

Ministry of Children, Community and Social Services

Protection Services for 16- and 17-Year Olds

September 2021

Information for Youth-Serving Agencies

On January 1st, 2018 Ontario increased the age of protection to include all children under the age of 18 years. By increasing the age of protection, 16- and 17-year-olds who are in need of protection are eligible for the full range of child protection services, which gives them a better opportunity to get the support they need, and have better outcomes as they transition to adulthood.

A youth may be eligible for protection services if they are experiencing physical abuse, sexual abuse (including being trafficked), emotional abuse, neglect and/or abandonment, or if they are at risk of any of these things. Youth who have left home because of concerns about safety or risk of harm at home, and youth who are homeless, may be eligible for services from a children's aid society (society)¹. If you are concerned that a youth may be in need of protection, you can contact the society in your area. You can find your local society in your local telephone listings or, where available, by dialing 411. In some communities, societies may also be known as "family and children's services", "child and family services", or a "child and family services agency".

You can also find information about all of Ontario's societies at:

<http://www.children.gov.on.ca/htdocs/English/childrensaid/index.aspx>.

A Voluntary Youth Services Agreement (VYSA) is available for youth who:

- are aged 16 or 17;
- cannot be adequately protected at home or in their current living situation;
- have no other safe options with family or friends; and,
- need an out-of-home placement.

Societies and youth-serving community agencies are encouraged to work collaboratively to develop protocols and processes to support better services for 16- and 17-year old youth in need of protection.

¹ Children's Aid Societies (societies) are independent legal entities (non-profit corporations run by volunteer boards of directors or, a First Nation operating under the *Indian Act*), accountable to the communities they serve. Societies are designated under Section 34 of the *Child, Youth and Family Services Act* (CYFSA).

Reporting Suspicions that a Youth may be in Need of Protection

A person may make a report where they have a reasonable suspicion that a youth aged 16 or 17 is, or may be, in need of protection. The legislated duty to report will continue to apply in respect of children under 16.

A professional or member of the public who is concerned that a 16-or 17-year-old is, or may be, in need of protection may make a report to a society and the society is required to assess the reported information in accordance with the *Ontario Child Welfare Eligibility Spectrum*.²

Service Delivery to Youth who are 16-17

Societies provide protection services to youth to help keep them safe and provide support to their families. Societies begin their work after receiving a request or referral for service; this can come from the youth or from a concerned member of the community.

When a society receives a report, the *Ontario Child Protection Standards* (2016)³ will guide child protection workers at each phase of service delivery and is the mandatory framework for service to youth and families. The *Ontario Child Welfare Eligibility Spectrum* will be applied to determine the appropriate response and make decisions on the referral disposition and response time (in the case of an investigation).

If the information warrants an investigation, the society will want to hear from youth about their experiences and concerns to help them assess whether they are in need of protection and, if so, what services are appropriate for them. At the end of the investigation, the society will determine whether the youth is **in need of protection**, and determine what, if any, further intervention is required.

Where appropriate, societies will work with youth and their families (or if the youth isn't living with their family, in their current living situation) to improve things at home. This may include referrals to community services and programs that can help.

At any point of service, it may be determined that the youth is in need of protection and an **out-of-home placement** is required to secure the youth's safety. If an out-of-home placement is required to secure the youth's safety, the following options may be considered by the society in consultation with the youth:

- **Kinship Service** – if a member of the youth's family or community can care for the youth.
- **Customary Care** – for a First Nation, Inuk or Métis youth, a placement can be arranged according to the custom of the youth's band or First Nation, Inuit or Métis community.

² For more information about the *Ontario Child Welfare Eligibility Spectrum*, see: <http://www.oacas.org/publications-and-newsroom/professional-resources/eligibility-spectrum/>.

³ For more information about the *Ontario Child Protection Standards* (2016), see: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/protection-standards/index.aspx>.

- **Voluntary Youth Services Agreement (VYSA)** – youth may enter an agreement with a society for services and supports, including developing a plan and securing an appropriate living arrangement.
- **Temporary Care Agreement (TCA)** – a TCA is an option if the parent is temporarily unable to care adequately for the youth, and the parent and the society make a written agreement for the society's care and custody of the youth. Before entering a TCA with a youth, the society will consider whether a VYSA is appropriate.
- **Admission by Court Order** – this is an option to be used where less disruptive options are not available. In such situations, societies are required to offer the VYSA, and that VYSA must be refused by the youth prior to proceeding to court.

When a society determines that a youth is in need of protection and is considering a VYSA, a kinship service placement, a TCA, or seeking a court order to bring the youth into the society's care, a referral will be made to the **Office of the Children's Lawyer (OCL)**, who may provide legal representation to the youth.

If a youth enters a VYSA, or is admitted to society care, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs, is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

What is a Voluntary Youth Services Agreement (VYSA)?

A youth can enter an agreement with a society in the jurisdiction where the youth resides to receive services and supports, subject to the following eligibility criteria:

- the society has determined that the youth is or may be in need of protection;
- the society has determined that the youth cannot be adequately protected through any other means such as being cared for by a family member or someone in the youth's community; and,
- the youth wants to enter into the agreement.

When a youth enters a VYSA, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs and is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

A VYSA is a voluntary agreement and a youth can leave the agreement at any time. Where a VYSA has been terminated, the youth and the society may enter into a new VYSA at any time in the future as long as the youth meets the eligibility requirements, including a determination that the youth is or may be in need of protection.

What happens when a youth turns 18?

If a youth has a VYSA in place with a society on their 18th birthday they are eligible for the Continued Care and Support for Youth (CCSY) program. CCSY provides eligible youth with financial and non-financial supports (e.g. service from a society worker) from age 18 until their 21st birthday.

More information on services and supports available to youth leaving care can be found on the Ministry's website: <http://www.children.gov.on.ca/htdocs/English/childrensaid/leavingcare.aspx>

What about youth who are at risk of, is being or has been sexually exploited due to sex trafficking?

If a youth you know is being, has been, or is at risk of being sexually exploited due to trafficking, please call the [Canadian Human Trafficking Hotline](#) at **1-833-900-1010** to find resources in your area. You can also visit [Human trafficking services and supports | Ontario.ca](#), which provides a list of service providers dedicated to helping victims, survivors and those at risk. The website includes a list of community and Indigenous-led organizations that provide specialized services and supports to victims of human trafficking across the province.

Ontario also provides free legal support to survivors of human trafficking and those at-risk of being trafficked to get restraining orders against their traffickers.

There is a team of specialized lawyers to help survivors and potential victims get a restraining order by providing legal support, including:

- free, confidential legal advice
- help completing a restraining order application
- representation at application hearings in any Ontario Court of Justice

Youth can access this program, regardless of their age, and the trafficking does not need to have happened in Ontario to be eligible. This program is available to all eligible people, of any age in Ontario. Youth do not need to have a criminal case in progress in order to obtain a restraining order against their trafficker.

Restraining orders can be in place for up to three years or longer, and renewed if necessary. These orders are enforced by the police. This restraining order only applies to a trafficker who resides in Ontario.

To access this program, please call the Canadian Human Trafficking Hotline at **1-833-900-1010**.

Beginning on October 1, 2021, if a child protection worker or police officer believes that a youth who is 16 or 17 is in need of protection because they are being sexually exploited due to child sex trafficking, and if specific circumstances exist that would prevent the youth from making mature and independent decisions in their own safety (e.g., the youth has been physically harmed or threatened by their trafficker, the youth is dependent on alcohol or controlled substances), they may remove the youth from the situation and take them to another location. The youth cannot be held at another location for more than 12 hours, unless they choose to remain voluntarily. When the worker or officer takes the youth to another location, they will provide the youth with information about the services and supports that are available to them. One of those services will be the VYSA that is described above.

If the youth decides they are not interested in those supports and services at that time, the youth will be released. The child protection worker and police officer will work with the youth to identify the safest option possible for their release.

During this time, the youth will be provided with an opportunity to call an advocate or a trusted adult, if they wish to do so. The child protection worker will also discuss the option of legal support with the youth.

Supporting a Youth through Decision-making

In your role, you may be providing support to a youth who is making a significant decision about their care, or who is involved in a dispute with a society. Several supports are available to youth, including the OCL and the Ontario Ombudsman Office (OO). There are also Alternative Dispute Resolution and complaints processes available to assist in resolving disagreements between a youth and the society.

The Office of the Children's Lawyer (OCL)

If a society determines that a youth is in need of protection and an out-of-home placement is being considered, or if the youth is requesting an out-of-home placement, the society is required to make a referral on behalf of the youth to the OCL. The youth will have the opportunity to consult with an OCL lawyer, who may provide advice to the youth about the options that are available, as well as legal representation if the youth is entering a VYSA.

If a youth is in a VYSA and a termination notice is received or issued by a society, the society is also required to notify the OCL of the plan to terminate the agreement, and the youth will have the option to access the OCL respecting the termination.

Youth can contact the OCL by calling (416) 314-8000 or at: <https://www.ontario.ca/page/office-childrens-lawyer>.

The Ontario Ombudsman

The Ontario Ombudsman's mandate includes resolving and investigating complaints about children's aid societies and children and youth in residential care.

You can contact the OO by calling 1-800-263-2841 or visiting their website at <https://www.ombudsman.on.ca/what-we-do/topics/children-youth>

Alternative Dispute Resolution (ADR)

If a youth is working with a society, the society is required to inform the youth about options to resolve any issue related to the plan for the youth, including access to Alternative Dispute Resolution (ADR).

ADR is an approach to resolving disagreements between a youth and a society. This approach encourages the involvement and support of the family and extended family, where appropriate, and community, in planning and decision-making for the youth. ADR focuses on bringing the right people together to work out the best plan for the youth.

If you are working with a youth, and you think ADR will help or the youth is interested in obtaining information about ADR, the youth can discuss ADR with their society or the OCL. Indigenous Approaches to ADR, which have been established by First Nations communities or Indigenous organizations, are also available.

Complaints Processes

Societies are required to inform youth about options to resolve any issue related to the plan for their care, in a manner that the youth can understand. This includes information about the complaints procedure and providing the youth with written information about the complaints process. Complaints procedures include:

- Contacting the society directly. All societies must have a complaint review process. You can learn more about this process at:
<http://www.children.gov.on.ca/htdocs/English/childrensaidsocieties/ocascomplaint.aspx#CAS>
- Contacting the Ontario Ombudsman
- Contacting the Child and Family Services Review Board. This independent body can review some complaints or society decisions. The board can be reached at 1-888-777-3616 or (416) 327-0111 or through its website: <https://tribunalsontario.ca/cfsrb/>

How can you get more information?

For more information on any of the items noted above, please refer to the Ministry of Children, Community and Social Services website:

<http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/societies/index.aspx>.