for placing First Nations children in First Nations foster homes or communities. In addition, it was recommended that there be clear legislation and policy with respect to the use of customary care. Finally, there were recommendations that the requirements for notice to bands in specific circumstances be enforced.

## CONCLUSION

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There appears to be general consensus on the need for reform with respect to permanency and adoption as well as the need for legislative change to make this happen. The submissions and the research literature support the need for a range of options to provide children in care with a sense of stability, continuity and permanence. There is a clear preference for options that respect the importance of family and community in the lives of children and youth. This extends to adoption and includes support for the creation of a flexible approach to openness, particularly for children who are Crown or permanent wards.

The review suggests that legislation should allow for openness arrangements that take into account the individual circumstances of those involved and that allow for change over time in keeping with the developmental needs of the child or youth. Openness should not be limited to adoption of Crown wards but should be available in private adoptions as well.

In addition, input to the review suggests that there should be supports available for families whether they are adopting or, through some other arrangement, taking on the care of a child or youth who would otherwise remain in the care of a children's aid society. This assistance could be in the form of financial, social or professional support.

It is clear from the review that that the needs of each child must be addressed on an individual basis, taking into account the child's heritage and culture as well as relationships with family members and community. In some instances, this should be supported by legislation. However, the views and the evidence suggest that more is required than simply defining or creating different types of arrangements available to the courts and the child welfare system. Successful reform is dependent upon a common culture among agencies and professionals supported by sound practices, services and responses that respect and give priority to a child's need for continuity of care and stable relationships.

The large number of submissions that addressed matters outside the scope of the review ranged from letters about deeply personal experiences through to comprehensive reports. These submissions will be useful to inform the ministry's ongoing work because they provide a rich source of information from a valuable and varied range of perspectives.

Some of the recommendations address matters related to funding policy, program policy or practice rather than provisions in the legislation. Other submissions highlighted aspects of this legislation that are outdated and deserve attention because of developments in other legislation. Still others addressed complex matters such as the need for specific rules governing privacy of records in the children's services system and fundamental social policy matters such as rights of all children in Ontario.

Many individuals who wrote about their own experience with the child welfare system expressed concerns about the powers of children's aid societies and recommended that protections for families be increased and services made available that would provide alternatives to removal of children. Others argued for strengthening the law to increase protections for children. These letters are a stark reminder that the child welfare system has been delegated very significant powers by the province to protect children. The policies and laws governing the exercise of those powers should change over time to reflect shifts in social values. The mandatory review of the legislation every five years provides opportunities for government to consult broadly.

Many of the concerns expressed underline the importance of continually attending to the balance between protection of children and supports to maintain the integrity of families. There is a need to balance the powers of children's aid society with appropriate checks and balances on the exercise of those powers through accountability mechanisms and through respect for the rights of families, children and youth to have a voice when important decisions are being made that affect them.

It is important that the views and ideas expressed in these submissions not be lost but be addressed within the context of the ministry's ongoing work in relation to the future direction of the child welfare system.