

**MINISTER'S ADVISORY COMMITTEE**  
for the  
***CHILD, YOUTH and FAMILY SERVICES ACT***

**ANNUAL PERFORMANCE REPORT**  
**2009-2010**

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## MESSAGE FROM THE CHAIRPERSON

Pursuant to the *Transparency and Accountability Act*, the Minister's Advisory Committee (MAC) will report as a Category Three government entity. I am pleased to provide the Annual Performance Report for the Minister's Advisory Committee for the fiscal year, April 2009 – March 2010. MAC is a legislated committee under Section 75 of the *Child, Youth and Family Services (CYFS) Act*. This committee is appointed by the Minister and is responsible to review the operations of the *Act* and report to the Minister on whether, in its opinion, the principles and purpose are being achieved.

In April 2009, responsibility for the administration of the CYFS Act transferred from the Department of Health and Community Services to the newly appointed Department of Child, Youth and Family Services.

This Annual Performance Report builds on the work outlined in the 2008-2009 Annual Performance Report, and reports on second year of the 2008-2011 Activity Plan. The report also provides an overview of the MAC during the past fiscal year and identifies accomplishments and activities for this reporting period. My signature below is indicative of the committee's accountability for the preparation of this report and the achievement of results and any variances.

Sincerely,



Des Dillon  
Chairperson  
Minister's Advisory Committee

## 1.0 Government Entity Overview

On January 5, 2000, the *Child, Youth and Family Services Act (CYFS Act)* was proclaimed. Accountability for interventions under the new *Act* is provided through a number of statutory provisions. One of these accountability statutes is Section 75 of the *Child, Youth and Family Services Act* which provides for the establishment of a Minister's Advisory Committee.

Pursuant to the *Transparency and Accountability Act*, MAC reports as a Category Three government entity. This is the second committee appointed under the legislation to conduct the review of the operations of the *CYFS Act*. The work of the first committee concluded on December 5, 2005 with the tabling of the final report into the House of Assembly by the Minister.

The committee met, as required, and held a total of six meetings during the fiscal year. The committee was not required to have an audited financial statement. The Department of Child, Youth and Family Services (DCYFS) covered travel and other associated costs for the work of this committee.

### A) Expenditures

The following outlines the expenditures for activities in 2009-10:

Travel	\$4953
Supplies	\$487
Professional Services	
Purchased Services	\$170
<b>Total:</b>	<b>\$5610</b>

In addition to these expenditures, the MAC was supported by a program consultant at the DCYFS. This consultant has other program responsibilities, and was available to the committee, as required, to organize and support their activities and reporting requirements. Support to the MAC was ongoing and the requirement of the consultant's time varied depending on the demands of the committee and the point in their reporting cycle.

## B) Committee Membership



In photo from left to right, front row: Karen Mitchell, Michelle Sullivan  
Back row: Des Dillon, Brian Lyall, Ivy Burt

Representation on this advisory committee is appointed in accordance with Section 75 (2) of the Act. The MAC had representation from across the province and was comprised of a maximum of 10 individuals, who have a particular interest and expertise in children's issues. Membership for this reporting period was as follows:

Des Dillon	Chair; appointed under Section 75 (2) (f) and as a community representative
Ivy Burt	appointed under Section 75(2) (c) as a representative of the Minister
Brian Lyall	appointed under Section 75(2) (e) as a representative from a cultural minority
Karen Mitchell	appointed under Section 75(2) (a) as a consumer representative
Michelle Sullivan	appointed under Section 75(2) (f) as a community representative who was from Memorial University's School of Social Work
Vacant	appointed under Section 75(2) (b) as the representative from a health board
Vacant	appointed under Section 75 (2) (d) as the legal aid lawyer representative

Vacant	There is currently one (1) vacancy under Section 75(2) as a community representative
Vacant	There is currently one (1) vacancy under Section 75(2) (a) for a consumer representative.
Vacant	There is currently one (1) vacancy under Section 75(2) (e) for a person representing a cultural, linguistic or racial minority group.

The committee experienced challenges filling some positions and have operated with a membership of five since December 2008. No new members were recruited in the 2009-2010 fiscal year, as it was anticipated that the committee's work would end with the submission of the final report to the Minister in December 2009.

### **C) Mandate**

In accordance with Section 75 (1) of the *CYFS Act*, the following mandate has been set out for the Minister's Advisory Committee.

"The Minister shall establish an advisory committee whose function is to review every two years, the operations of this Act and to report to the Minister concerning its operation and stating whether, in its opinion, the principles and purpose of the Act are being achieved."

As previously stated, In April 2009, responsibility for the administration of the *CYFS Act* transferred from the Department of Health and Community Services to the newly appointed Department of Child, Youth and Family Services. References to the Department of Health in this report reflect that the former department was responsible for the administration of the *Act* when the MAC three year activity plan was developed.

### **D) Primary Clients**

The primary client of the Minister's Advisory Committee is the Minister of Child, Youth and Family Services in accordance with Section 75 of the *CYFS Act*.

### **E) Vision**

The vision of the Minister's Advisory Committee is:

All children are healthy, valued and respected and families and communities are supported to create safe, nurturing environments.

The MAC also supported the vision of the Department of Health and Community Services.

## **F) Values**

Our central philosophy is to promote the safety, health and well-being of children, youth & families with the best interest of the child being paramount. The core values of the MAC are founded in the general principles defined in Section 7 of *The CYFS Act*. These principles are as follows:

- the overriding and paramount consideration in any decision made under this Act shall be the best interests of the child
- every child is entitled to be assured of personal safety, health and well-being
- the family is the basic unit of society responsible for the safety, health and well-being of the child
- the community has a responsibility to support the safety, health and well-being of a child and may require assistance in fulfilling this responsibility
- prevention activities are integral to the promotion of the safety, health and well-being of a child
- kinship ties are integral to a child's self-development and growth and if a child's safety, health and well-being cannot be assured in the context of the family, the extended family shall be encouraged to care for the child provided that a director can be assured that the child's safety, health and well-being will not be at risk
- the cultural heritage of a child shall be respected and connections with a child's cultural heritage shall be preserved
- in the absence of evidence to the contrary, there shall be a presumption that a child 12 years of age or over is capable of forming and expressing an opinion regarding his or her care and custody.

The MAC will demonstrate these guiding principles through the following core values:

Integrity	We are committed to ensuring recommendations that are based on review processes, findings and evidence.
Collaboration	We are committed to making every effort to create opportunities for input and participation of individuals, groups, organizations and communities in the review process.

Privacy

We are committed to ensuring that sensitive information is held in confidence and is shared only with those who need to know and is treated with care and responsibility.

## **G) Mission**

As referenced in the activity plan, as a Category Three government entity, the MAC had the option of adopting the mission of the Department of Health and Community Services (and now the DCYFS) or developing its own. The Committee determined that neither of those options was appropriate at the time because the legislated mandate outlines the mission of the committee. The mission statement in the 2007-2008 transitional activity plan was reviewed and deemed redundant with the mandate. For that reason, the MAC has decided not to adopt the mission of that activity plan.

## **2.0 Shared Commitments**

The Minister's Advisory Committee valued the support of the Department of Child, Youth and Family Services in fulfilling its legislative mandate.

- The operational review process and the achievement of the committee's vision would not be possible without the valuable input of numerous individuals and groups including provincial and regional CYFS staff and other government departments. The committee also gained valuable insight from the review and comparison of reports relating to CYFS programs in the province completed since the tabling of the MAC report in 2005, including:
  - Turner Review and Investigation Report (October 2006);
  - Deloitte Organizational and Operational Review of Child, Youth and Family Services. (March 2007);
  - Children in Care in Newfoundland and Labrador Report; (September 2008); and
  - Child, Youth and Family Services Clinical Services Review (December 2008).

## **3.0 Highlights and Accomplishments**

The Committee held six meetings during the fiscal year to work on the 2009-2010 Annual Performance Report indicators and completed the second report on the operations of the *CYFS Act* for presentation to the Minister.



## 4.0 Report on Performance

### Issue

The initial Minister's Advisory Committee was established in September 2002 and completed a review of the operations of *The CYFS Act* and presented the report in December 2005. The second Minister's Advisory Committee was appointed in April 2006 and has responsibility for preparing a final report, which was originally due by March 31, 2009. Due to other Divisional priorities and initiatives in 2008-2009, the date changed to December 2009. However, the Information gathering activities and accompanying analysis undertaken by the committee to complete the report took longer than anticipated. Consequently, the report due date was changed, and the final report was submitted to the Minister on March 31, 2010.

The objectives outlined in the MAC 2009-2010 Annual Performance Report supports the Department's focus on service excellence and accountability as the MAC is an accountability provision under the *CYFS Act*. The committee reports on the operations of the legislation and reports to the Minister on whether, in its opinion, the principles and purpose of the *Act* are being achieved.

### A) Objective

Objective 2: By March 31, 2010 the MAC will have put processes in place to prepare itself to advise the Minister concerning the operations of the *Act* and whether its principles and purpose are being achieved.

Measure: Outline for process submitted to the Minister.

Planned Indicator	Actual Accomplishment
Processes implemented to further the work of the committee	<p><b>The committee decided to meet its mandate by using available information to evaluate the progress on the MAC 2005 recommendations and to highlight critical areas of ongoing focus for the new Department.</b></p> <p><b>A meeting schedule was implemented to further the work of the committee. Six meetings were held over the past year to review existing data on file and to determine what additional information would be required to</b></p>

<p>Submission of final 2009 report to the Minister</p>	<p>deliver the final report.</p> <p>Information gathering activities were then undertaken to complete the report. Information obtained and reviewed included: the MAC 2005 report, the <i>CYFS Act</i>, organizational structure and service delivery models across the RHAs, CYFS regional and provincial initiatives, provincial consultation sessions held with front line child protection staff, and qualitative and quantitative data from the RHAs and the Departments of Health; Education; Justice; and Human Resources, Labor and Employment.</p> <p>The committee also completed a cross comparison and review of reports relating to the CYFS program since the tabling of the MAC report in 2005.</p> <p>The committee's final report was submitted to the Minister on March 31, 2010 and contained 30 recommendations aimed at ensuring that the principles and purpose of the <i>Act</i> are achieved.</p>
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## B) Indicator Development for the 2010- 2011

As previously indicated, the second Minister's Advisory Committee's work concluded with the submission of its report to the Minister on March 31, 2010. Indicators have not been developed for 2010-2011 fiscal year as a third Minister's Advisory Committee has not been appointed.

The Department is planning to enact a new piece of child protection legislation entitled the *Children and Youth Care and Protection (CYCP) Act*, which received royal assent on, June 24, 2010. It is expected to be proclaimed within one calendar year. *The CYCP Act* will replace the current *Child, Youth and Family Services (CYFS) Act*, which has governed the administration of provincial child protection services since 2000.

The accountability provisions in the *CYCP Act* have been updated and do not include a provision for the appointment of a Minister's Advisory Committee to review the operations the *Act*. In anticipation of the proclamation of the *CYCP Act*, and given that appointments to the MAC are for a three year term, it was determined that there is insufficient time to recruit and appoint a third committee to fulfill its legislative mandate.

The provision for the appointment of a MAC was replaced with the requirement for a statutory review of the *Act* every five years, in addition to other internal accountability provisions. The review will be conducted by the Minister and encompass the principles on which the *Act* is based and consideration of areas which may be improved.