

Ministry of Children, Community and Social Services

Provincial Child Protection Services and Implementation of Indigenous-led Child and Family Services

Ontario Final Agreement Gathering
Nishnawbe Aski Nation (NAN)

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Purpose

Today's presentation will provide a general overview of:

- Child protection services delivered pursuant to the *Child Youth and Family Services Act, 2017* (CYFSA; Act), including information about select provisions.
- The ministry's role in supporting the implementation of Indigenous-led and governed child and family services.

Who we are

Child Welfare and Protection Division (CWPD)

- CWPD, situated in the Ministry of Children, Community and Social Services (MCCSS) leads policies, legislation, programs and service delivery reforms on core child welfare services, including reforms to out-of-home services as part of a larger integrated, community-driven system with enhanced youth voice.
- The work of the division is designed to help lead to better outcomes and permanency for kids and families involved in child protection, including work with the federal government and First Nations, Métis and Inuit leadership.

Provincial Child Protection Services

Provincial child protection services are mandated services under the CYFSA and are delivered by children's aid societies (societies).

50 Children's Aid Societies

37 Non-Indigenous Societies

3 Faith-Based

13 Indigenous, 1 agency seeking designation

- Societies are independent agencies governed by their own Boards of Directors (with the exception of two Indigenous societies governed by band councils).
- The Ministry has a funding and oversight role over child protection services, and powers under the CYFSA that may be used to address concerns that arise with a society.

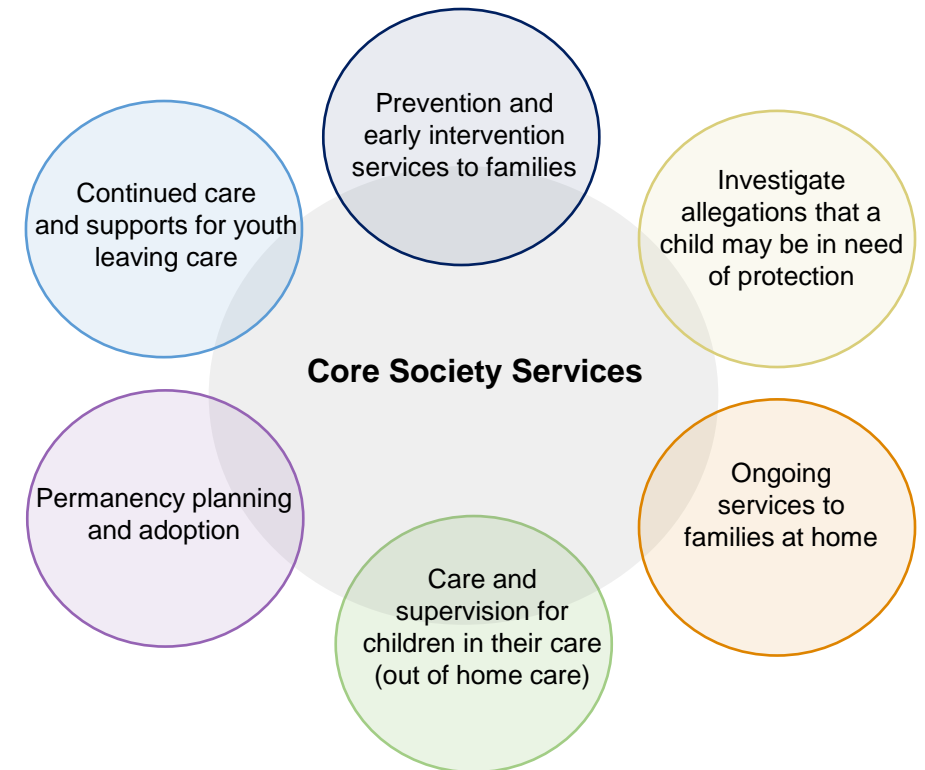
Children's Aid Societies: Mandated Functions

The legislated functions of a children's aid society are to:

- 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.

Services are provided in accordance with the CYFSA, its regulations and associated policy directives and guidelines, including the Child Protection Standards.

Core society child welfare services include:



Consultation with bands and First Nations, Inuit or Métis communities

- When serving First Nations, Inuit and Métis children, youth and families, societies are required under the CYFSA and its regulations, policies and standards to consult with the child's bands and First Nations, Métis and Inuit communities throughout and at specified points in service delivery.
- There are a number of provisions in the CYFSA that place obligations on societies with respect to notifying and consulting with bands and First Nations, Inuit and Métis communities. This includes requiring societies to regularly consult with a child's bands and First Nations, Inuit and Métis communities about the provision of the services or the exercise of the powers and about matters affecting the children, including:
 - bringing children to a place of safety and the placement of children in residential care;
 - the provision of family support services;
 - the preparation of plans for the care of children;
 - status reviews under Part V (Child Protection);
 - temporary care agreements under Part V (Child Protection);
 - society agreements with 16 and 17 year olds under Part V (Child Protection);
 - adoption placements;
 - the establishment of emergency houses; and
 - any other matter that is prescribed.

Children's Rights

- Children receiving services under the CYFSA have rights that must be respected including *but not limited to*:
 - Taking part in decisions about services they receive in a developmentally appropriate way
 - Talking freely and safely about feelings, thoughts and opinions and have their opinions considered
 - Raising concerns and recommending changes with respect to services provided or to be provided to them
 - To be informed about the Ombudsman
 - Having societies explain to children receiving services their rights in a way that they understand
 - Having the opportunity to identify a resource person
 - Having their identity characteristics and regional differences taken into account by service providers when the service provider makes a decision that will materially affect or is likely to materially affect the child's interests
 - Where services are provided to a First Nations, Inuk or Métis child, having their culture, heritages, traditions, connection to community and concept of the extended family taken into account by service providers
- The CYFSA sets out requirements respecting complaints processes, including circumstances when a complaint may be made to an independent tribunal.
- More information available at: [Children and young persons' rights resource](#).

Children's Rights and Information-Sharing: Key Information

Part X (Personal Information)

- Part X under the CYFSA came into effect on January 1, 2020.
- Part X was developed to protect the privacy rights of children, youth and their families; to clarify how personal information can be collected, used and shared by service providers as defined under the CYFSA; and to enable the better use of data to understand sector outcomes.
- A Guide to Implementation for Service Providers can be found here: <https://www.ipc.on.ca/en/part-x-cyfsa>.

Information and Privacy Commissioner (IPC)

- The IPC provides independent oversight to ensure service providers comply with Part X rules on privacy, access, and correction of personal information.

Consent-Based Framework

- Part X is a consent-based framework designed with the intent of giving individuals more control over their personal information.
- Service providers are required to obtain consent from individuals before sharing their personal information, except when an exception under Part X applies to authorize the sharing without consent (e.g. risk of serious harm).

Children's Rights and Information-Sharing: Key Information

Capacity

- Under Part X, an individual's ability to make consent decisions around the collection, use or disclosure of their personal information is based on capacity (rather than age).
- A service provider is required to presume an individual has the capacity to consent, regardless of age, unless they have reasonable grounds to believe otherwise.

Access

- Access refers to an individual's right and ability to request access to their records of personal information held by a service provider.
- An individual may request access to their own record of personal information held by a service provider related to the services they have received or are receiving. Access requests may be refused under certain circumstances (e.g., information is subject to legal privilege; another law does not allow its release).

Corrections

- Part X provides clients the right to request corrections to their records of personal information held by a service provider in a timely manner and at no cost.

Service planning and research by prescribed entities and First Nations, Inuit or Métis persons or entities

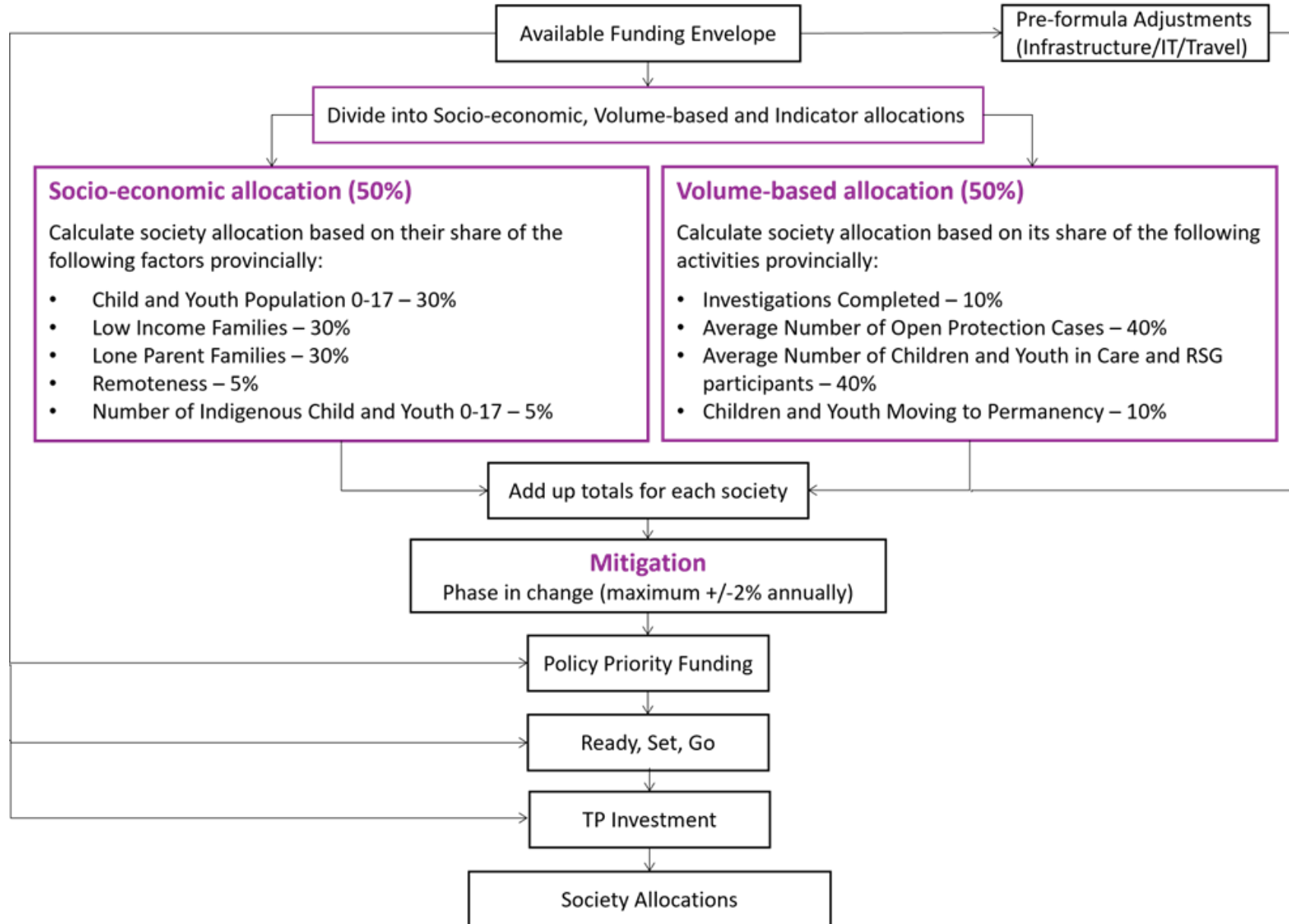
Part X establishes authorities and requirements for the collection, use and disclosure of personal information for service planning and research purposes by prescribed entities (PE) and First Nations, Inuit or Métis persons or entities (FNIM entities). These authorities and requirements only apply when personal information is involved.

- PE are organizations named in the applicable CYFSA regulation (O. Reg. 191/18) to whom service providers may disclose personal information for analysis or compiling statistical information with respect to the management of, evaluation or monitoring of services, the allocation of resources to or planning for those services, including their delivery.
- Currently, two entities are prescribed as PEs, the Institute for Clinical Evaluative Sciences (ICES) and the Canadian Institute for Health Information (CIHI).
- FNIM entities are also named in the CYFSA regulation (O.Reg.191/188) as entities that are authorized to collect personal information from service providers for service planning if the applicable requirements are met, including:
 - The personal information relates to FNIM individuals;
 - The FNIM entity and the service provider have entered into an agreement with respect to the use, security, disclosure, return and disposal of the information and notification of the service provider in the event of a privacy breach (e.g. personal information is lost or stolen); and,
 - The approval of the bands or FNIM communities listed in regulation has been obtained for the personal information of individuals who are members of or identify with those bands or FNIM listed communities.
- PE and FNIM entities can also disclose the personal information to another PE for service planning purposes.

Provincial Funding for Societies

- The government of Ontario invests more than \$1.7 billion annually in child welfare including funding to 50 societies across Ontario, including 13 Indigenous societies to support children and youth.
- Currently, the ministry allocates funding to societies based on two key sets of factors;
 - socio-economic factors that take into account the community's need for child protection services, and;
 - volume-based factors that take into account the services societies provide.
- The child welfare funding model provides societies with full financial flexibility to manage their operational and service delivery requirements within their approved budget allocations.
- In recognition of the unique needs of Indigenous children and youth and the unique challenges faced by Indigenous societies, they receive a mitigated increase of 2 per cent per year.

Child Welfare Funding Model



How Does the Child Welfare Funding Model Work?

- The Ministry of Children, Community and Social Services (MCCSS) follows these steps to calculate approved budget allocations and multi-year planning allocations for societies under the child welfare funding model:
- **Step 1:** Set aside funding for pre-formula adjustments and policy priority funding from the available funding envelope. The pre-formula adjustments allocation for each society is equal to the sum of its 2011-12 reconciled audited actual expenditures for Infrastructure and Administration, Travel and Technology.
- **Step 2:**
 - Allocate 50% of the funding remaining to the socio-economic factors.
 - Allocate 50% of the funding remaining to the volume-based factors.
- **Step 3:** Add back pre-formula adjustments.
- **Step 4:** Calculate mitigation component.
- **Step 5:** Calculate policy priority funding component for each society. Add to allocation with mitigation component.
- **Step 6:** Calculate Ready, Set, Go program funding and add to allocation.
- **Step 7:** Calculate TP Investment funding. Add to allocation to arrive at approved budget allocations.

Ready, Set, Go (RSG) Program

- On April 1st, 2023, with an investment of \$170 million over three years, the ministry implemented a youth leaving care policy and the RSG program for youth leaving the care of societies to meet their needs and improve outcomes.
- The policy and RSG program provide eligible youth leaving care with the life skills and supports they need to successfully transition from care, including supports to pursue education, training and employment opportunities.
- Core features of the policy and RSG program include:
 - Strengthened accountability for societies to prepare youth to successfully exit their care;
 - Increased age of eligibility for supports and services from the predecessor program;
 - Increased financial supports for eligible youth leaving care to enhance safety and stability;
 - Additional financial support for eligible youth pursuing post-secondary education, training or Apprenticeships/Skilled Trades;
 - Detailed operating requirements and checklists for societies in preparing youth for transition;
 - Individualized planning for youth; and
 - Tracking of youth's progress during the RSG program (e.g., housing, education, employment).
- The ministry also funds several additional supports and services for youth leaving care, including the:
 - Aftercare Benefits Initiative, which provides benefits (e.g. prescription drugs, dental, extended health and counselling and life skills support services) to eligible former youth in care, including those who were adopted, to support the transition into adulthood by improving access to health services.
 - Living and Learning Grant, which provides ~\$1,744 per semester, to a maximum of \$6,000 per year to eligible former youth in care to help them with living costs associated with attending post-secondary school.

See [Appendix](#) for additional Resources.

Supporting the Implementation of Indigenous-led child and family services

- Ontario recognizes that exercising legislative authority over child and family services is a priority for many First Nations, Métis and Inuit groups, communities and peoples in Ontario.
- The CYFSA acknowledges that First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services.
- The ministry works with a growing number of representatives of First Nations, Métis and Inuit peoples as they develop and work towards implementing their own Indigenous-led models of child and family services, including those governed under Indigenous laws.
 - This work may look different from community to community. It can include Indigenous groups, communities or peoples seeking to exercise legislative authority and implement child wellbeing laws through the federal *Act respecting First Nations, Métis and Inuit children, youth and families* (the Federal Act) or through a self-government agreement.
- Since the introduction of the Federal Act in 2020, Ontario:
 - has executed 3 coordination agreements with Indigenous Governing Bodies (IGBs), including Wabaseemoong Independent Nations (WIN), Kitchenuhmaykoosib Inninuwug (KI) and Algonquins of Pikwakanagan First Nation (AOPFN);
 - is in active negotiations with 5 IGBs; and,
 - is aware of at least 13 additional IGBs that are in various stages of developing their child wellbeing laws and systems in the province.

Supporting the Implementation of Indigenous-led child and family services (cont'd)

- As the regulator of provincial child and family services under the CYFSA, Ontario has supported the implementation of Indigenous-led models operating pursuant to Indigenous laws by:
 - providing information on how the provincial system may interact with and relate to a proposed Indigenous model of child and family services
 - collaborating with the Indigenous group, community or people on appropriate actions that Ontario may take to support coordination of child and family services in Ontario
- To date, Ontario has also provided funding for IGBs to develop their child wellbeing law and service delivery model (called Systems Planning funding) and ongoing funding to support aspects of the operations of an Indigenous child wellbeing law and system once negotiations have concluded.
- CWPD also works to raise awareness about Indigenous-governed models of child and family services within the ministry, identify potential opportunities to better support the transition process and works to engage the federal government on issues related to the federal Act.

- For more information, see: <https://www.ontario.ca/page/indigenous-control-over-child-and-family-services>

Discussion and Next Steps

- CWPD is happy to answer any questions and provide additional updates on our work upon request.

Appendix: Supports for Youth Leaving Care and Ready, Set, Go (RSG) Program Resources

For more information see:

- Supports for youth leaving care: [Support for youth in the child welfare system | ontario.ca](https://www.ontario.ca)
- RSG
 - [Policy Directive: CW 001-24 — Preparing Youth for Successful Transition from the Care of Children’s Aid Societies](#)
 - [Ready, Set, Go Guide \(EN\)](#)
 - [Ready, Set, Go Guide \(FR\)](#)
 - [Education Addendum \(EN\)](#)
 - [Education Addendum \(FR\)](#)
 - [Education Resource for Young People \(EN\)](#)
 - [Education Resource for Young People \(FR\)](#)
 - [Training and Employment Addendum \(EN\)](#)
 - [Training and Employment Addendum \(FR\)](#)
 - [Training and Employment Resource for Young People \(EN\)](#)
 - [Training and Employment Resource for Young People \(FR\)](#)
 - [Aftercare Benefits Initiative](#)
 - [Living and Learning Grant](#)