

# A Critical Analysis of the Children and Family Services Act:

*A Call for Reform to Better  
Serve Children, Youth &  
Families in Nova Scotia*



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## Who We Are

The Nova Scotia College of Social Workers (NSCSW) exists to serve and protect Nova Scotians by effectively regulating the profession of social work. We work in solidarity with Nova Scotians to advocate for policies that improve social conditions, challenge injustice, and value diversity.

Learn more about the College at [nscsw.org/about](https://nscsw.org/about).

## Land Acknowledgement

The NSCSW is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq, whose inherent rights were recognized in the Peace and Friendship Treaties that were signed from 1725 to 1779. This series of treaties did not surrender Indigenous land, resources or sovereignty to the British Empire, but instead established rules for an ongoing relationship between nations. The treaties were later reaffirmed by Canada in Section 35 of the Constitution Act, 1982, and remain active to this day. The NSCSW joins our members and our communities in the labour of reconciliation, and we are grateful to live and work together as treaty people in Mi'kma'ki.

## Reparations

The College firmly recognizes that reparations are both a moral and material obligation to atone for the deep-rooted history of anti-Black racism within Nova Scotia and the broader Canadian context, which has led to human rights violations and crimes committed to people of African descent. We are unequivocally committed to engaging with our members in proactive efforts toward reparations for the historical enslavement of peoples of African descent and addressing the systemic disenfranchisement faced by African Nova Scotian communities.

# EXECUTIVE SUMMARY

This document provides a thorough critical analysis of the Children and Family Services Act (CFSA) in Nova Scotia. The primary goal of this analysis is to enhance the quality and effectiveness of the programs and services the CFSA regulates for children, youth, and families.

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The Children and Family Services Act legislates services to children and their families, the protection of children, and adoption. The CFSA is pivotal legislation aimed at protecting children from harm, safeguarding children's rights, and promoting family preservation. While effort has been made by the Department of Opportunities and Social Development (DOSD), formerly known as Department of Community Services (DCS), to transform programs and services for vulnerable children and their families in this province, recent research, data, and public consultations indicate that **to achieve the goals and objectives set out in the preamble of the Act, significant reform and new funding is required.**

The literature identifies that key principles such as **prevention, early intervention, and family preservation are crucial but are hindered by a lack of necessary resources** (Dougherty-Cunningham, 2018). The Nova Scotia Home for Colored Children Restorative Inquiry has highlighted the need for sufficient services to be provided by the province to foster well-being, including building strong relationships and spiritual/cultural connections (Council of Parties, 2019). The reality is transformational change is ever more challenging in a province such as Nova Scotia where high poverty rates and adverse social determinants of health have been linked with negative childhood outcomes (Frank et al., 2023; Bellis et al., 2019).

A consultation report conducted by Wisdom2Action on behalf of the NSCSW has highlighted the need for effective strategies to bolster child and family welfare given the current socio-economic and political conditions. The report stresses the urgent necessity for improved preventive measures that foster physical and mental health, which are essential in empowering families and avoiding family separations (Wisdom2Action, 2023).

Another report conducted by the Canadian Centre for Policy Alternatives examined the challenges faced by child protection social workers in Nova Scotia's Department of Community Services, highlighting issues such as excessive caseloads, understaffing, inadequate resources, insufficient training, and moral distress. Through interviews with 15 social workers, the report sheds light on their experiences, commitment, and the systemic barriers they face in delivering socially just care. It underscores the need for comprehensive policy reforms, attention to intersecting issues like poverty and housing, and amplifying the voices of children and families within the system to ensure meaningful, ethical, and effective support.

Despite its stated good intentions, the amended Act's presumption of harm provisions have disproportionately increased surveillance on vulnerable families, exacerbating their marginalization rather than providing support. While the amended Act was meant to be prevention-focused, the reality is that—absent the sustained financial investment or systemic capacity required to make prevention and early intervention meaningful—the result has been mandated interventions. Without dedicated meaningful resources for child, youth and family well-being, **this legislation creates a reactive system that prioritizes protection over support**, penalizing families already struggling under systemic inequalities.

The expanded duty-to-report provisions under Section 24 have contributed to the current crisis by flooding the system with reports—most of which are unsubstantiated—resulting in unmanageable workloads for social workers and unrealistic expectations for intervention. This raises critical questions about whether the system's intent is truly to protect children or to monitor families under the guise of care. Without a fundamental redefinition of neglect in Section 3(1) to address systemic factors like poverty or housing insecurity, and without embedding child rights-based language throughout the Act, these issues will persist. It's not enough to aspire to children's welfare—our current social safety net needs to ensure meaningful access to food, education, healthcare, freedom of religion, and even leisure, supported by resources, rights, and advocacy.

Within the DOSD, workforce conditions are at a crucial state. Social workers are drowning under bloated caseloads, outdated standards, and inadequate training, leading to unprecedented levels of moral injury and attrition. **A staggering 124 social workers exited their roles in 2022-2023 alone.** This hemorrhaging of front-line practitioners reflects a system actively eroding its capacity to care. Technology and mandatory data collection frameworks must be robustly funded and implemented to forge accountability, and evaluate interventions to ensure measurable outcomes for children and families.

Despite the Truth and Reconciliation Commission and the Missing and Murdered Indigenous Women and Girls report clearly outlining necessary action, implementation has stalled. **Indigenous children remain disproportionately pulled from their communities and placed in care outside of First Nations community context.** This colonial legacy of separation continues unchecked. We owe Indigenous children and families culturally aligned resources, investigations free from racial bias, and prioritization of placements within their communities—all grounded in the education of social workers about the historical and ongoing impacts of residential schools.

Findings from a public consultation process, conducted by Wisdom2Action, consistently referenced the need to improve service delivery and recommended transforming the current governance structure. The consultation report sets out the need to establish an Office of Child & Family Well-being with a dedicated Minister and "Chief Officer" role, the importance of regulating all professionals within the new structure establishing an interdepartmental working group, allowing community partners to advocate without fear of repercussions, and allocating core funding for services and supports (Wisdom2Action, 2023).

Transparency and accountability are critical for any government organization. As such, a continuous independent evaluation of programs and services, direct engagement with community members, public reporting of assessment results, and standardized metrics to measure program success should be implemented.

We believe these recommended reforms will better uphold the Declaration on the Rights of the Child and ensure that Nova Scotia's CFSA truly serves the best interests of all children, youth, and families.

# INTRODUCTION

The Children and Family Services Act is a significant piece of legislation intended to protect young people from harm and bolster the health and well-being of families and communities across Nova Scotia.

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The history of child protection legislation and its evolution in Nova Scotia starts with the 1882 *Prevention and Punishment of Wrongs to Children Act*. This act marked the state's initial authority to intervene in child maltreatment cases, extending protections similar to those for animals to children. It defined maltreatment broadly, including physical harm, neglect, and activities leading to an "idle or dissolute life," which allowed for state intervention based on social norms.

The early child welfare system often targeted low-income, working-class, Indigenous, and Black families, using child protection as a disciplinary tool rather than solely for harm mitigation. This led to intergenerational trauma and marginalization, particularly among Indigenous and Black communities.

In the mid-20th century, Canada expanded social welfare systems, including child welfare, focusing on preventive measures to keep children in their homes. However, systemic inequalities persisted, with Indigenous families disproportionately affected by child welfare interventions, echoing the colonial practices of residential schools.

The rise of neoliberalism in the late 20th century led to reduced social welfare resources, increasing child poverty and insecurity in Nova Scotia. Child protection services shifted focus from supporting families to assessing and managing risk, often blaming parents for systemic issues like poverty and unstable housing. This risk-based approach emphasized standardized assessments and mandated programs, which critics argue are more about state liability than genuinely helping families.

The Children and Family Services Act (CFSA) of 1990/91 in Nova Scotia replaced an earlier Children's Services Act, establishing a risk-based approach to child welfare. This Act required objective evidence of harm, such as risk assessments, to justify state intervention, focusing on physical harm, sexual and emotional abuse, exposure to violence, and neglect. It emphasized psychological and psychiatric evaluations, often overlooking the socio-economic conditions affecting families.

The CFSA aimed for minimal intervention, advocating for high support with cautious involvement. However, resource cuts in 1992 hindered the realization of these objectives. The Act remained largely unchanged until 2017, when amendments expanded the definition of children needing protection, increased case management demands, and removed oversight bodies, reducing

accountability and complicating service provision. These changes were criticized for increasing complexity and challenges, particularly for rural and low-income families, and for limiting community input in legislative processes.

Given the far-reaching impacts on our vulnerable population, the NSCSW has undertaken a comprehensive review of the Act. This review incorporates findings from consultations conducted by Wisdom2Action for the NSCSW's report on *Building an Ecosystem for Child and Family Well-being*, the Canadian Centre for Policy Alternatives report *Contradictions in Care and Social Policy Framework*, the Restorative Inquiry Into the Home for Coloured Children report, the Truth and Reconciliation Commission publications, the Missing and Murdered Indigenous Women and Girls report, and the *Turning the Tide* report from the Mass Casualty Commission. We also included information obtained through a Freedom of Information request, to answer the questions asked by the Department of Opportunities & Social Development.

# PREVENTION, EARLY INTERVENTION & FAMILY PRESERVATION

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The crucial principles of prevention, early intervention, and family preservation rely on a society's ability to equip communities with the necessary resources to realize children's rights (Dougherty-Cunningham, 2018). These principles emphasize the importance of addressing the social determinants of health, which are conditions in the environments where people live, learn, work, and play that affect a broad range of health and quality-of-life outcomes (World Health Organization, 2003). By integrating support for social determinants of health into policy and practice, we can foster environments where children and families flourish. This strategy not only assists in averting negative situations but also empowers communities to intervene early and preserve families, ultimately promoting societal well-being and health (Ryan, & Schuerman, 2004, Metzler, et al.2007).

The Nova Scotia Home for Colored Children Restorative Inquiry emphasized shared accountability for outcomes that are significant for young people and their families. The inquiry highlighted that safety and well-being are interconnected, citing a model of well-being from the New Zealand government to detail specific outcomes that should be considered (Council of Parties, 2019). The early intervention and prevention programs currently provided and funded by the province facilitate some programs outlined in the framework, including strong positive relationships, spiritual and cultural connections, meeting and supporting developmental needs, education, behaviour, life skills, self-care skills, emotional resilience, and supportive social and peer groups (Wisdom2Action, 2023).

Physical and mental wellness, safety, housing, and food are fundamental rights, yet systemic gaps continue to deny these necessities to many families. Maslow's hierarchy of needs underscores that **unless physiological and safety needs are met, emotional well-being and growth are impossible**. Still, entrenched inequalities and inadequate policies leave children and families trapped without these basics. This neglect perpetuates poverty and insecurity, causing lasting harm while systems prioritize cost-cutting over meaningful support for those most in need. (NSCSW, 2021).

According to the Market Basket Measure of poverty, **Nova Scotia holds the highest poverty rate in Canada**. It also has the third-highest child poverty rate, with one in every four children living in poverty (Frank et al., 2023). While poverty does not directly cause child abuse or neglect, there is a clear correlation between family socio-economic circumstances and the prevalence of such incidents (Bywaters et al., 2016). This connection can manifest through direct effects like financial hardship, or indirect effects such as parental stress and neighbourhood conditions

Socio-economic disadvantages can function as acute or chronic factors. The effects of poverty, both direct and indirect, often interact with other elements affecting parenting, thereby altering the likelihood of child abuse and neglect. These elements include parenting capacity, family investment capacity, adult behaviours, and external neighbourhood factors (Bywaters et al., 2016). These relationships between poverty and other contributory factors are intricate and often cyclical, for instance, the interplay between poverty and mental illness.

Research supports the notion that increased poverty increases the risk of child abuse and neglect. Studies have shown that increasing the income of impoverished families significantly reduces child neglect and abuse rates (Gubits et al., 2015; Bywaters et al., 2016). Poverty also correlates with adverse childhood experiences, leading to negative educational, health, and mental health outcomes (Bellis et al., 2019; Kagi & Regala, 2012).

## Foundations for Child and Family Well-Being: Support, Advocacy, and Prevention

### CFSA preamble

The preamble of the amended Children and Family Services Act provides a strong foundation for child and family well-being, emphasizing the rights and welfare of children and the importance of family integrity. These sections should be retained and built upon as it underscores the need for preventive services and the promotion of child rights.

The preamble underscores the family as the core of society and highlights every child's right to protection from abuse and neglect. It emphasizes that children should be informed, heard, and involved in decisions impacting their lives. The legislation also protects their rights to privacy and minimal interference, stating that removing a child from their parents should only occur as a final option.



## List of Services

Section 13 (2) of the Children and Family Services Act offers an extensive array of services designed to uphold the family unit's stability. It recognizes numerous factors that contribute to a thriving family environment, including financial security, housing conditions, parenting skills, childcare abilities, homemaking skills, counseling, assessment services, drug or alcohol treatment and rehabilitation, childcare, dispute mediation, self-help, and parental empowerment. This section is invaluable as it acknowledges the multifaceted nature of child and family well-being.

The current legislation under Section 13(2) faces two key challenges. First, it does not require that the listed services be provided to help children stay with their families. Second, it fails to emphasize that these services should be delivered in the least disruptive way possible. Prevention is vital in ensuring child and family well-being, but this can only happen if the law mandates proper funding to meet these obligations. **Effective prevention and early intervention need a comprehensive range of supports, backed by a dedicated budget.** This funding would allow social workers to put the Act's principles into action, ensuring essential services like respite care, emergency food, and rent assistance are available to help families stay together.

While these provisions in the CFSA are praiseworthy, it cannot be stressed enough, that their effectiveness hinges on the delivery and accessibility of these services. The application of these principles that underpin the Act and the availability of services, particularly regarding prevention and early intervention, would require ongoing oversight,, enhancement, and a significant investment of new funding.

## Challenges and Implications of the Presumption of Harm in Child Welfare Policy

### Presumption of Harm

Section 22(2) of the amended Act expanded the criteria for determining when a child needs protective services. Social workers are now required to investigate if there are reasonable grounds to believe a child may suffer harm or neglect. This is a lower standard than the previous Act, which required clear evidence and more in-depth investigation, often relying on external forensic experts.

Under the new provisions, social workers must be able to demonstrate that a child's safety or health likely cannot be protected without intervention. While these decisions are usually made collaboratively within teams, they are not without significant consequences. This challenge is compounded by a **lack of robust training and mentorship** in the Child and Family Well-Being Division, where seniority is often achieved after just a year of service (Bryan et al., 2024).

Additionally, the absence of strong community pathways for safety and support causes these measures to disproportionately affect vulnerable and racialized families. Without proper resources, these families face higher levels of intervention rather than receiving the help they truly need.

The broader definition of a child in need has also overwhelmed social workers with increased caseloads, more administrative tasks, and a rise in court applications under the Children and

Family Services Act. This has further strained an already overburdened system, reducing the capacity for meaningful, preventative support.

### *Effectiveness of Presumption of Harm*

The Nova Scotia Government claims that changes to the CFSA have improved preventive measures, reducing the number of children in care. They credit this to earlier interventions that are intended to address potential issues before they escalate. However, comprehensive data collection and evidence-based outcome measurement are not currently available, making this claim speculative rather than evidence-informed (Wisdom2Action, 2023). While reported changes in the number of children in care are being linked to their transformation efforts, decreased numbers of children in care are more likely attributed to the impact of the pandemic, infusion of financial aid to vulnerable families through pandemic relief efforts, and the natural progression over the past decade of youth aging out of care, rather than effective intervention strategies.

Prevention is essential in providing support for vulnerable children and their families. However, a major challenge arises when prevention is mandated in legislation but lacks the resources needed for implementation. Research shows when there is a lack of pathways to child and family well-being in communities, the response often is increased surveillance and policing (Barkley & Wright, 2018). This is consistent with research that further suggests that this 'presumption of harm' approach can be detrimental to marginalized and vulnerable families (Roberts, 2002; Swartz, 2015). Heightened surveillance of families can foster fear and mistrust. The use of punitive measures, similar to those in the criminal justice system, may worsen these challenges and result in unfair outcomes (Gilliom, 2001; Lyon, 2003).

The child welfare system in Nova Scotia has been identified as punitive, particularly towards marginalized and poor families, according to consultations conducted by Wisdom2Action. Child welfare policy is seen as risk- and liability-focused rather than promoting trauma-informed care, thereby contributing to a more punitive and less preventative system (Wisdom2Action, 2023).

Participants in the Wisdom2Action consultation reflected that families and caregivers dealing with food insecurity and affordable housing often experience child welfare interventions. This highlights the system's structural focus on policing through reporting and investigation, rather than a holistic, child-centered approach aimed at building relationships and providing necessary support. As participants in the consultation shared the child welfare system is significantly lacking in preventative measures that emphasize physical and mental well-being, protection from harm, residence in safe communities, provision of warm, dry homes, and adequate food supply. This critical oversight gravely undermines the potential impact of these essential safeguards on child welfare. There is a consistent call for a fully funded prevention continuum that supports families in need and prevents child and youth removals. (Wisdom2Action, 2023).

Early intervention and prevention are vital, but they don't require intrusive legislation. What matters most is implementing them in ways that uplift and respect all families, particularly those who are marginalized or vulnerable.

### **Examining Data on Children in Care**

A closer examination of the data available about Nova Scotia's children in care calls into question the effectiveness of the presumption of harm provisions in the Act.

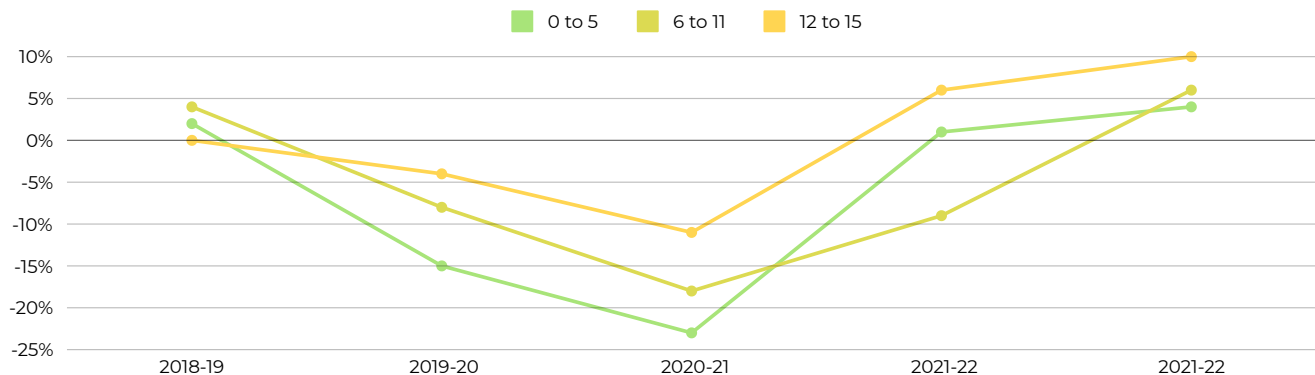
**Table 1- Total children in care by age** (FOIPOP Release -2022-01147-COM)

Age	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
0-5	546	558	484	395	397	415
6-11	355	371	345	292	269	286
12-15	255	255	246	222	241	267
16-18	237	215	212	211	204	182
19+	136	119	101	108	80	27

### Children Aged 0-15

When looking at DOSD data of children in care ages 0-15 (Figure 1), the trends point to a temporary decrease in children being brought into care. Examining the percentage change between years related to policy choices serves a critical purpose in research; it provides a quantitative method to assess the effectiveness of policy choices over time. Unsurprisingly, **the data shows a correlation between the global COVID-19 pandemic and the drop in children in care**, rather than changes to the Act, or policies put in place by the provincial government. There are likely two factors that contributed to this.

**Figure 1- Percentage change in total children age 0-15 in care** (FOIPOP Release -2022-01147-COM)



DOSD continued to receive reports about the potential need for child protective services during the pandemic lockdowns; referrals remained relatively stagnant (Table 3). However, major policy decisions related to pandemic lockdowns seem to have had significant ripple effects. The percentage changes related to children in care appear to correlate with the federal government’s policy decision to implement the Canadian Emergency Response Benefit (CERB) which was set at \$2000/month by the federal government. In Nova Scotia, this amount was nearly three times the annual social assistance benefits for single parents with one child, who received \$10,444 in 2020.

It was also about \$800 more per month than the basic social assistance for couples with two children, which was set at \$14,516 annually. **While CERB was in place between March 2020 to October 2021 the child poverty rate decreased in Nova Scotia by 24.3%.** This is the most significant single-year reduction on record (Frank et al., 2023). Federal government intervention worked to protect some families from poverty. As stated, earlier child poverty correlates with the risk of involvement in child welfare, ultimately contributing to the decrease of children in care.

The effects of the COVID-19 pandemic and associated restrictions on child welfare services included new limitations on the ability of the systems to intervene effectively. With the imposition of lockdowns and social distancing measures, social workers faced challenges in conducting in-person home visits, a crucial part of the assessment process.

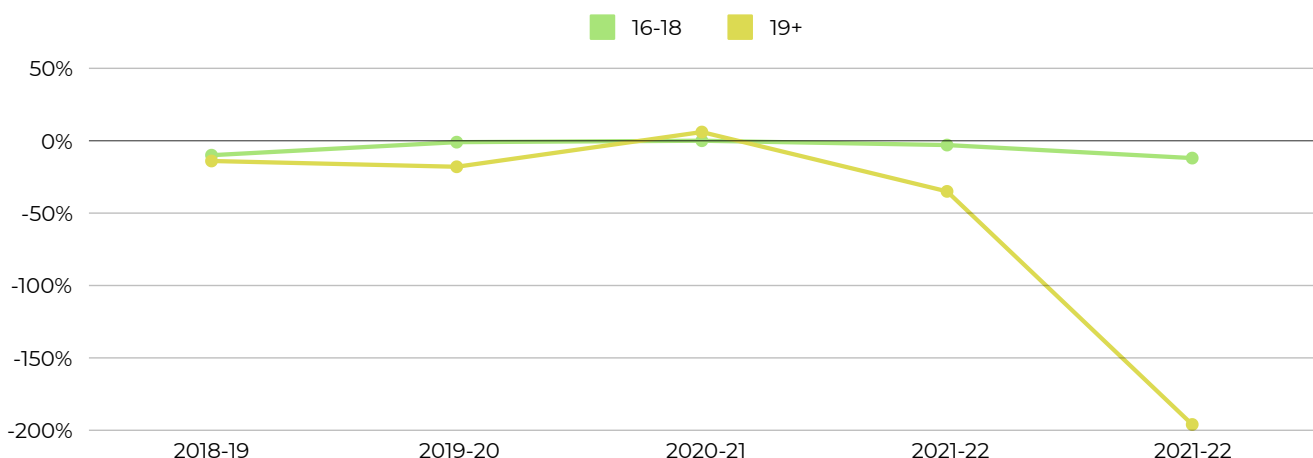
The data shows that as the disruption of the pandemic slowed, the policy regarding CERB ended, and other lockdown measures decreased, the percentage change of children in care began to grow again.

### Youth in Care

The statistics regarding youth in care paint a rather disconcerting picture. The amendments to the Act expanded its jurisdiction to protect youth aged 16-19 years. However, this **protection is contingent on the consent of the youth involved**, which raises concerns about the adequacy of safeguarding of vulnerable young people. These amendments do not seem to take into account extreme situations like human trafficking, where intervention may be necessary even without consent (Canadian Centre for Justice and Community Safety Studies, 2020).

The CFSA also curtails the possibility of extending a children in care order beyond age 19, resulting in more frequent transitions out of care (Nova Scotia Legislature, 2017). This is particularly concerning as **Nova Scotia has the highest rate of reported human trafficking incidents in Canada**, with the majority of victims being women and girls (Statistics Canada, 2019).

**Figure 2- Percentage change in total youth age 16+ in care** (FOIPOP Release -2022-01147-COM)



The fact that **20% of Canada's homeless population comprises youth aged 13-24** is deeply concerning (Gaetz et al., 2016). This issue has been explored in-depth in various studies, revealing a complex problem that requires multifaceted solutions. In the first pan-Canadian study on youth homelessness, it was found that **57.8% of homeless youth had previous involvement with child welfare services** (Nichols et al., 2017). This connection between child welfare involvement and

later homelessness is a pattern that has been consistently observed, pointing to a gap in the support provided to these vulnerable youths, and providing a reason for the declining number of youth in care.

Furthermore, a study on Indigenous youth homelessness in Canada found this group to be overrepresented in the homeless population, indicating a need for culturally appropriate interventions and support (Thistle, 2017). Addressing youth homelessness also requires understanding its intersection with other issues. For instance, LGBTQ2SIA+ youth are overrepresented in the homeless youth population in North America, necessitating targeted strategies that consider their unique needs and experiences (Abramovich, 2012).

### *Workers & Workloads*

In Nova Scotia, child welfare services are predominantly delivered by social workers, 85% of whom identify as female or non-binary. The profession is often seen as low-skilled work, reflecting patriarchal attitudes and resulting in a lack of respect, support, and funding for these crucial roles (Wisdom2Action, 2023). Coupled with the societal expectation that social risk should be the sole responsibility of individuals and families rather than a collective burden, this further undermines the work of professional care.

The presumption of harm and expanded definitions in the Act of what constitutes a child in need of protective services have placed well-documented additional demands on social workers. They are now required to conduct more investigations and assess risks to families, using vague and broad definitions that result in more complex caseloads and more administrative work for court applications (NSCSW 2021). The government did not add human resources to facilitate the requirements of the new Act, creating greater strain. Effective child welfare services require understanding development, cultural attentiveness, and trauma-informed care. Key strategies include thorough assessments, clear communication, and praxis informed by evidence and experience.

A 2018 Canadian Association of Social Workers (CASW) report highlights why social workers leave child protection work. Reasons include unmanageable workloads (75%), increased expectations and administrative procedures (68%), and unrealistic organizational expectations (65%). Other reasons include workloads interfering with personal and family life (53%), the emotional toll of the work (63%), experiences of violence or threats from clients (44%), inadequate mental health resources (53%), and a lack of community services (53%) (Hallberg & Smith, 2018).

**Table 2- DOSD workforce data** (FOIPOP Release -2022-01147-COM)

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>Short-Term Illness Leave Hours</b>	126,706	137,175	130,931	140,779	173,187	167,752
<b>Social Worker Resignations</b>	69	83	67	54	94	124

The DOSD’s “How is Work Going” survey reveals eroding employee satisfaction. This dipped from 55% in 2019 to a concerning 47% in 2022. The narrative becomes more complex when looking at the data as to why DOSD employees are less satisfied. The areas identified as underperforming (all registering below the 50% threshold) include empowerment (47%), stress and workload management (49%), recognition (35%), staffing practices (30%), pay and benefits (45%), professional growth (41%), director leadership (47%), executive director leadership (42%), alignment with vision, mission, and goals (40%), general leadership (46%), and the performance of the executive leadership team (36%), are potential obstacles in our pursuit of improved satisfaction.

This environment has resulted in increasing moral distress, which is represented in the striking rise (24%) of total hours in short term illness leave taken by frontline social workers. Even more strikingly current working conditions have led to increased resignations, with 124 social workers leaving child welfare in 2022-2023 (Table 2); **30% of the child welfare workforce resigned in one year.**

Moral distress is closely connected to *moral injury*, a concept circulating in psychological trauma literature (NSCSW, 2021). **Moral injury occurs when there's a betrayal of what's right, either by someone in authority or oneself, in high-stakes situations.** This impairs trust and can lead to despair and mental health issues.

The presumption of harm approach in the amended Act has increased workloads and responsibilities for social workers (Table 3) without providing necessary support or resources. This has further exacerbated recruitment and retention issues within DOSD, undermining the principles of decent work and well-being (Findlay et al., 2020). More research is needed to fully understand the impact of these changes on child welfare practice and the potential for workplace injury through repeated instances of moral distress.

**Table 3- Child protection referral data** (FOIPOP Release -2022-01147-COM)

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>Referrals</b>	14,922	15,399	16,294	15,419	15,499	17,825
<b>Investigations</b>	9825	8871	9934	8528	6157	8853
<b>Substantiated</b>	4725	4320	4850	4234	3164	4422

## Duty to Report

In the wake of the presumption of harm and extended definitions of a child in need of care under section 22(2) of the Act, there was an expansion in the amended Act and in the reporting duties of professionals and officials who work with children and families. This pertains to sections 23 to 25 of the Act, which have seen their scope broadened considerably.

The fallout, as warned, was a surge in reporting. However, it's important to note that a FOIPOP request revealed that **on average three-quarters of these new reports were not substantiated**: a statistic that raises questions about the efficacy and implications of such broadened reporting obligations. Section 24 was conceived to establish an enforceable duty for professionals and officials under the CFSA, thereby laying the groundwork for potential prosecution and conviction for failure to report. In contrast, Section 23 imposes a general duty to report on all citizens (Thompson, 2015). What is clear, is that Section 24 has dramatically expanded the reporting duties of professionals and officials, including doctors, teachers, daycare workers, and transition house workers. The revised definitions in s. 22(2) have obligated them to report more children and families, resulting in both societal and institutional ripple effects.

Data consistently shows that the duty-to-report provisions in child welfare law, especially in marginalized communities in the US, Canada, and Australia, result in undue surveillance and unnecessary familial stress (Matthews, 2017; Raz, 2017). These investigations can interfere with a family's privacy, induce fear of child removal, and deter families from seeking support systems. They also contribute to official records that unjustly depict parents as potential threats to their children, influencing future risk assessments (Fong, 2020). Mandatory reporting in other jurisdictions has shifted child welfare from a service-oriented system to one dominated by intrusive and controlling investigative activities, diverting resources away from services that could better support families (Ainsworth, 2002).

## Provisions Regarding Intimate Partner Violence

The 2023 *Turning the Tide* report by the Mass Casualty Commission highlights that women's safety has been significantly overlooked due to a lack of action and inadequate funding for vital services. It underlines the shortcomings of income supports, affordable housing, and social services in ensuring the safety of women. The report urgently recommends implementing strategies to prevent violence and emphasizes addressing underlying issues such as socio-economic conditions. Resonating with the continuous appeals from women's centers, transition houses, and family resource centers, the report advocates for an increase in foundational funding for services dedicated to supporting women survivors and eliminating gender-based violence.

**The language of the current act further undermines the safety of survivors.** Before the 2017 amendments regarding domestic violence 22(2)(i), the former version of the Act stated that a child needed care if they suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian failed or refused to obtain services or treatment to remedy or alleviate the harm (Thompson, 2015). The provision in the amended 2017 Act broadened the interpretation of violence, and no longer requires "repeated violence." Instead, a single incident can be grounds for a report or an investigation, (Thompson, 2015).

The provision within the CFSA concerning domestic violence reporting has garnered significant criticism, particularly from transition houses. They argue that this stipulation not only re-victimizes mothers who have been subjected to domestic violence but also imposes potentially dangerous reporting obligations on them (Thompson, 2015).

The revised Act controversially treats a child's mere awareness of violence as equivalent to direct exposure. This vague and broadened clause has sparked concern among the sector, asserting it exacerbates the precarious situation for women and the transition houses supporting them. Critics

argue that this amendment creates a child welfare system that unfairly holds traumatized mothers accountable for the abusive actions of their male partners, thereby placing an undue weight on the role of the mother (Brown et al., 2009).

Furthermore, this revision puts social workers in a challenging position where they are expected to hold mothers responsible for monitoring fathers' behaviour, effectively outsourcing the surveillance of fathers to mothers (Krane, 2003).

Another critical aspect overlooked by this provision is structural violence, such as anti-black racism, colonization, and patriarchy, and its profound impact on families (Van Dernoot, 2010). This systemic violence has led to generational trauma and poverty, which are further intensified by inadequate social safety nets. The Act's provision compounds the burden on mothers by holding them responsible for this structural violence as well.

Addressing these multifaceted issues necessitates a comprehensive and nuanced approach that takes into account all forms of violence—from individual incidents to systemic factors.

## Identifying Unmet Needs for Support and Services

To address the punitive and surveillance aspects of the CFSA, professionals working with vulnerable children and their families emphasize the need for substantial reform of the CFSA and structural changes to the current service delivery system (Wisdom2action, 2023). It's crucial to **focus on creating an ecosystem that promotes family and child well-being** through accessible, trauma-informed, culturally sensitive, and gender-specific services, while also elevating public discourse. Ensuring these services are well-funded is essential for effectively addressing these challenges and achieving positive outcomes.

01

### Universal Access to Services

Legislate a Child, Youth & Family Well-Being framework based on the New Zealand government's model and provide services and programs accessible to all without discrimination or needs testing. This approach should not be based on comparative need or waiting for a person to be in crisis before it is delivered (Wisdom2Action, 2023).

02

### Increased Mental Health Spending

A minimum increase of \$120 million should be made immediately, with the goal of increasing mental health care spending by \$362 million within three years. This funding will allow public mental health systems to meet the needs of all Nova Scotians, with particular attention to rural areas (Wisdom2Action, 2023).

03

### Bio-Psycho-Social-Spiritual Model

Orient the provision of mental health services towards a bio-psycho-social-spiritual model to address broader conditions that affect wellness and thereby increase pathways to child and family well-being (Wisdom2Action, 2023).



04

### **Culturally Attentive Services**

Develop and offer more community, culturally attentive services to African Nova Scotian (ANS) and Indigenous communities, 2SLGBTQIA+ people, newcomers, and other marginalized groups. These services should aim to address the consequences of historic and intergenerational trauma and discrimination (Wisdom2Action, 2023).

05

### **Gender-Specific Services**

Offer services that address co-existing issues of mental health, substance use, and trauma in a gender-specific manner (Wisdom2Action, 2023).

06

### **Public Health and Education Programs**

Expand programs to increase public knowledge and awareness about mental health, trauma, violence, and substance use. Attention should be given to issues of prevention, stigma, and discrimination (Wisdom2Action, 2023).

07

### **Amalgamate Mental Health and Addiction**

Develop a clear strategy for integrating mental health and addiction services, recognizing that substance use is often a coping mechanism for trauma and mental health struggles (Wisdom2Action, 2023).

08

### **Harm Reduction Strategies**

Implement harm reduction strategies in the provision of child welfare and all substance use counselling, with specific attention to alcohol use problems (Wisdom2Action, 2023).

The following recommendations are intended to address poverty and the root causes of many issues that burden child welfare systems.

01

### **Ensure Housing for All**

Implement all 94 recommendations from the Housing for All report and commit to building 33,000 units of permanently affordable housing in Nova Scotia. Commit to an investment of \$531 million each year for the next 10 years to ensure that these units can be built or acquired and maintained (Housing for All, 2021).

02

### **Child and Family Report Card Recommendations**

Implement all 16 recommendations from the 2024 CCPA-NS Child and Family Report Card (Frank et al., 2024).

03

### **Consider Effects of Class on Children and Families**

Prioritize 'kinship' and/or 'community care' options first when children are placed in temporary care and consider the effects of class on children and families (Wisdom2Action, 2023).

## Engaging the Community to Strengthen Family Relationships and Support Preservation Efforts

Community engagement plays a vital role in strengthening family relationships and supporting family preservation efforts. In consultation with community organizations, many revealed a fear of speaking up for **fear of retaliation or loss of funding from the government** (Wisdom2Action, 2023).

Recommendations for enhancing community engagement include:

01

### New Legislation on Child and Family Well-Being

Through new legislation for the well-being framework enable community partners to advocate for their services users s' best interests without fear of retaliation or loss of funding (Wisdom2Action, 2023).

02

### Implementation of Practice Framework

Allocate an additional \$750,000 to evolve a practice framework for child and family well-being, ensuring meaningful collaboration with communities, children, youth, front-line staff, social workers, and community organizations (Wisdom2Action, 2023).

03

### Create Ecosystem for Child and Family Well-Being

Utilize the well-being framework to create an "ecosystem" for child and family well-being, where government departments, community organizations, researchers, and advocates identify, collect, and use data with a research-based and intersectional lens (Wisdom2Action, 2023).

04

### Investment in Core Services

Allocate an initial investment of \$12 million to begin the process to move away from project and grant funding models to community based organizations serving vulnerable children and their families to providing core-funding (Wisdom2Action, 2023).

## CHILD & YOUTH RIGHTS & WELL-BEING

Children and youth have the right to be treated with respect and dignity, a principle that is enshrined in the United Nations Declaration on the Rights of the Child.

Adopted by the UN General Assembly on 20th November 1959, the declaration outlines ten fundamental rights, including non-discrimination, the best interest of the child, the right to life, survival, and development, and the right to education. The declaration emphasizes the role of parents in bringing up their children and the need for healing children who have been neglected, exploited, or abandoned.

These rights must not only be understood by service providers, children, youth, and parents or caregivers but also respected, upheld, and achieved by government. Children and youth should have avenues to express their views freely on matters that affect them and be supported in making choices about their care. Furthermore, they should be encouraged to understand and explore their unique background, culture, race, gender, sexual orientation, and needs.

While these rights and fundamental freedoms are considered in the Act, the Act does not explicitly frame the child's entitlements in terms of rights. Explicitly naming and utilizing child rights language within the Act could potentially strengthen its legislative power and enhance the protection of child rights.

To enhance the Act's emphasis on child rights, it's crucial to explicitly outline these rights, thus aligning the law more with international norms like the United Nations Convention on the Rights of the Child (UN General Assembly, 1989). A stronger focus on child rights can increase the Act's legislative strength, thereby ensuring more robust child rights protection.

It's also vital to have transparency, accountability, and oversight that comes with the establishment of a Child and Youth Advocate office to ensure rights are not just protected but achieved. The government should promptly enact relevant legislation and fund this essential office.

## Proposed CFSA Changes for Child- and Youth-Centred Services

The Children and Family Services Act should not only embed the protection of children's rights, which are outlined in Section 22 but also the facilitation of the fulfillment of these rights. It's important to note the distinction between protection and realization.

**Protection of Rights:** This entails the formulation and enforcement of laws, as well as the establishment of institutions to prevent abuses or discrimination, ensuring that recognized rights are not infringed upon.

**Realization of Rights:** This pertains to the process by which individuals or groups fully experience their affirmed rights in their day-to-day lives. This involves overcoming social, economic, cultural, or political obstacles.

The CFSA must therefore codify the following rights:

- **Survival Rights:** These encompass the right to life and the necessities for survival, such as adequate nutrition, medical care, and an acceptable standard of living. The Act should mandate the government to guarantee that children can access these services, thus facilitating the realization of these rights.

- **Development Rights:** These include the right to education, leisure, cultural activities, access to information, and freedom of thought, conscience, and religion. The Act should mandate the government to ensure that children can utilize these services, thereby facilitating the realization of these rights.
- **Participation Rights:** These respect a child's views, including the right to freely express their opinions on matters that impact them, and the right to participate in societal and civil life. The government must ensure policies and procedures that enable children and you to voice their opinions on issues and policies that affect them.

While *protecting* rights is centred on preventing violations of established rights, *realizing* rights is focused on guaranteeing that these rights are fully experienced in practice. Both are crucial for the complete actualization of human rights. By incorporating these principles into the Children and Family Services Act, we can create a more robust framework that prioritizes the welfare of children.

## Enhancing Child & Youth Voice in Care Decisions

In the pursuit of giving children a stronger voice in decisions that directly affect them, the government of Nova Scotia must invest in the funding and development of **family group conferencing**. This collaborative approach not only ensures the child's safety and well-being but also fosters an environment conducive to supportive family decision-making.

Additionally, the introduction of **immediate response conferencing** into legislation could further enhance child and family well-being measures. This timely intervention strategy, implemented when a child's safety is at immediate risk, allows for the swift assembly of relevant parties to make critical decisions that protect the child from harm.

These methods align with the principles of respect, collaboration, and prioritizing the child's best interests, reflecting the core values of the Children and Family Services Act. By integrating these processes into their policies, Nova Scotia can reinforce its commitment to safeguarding children and youth while strengthening and supporting their families.

### 01

## Immediate Response Conferencing (IRC)

Within the context of the Children and Family Services Act, the inclusion of IRC could significantly elevate the Act's effectiveness.

Adding IRC to legislation is critical for enhancing crisis management and communication. IRC, facilitated by modern technologies such as video and audio conferencing, allows swift communication and decision-making during emergencies.

IRC offers several benefits including enabling community involvement in service planning and delivery (MCFSNB). It also provides multiple pathways to respond to reports of child maltreatment, promoting flexibility rather than rigid procedural decision-making (Pennel, 2004) Furthermore, IRC has demonstrated positive outcomes such as high reunification or kinship placement rates and low referral back rates to child protective services (IIRP).

## 02

### Family Group Conferencing (FGC)

FGC was introduced into legislation in 2017, but the DOSD has yet to implement it. FGC is a collaborative method that involves the child or youth, their family, and other important people in their lives to devise a plan that ensures the child's safety, development, and well-being. This process recognizes and respects the family's ability to make decisions and solve problems, thus empowering them to actively participate in shaping the child's future.

Mi'kmaw Family and Children's Services have been leading the way in incorporating FGC into child welfare procedures. Founded in 1983, MFCS was one of the earliest First Nation child welfare initiatives and continues to prioritize the child's well-being through innovative strategies (Wein, 2011).

As executed by Mi'kmaw Family and Children's Services, FGC brings together all family members to discuss and decide on necessary measures for the child's safety and care. An FGC coordinator facilitates this process, providing support and guidance throughout the discussions (Ma Mawi Wi Chi Itata Centre, 2021).

Mi'kmaw Family and Children Services already has effective policies and practices in place, having used FGC for 22 years. The DOSD simply needs to adopt these policies and fund coordinators for this program. Implementing this would cost approximately 3.8 million dollars.

## 03

### Provide Legal Counsel to Children in Care

In Ontario, the Child, Youth, and Family Services Act (CYFSA) has been enacted to promote the best interests, protection, and well-being of children in the province (Government of Ontario, 2017). A critical part of this legislation was the creation of an Office of the Children's Lawyer (OCL), which functions as an independent law office that provides justice programs for children under the age of 18. The OCL represents children in various legal matters, including child protection cases typically initiated when a child protection agency believes a child is at risk due to abuse or neglect (Ontario Association of Children's Aid Societies.).

A similar initiative would be beneficial in Nova Scotia, and it would require an estimated \$2.8 million to establish an Office of the Children's Lawyer within the Department of Justice. This office would be modeled after Ontario's OCL and would serve to represent the best interests of children under the age of 18 in legal matters and court cases in Nova Scotia. These would include child protection cases, which usually begin when a child protection agency believes a child requires protection due to abuse or neglect.

This proposed investment could significantly enhance the protection of children's rights and their representation within the legal system in Nova Scotia. It would align with the principles of child-centred services and could potentially lead to improved outcomes for children involved in the child welfare system.

# 04

## Create a Child and Youth Advocate Office

The establishment of a Child and Youth Advocate Office in Nova Scotia is a crucial step towards safeguarding the rights and welfare of our younger population. This office can serve as an independent oversight body, ensuring that children's voices are heard, their rights respected, and their needs met.

Given the complex cases of child neglect and abuse, mental health issues, and educational challenges, this office could provide essential oversight. It would ensure that government and other service providers uphold their responsibilities, implement effective policies, and provide necessary services.

Moreover, it can also contribute to policy-making processes by providing insights based on child-centred research. It can address systemic issues and advocate for change, promoting the best interests of children and youth at all levels of decision-making.

## Better Personal Information Management for Children and Youth

DOSD has approved a business plan where they set goals and outcomes of the organization to:

- ensure that clients have control over their own lives;
- enable clients to meet their basic needs;
- protect clients from abuse and violence; and
- provide a system of support and services that is a balanced mix of prevention and intervention.

In a Freedom of Information and Protection of Privacy (FOIPOP) request 2022-01147-COM, the Department was asked to identify the metrics used and current data to measure success and performance. DOSD responded by stating that these outcomes, among others, guide the development of their programs and services. However, it appears that they have not tracked meaningful data to determine if there are successes in these outcomes.

This issue was also raised in the Wisdom2Action consultations, where participants stated:

- The current child welfare system in Nova Scotia has seen very little impactful change and needs reform.
- Service providers voiced criticism about inadequate evaluation and data collection, fear of losing funding if they raise concerns, lack of effective resourcing, and broken promises by government/policymakers.
- To promote client well-being, it is necessary to center clients' needs through increased regulation/accountability, careful data gathering/monitoring, and appropriate technology (Wisdom2Action, 2023.)

Based on the information found, it is evident that the CFSA's collection of socio-economic, program, and outcome data is limited. To enhance the effectiveness of child welfare practices, the CFSA must mandate a requirement for **data collection based on evidence-based metrics**. This would enable a comprehensive understanding of the situations faced by the families they serve and allow for the development of evidence-based strategies that can lead to improved outcomes for children and youth.

# 01

## Establish a Legal Framework for Data Collection

The CFSA should establish a legal framework for the collection of socio-economic, program, and outcome data.

02

### Invest In Technology

The DOSD should invest in technology systems that support the work of ensuring the best interest of the child, track reports of child abuse and neglect, and facilitate the collection of relevant data.

03

### Regular Analysis and Reporting

There should be a requirement in the Act for an external and regular analysis and reporting of the collected data. This will ensure that the data is utilized effectively to monitor the success of program participants and to inform future policies and practices

## DIVERSITY, EQUITY & INCLUSION

The Inclusion, Diversity & Community Relations Division of the DOSD has played a pivotal role in fostering an inclusive and diverse community. Let's build momentum.

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The Inclusion, Diversity & Community Relations Division is dedicated to promoting anti-Black racism training for DOSD staff. One of the notable initiatives by this division is the establishment of the Africentric BSW cohort at the Dalhousie School of Social Work; this initiative is designed to provide a culturally responsive and relevant educational experience for African Nova Scotian students pursuing a Bachelor of Social Work degree. The Africentric BSW cohort is intended to increase the representation of African Nova Scotians in the field of social work by providing them with an education that acknowledges and appreciates their unique cultural heritage and experiences. This program not only empowers these students but also serves as a stepping stone toward a more diverse and inclusive social services workforce.

However, racial discrimination, deeply embedded in social and economic structures, affects racialized individuals' health and well-being, leading to cycles of disenfranchisement and discriminatory practices. The system has been slow to acknowledge the rich extended family and kinship structures inherent in African Nova Scotian and Indigenous and rural communities; **while there has been progress children are still being isolated from their cultural roots** (SAMHSA, n.d.). Services could be more beneficial if amendments to the Children and Family Services Act directed them to be culturally attentive, trauma-informed, and responsive to the unique needs of marginalized communities disproportionately impacted by the care system (Wisdom2Action, 2023).

The calls for action on decolonization, anti-racism, and feminism stress the need for proper education about residential schools, community conversations about the impacts of racism, mandatory classes on Indigenous cultures and histories, and recognizing survivors' trauma when handling domestic violence (TRC, 2015, MCC, 2023).

Structural violence committed by state institutions is intrinsically linked to family abuse and hate crimes, a problem frequently overlooked in the current system (NSCSW, 2021). Without confronting the deep-rooted issues of colonialism, racism, and sexism vulnerable families will continue to be deprived of their rights (Wisdom2Action, 2023).

The amendments established stricter time limits for the temporary care of children; the goal of these changes was to work towards permanency more quickly, but unfortunately overlooked the lack of culturally appropriate services for racialized families. Limited support and resources created impossible challenges for families to heal from structural and intergenerational trauma.

## Enhancing CFSA for Culturally Attentive and Trauma-Informed Services

While DOSD has made commendable progress in enhancing staff training and building a more diverse workforce, **deep-seated structural issues continue to persist**. If these problems are left unaddressed, many children will continue to be denied their right to a safe environment free from discrimination.

The revised Act, initially designed to protect vulnerable families in Nova Scotia, has inadvertently caused harm to marginalized and racialized communities. This is due to provisions that permit invasive investigations and excessive surveillance, further entrenching inequality. Addressing this issue is crucial for the attainment of genuine racial justice.

To mitigate these issues, the following recommendations are proposed:

01

### Change the Definition of Family

The traditional definition of a family as a group of two or more persons related by birth, marriage, or adoption who live together is no longer comprehensive enough to encompass the various forms families take in contemporary society.

However, the definition of 'family' within the CFSA could be further expanded to reflect the cultural diversity and complexity of today's families. Adding a clause to section 3 that defines 'family' in a more culturally relevant manner would acknowledge the variety of familial structures and relationships that exist. This could include recognizing single-parent families, multi-generational households, foster families, 2SLGBTQ2IA+ families, and families formed through non-traditional means.

Moreover, the definition should also account for relationships that carry the weight and significance of family bonds, even if not tied by blood or legal ties. This includes the concept of "chosen family," where individuals



form close, familial bonds with people they are not related to by birth, marriage, or adoption.

The Children and Family Services Act should strengthen language to emphasize a *kin first* approach which aims to keep children with family members or close family friends, together. By adopting a broader definition of 'family,' the CFSA would better align its policies and services with the realities of diverse family structures, thus ensuring more effective and equitable support for all families under its care.

## 02

### Eliminate the Current Definition of Neglect

Given that racialized children in Nova Scotia are far more likely to face poverty (Frank et al., 2023), The current definition of 'neglect' in Section 22(2) of the CFSA, which is focused on the failure to provide basic needs such as food, shelter, and clothing, can inadvertently criminalize poverty. This leads to children being unfairly categorized as neglected due to their family's socio-economic status.,

By eliminating the current definition of neglect a more contextualized neglect clause could shift the focus from poverty as a form of neglect to a more nuanced understanding of child welfare. Instead of viewing families through a lens of deficit based on economic circumstances, the focus could shift towards supporting families in enhancing their capacities and accessing resources.

The section on emotional abuse within the CFSA could be strengthened to effectively address aspects of neglect that are harmful to a child's emotional well-being. This includes situations where a child's emotional development is impeded due to persistent rejection, hostility, or severe criticism from a caregiver.

Changes made to the current definition of 'neglect' must be accompanied by the addition of checks and balances to ensure that children who are genuinely at risk are not overlooked. This could involve clear guidelines for distinguishing between cases of actual neglect and situations arising from poverty. It would also require rigorous training for social workers and other professionals in recognizing these differences and providing appropriate support.

Furthermore, the CFSA could work towards promoting policies that address the root causes of poverty, allowing social workers to advocate for affordable housing, food security, and access to quality healthcare and education, without fear of discipline from their employer. These actions would mitigate conditions that often lead to accusations of neglect, thereby protecting children and supporting more families.

# 03

## Realistic Court Time Limits

The impacts of colonization and anti-Black racism are deeply rooted in intergenerational trauma, affecting not just individuals but entire communities and generations. These systemic issues have led to a cycle of trauma that can't be resolved within a short timeline, as healing requires time, resources, and culturally appropriate support (Hankerson et al, 2022).

In the context of child welfare, it's critical to balance the urgency of achieving permanency for children with the understanding that families impacted by these systemic issues may need more time to heal. Permanency, or the establishment of a stable, long-term family environment, is crucial for a child's development and well-being. However, strict court-imposed timelines do not take into account the complex realities faced by families grappling with the effects of intergenerational trauma, colonization, and racism.

Therefore, there's a need to establish realistic court time limits under the Act that reflect the current social landscape and families' capacity to heal. Judges should be granted discretion to adjust these time limits based on the specific context of the family, considering factors such as access to resources, the availability of culturally relevant services, and the progress made by the family toward addressing their issues (Assare, 2022).

Culturally relevant services, which respect and incorporate the cultural practices, values, and beliefs of the families they serve, can play a significant role in supporting healing and change. These services can help families navigate the challenges posed by systemic issues and provide them with the tools to break the cycle of intergenerational trauma.

While accommodating these considerations, it's essential to remember that children need timely resolutions for their permanency. Prolonged periods of uncertainty can be detrimental to their development and emotional well-being. Therefore, finding the right balance is key to ensuring that the child welfare system effectively serves the best interests of children while supporting the healing of families impacted by colonization and anti-Black racism (Avvaros, 2022).

# 04

## Extending CFSA Jurisdiction for Youth Aged 16-19

The issue of human trafficking is a serious concern in Nova Scotia, with the province having the highest rate of police-reported human trafficking incidents in Canada. According to David Lane of the Nova Scotia Human Trafficking Unit (HTU), Nova Scotia's cases accounted for ten percent of the country's total in 2019 (Gow, 2022) Moreover, it's important to note that over 90 percent of the girls being trafficked in Canada were born in the country (Crime Stoppers, 2022.)

Given these alarming statistics, there's a pressing need to expand the jurisdiction of the Children and Family Services Act for youth aged 16-19. This would include provisions that allow the care system to intervene in serious issues such as human trafficking, providing protection and support for this vulnerable age group.

Youth in this age range are particularly susceptible to human trafficking due to factors such as homelessness, substance abuse, and previous experiences of abuse or neglect. Extending the Act's jurisdiction would mean that these youth could access the services and protections they need to escape exploitation and begin the healing process.

Additionally, extending the Act's jurisdiction to include older youth could help bridge the gap that currently exists when youth age out of the child welfare system at 19. Often, these youth are left without the necessary support and resources to navigate adulthood, making them prime targets for traffickers. By extending the age limit, the Act could provide continuous support during this critical transitional period, reducing the risk of trafficking and other forms of exploitation.

This extension must be accompanied by appropriate measures to ensure that the rights and autonomy of youth are respected and that interventions are carried out in a sensitive and trauma-informed manner. Further, culturally relevant services should be available to address the specific needs of diverse populations, including racialized youth who are disproportionately affected by trafficking (YWCA, 2021).

## Advancing Equity and Accessibility in Policies and Materials

The child welfare policy manual, procedures, programs, and service delivery have been consistently described as punitive, with an overemphasis on standardization, conformity, protection, and surveillance (Wisdom2Action, 2023). **DOSD has developed an ambitious framework for practice**; this will now require funding and leadership to develop an organized model to guide social work practice. There is a pressing need for creativity and collaboration to develop a comprehensive model that sufficiently supports children's needs and rights. A rejuvenating reshaping of the approach to service delivery is needed, one that focuses on human-centered services rather than penalizing those in need. To address these issues, the following recommendations are proposed:

01

### Child and Youth Well-Being Practice Framework

Make use of a Child and Youth Well-Being Practice Framework to develop policies that incorporate social work values and principles. These include:

- Upholding children's rights and human rights
- Recognizing the inherent dignity and worth of all individuals
- Implementing trauma-informed care
- Emphasizing harm reduction
- Practicing anti-racism
- Committing to reconciliation

- Advocating for social justice
- Implementing strength and solution-focused models of practice
- Promoting family group and immediate response conferencing.

## 02

### Outline Unacceptable Practices

Use the framework to amend child welfare policies to outline unacceptable practices, activities, decisions, and circumstances in the delivery of child welfare services and supports, such as providing support without a competent translator. Instead of being prescriptive and rules-driven, the framework should empower child welfare practitioners to provide innovative services that draw on their social work expertise.

## Recognizing and Valuing Diverse Parenting Practices

A significant challenge to respecting the different ways of raising children and youth lies in the diminishing value attributed to social work within child welfare. Social workers are increasingly expected to perform as case managers, instead of leveraging their expertise in children's rights, family dynamics, and client-focused support. The shift towards managerialism has eroded the capacity of social workers to apply anti-oppressive practices (Wisdom2Action, 2023). To counteract this devaluation of social work in Nova Scotia's child welfare system, we propose the following recommendations:

## 01

### Define Social Work Competencies

The Nova Scotia College of Social Workers, Department of Opportunities and Social Development, Mi'kmaw Children and Family Services, Dalhousie School of Social Work, Université Sainte-Anne, and Cape Breton University should collaborate to establish a defined set of competencies required to provide child welfare services within social work in Nova Scotia.

These could include:

- Demonstrates proficiency in direct practice skills, including the ability to effectively engage empathy and active listening.
- Demonstrates an understanding of the cultural, socio-economic, and individual differences in child-rearing practices and values.
- Shows respect for different parenting styles and strategies, recognizing them as valid and significant.
- Engages with families in a way that shows recognition and appreciation of their unique child-rearing approaches.
- Avoids imposing personal beliefs or culturally specific norms on families.
- Actively seeks knowledge and understanding about different child-rearing practices.
- Applies this understanding in interactions with children, youth, and families to provide sensitive and appropriate support and services.
- Advocates for policies and practices that respect and value diversity in child-rearing within the child welfare system.

# 02

## Outline Pathways to Achieve Competencies

These same organizations —NSCSW, DOSD, Mi'kmaq Children and Family Services, Dalhousie School of Social Work, Université Sainte-Anne, and Cape Breton University— should also clearly delineate the roles and responsibilities for education, training, and support, including mentorship. This will ensure that every child protection social worker possesses the necessary knowledge, values, and abilities to deliver ethical child welfare services that respect the different ways of raising children and youth.

# INDIGENOUS PEOPLES

Both the provincial government and the social work profession must fulfil their specific obligations to the Mi'kmaq, as well as to Indigenous people in general.

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The Missing and Murdered Indigenous Women and Girls (MMIWG) report and the Truth and Reconciliation Commission (TRC) have issued several calls to action for provincial governments, aimed at better supporting and protecting Indigenous children and families. These recommendations include:

- Governments should commit to reducing the number of Indigenous children in care by monitoring and assessing neglect investigations, providing adequate resources, offering culturally appropriate environments, training social workers on residential school history and Aboriginal families' ability to provide solutions to family healing, and considering the impacts of residential schools.
- Governments are required to prepare and publish annual reports detailing the number of Indigenous children (First Nations, Inuit, and Métis) who are in care compared with non-Indigenous children, as well as review spending on preventive and care services.
- Culturally appropriate parenting programs for Indigenous families should be developed by governments. Specific funding should be created for prevention programs, education & awareness campaigns related to violence prevention.
- Governments must prohibit the apprehension of children based on poverty or cultural bias.
- In cases where apprehension is unavoidable, family members or close community members should be prioritized for assuming care of Indigenous children; these caregivers should be eligible for financial support equal to an amount that might otherwise be paid to a foster family.
- Deaths of Indigenous youth in care should be fully investigated, and results made public.

## Barriers Faced by Indigenous Families

Indigenous children, youth, and families in Nova Scotia face several barriers when accessing services due to historical and systemic issues.

The DOSD often defaults to Mi'kmaq Children and Family Services policies and programs to meet the expectations of the Truth and Reconciliation Commission (TRC) and the Missing and Murdered Indigenous Women and Girls (MMIWG) report. This approach has significant limitations because MCFS only provides services to children living on First Nations reserves, while DOSD serves the rest of the province.

This means that a large population of Indigenous people in Nova Scotia who don't live on First Nations reserves (an estimated 6,000 individuals) face challenges in accessing services. These challenges are further compounded by the fact that many of the provincial action items related to the TRC and MMIWG have not been met.

For instance, in response to a Freedom of Information and Protection of Privacy Act request made by the Nova Scotia College of Social Workers, the only indicator that the province could put forward towards meeting these obligations was an investment of \$1,044,500 in parenting programs and four hours of training for core staff on the impact of residential schools, and a partial ending of birth alerts (Chandler, 2021).

The majority of the actions are currently unmet, which impairs both access and trust. Therefore, it's clear that more comprehensive efforts are needed to ensure that Indigenous children, youth, and families who do not live on reserves have equal access to services and support. This includes addressing the systemic issues that contribute to these disparities, such as a lack of culturally sensitive programs and adequate resources.

## Promoting Culturally Attentive Services for Indigenous Families through CFSA Changes

The Children and Family Services Act should be amended to better promote access to culturally attentive services for Indigenous children, youth, and families. These changes would support the actualization of the TRC and MMIWG calls to action. Here are some potential changes:

01

### Monitoring and Assessment of Neglect Investigations

The CFSA should require the DOSD to demonstrate a commitment to reducing the number of Indigenous children in care by tracking, monitoring, and assessing investigations of neglect. This would help to ensure that children are not unnecessarily removed from their families and communities.

02

### Resource Provision

The CFSA should require the government to provide adequate resources for Indigenous families.

03

### Annual Reports

The CFSA should mandate the government to prepare and publish annual reports detailing the number of Indigenous children in care compared to non-Indigenous children, as well as reviewing spending on preventive and care services. This would provide accountability and transparency.

04

### Ban Apprehensions Based on Poverty or Cultural Bias

The CFSA should explicitly prohibit the apprehension of children based on poverty or cultural bias, which disproportionately affects Indigenous families.

05

### Prioritizing Family and Community Members for Care

In cases where apprehension is unavoidable, the CFSA could mandate that family members or close community members be prioritized for assuming care of Indigenous children. These caregivers should be eligible for financial support equal to what might otherwise be paid to a foster family.

06

### Investigation of Deaths in Care

The CFSA should require that deaths of Indigenous children and youth in care be fully investigated and this information should be made public.

## Enhancing CFSA to Fulfill Obligations to Indigenous Communities

The Children and Family Services Act does outline obligations for services to Indigenous children, youth, and families. However, several changes could be made to the CFSA to help the Department and community-based service providers better meet these obligations:

01

### Clear Guidelines for Culturally Attentive Services

The CFSA could provide a clear definition of culturally attentive services in Section 3 of the Act.

02

### Enhanced Collaboration with Bands

The CFSA could mandate more frequent and structured collaboration with Indigenous bands and communities. This could include setting up regular consultations or joint decision-making bodies to ensure services are tailored to the needs of each community.

# QUALITY PROGRAMS AND SERVICES

Based on the Wisdom2Action consultation and reflections, it's evident that there are several crucial issues that need to be addressed to enhance the quality of programs and services provided under the Children and Family Services Act.

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## Improving CFSA for High-Quality Service Delivery to Families

The Wisdom2Action consultation identified several changes that could be made to the Children and Family Services Act to improve the delivery of high-quality services that meet the needs of children, youth, and their families.

Currently, the child welfare system in Nova Scotia is burdened by bureaucracy, complexity, and poor outcomes. To address these issues and promote child and family well-being, a transformative change of the current governance structure is necessary. Recommendations include:

01

### Review the Current Governance Structure

Review the current governance structure for the Child and Family Wellbeing Division within the DOSD. \$3.6 million should be allocated to establish a new Department of Child, Youth & Family Well-being. This Department would be overseen by a dedicated Minister focused on improving outcomes for children, youth, families, and caregivers (Wisdom2Action, 2023).

02

### Chief Officer for Office of Child, Youth & and Family Well-being

Additionally, the position of a “Chief Officer” should be created within the new Department of Child, Youth & Family Well-being. The qualifications for this role should include holding an MSW or BSW, having significant experience in child welfare, and maintaining active registration with the Nova Scotia College of Social Workers for strengthened accountability. Furthermore, child welfare specialists, supervisors, social workers, family support workers, and related administrative supports should transition from the DOSD to a new structure governed by the Department of Child, Youth & Family Well-being.



# 03

## Managers Should Require Regulation

Lastly, managers within the new Department of Child, Youth & Family Well-being should be held accountable for policy, standards, community collaboration, and program evaluation for various programs. These programs include child protection, direct practice auditing, Indigenous and African Nova Scotia consulting, services, and training. The roles should be structured around the unique needs of the communities they serve and require a BSW or MSW, experience in child welfare, and active registration with the NSCSW.

By implementing these changes, we can expect a noticeable improvement in the well-being of children, youth, and families served by the DOSD.

## Successful Services as Models for Future Enhancement

The provision of services through Registered Social Workers plays a crucial role in ensuring the quality and effectiveness of family and well-being programs. Registered Social Workers are trained professionals who adhere to a set of ethical standards and professional competencies, which significantly enhance the quality of services they provide. Regulation of these professionals is critical for several reasons.

### Accredited Training

Registered Social Workers ensure that frontline workers meet a certain level of education and training, which equates to a higher standard of service delivery. This allows clients to trust that they are receiving support from individuals who have the necessary skills and knowledge to help them navigate complex social issues.

### Mechanism for Accountability

Professional regulation provides a mechanism for accountability. Registered Social Workers are required to abide by professional codes of conduct and can be held accountable for their actions. This encourages ethical practice and protects the rights and interests of service users.

### Continuous Professional Development

Regulation promotes continuous professional development. Registered Social Workers are required to engage in ongoing learning and development activities. This ensures that they stay updated on the latest research, theories, and best practices in their field, leading to improved service quality over time.

The provision of services through Registered Social Workers and the regulation of these professionals significantly enhances the quality of services. It ensures a high standard of practice, promotes accountability, and fosters continuous learning and development, all of which contribute to better outcomes for individuals and communities. This analysis therefore recommends:

01

## Regulation of All Child Welfare Professionals

The oversight of all professionals involved in providing child welfare services, including social service workers, managers, and leaders, could significantly enhance the quality of these services.

## Barriers to Effective Collaboration in CFSA Services

There are several barriers to effective collaboration across services being delivered to children, youth, and families under the CFSA, one of which is the issue of moral distress and burnout among staff. This has created a significant gap in the capacity for collaboration between social services, health systems, and justice institutions, preventing vulnerable populations from receiving the support they need.

01

### Interconnected Network of Community

Enable managers in the Department of Child, Youth & and Family Well-being to bridge gaps and increase collaboration and connection between various stakeholders. By removing administrative barriers, a more holistic method of addressing issues, and utilizing expertise in community could be promoted.

02

### Interdepartmental Working Group

Establishing a public-facing interdepartmental working group in Nova Scotia could foster better collaboration and communication for child welfare and wrap-around service provision. This group could include representatives from the Department of Child, Youth and Family Well-Being, as well as Health, Justice, and Education departments and community partners.

# ACCOUNTABILITY

Public services must demonstrate ongoing accountability to the communities they serve.

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Understanding the effectiveness of programs and services for children, youth, and families is crucial, whether these services are provided directly by the government or through government-funded, community-based service providers. This necessitates fostering increased accountability through diligent oversight, robust governance, financial performance evaluation, data analysis, and outcome measurement.

Government departments need to prioritize transparency, uphold the public interest, and establish robust accountability mechanisms. It's important to recognize the issues within Nova Scotia's child

welfare system, which has been criticized for its punitive approach, particularly against economically disadvantaged and marginalized families (Wisdom2Action, 2023). These families are often subjected to intense scrutiny and unrealistic demands - including excessive monitoring and regular drug tests - that exceed normal parenting standards. Accountability of the system is required to change this.

## Enhancing CFSA Compliance for Better Family Outcomes

Assessing the quality of programs and services delivered to children, youth, and families is a critical responsibility for government departments. This process not only validates the efficacy of these interventions but also ensures that they are making a positive difference in the lives of the intended beneficiaries.

01

### Community Oversight Boards

The CFSA should mandate the establishment of four community oversight boards with a legislative mandate and funding to carry out this mandate. These boards would provide progress updates in each of the four Child and Family Well-Being service areas, supporting the child and family well-being ecosystem. The current regional boundaries of other social services provided throughout the province should be reviewed to ensure these proposed oversight boards are optimally aligned and capable of offering support to children, youth, families, caregivers, and communities, considering cultural and geographic contexts.

02

### Continuous Feedback

The CFSA should ensure staff and community partners can provide anonymous feedback on the governance of the Department of Child, Youth & Family Well-being annually. This feedback should be used for professional development and to provide supervisors with insights into their strengths and areas for improvement.

## Assessing Quality of Programs for Children and Families

The task of assessing the quality of programs and services delivered to children, youth, and families is a multifaceted process that requires a comprehensive approach. This involves several key components that collectively contribute to an effective evaluation system. Each component is designed to ensure transparency, impartiality, inclusivity, and cultural appropriateness in the assessment process, ultimately aiding in the improvement and refinement of these vital services. Independent evaluation is a crucial first step, where an external body conducts unbiased evaluations of the programs and services. This impartial assessment includes audits, performance reviews, and impact assessments, providing a clear and objective understanding of the programs' effectiveness.

01

### Community Assessment

Community assessment is another essential aspect, involving direct engagement with community members and beneficiaries of the services. Their firsthand experiences and insights are invaluable for understanding the practical impacts and effectiveness of the programs.

02

## Public Reporting

Public reporting ensures transparency by making the assessment results publicly available in an accessible format. This encourages public scrutiny and allows citizens to gauge the effectiveness of the services they receive

03

## Standardized Metrics

Standardized metrics should be created through the Child and Family Well-Being Framework to provide a uniform measure of success, aligning with the program's objectives and encompassing aspects such as health, education, safety, and overall well-being.

Regular reviews keep track of progress, ensuring the programs and services continually adapt to meet the evolving needs of children, youth, and families.

# CONCLUSION

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In conclusion, the amendments made to the Children and Family Services Act (CFSA) in 2017 have unfortunately amplified the difficulties encountered by vulnerable children, youth, and families. This is especially true for those marginalized due to colonialism, systemic racism, and poverty. The aim of these changes was to boost prevention efforts and promote child and family well-being. However, a considerable lack of community programs and services, particularly in racialized and impoverished communities, has led to an increase in surveillance and punishment.

The amendments were designed to shift the intervention focus away from the need for forensic evidence demonstrating that a child requires care, towards a more preventive approach. However, factors such as Nova Scotia's low-income assistance rate, the scarcity of public and affordable housing, the medicalization and insufficiency of mental health services, and the absence of pathways to child and family well-being have resulted in worse outcomes for children.

The current situation has left social workers with insufficient resources and an overwhelming workload, creating an environment that is not conducive to promoting the safety and well-being of children. It's evident that a comprehensive, evidence-based reform of the CFSA is urgently needed to correct these issues and ensure the rights and welfare of marginalized children and families are protected. Importantly, Nova Scotia needs to legislate a child, youth and family well-being framework to build community ecosystems that support family wellness.

This reform should pay special attention to the rights of Indigenous children and youth, and must also consider the necessary supports for social workers to effectively carry out their duties. Additional funding, improved communication, and collaboration among stakeholders are essential to driving meaningful change in Nova Scotia's child welfare system. Recognizing that it takes time to unlearn harmful systems, efforts should be directed toward long-term decolonization strategies. Addressing the reinforcing elements of poverty and violence requires durable, equity-focused solutions. It will require a concerted, collective effort to bring about the transformative changes needed.

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