Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act CSSD-33-2018

On November 5, 2018, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

The number of children by region (Eastern, Central, Western, and Labrador) who have been placed into the continuous custody of the manager (by month) from April 2009 until 60 days prior to this request (August 2018). I would also like to know how many of these children were profiled for adoption within 60 (as per CSSD policy) based on the date the application was received by provincial office (I would like this information broken down by region also).

I am pleased to inform you that a decision has been made by the Deputy Minister for Children Seniors and Social Development to provide access to the requested information, as attached in Appendix A.

It important to note that the number of children placed in continuous custody could only be aggregated back to 2013 and adoptions data is only available since 2011. In consultation with the Director of Quality Management and the Director of In Care and Adoptions the following explanations have been provided to help you understand the Department’s limitations in providing the information you’ve requested:

- The adoptions policy indicates “A completed package of information on the child must be forwarded to a manager no later than 60 days following the signing of the Consent of Parent/Person with Custody to Adoption or the granting of a Continuous Custody Order, where adoption is the plan”. While data is included in each child’s or youth’s case file, the information was not aggregated prior to 2011. Upon implementation of the reporting features of CSSD’s new information management system, there will be an ability to better track statistics related to adoption profiles of children and youth at an aggregate level.
Quarterly stats of children placed in continuous care are confirmed manually each quarter, to enhance the reliability of the data. This process did not exist prior to 2013, and aggregate data collected prior to that time cannot be used in conjunction with available adoptions data.

Once a child becomes available for adoption through the granting of a continuous custody order, several requirements must be met in order for a child to be eligible for adoption. A social worker must obtain a Birth Parent Medical and Social History related to the birth mother and birth father. This information is used in the matching process and contains a detailed account of the birth families social and medical history. In addition, other documents that are required in the adoption process for a child or youth include: a certified copy of the continuous custody order; the child’s medical and social history; the child’s original birth registration from vital statistics; the child’s views and wishes report; managers consent to adoption; notification of intent to sign consent to adoption; professional reports outlining services provided to the child; documents related to any openness being recommended on behalf of the child; and adoption subsidy documents. The documentation requirements are extensive and compilation of these documents may require longer than the 60 days outlined in policy.

The adoptions program has recognized that the current policy requirement for the completion of child/youth profiles is infrequently met. Additional resources were provided to the Adoptions program under Budget 2018 to hire staff to increase efficiency in the adoption program and increase the number of profiles completed for children and youth available for adoption.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at (709) 729-6370 or by e-mail at michellemurray@gov.nl.ca.

Sincerely,

Michelle Murray B.A., B.S.W., M.S.W.
Program & Policy Development Specialist/ATIPP Coordinator
Department of Children, Seniors and Social Development
P.O. Box 8700  St. John’s, NL A1B 4J6
COMPLAINT

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).

2015 cA-1.2 s52
# APPENDIX A

## ATIPP Request

**CSSD/33 2018 – Continuous Custody**

June 2013 – June 2018*

<table>
<thead>
<tr>
<th>Quarter End Date</th>
<th>Central West</th>
<th>Labrador</th>
<th>St. John's Metro</th>
<th>Children in Continuous Custody</th>
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<td>125</td>
<td>115</td>
<td>485</td>
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* Custody status is tracked quarterly, not monthly as requested, therefore the table shows the number of children in continuous custody status as of the end of each quarter.

Quarterly stats are confirmed manually each quarter to enhance the reliability of the data. This process did not exist prior to 2013, and aggregate data we have before that time cannot be used in conjunction with available adoptions data.

From 2011 to 2016, calendar years, among the children who were identified as having adoption as their permanency plan, information packages of 5 children were received by provincial office within 60 days of granting continuous custody orders.

All numbers are rounded and due to this figures may not sum to total because of rounding.