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BRITISH COLUMBIA
LAW INSTITUTE

MODERNIZING THE CHILD, FAMILY AND COMMUNITY SERVICE ACT

Backgrounder

Introduction to the Modernizing the Child, Family and Community Service Act Project

Date: 11 September 2019

Overview of the Project

The *Child, Family and Community Service Act* is the statute at the centre of British Columbia's child-protection system. Child protection is a complex subject; the child-protection system extends well beyond the law into other professions, such as (for example) social work. The system has been the object of intense study in recent years, generating major reports and significant ongoing projects. Child protection is going through a period of profound change, and this transformational process is still unfolding.

The Modernizing the *Child, Family and Community Service Act* Project aims to contribute to this ongoing reform of the child-protection system. The system is so large and intricate that a single law-reform project can't hope to address all issues calling out for reform. A law-reform project also shouldn't aim to duplicate past or ongoing work; rather it should build on completed reports and complement ongoing projects.

The Modernizing the *Child, Family and Community Service Act* Project is intended to play this complementary role. The project has two dimensions: (1) a focused review of the *Child, Family and Community Service Act* to identify outdated provisions and operational incompatibilities and gaps within the statute itself and with legislation that intersects with this act; (2) comparative legal research into legislative models that support policy and practice related to youth aging into the community.

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Goals of the Project

The project's overriding goal is to produce two major publications: (1) a report that recommends changes to the *Child, Family and Community Service Act* to reform outdated provisions and address operational incompatibilities and gaps; (2) a study paper that describes the current law in British Columbia on youth aging into the community and compares it with legislation found in other jurisdictions. To achieve that overring goal, the project will involve:

- reviewing legal research and writing on legislation addressing youth aging into the community and on gaps and outdated provisions in the *Child, Family and Community Service Act*;
- working with an expert project committee, which will help BCLI to define the issues to be addressed, consider the options for reform, and craft recommendations for reform;
- consulting with the public, primarily through a published consultation paper that contains detailed tentative recommendations for reform of the *Child, Family and Community Service Act*.

Child Protection Project Committee

The British Columbia Law Institute is carrying out the Modernizing the *Child, Family and Community Service Act* Project with the assistance of a volunteer project committee. The project committee brings together a diverse range of experts from across the legal profession and other professions.

The members of the Child Protection Project Committee are:

Corinne P. Feenie—Co-Chair
Feenie MacDonald

Katrina M. L. Harry—Co-Chair
Legal Services Society of British Columbia

Holly Anderson
Vancouver Aboriginal Child and Family Services Society

Fiona M. Beveridge
Watson Goepel LLP

Jennifer A. Davenport
(retired) BC Office of the Public Guardian and Trustee

Meena H. K. Dhillon
Meena Dhillon Law Corporation

Robert W. Evans (Jul. 2019–present)
RWE Law Corporation

Meghan Felbel
BC Ministry of Children and Family Development

Carly Hyman
BC Office of the Representative for Children and Youth

Serena Kullar
Healthiest Babies Possible & Youth Pregnancy and Parenting Program, Vancouver Coastal Health Authority

Claudia Liddle (Aug. 2019–present)
Vancouver Aboriginal Child and Family Services Society

Crystal Reeves (Jul. 2019–present)
Mandell Pinder LLP

Brandi Stocks
BC Office of the Public Guardian and Trustee

Our Supporter

The Modernizing the *Child, Family and Community Service Act* Project was made possible by funding from the Law Foundation of British Columbia.

Legal Issues to Be Examined in this Project

The committee has developed a work plan for the project, which includes the following issues:

- definitions and terms—specifically, harmonizing definitions and terms used in the *Child, Family and Community Service Act* with the *Family Law Act* (and with recent amendments to the *Divorce Act*);
- independent legal advice in relation to specified agreements and plans;
- disclosure from a director to families in child-protection proceedings;
- court procedures and orders, with a focus on consent orders and orders regarding a transfer of custody;
- incorporation of the child’s views in proceedings;
- discrete issues concerning protection procedures.

In addition, work on youth aging into the community will examine existing British Columbia policies and programs and will survey legislative models used in Australia, New Zealand, the United Kingdom, and the United States.

Project Timeline

The project will move toward its achieving its goals in four phases.

The first phase will concern project organization and issue identification. The second will involve regular project-committee meetings to identify and consider options for reform and to formulate tentative recommendations for reform. The project’s third phase will be

public consultation on the committee's tentative recommendations. Finally, the fourth phase will concern development of the committee's final recommendations and completion of its major publications. Its final recommendations will be contained in the final report on modernizing the *Child, Family and Community Service Act*. A compilation of its research and analysis of legislative models for youth aging into the community will be published in a study paper.

BCLI anticipates completing this project by 30 September 2020.

About the British Columbia Law Institute

The British Columbia Law Institute was incorporated in 1997 under the British Columbia *Society Act*. Its mission is to be a leader in law reform by carrying out the best in scholarly law-reform research and writing and the best in outreach relating to law reform.

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