

Statement by the Child and Youth Advocate on the findings in a recent ruling by the Supreme Court of Newfoundland and Labrador

On June 12, 2025 a decision of Justice Laura A. Mennie was filed with the Supreme Court of Newfoundland General Division regarding s.7 of the **Charter** rights of a child. Justice Mennie's order declared that s. 27(2) of the **Children's Law Act** and s. 40(4) of the **Children, Youth and Families Act** violate s. 7 of the **Charter** and are not saved by s.1. Within the decision, Justice Mennie raised concerns about permanency planning for children by the Department of Families and Affordability citing evidence by the Department as corroborating her concerns.

The statistics provided to the Court by the Department of Families and Affordability for the timeframe of March 31, 2018 to March 31, 2024 reported that over 500 children and youth are in continuous care each year, yet only 190 adoptions have been finalized in the same timeframe.

Justice Mennie wrote "...the statistics illustrate that obtaining permanency after a continuous custody order is made is a regrettably slow process in this Province".

Such delays not only result in significant economic costs to the Province, but more importantly, demonstrates a failure to recognize the rights of children and youth, as well as a failure to act in their best interests.

"The statistics provided to the Court are extremely concerning. This demonstrates that there have been no improvements in permanency planning, despite recommendations from my Office dating back to 2013. Given this, my office will be conducting an examination of how permanency planning is achieved for children and youth in care. I have given notice to the Department of Families and Affordability of my intention to conduct this examination," said Karen Gray, Child and Youth Advocate (A).

The Office of the Child and Youth Advocate has raised its concerns regarding permanency planning in Investigative Reports dating from 2013 to 2019. Specific recommendations have included:

- **Blanket of Insecurity** (2021): Recommendation 4: The Department of Children, Seniors and Social Development conduct an audit of all long-term out-of-home

placements, including kinship placements, to identify and address factors impacting permanency for these children.

- **Seen But Not Heard** (2019): Recommendation 6: The Department of Children, Seniors and Social Development ensure specific measures are taken for permanency planning to be an integral part of intervention with all children receiving child protection and in care services.
- **A Stolen Life** (2016): Recommendation 6: The Department of Children, Seniors and Social Development (formerly the Department of Child, Youth and Family Services), in consultation with Aboriginal governments, organizations and communities, propose changes to legislation that will recognize traditional custom adoption, and ensure the same standard of safety and permanency planning for all children and youth in the Province.
- **Sixteen** (2013): Recommendation 29: The Department of Child, Youth and Family Services ensure that all children and youth: (a) are provided with opportunities to express their views freely in all matters affecting them; and (b) have their views considered in the development of their permanency plans.

“Children and youth deserve a transparent and accountable system which protects their rights and all decision makers must be held accountable to ensure the best interests of children and youth are protected and respected, “said Gray.

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