



# MINISTERIAL DIRECTIVE

## Extending Support Services for Youth and Young Persons MD 2020-03

---

### 1. Background

The *Child and Family Services Act* includes provisions that allow the Director of Child and Family Services ('Director') to provide support services to:

- youth (16-19 years); and
- persons between the ages of 19-23 years, who were in the permanent care of the Director prior to reaching the age of majority ('young persons').

These support services are provided on a voluntary basis and at the discretion of the Director.

The *Hospital Insurance and Health and Social Services Administration Act* ('HIHSSA') provides the Minister of Health and Social Services ('Minister') with broad discretionary powers in relation to the provision of health and social services in the NWT. Specifically, section 3.3 of HIHSSA states that if the Minister is satisfied that it is warranted for reasons of public safety or to address a pressing gap in the delivery of health services or social services, she may, notwithstanding this Act or any other enactment:

- a) deliver, provide for the delivery of, or coordinate the delivery of health services or social services in any area of the NWT, whether or not those services are being provided in that area by the Territorial Authority, a Board of Management, a municipal corporation or any other person or body; and
- b) do any other thing that the Minister considers necessary to ensure the provision of health services and social services in the NWT.

HIHSSA defines "social services" as:

- a) services for the protection of children,
- b) services in respect of adoption,
- c) services in respect of the guardianship of adults, and
- d) social programs and services approved by the Minister as social services.

Under the *Child and Family Services Act*, "child" is defined as a person who is or, in the absence of evidence to the contrary, appears to be under 16 years of age. Since this Ministerial Directive is specific to youth/young persons and not "children", part (a) of the definition for "social services" does not apply. As such, the Minister must approve the support services to youth/young persons as social services via section 2.1(1)(b) of HIHSSA and section 1(1)(b), 1(4),

and 1(6) of the General Administration Regulations in order to comply with part (d) of the "social services" definition.

The decision to extend support services to youth was initiated by correspondence from Indigenous Services Canada, who advised delivery partners that eligible maintenance costs to First Nations child and family services agencies who provide services to youth who would ordinarily be aging out of care between March 9th - September 30th, 2020 would be covered.

The Government of the Northwest Territories' Department of Health and Social Services will be extending this timeline to March 31<sup>st</sup>, 2021 to allow for the continuation of these services to NWT youth and young persons during the ongoing COVID-19 pandemic. While Indigenous Services Canada focused on extending services to First Nations child and family services agencies, the Director has and will continue to extend support services to youth/young persons who would ordinarily age out of care regardless of cultural background.

This Ministerial Directive rescinds Ministerial Directive 2020-02: Extending Support Services for Youth and Young Persons.

## 2. Purpose

The Minister is satisfied that youths and persons between the ages of 19-23 years who were in the permanent care of the Director are acutely vulnerable in the face of the COVID-19 pandemic. This vulnerability warrants the exercise of the powers established under section 3.3 of HIHSSA for a reason of public safety.

As such, the Minister, in accordance with section 3.3 of HIHSSA and notwithstanding the *Child and Family Services Act*:

1. extends the provision of voluntary services to youths between the ages of 16-19 under section 6 of the *Child and Family Services Act*, so that youths who will attain; or who have attained, the age of 19 can continue to receive voluntary services; and
2. extends the provision of extended support services to persons between the ages of 19-23 who were in the permanent care of the Director under sections 6.2 and 6.3 of the *Child and Family services Act*, so that persons who were in the permanent care of the Director and who will attain, or who have already attained, the age of 23 can continue to receive extended services.

These services apply to youth/young persons who would have, or who already have, ordinarily aged out of care as of March 9th, 2020.

These support services may be extended until March 31st, 2021 or until the expiry of the COVID-19 public health emergency as ordered by the Minister under the *Public Health Act*, whichever date is the latter.

For sake of clarity, the purpose of this Ministerial Directive is to temporarily extend existing support services to vulnerable youth/young persons and not to suspend or delay the provision of services under the *Child and Family Services Act*.

Furthermore, the Minister approves the following services, as identified under the *Child and Family Services Act*, as "social services" under HIHSSA and in accordance with the General Administration Regulations:

1. voluntary services to youths between the ages of 16-19 years, as per section 6; and
2. extended support services to persons between the ages of 19-23 years who were in the permanent care of the Director, as per section 6.2 and 6.3.

### **3. Definitions**

All relevant definitions are consistent with the NWT's *Child and Family Services Act* and HIHSSA.

### **4. Exceptions**

None.

### **5. Amendment**

The Minister may amend this Directive from time to time.

### **6. Effective Date**

This Ministerial Directive comes into effect on the date of signing by the Minister, recognizing services may be extended to youth/young persons who would ordinarily age out of care as of March 9th, 2020.

### **7. Expiration Date**

This Ministerial Directive expires on the latter date of the following: March 31<sup>st</sup>, 2021 or the expiry of the COVID-19 Public Health Emergency as ordered by the Minister under the *Public Health Act*.

<original signed by>  
\_\_\_\_\_  
Julie Green  
Minister of Health and Social Services

October 2, 2020  
\_\_\_\_\_  
Date