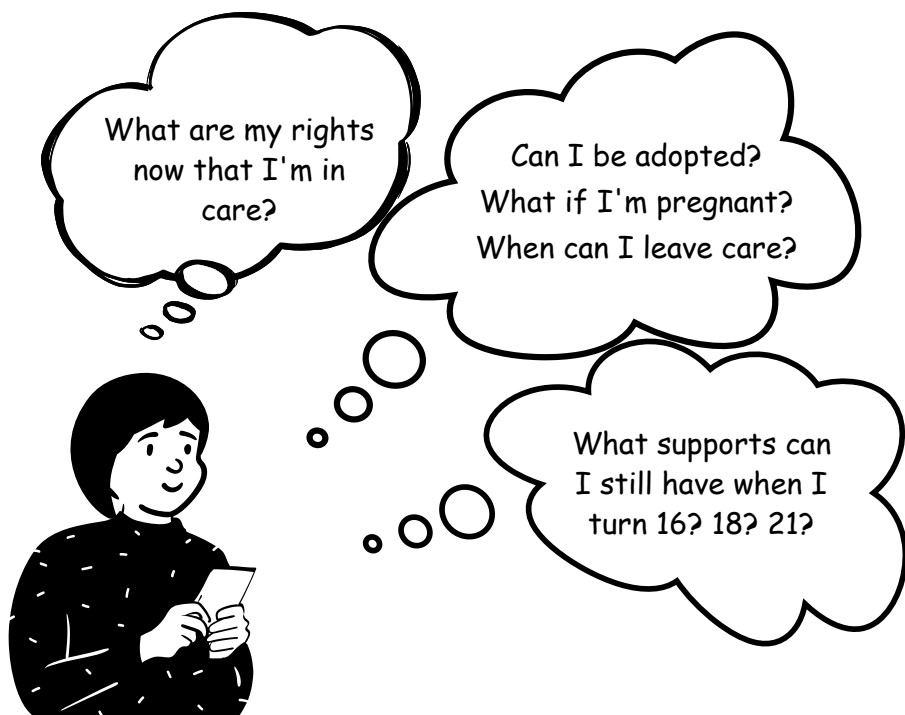


Being in the Care of a Society or Agency



JFCY's Child Welfare and Leaving Home guides:

Going
into
Care

Being
in
Care

Leaving
Home

Voluntary
Youth Service
Agreements
(VYSAs)

Ready,
Set, Go
(RSG)
Program



This pamphlet gives
general legal information for
young people in Ontario

Speak to a lawyer if you have
questions about your specific
situation

**Justice for Children and Youth (JFCY)
provides free and confidential legal
services to young people in Ontario**

If you are under 18 and have a legal question or
problem, call JFCY toll free: 1-866-999-5329 (JFCY)

JFCY also has specialized services:



Your Way Forward (YWF) for
young people who have been
victimized by sexual and/or
family violence



Street Youth Legal Services
(SYLS) for youth under 25 who
are experiencing homelessness

This guide provides information to **young people** about **their rights** after they have been **brought into the care** of a Children's Aid Society (**CAS**) or a First Nations Child and Family Agency (**Agency**) in **Ontario**.

Topics:

- Rights in residential placement
- Adoption and openness orders
- Being pregnant
- Leaving before 18
- Continued supports after 18

Rights of
First Nations,
Inuit and
Métis youth



PART 1: YOUR RIGHTS IN CARE

RESIDENTIAL PLACEMENT



What is a Residential Placement?

A residential placement is a foster home, group home or other place for young people to live and get the care and treatment that they may need. In some cases, a family member can also be a foster parent. In a residential placement you will be looked after by foster parents or staff.

What if I identify as First Nations, Inuk or Métis?

If you identify as First Nations, Inuit and Métis, all decisions must support and maintain your culture, heritage, traditions, connection to community and concept of extended family.



What are my rights when I am in a residential placement?

You have a right to take part in making important decisions about your care including your healthcare, education, religion, and transfer to another residence. If you have concerns, you have the right to raise those concerns and have your voice heard. You will have a plan of care that outlines how you will be cared for in a safe and healthy way.

You also have the right to:

- Visit or speak with your family members and lawyer in private, except when there is a court order which says otherwise
- Reasonable privacy (eg. to send and receive mail) and to your personal property
- Nutritious food, medical care, clothing and access to physical and recreational activities
- Not be punished physically

CAS:
Children's
Aid Society

Agency:
First Nation
Child and
Family
Service
Agency

PART 1: YOUR RIGHTS IN CARE

COMPLAINTS



I am not happy in my placement, what can I do?

You should speak to your worker for information about making a complaint. If you are refused this information, you can call Justice for Children and Youth.

Can I change where I am placed?

You can ask to have your placement reviewed. A group of people, called the Residential Placement Advisory Committee (RPAC) will listen to your case and make recommendations as to whether or not your placement is suitable.

If you are not happy with the recommendations, you have the right to a second review before the Child and Family Services Review Board (CFSRB). The CFSRB decision makers have the power to transfer you, end your placement, or leave you in your present placement.

REVIEWS BY A RESIDENTIAL PLACEMENT ADVISORY COMMITTEE (RPAC)



The next sections of this guide covers:

- Adoption and openness orders
- Being pregnant
- Leaving before 18
- Extended care after 18

PART 2: OPENNESS ORDERS & ADOPTIONS

ADOPTION



What does it mean if I'm adopted?

If you are adopted, the adult adopting you becomes your legal parent/caregiver and you will no longer be in extended society care. If you are 7 or older, your consent is required for you to be adopted.

OPENNESS ORDERS



Will I see my other family members if I'm adopted?

You might. The judge can make an "openness order" which allows you to keep in contact with specific people, such as your birth parents/caregivers and siblings. Any person who has a right of "access," including you, can ask for an openness order to continue to visit with you after you are adopted.

If you are going to be adopted, the CAS/Agency will give notice to everyone with visitation rights; and also to the Office of the Children's Lawyer (OCL) to appoint a lawyer for you. If you are over 12, you will also be given notice.

In making an openness order, the judge will consider if it is in your best interests; and it will continue a relationship that is meaningful and beneficial to you. If you are over 12, your consent is required.



If you are First Nations, Inuk or Métis: before you can be adopted, a notice must also be provided to the Indigenous communities you identify with, to allow them to apply for an openness order to ensure you develop or maintain a connection with your community, culture, heritage and traditions.

PART 3: BEING PREGNANT

PRIVACY



Do I have to tell my CAS/Agency worker that I am pregnant?

You do not have to tell anyone that you are pregnant. If you want to end the pregnancy, you can talk to a healthcare worker about your options. They are not allowed to tell anyone about your pregnancy or about any decision you make without your consent.

CAS / AGENCY ROLE



Will the CAS/Agency take my baby away?

The CAS/Agency is responsible for making sure that all children are taken care of properly, including your baby. Your baby may be taken away if the worker thinks that the baby is being harmed or neglected by you or someone else in your life, or might be harmed in the future. CAS/Agency may also take your baby if you are not meeting your baby's needs. Examples:

- Physical, emotional or sexual harm
- Not enough food, or clothing, or shelter
- Not getting medical treatment that the baby needs

The CAS/Agency will only decide whether your baby is at risk in your care *after* your baby is born. The CAS/Agency cannot make any final decisions while you are pregnant.

THINGS TO CONSIDER DOING



What can I do to keep my baby?

Talk to your worker, they can help you find the best programs and resources to prepare for your baby's arrival. Some ways to show that you have the ability to care for a baby:

- Going to your medical appointments while you are pregnant
- Attending a parenting course
- Reading about taking care of a baby, including bonding with your baby

PART 3: BEING PREGNANT

THINGS TO CONSIDER DOING (CONTINUED)



- Getting things ready for your baby before s/he is born, eg. diapers, a crib, clothes, blankets
- Finding a supportive community such as parents, caregivers, or other adults who you can rely on and ask for help if you need it
- Taking steps to ensure you have a safe place to live and the home is safe for the baby

The CAS/Agency cannot take your baby from your care without your consent or without a court order. Talk to a lawyer if the CAS/Agency asks you to sign papers or for you to agree that your baby will live somewhere else.

Will the CAS/Agency help me take care of my baby?

If you are in Extended or Interim Society Care, the CAS/Agency has a responsibility to help you in all areas of your life. This includes helping you to build the skills and get the resources to take care of your baby. Talk to your worker about the things you need or want to prepare for your baby's arrival or to take care of your baby. If your worker is not helping you, contact a lawyer immediately.

ASK FOR SUPPORT



LIVING OPTIONS



What about where I live?

After you become pregnant, the CAS/Agency may suggest that you move into a special home for girls who are pregnant. These homes usually have special services to help you prepare for your baby and to take care of your baby after the birth.

The staff in these homes will try to help you and they may also tell CAS/Agency whether you are doing a good job of taking care of your baby. After your baby is born and you have shown CAS/Agency that you can take care of your baby, CAS/Agency may suggest that you move into independent living or semi-independent living - *see next section.*

PART 4: LEAVING BEFORE 18

LIVING OPTIONS, (CONTINUED)



When can I leave my foster home or group home?

If you are at least 16 years old, there are two other possible housing options:

- Independent living
- Semi-independent living
- Voluntary Youth Services Agreement (VYSA) (more on page 10)

These options are not available in every case. Talk to your CAS/Agency worker or a lawyer to see if these options are available in your case.

What is independent living?

Independent living is when you live completely by yourself. The CAS/Agency will give you money to pay your bills and to buy things that you need, eg. rent, food, transportation, clothing, and other special items that you may need.

What is semi-independent living?

Semi-independent living is similar to independent living, but instead of living completely by yourself, you will live in a place where you still have access to some adult support if you need or want it. Eg. you might live on your own in an apartment building that also has some offices for adults who can help you with things like budgeting, finding work, and building life skills.

Will the CAS/Agency still help me?

Yes. You may be asked to sign an agreement about how the money will be used and about the things you should be doing with your time, such as going to school or attending certain programs on your own. The amount of money they give you will depend on where you live and the CAS/Agency policies.

PART 4: LEAVING BEFORE 18

RPAC: RESIDENTIAL PLACEMENT ADVISORY COMMITTEE



What if the CAS/Agency won't let me move into independent or semi-independent living?

If you are not happy with the place you are living or if the CAS/Agency is not responding to your request for independent or semi-independent living, you can ask for a Residential Placement Advisory Committee (RPAC) to review your situation.

The RPAC can suggest a different place for you to live. If you don't like what the RPAC says, or if the CAS/Agency does not do what the RPAC says, you can apply to the Child and Family Services Review Board (CFSRB) to make a different decision. If you want to do this, you should ask the Office of the Children's Lawyer (OCL) or JFCY for help.

Can I leave CAS/Agency care entirely?

If you are in Interim or Extended Society Care and you are 16 years or older, you can ask a judge to end the order putting you into care.

You would then be an independent minor and not be involved with the CAS/Agency anymore. If you are thinking about this option, you should talk to a lawyer.

In some cases, you or the CAS/Agency can ask a judge to end the order putting you in care so that you can continue to receive the CAS/Agency's support under a VYSA.

Talk to a lawyer about your options, and whether a VYSA or Extended Society Care Order is right for you.

LEAVING CARE



PART 5: CONTINUED SUPPORTS

CONTINUED SUPPORT

VYSA FOR YOUTH 16 - 17



RSG PROGRAM FOR YOUTH 18-22



What types of support can I have from the CAS/Agency after I leave care?

There are two main types of support you can have after you leave CAS/Agency care:

1. Voluntary Youth Service Agreement (VYSA) for youth 16-17.

If you enter into a VYSA, a **Voluntary Youth Services Plan** must be created within 30 days of signing the VYSA. This plan will include finding you a place to live and provide other supports, such as financial and social supports, planning for post secondary education, transitioning into adulthood, and assisting with developing and/or maintaining cultural connections.

2. Ready, Set, Go (RSG) program for youth 18-24.

The RSG program is available for young adults who are 18-22 years old. To qualify, you must have been in the care of a CAS/Agency, or on a VYSA, when you turned 18.

The RSG program includes financial and other supports to assist you in living on your own. This includes transition planning, ensuring you have all your identification, and have developed the necessary life skills to live independently. If you choose to not participate in the RSG program, you can change your mind and participate again at any time before you turn 23.

For more information, see our two other guides:

- **Voluntary Youth Service Agreements (VYSA's)**
- **Ready, Set, Go (RSG) Program**

FOR HELP FINDING A LAWYER:

Justice for Children and Youth:

1-866-999-5329 www.jfcy.org

OTHER SERVICES:

Kids Help Phone: Phone and online support

1-800-668-6868 www.kidshelpphone.ca

211 Ontario:

www.211ontario.ca (dial 211 from any phone)

My CAS worker's name & phone #:

My OCL lawyer's name & phone #:

Other info:



This publication is also available in French upon request.
Cette publication est également disponible en français sur demande.

April 2024