Across Borders: Legal and Social Complexities in Child Welfare

AFCC-O 2026 Annual Conference
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CWICE | Child Welfare Immigration Centre of Excellence

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Child Protection Matters across Ontario, Canada and the World

1. PROVINCIAL MATTERS

ONTARIO's MULTIPLE LOCAL CHILD PROTECTION JURISDICTIONS

50+
Societies
in Ontario

Ministry designation specifies jurisdiction:

- **For a specific geographical area**
- **For a specific First Nations community**
- **For Faith-based groups**

Reasons for Movement

PLANNED

- **Each parent living in different areas or relocating**
- **Children placed with extended family, or with adoptive parents**

Reasons for Movement

UNPLANNED

- **Parents flee with their children**
- **Parents send their children to other persons without a safety assessment**
- **Youth run away**

ONTARIO INTERAGENCY PROTOCOL – Ontario Association of Children's Aid Societies

Ontario's Interagency Protocol

Ontario Association of Children's Aid Societies

Ontario agencies **share responsibility for all children in the province of Ontario** who are in receipt of service, not only those within their jurisdiction.

As children/families move from one jurisdiction to another, **agencies will work together** to determine how children will receive the best care and support.

Ontario's Interagency Protocol

Ontario Association of Children's Aid Societies

- **Principles of cooperation for when children, youth and families move, or for multi-jurisdictional matters**

-If issues, Liaisons at each Agency and Alternative Dispute Resolution to resolve agency disputes

Child Protection Proceedings

s.92(2) Child, Youth & Family Services Act

- **A child protection hearing is held in the territorial jurisdiction in which the child ordinarily resides, except if child is:**

(a) Removed to a Place of Safety, then the hearing takes place there
(b) Supervised or in the care of another society, the the hearing can be in that jurisdiction

2. CANADA-WIDE MATTERS

PROTOCOL ON CHILDREN, YOUTH AND FAMILIES MOVING BETWEEN PROVINCES & TERRITORIES

Purpose of “National” Protocol

- **Principles of cooperation**
- **Clarity of responsibilities for functions across jurisdictions**
- **Dispute Resolution**

1. **FORM – Service Requests**
2. **FORM - Alerts for missing**
3. **FORM - Placement in care**

CAS Ottawa v. I.L., 2012 ONSC 2808

Guiding Principles from the Case:

- Recognize the limits of own jurisdiction
- Consult, collaborate and plan with other jurisdiction(s) to prioritize child safety even in the absence of a specific statutory authority

CASE EXAMPLE:

Lev Tahor Sect –

Extra provincial Orders

CASE EXAMPLE: Lev Tahor

- Ultra-Orthodox Jewish sect
- Widely criticized for its strict practices (child abuse, neglect, arranged mariages of teens)
- Over the years, Lev Tahor relocated multiple times in response to police and child protection investigations

CASE EXAMPLE: Lev Tahor

- In November 2013, approximately 200 members of Lev Tahor – including over 130 children, left the Laurentians region of Quebec and moved to Chatham-Kent, Ontario.

- This coincided with Quebec youth protection services initiating legal proceedings to remove some of the children of sect members.

- A Quebec court had ordered that these children be placed in foster care but the community fled.

CASE EXAMPLE: Lev Tahor

- At the time (under the CFSA), there was no clear legislative authority recognizing child protection orders made outside of Ontario. The issue had to be presented to the court.

- The court rendered a decision to recognize and enforce the Quebec order so the children who were subjects of the order could be returned to Quebec.

CASE EXAMPLE: Lev Tahor

- Section 74(1) CYFSA (2017) now defines an ‘extra-provincial child protection order’:

  A temporary or final order made by a court of another province or a territory of Canada, or of a prescribed jurisdiction outside Canada if it meets prescribed conditions, pursuant to child welfare legislation of that province, territory or other jurisdiction, placing a child into the care and custody of a child welfare authority or other person named in the order

Extra-Provincial Child Protection Orders

- S.83(1) CYFSA - a Justice of the Peace may issue a warrant to bring a child to a place of safety if the child subject of an extra-provincial order and has left or been removed from the lawful care and custody of the child welfare authority or other person named in the order

- S.83(4) CYFSA- Removal without a warrant is permitted if there would be a substantial risk to the child's health or safety during the time necessary to obtain a warrant

- S.88(c) CYFSA - Within 5 days, the child shall be returned to the child welfare authority or person named in the order

3. INTERNATIONAL MATTERS
The 1996 Hague Child Protection Convention

- Although Canada signed the Convention on 23 May 2017, Canada has NOT yet ratified the Convention

- Ratification requires implementation by provinces and territories because child protection falls largely within provincial jurisdiction

1. Clear jurisdiction rules based on habitual residence

2. Structured international cooperation through Central Authorities

3. Recognition of foreign protection and guardianship orders

4. Reduced duplication of legal proceedings

5. Improved information-sharing and oversight

Conclusion

Child protection across borders is complex, but the goal remains simple: ensuring the safety and well-being of every child. Through stronger collaboration, clearer legal frameworks, and a shared commitment to children's rights, we can better respond to the realities of an increasingly interconnected world.



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Vision, Mission & Values

Our Vision	Children and youth are safe, empowered, and thriving (SET)
Our Mission	We champion the safety and well-being of children and youth based on their unique needs while strengthening families.
Values	**C**ollaboration & Partnership with our families & community partners. **A**ccountability to the children, youth, families & community we serve. **R**espect & Compassion for our staff, children, youth and families. **E**quity, Diversity, Inclusion, Anti-Racism & Truth and Reconciliation. **S**upport the well-being of our children & youth through Innovation.



1 in 4 people in Canada were born outside of Canada

1 in nearly 3 people in Ontario were born outside of Canada

1 in 2 people in Toronto, Peel and York Regions were born outside of Canada

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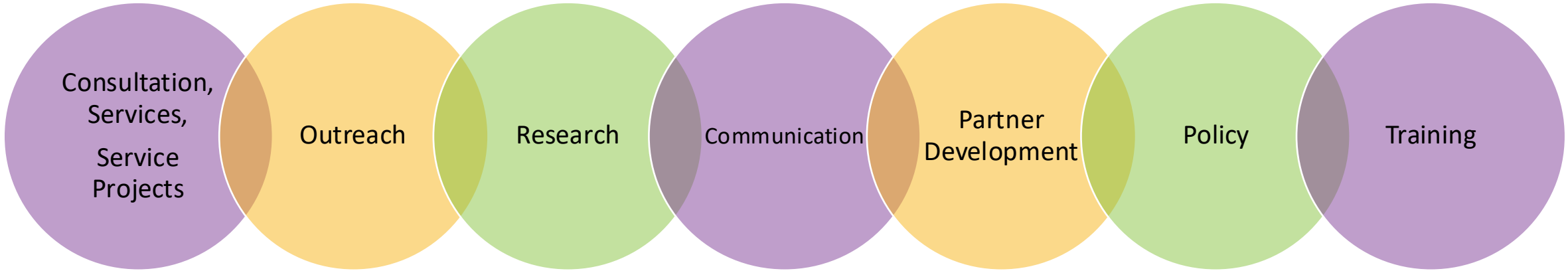
Overview of CWICE

CWICE | Child Welfare Immigration Centre of Excellence

Established in 2018, CWICE is a centralized service and training centre that has been recognized nationally for its leadership and innovation

	What makes CWICE unique in North America?
1.	Our province-wide program is a structured response to system navigation.
2.	Our day-to-day operations are grounded in service/practice, as the impetus to inform capacity building and research.
3.	The intersection of child welfare with unresolved immigration, settlement, travel and border-related issues is centred as the focus.
4.	First child welfare and social work office in an airport in North America; third in the World.

CWICE Programs & Services



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Understanding the needs

- Challenges faced by immigrant and refugee families
- “The Population-based Disparity Index (PDI) suggests that children in a Newcomer household are approximately 2.48 times more likely to be investigated by child welfare than children in a non-Newcomer household. Significant findings from the bivariate analyses could explain possible reasons for this disparity and indicate priority areas for child welfare agencies to support their Newcomer families” (OIS, page 9[1])
- Importance of culturally sensitive interventions
- Managing fear that people face when they are involved with child welfare, while providing training to staff[2]

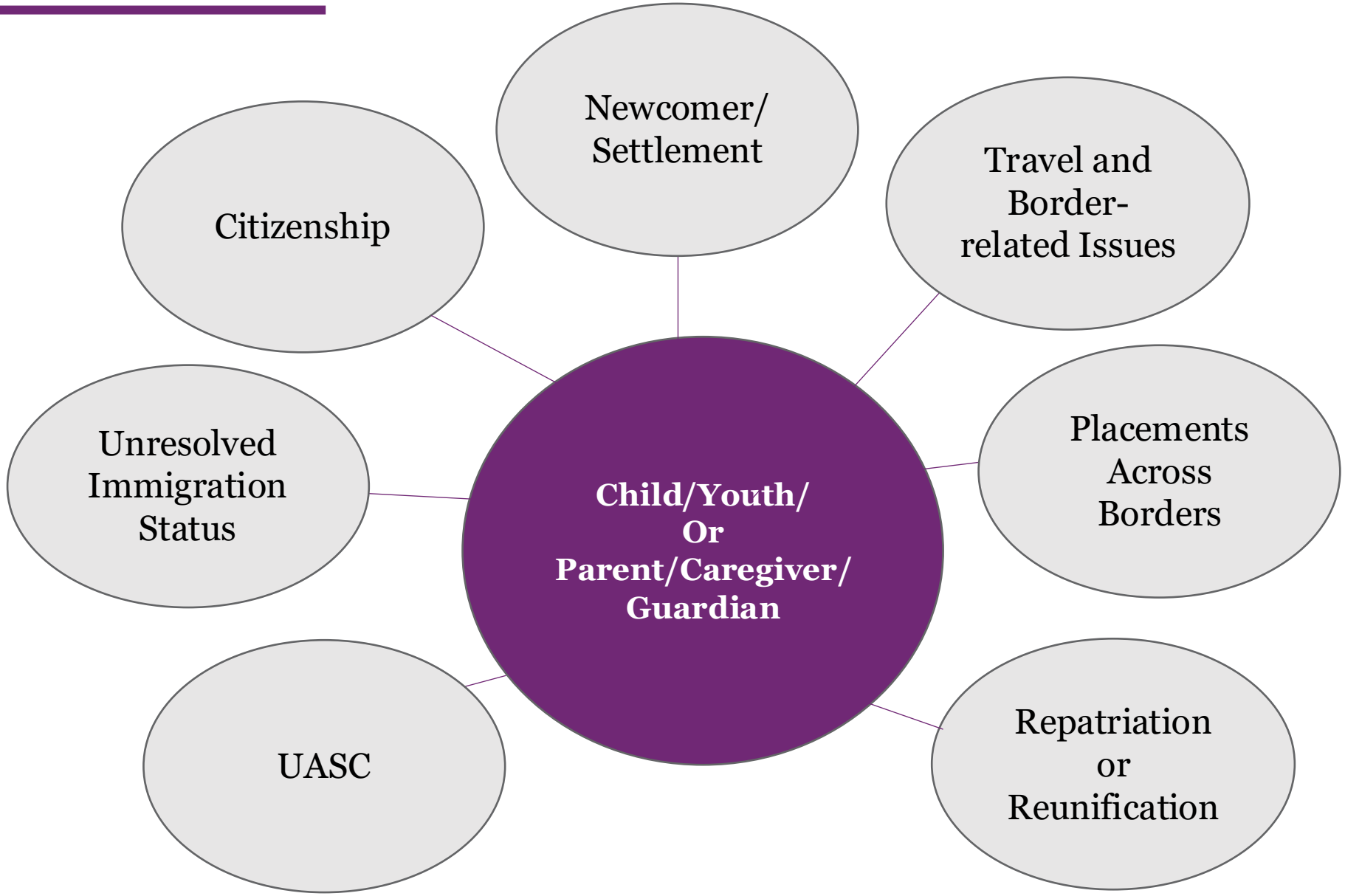


[1] View of Examining Child Maltreatment-Related Investigations of Children from Newcomer and non-Newcomer Households in Ontario, Canada | International Journal of Child and Adolescent Resilience

[2] *WE ARE IN A POSITION OF POWER”: FRONT-LINE WORKERS’ EXPERIENCES AT THE INTERSECTION OF CHILD WELFARE AND IMMIGRATION*, Henry Parada, Danielle Ungara, Kristin Swardh, Veronica Escobar Olivo, Canadian Social Work Review, 2024

Key Priorities

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2025-26 HIGHLIGHTS

TOTAL REFERRALS (2025/26)

657

TOTAL REFERRALS SINCE 2018

4,686

TOTAL OUTREACH ATTENDANCE SINCE 2018

15,000

QUOTE FROM OUR PARTNER

"CWICE brings a unique focal point on child welfare and immigration - they are grounded in their insights and expertise and always ready to weave these into innovative partnerships. The team is brilliant; and we are grateful to work with them on research, community hubs, and fostering leadership."

- Jessica Kwik, Director, Peel Newcomer Strategy Group, United Way Greater Toronto

SERVICE EVALUATION FEEDBACK

"We truly would still be running around in circles if it wasn't for CWICE's help. We are so grateful."

- CPW



Training

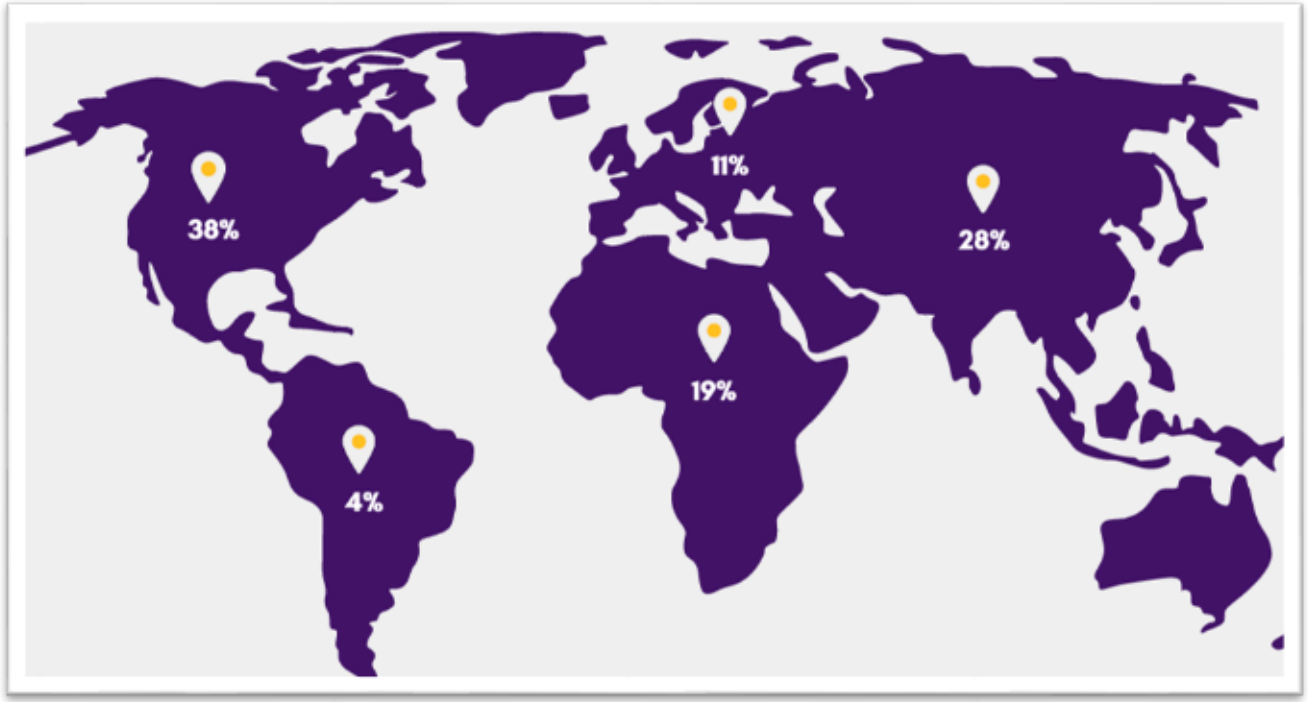
- 1,671 total attendance since 2020
- 15,000 capacity-building engagements through webinars, awareness activities and, presentations since 2018

Outreach

- 2,011 total attendances in 2026-2026
- Total of 12,466 individuals since 2018



CWICE Clients by Continent of Origin 2025/26 (N=961)



Practice Examples

- Settlement or Immigration Status
- Citizenship
- Repatriations with Global Affairs Canada and Canada Border Services Agency
- International placements with ISS Canada
- Outreach program with child welfare organizations
- Community Engagement with Government Assisted Refugees and Asylum Seekers in first 2 weeks of arrival
- FIFA World Cup response and move to Toronto Pearson International Airport
- Travel related / Border related cases



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2026 Changes

- Bill C2 (in process) and C12 introduce changes to immigration legislation, predominantly impacting asylum seekers
- Planned immigration numbers (mostly PRs) have been decreased, as well as visa/permit approvals (ie. study)
- Reduced investment in and services available across settlement sector
- Safe Third Country Agreement (Canada-USA) – remains in effect during ongoing court matter; Supreme Court hearing scheduled November 2026
- Changing public perceptions of immigration and narratives in media
- Increased focus on secure borders and national defense
- Increasing number of displaced people and people on the move worldwide

Key Practice Considerations

- Province of Ontario:
  - Updated regulations and Quality of Care Standards – need to gather, apply, and obtain identity documents for children in care; recommended for all children
  - Identity data includes citizenship and immigration status in Canada – someone may have dual or multi-citizenship
- Canada-wide
  - Canada is signatory to the Hague Convention (Convention on the Civil Aspects of International Child Abduction) and the United Nation's Convention on the Rights of Child
  - IRCC has temporary TR and PR policies for children in care expire January 21, 2027



Stay Connected

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To stay connected with our work, visit us at

www.cwice.ca

- Publications
- Community Resources
- Training
- E-newsletters

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THANK YOU!

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ISS -Canada

October 2026

International Social Service Canada

Service Social International Canada

The ISS network

- ISS General Secretariat Geneva, Switzerland
- Over 120 partners worldwide (each of them unique)





ISS Canada

Mission

- ISS Canada mobilizes international networks to protect and reunite and advocate for children, individuals and families separated by borders.



What we do:

Protect

- Assessment of children overseas
- Obtain RC and PCC (for foster, adoption, employment, etc.)
- Obtain previous files/Documentation (when available)
- Abuse Alerts
- Adult Protection
- International Child Abduction

Support

- Deportation/Immigration
- Community Assessments
- Unaccompanied Minors
- Advocacy (child's rights and human rights)

Reunite

- Biological Parent Assessment for permanent, temporary placement of visits
- Post Adoption Tracing
- Family Reunification
- Kindship Assessment for permanent, temporary placement or visits
- Family Finding for children in care

Mediate

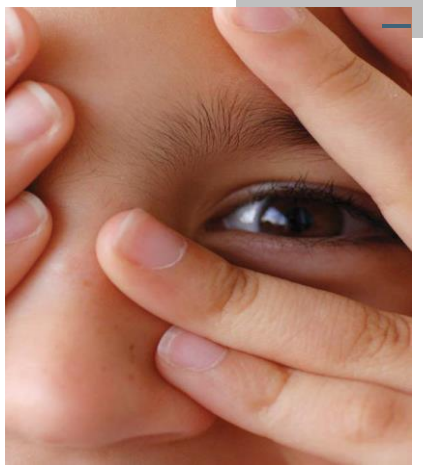
- International Child Custody
- International Child Abduction
- Custody and Access

Parental abduction / wrongful retention

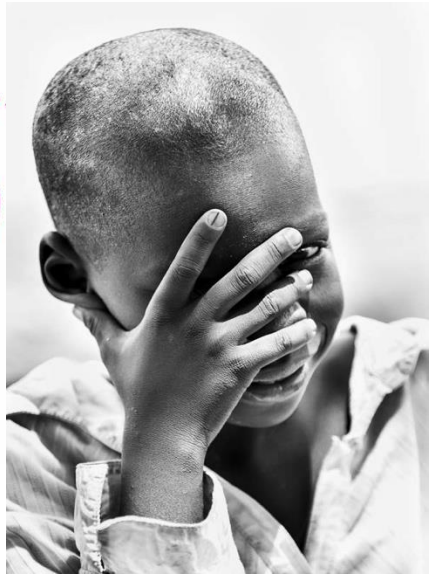
- Rights of the child focused approach (CRC-UN)
- In countries where the Hague applies collaboration is still possible
- Work between countries with volunteer parties
- Try to mediate terms of communication
- Try to obtain information/updates on children

- Numerous documents/research on the topic from our International Reference Center in Geneva
    - Ottawa principles
    - Thematic sheets
    - International Mediation data base

International case examples







Wrongful retention Canada / Pacific

- Mother without news after years.
- Police referral
- Willing partner
- Update on children
- Individual interviews
- Mediation approach with father
- Return of children (staguered)

Good practice for international cases:

- Do not act too quickly in cases/decisions that involve other countries
- Do not hesitate to take the time to seek the advice of ISS in certain international cases
- Send ISS the cases sooner than later, other countries have their own systems in place, and we need to be patient/understanding that some services may take longer (travel time, bureaucracy etc.)

- Stay connected: LinkedIN, Instagram, Newsletter (The Link), annual report
- Tell your colleagues about us
- Call us with questions: possible cases and let's see what we can do

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Thank you!

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