

FOSTER HOMES: A DISCUSSION PAPER

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1.0 BACKGROUND

Prompted by residents concerns regarding the Foster Treatment Home/Program, and the lack of provisions in the zoning by-law regarding foster homes, City Council on February 9, 2000 passed the following Resolution 0039-2000:

“Whereas the issue of appropriate distance separation for foster homes was raised at a resident meeting where concerns were expressed regarding the establishment of a foster home; and
Whereas appropriate distance separation for the development of foster homes should be reviewed;
Now therefore be it resolved that staff be directed to prepare a study which addresses appropriate distance separation by which foster homes could be established in the City.”

On April 11, 2001, City Council adopted the following Recommendation GC-0213-2001 of April 4, 2001:

“That staff be directed to address the protocol for the public notification process, within the corporate report being prepared on the Group Home Policy review.”

To address the issue of appropriate distance separation for foster homes, it is necessary to examine the existing group home provisions and identify the distinction between a children’s residence (also known as a group home for children) and a foster home.

Presently, there is no public notification process for group homes in the City. As part of the study, the public notification process for group homes of other municipalities was reviewed.

The study also addressed the updated statutory references in the "GROUP HOME" definition in the zoning by-laws and in the Group Home Registration By-law 475-83. Other than for housekeeping purposes, the study does not recommend changes to the existing group home provisions in the zoning by-laws nor the Group Home Registration By-law 475-83.

2.0 ZONING BY-LAWS PROVISIONS

A brief history leading to the inclusion of group home provisions in the zoning by-laws and the enactment of the Group Home Registration By-law 475-83 is contained in Appendix A.

The zoning by-laws define “GROUP HOME” as follows:

“GROUP HOME” means a one-family detached dwelling in which a minimum of 3 persons excluding staff or receiving family and a maximum of 8 persons including staff or receiving family, requiring specialized or group care reside in the style of a family, and which is licensed, approved or supervised by the Province as:

- (a) an Approved Home, approved under the *Mental Hospitals Act*, R.S.O. 1980, c.263;
- (b) a Home for Special Care, licensed under the *Homes for Special Care Act*, R.S.O. 1980, c.202;
- (c) a Halfway House for the Socially Disadvantaged, approved under the *Charitable Institutions Act*, R.S.O. 1980, c.64;
- (d) a Satellite Residence for Seniors, approved under the *Homes for Aged and Rest Homes Act*, R.S.O. 1980, c.203;
- (e) Accommodation Services for the Mentally Retarded, approved under the *Homes for Retarded Persons Act*, R.S.O. 1980, c.201 (ADULTS) and the *Development Services Act*, R.S.O. 1980, c.118, (CHILDREN);
- (f) a Children’s Residence, licensed under the *Children’s Residential Services Act*, R.S.O. 1980, c.71, exclusive of Observation Homes, Detention Homes and Children’s Aid Foster Homes;
- (g) Supportive Housing Programs:
Adult Community Mental Health Program, approved under the *Ministry of Health Act*, R.S.O. 1980, c.280;

A home which provides accommodation and care for any other purposes including observation, detention and rehabilitation of offenders or ex-offenders shall not be deemed to be a group home.”

The present definition of “GROUP HOME” includes a Children’s Residence, but specifically excludes Children’s Aid Foster Homes.

In Zoning By-law 5500, a group home in a detached dwelling is permitted in “RR”, “RS”, “R1”, “R2”, “R3”, “R4”, “R4(12)”, “RL1”, “RL2”, “RL3”, “RL4”, “RL5”, “RL6”, “RM1”, “RM2”, “RM3D1”, “RM3D2”, “RM5”, “RM7D2”, “RM7D3”, “RM7D4” and “RM7D5” zones subject to a minimum separation distance of 800 m (2,625 ft.) from another group home, and that the group home is registered with the City of Mississauga. Group homes are also permitted in “R1”, “R2”, “R3” and “R4” zones in Zoning By-law 1227 and Zoning By-law 65-30 with the same provisions as in Zoning By-law 5500.

The Group Home Registration By-law 475-83, requires group homes to be registered with the City, and, thereafter, renewed for registration every year that the group homes continue to operate. In compliance with the Group Home Registration By-law 475-83, presently there are eighteen (18) group homes registered with the City.

There is no definition of “FOSTER HOME” or provisions related to foster homes in the zoning by-laws. Foster homes are operated within the definition of a “FAMILY” and are permitted as-of-right in all dwellings in Mississauga.

The zoning by-laws define “FAMILY” or “HOUSEHOLD” as follows:

“FAMILY” or “HOUSEHOLD” means one or more persons occupying a dwelling unit or a housekeeping unit who have access to all areas of the dwelling unit or housekeeping unit, but does not include a group of persons occupying a boarding, rooming or lodging house.”

If a home is licensed as a “foster home” by the Ministry of Community and Social Services (MCSS), and if the facility is not licensed under any of the legislation or successive legislation enumerated in the “GROUP HOME” definition in the zoning by-laws, it has been interpreted that the “foster home” is not a group home.

3.0 PROVINCIAL REGULATIONS

3.1 *Municipal Act, R.S.O. 1990, c. M.45*

Section 240 of the *Municipal Act, R.S.O. 1990, c. M.45*, authorizes municipalities to create a registration and inspection scheme for group homes. It states the following:

"240. (1) Definition. - In this section,

“group home” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

"registrar" means the person designated as the registrar of group homes by the council of a local municipality.

(2) Registration of group homes. - The Council of every local municipality may pass by-laws,

- (a) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;
- (b) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

- (c) fixing fees for the registration and renewal of registration of group homes; and
 - (d) authorizing the registrar to register and renew registrations required by a by-law passed under clause (a).
- (3) **Duty of registrar.** - Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection (2) for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.
- (4) **Inspection.** - Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his or her instruction may, under the authority of a search warrant issued under the *Provincial Offences Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.
- (5) **Restricted area by-law required.** - No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 34 of the *Planning Act* that permits the establishment and use of group homes in the municipality. R.S.O. 1990, c. M.45, s.240."

The registration system for group homes available under the *Municipal Act* allows the municipality a system of registration only and does not provide special authority to regulate group homes. The municipality does not have the ability to control the operations or the discretion to even refuse registration where the group home application provides all prescribed information. Therefore, where an application is made to the "registrar" of group homes, using the prescribed form, the group home is automatically entitled to registration. Only in the case of where a group home fails to register will it be prohibited from operating, however, upon registration, the group home would be allowed. In other words, Section 240 of the *Municipal Act* merely enables a municipality to maintain a running list of the number and location of group homes.

3.2 *Child And Family Services Act, R.S.O. 1990, c. C.11*

The *Children's Residential Services Act*, R.S.O. 1980, c.71 cited in the definition of "GROUP HOME" in the Zoning By-laws no longer exists. It has been repealed and its concepts incorporated into Part IX of the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended.

In the *Child and Family Services Act*, R.S.O. 1990, c. C.11, Section 1, Declaration of principles, states the purposes of the Act as follows:

- "1. The purposes of this Act are,

- (a) as a paramount objective, to promote the best interests, protection and well being of children;
- (b) to recognize that while parents often need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent;
- (c) to recognize that the least restrictive or disruptive course of action that is available and is appropriate in a particular case to help a child or family should be followed;
- (d) to recognize that children's services should be provided in a manner that,
 - (i) respects children's needs for continuity of care and for stable family relationships, and
 - (ii) takes into account physical and mental developmental differences among children;
- (e) to recognize that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences; and
- (f) to recognize that Indian and native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.”

Part IX, Licencing, Section 192 defines “children’s residence”, “parent model residence” and “staff model residence” as follows:

“children’s residence” means,

- (a) a parent model residence where five or more children not of common parentage, or
- (b) a staff model residence where three or more children not of common parentage, live and receive residential care, and includes a foster home or other home or institution that is supervised or operated by a society, but does not include:
- (c) a house licensed under the *Private Hospitals Act*,
- (d) a day nursery as defined in the *Day Nurseries Act*,

- (e) a recreational camp under the *Health Protection and Promotion Act*,
- (f) a home for special care under the *Homes for Special Care Act*,
- (g) a school or private school as defined in the *Education Act*,
- (h) a hostel intended for short term accommodation,
- (i) a hospital that receives financial aid from the Government of Ontario, or
- (j) a group home or similar facility that receives financial assistance from the Minister of Correctional Services but receives no financial assistance from the Minister under this Act;

“parent model residence” means a building, group of buildings or part of a building where not more than two adult persons live and provide care for children on a continuous basis;

“staff model residence” means a building, group of buildings or part of a building where adult persons are employed to provide care for children on the basis of scheduled periods of duty.”

The Ministry of Community and Social Services (MCSS) *Foster Care - Licensing Manual* (0102-03, April 1, 1994), under the Legislation and Licensing Section, contains the following information related to the distinction between Children’s Residences/Foster Homes:

“SUMMARY For the purposes of licensing, the places where children live have been divided into two separate streams: children’s residences and foster care. The distinction is made on the basis of the number of children in the home and the staffing model.

CHILDREN’S RESIDENCES

A children’s residence is one which:

1. There is a staff model in operation providing care to three or more unrelated children. A staff model residence is one in which staff are employed for a scheduled period of work or duty; or
2. There is a parent model in operation providing care to five or more unrelated children. A parent model residence is one in which one or two persons residing in the home provide care for the children on a continuous basis. There may be relief staff, but not on

a daily shift rotation basis as in the staff model.

A children's residence is commonly called a group home. Some large children's residences, which house 10 or more children at a time, are sometimes also defined as Institutions (e.g., for the purpose of Residential Placement Advisory Committees).

FOSTER HOMES A foster home is a home in which there is a parent model in operation providing care to four or fewer unrelated children. (The same definition of parent model given above applies).

Note: Directions for licensing children's residences can be found in the Children's Residence Manual.

**SUMMARY OF
TYPE OF
RESIDENCES**

<u>Number of Unrelated Children</u>	<u>Staff Model</u>	<u>Parent Model</u>
3	Children's Residence	Foster Home
4	Children's Residence	Foster Home
5+	Children's Residence	Children's Residence

The limitation of four foster children in a home may be overridden if all the children are of common parentage or are related to the foster parents, and the placement is approved in writing by a Director."

Current MCSS distinction of children's residences (also known as group homes) and foster homes are made on the basis of the number of children and staffing model. The parent-operated foster home provides care to a maximum of four (4) foster children. The foster parents must live in the same house with these children. One of the live-in house parents may work outside of the home, while the other live-in house parent must be available full-time to provide care for the children on a continuous basis. Both foster parents must be committed to fostering and ongoing development. If the number of foster children is more than (4), unless exceptional circumstance exists, the home will be licensed as a children's residence (or a group home) even though it is operated under a parent model.

While there is a distinction of staff versus parent model in the *Foster Care - Licensing Manual*, the distinction does not address variations of employment status of the parent model, whether it is the "traditional" foster home taking in a few foster children or whether it is the foster care licensee hiring a couple as live-in house parents to care for the foster children. The distinction also does not appear

to address how active treatment is being conducted in the residence.

It appears that there is a “new breed” of foster care facilities that combine both treatment and children residential services licensed under the foster care licence. These facilities usually provide care for three (3) to four (4) foster children, and may have “non-traditional” live-in house parents. The “non-traditional” live-in house parents are a couple hired by the service provider (foster care licensee) to act as house parents with one partner available full time to provide care for up to four foster children on a continuous basis. The home is not owned or rented by the live-in house parents but is owned or rented by the foster care licensee. The couple's own children will not reside in the home. This type of foster care facility does not appear to align easily with the “traditional” foster home that functions as a substitute family with these foster children residing away from the homes of their own parents or guardians. These types of homes appear to be a cross between a children's residence or group home and a “traditional” foster home. Table 1 summarizes the distinction between a children's residence and a foster home.

4.0 CHILDREN'S RESIDENCE (GROUP HOME) AND FOSTER CARE LICENSING

Based on the information provided by staff of the MCSS and the Peel Children's Aid Society, there is a distinction in the children's residence (group home) and foster care licensing by the MCSS.

A licence for a children's residence (group home) is specific to a service provider (a non-profit organization or a private operator) and to a specific home subject to compliance with the zoning by-law provisions, including registration with the City and its annual renewal. Each group home must be licensed by the MCSS. Group home licences must be renewed annually. MCSS staff conduct annual inspections of all licensed group homes, as well as inspection of budgets, files and interviews with staff and residents.

With respect to foster care licensing, the licence is given to a service provider (a non-profit organization or a private operator) to operate foster homes, each providing care for a maximum of four (4) foster children. Once a service provider has a foster care licence, there is no limitation on the number of foster homes to be operated under that licence. The foster care licensee (not MCSS) is responsible for reviewing the individual homes where foster care would be operated, and making sure that the homes comply with the legislation. The MCSS does not review and inspect annually all foster homes. Only 10-15% of the foster homes under each foster care licence are being inspected by MCSS.

It is understood that foster homes in Mississauga are operated under MCSS licences by various Children's Aid Societies, other non-profit organizations such as Community Living, Peel Children Centre, as well as private service providers. Staff were not able to obtain the list of organizations with foster care licences operating in Mississauga, nor the locations of foster homes.

See TABLE 1: DISTINCTION BETWEEN CHILDREN'S RESIDENCE AND FOSTER HOME

Only about half of some 475 foster children from Peel are residing in foster homes in Peel operated by the Peel Children's Aid Society. The other half are residing in foster homes or group homes or other institutions operated by other service providers. Some foster children under the care of the Peel Children's Aid Society live outside of Peel, as far away as in Guelph, Kitchener, Durham Region and Ottawa.

There are about 80 foster homes in Mississauga operated by the Peel Children's Aid Society, each providing care for two (2) to four (4) foster children. The number of foster homes in Mississauga operated by other non-profit organizations and service providers is unknown.

5.0 GROUP HOME/FOSTER HOME PROVISIONS OF OTHER MUNICIPALITIES

Fifteen (15) municipalities in Ontario contacted provided group home/foster home provisions in their respective zoning by-laws. Their provisions are summarized in Appendix B. Most of the municipalities contacted do not have a definition of "Foster Home" nor provisions for foster homes in their zoning by-laws. Exceptions are the City of Brampton, the City of Brantford and the City of Vaughan. The City of Kingston and the City of Waterloo have a definition of "Foster Child".

Although the City of Brampton has a definition of "Foster Home", the zoning by-law provisions are silent in terms of providing requirements and restrictions or any registration process. Therefore, it is permitted as-of-right in all dwelling units. Brampton in April 2000 passed an Interim Control By-law on group homes subject to a review of group home/foster home issues. This study is underway.

The City of Brantford also has a definition of "Foster Home", however, there are no provisions in the zoning by-law that regulate foster homes nor is there registration process. Therefore, it is permitted as-of-right in all dwelling units.

The City of Vaughan Council on February 5, 2001 endorsed a report titled "*City of Vaughan Proposed Group Home Strategy*" dated February 2001. Implementing By-law 70-2001, enacted by Vaughan Council on February 12, 2001 but under appeal, contains definitions of "FOSTER HOME", "GROUP HOME TYPE 1", "GROUP HOME TYPE 2" and "INSTITUTIONAL CARE FACILITY", and provisions/restrictions for Group Home Types 1 and 2. Vaughan defines "FOSTER HOME" to mean a single housekeeping unit in a dwelling, where parent-model care is provided for not more than three (3) children under the supervision of a licensee through a foster care service agreement with a recognized social agency and as defined in the *Child and Family Services Act*, as amended. If the foster home has a maximum of three (3) foster children, it is permitted as-of-right in all dwellings. However, if the foster home has more than three (3) foster children, it is considered a Group Home Type 1 and, therefore, subject to its provisions in the zoning by-law.

The City of Kingston defines "Foster Child" to mean a person, under the age of twenty-one (21) years who is under the control and supervision of a local child welfare agency, as defined in the *Child and Family Services Act*. Kingston does not have a definition of "Foster Home". A foster home is operated within the definition of "Family", and therefore is permitted in all residential areas of the City.

The City of Waterloo defines "foster child" to mean a person or group of siblings under the control and supervision of a society as defined in the *Child Welfare Act*, R.S.O. 1980, c.66, as amended, and defines "family" to include up to four foster children. Therefore, foster homes are permitted in all residential areas of the City.

6.0 PUBLIC NOTIFICATION PROCESS FOR GROUP HOMES

Existing provisions in the zoning by-laws permit a group home to be located in a detached dwelling subject to a minimum separation distance of 800 m (2,625 ft.) from another group home. The group home is required to be registered with the City, and thereafter renewed for registration every year that it continues to operate. If the group home use is permitted and all applicable laws satisfied, the City is obligated to issue a permit for the group home use. The City does not send out notifications regarding the group home application nor request input from the public prior to issuance of a permit.

Most of the municipalities contacted regarding group home/foster home provisions do not have public notification process. Only the City of Brampton and the City of Burlington have a public notification process for group homes.

In the City of Brampton, once a group home application is submitted, a meeting will be set up by the Group Home Registration Committee with the applicable City Councillor to discuss the preferred form of public notification. The methods of notification include:

- (a) a letter of notification, or brochure outlining the programming of the group home and the City of Brampton By-law requirements for the use, be circulated to residents within a mutually agreed upon impact area, but not less than 60 m (200 ft.) radius of the proposed group home. This letter of notification should be mailed at least five (5) weeks prior to the group home opening;
- (b) the operator may conduct a door-to-door canvassing of the host neighbourhood encompassing a surrounding area not less than 60 m (200 ft.) radius of the proposed group home;
- (c) an open house to be held within two (2) months after the group home has commenced operations with neighbouring residents within an agreed upon impact area, but not less than 60 m (200 ft.) radius of the group home being involved;
- (d) any combination of the above noted methodologies.

Once the method of public notification has been determined, Brampton's Group Home Coordinator will assist the group home operator in devising an appropriate letter notification on the methodology. If an open house forum is chosen, the open house should be held in a public meeting within reasonable proximity to the proposed location of the group home or within the proposed group home.

Through a recent study of Group Home Review, the City of Burlington is proposing, among other matters, changes to the registration procedure for group homes. Burlington proposes that its Clerks Department circulate material and notices regarding the neighbourhood public information meeting to owners/residents within 120 m (400 ft.) of the proposed group home. The circulation notice will be mailed out on the service provider's letterhead. Currently the Burlington Registration By-law on group homes requires the Ward Councillor and a member of the Planning Department to attend the public information meeting. Through the proposed amendments, the Registrar (Clerks Department) is also required to attend all public information meetings, so as to confirm that the meetings took place. Once the proposed group home meets all the requirements of the Registration By-law, the Ward Councillor, including all members of Council and area residents will be notified as to the date of expected occupancy. The service provider is encouraged to host an on-site open house with area residents a few weeks following occupancy, to provide the residents with an opportunity to visit the new facility after the clients have settled and to meet the support staff.

There are pros and cons in the public notification process for group homes. The intent of the public information meeting and/or open house is to inform the residents, to acquaint them regarding the establishment of the group home in their neighbourhood before it is fully implemented, to provide details in terms of type, number of people to be resided in the home, to help them understand the need of a group home in the community, and to answer questions they may have regarding the proposal. At the same time, the meeting would give the group home operator a feel for the concerns of the community prior to the group home being established in the area. However, quite often residents have the misconception that they can voice their objections to the proposed group home, and, therefore, it would not be permitted to locate in their area. The misconception appears to stem from a lack of understanding regarding the role of group homes and their residents. Neighbouring residents may feel "let down" and "emotional" by the process to know that they have no say in the location and operations of the group home. They may also feel that establishing a group home in the area may have a detrimental effect on their neighbourhood.

Past experiences in Mississauga indicate that, although objections to group homes may be voiced prior to their establishments, once group homes are in operation, they are accepted into the community and there are few complaints. Further, Provincial standards and guidelines that apply to the permitted group homes would ensure that they are operated in a satisfactory manner.

Should the public notification process be considered by the City, it should be noted that the mandate of this process would not include deciding whether the group home should locate in the community. The proposed group home already meets the Provincial regulations and complies with the City requirements. It is purely an administrative process and a courtesy to let the residents know of the group home to be located in their neighbourhood. Public input should be limited to determining the appropriate form of public notification, and the type of information to be provided in the notification letter without infringing on the privacy of the proposed group home residents. An amendment to the Group Home Registration By-law 475-83 will be required.

7.0 STRATEGIC OPTIONS FOR FOSTER HOMES

The *Child and Family Services Act* protects children under the age of sixteen (16) and stresses helping families stay together. It is the foundation for Children's Aid Societies core programs and services. The mission of the Children's Aid Societies is to protect children while keeping families together, wherever possible. However, where family stresses are severe, children may at times be best cared for in other settings, including placing them in foster care. These children are admitted on either a voluntary basis or through court order. If the children need to come into care of a Children's Aid Society, the goal is to place them with foster parents of similar racial, cultural and religious background, and to have facilities within the same community with the objectives of having the least restrictive or disruptive course of action to the children in terms of continuity of care, stable family relationships, schooling, social development, friends, etc. Every effort is made, wherever possible, to help the children remain connected to their family, and eventually reunite with their family.

It should be noted that foster homes are not detention centres or half-way houses which are not permitted in residential zones. They are homes that provide care to children who have to reside away from the homes of their own parents or guardians due to family difficulties. The major reasons that these children come into foster care are resulted from any of the following stresses: (a) serious parental inability to meet very basic needs of their children; (b) physical, sexual and/or emotional child abuse; (c) parent-child conflict and/or child behaviour problem; and/or (d) mental health problems of parents.

With continued growth in population in the City and neighbouring municipalities, the demand for foster homes in the City will continue to increase. In this regard, it is important for the community to understand the issues of child protection, child abuse prevention and identification, and to provide necessary and appropriate care and services for children who require it. Foster parents (caregivers) are selected based on their being able to demonstrate a genuine interest in the well-being of children, respect for others and a desire to contribute to their community. Therefore, the City must decide upon a rational approach to deal with foster homes.

The *Municipal Act* defines a "group home" as a residence licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housing keeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

By the definition in the *Municipal Act*, it could be interpreted that a foster home providing care for three (3) to four (4) foster children operated under a foster care licence from the MCSS to be a "group home". Therefore, the following proposed strategic options deal with foster homes providing care for three (3) to four (4) foster children. Foster homes taking in one (1) or two (2) children will continue to be permitted as-of-right in all dwellings in Mississauga.

7.1 Option 1 - Status Quo

There are many foster homes currently in existence in the City. While the number of foster homes operated by all service providers is unknown, it is known that about 80 homes in Mississauga are operated by the Peel Children's Aid Society. The City has no record of the total number of foster homes nor their locations. It can be argued that the current practice of allowing foster homes as-of-right in the community, based on current Provincial policy and regulations, has worked well and that in the absence of an actual problem with the use, the status quo should be maintained.

A concern has been expressed related to the "non-traditional" foster homes with live-in house parents. These homes usually have three (3) to four (4) foster children. These homes are operated by the service providers under the foster care licences from the MCSS and are not owned or rented by the live-in house parents. The live-in house parents are hired by the service providers. These homes may include treatment programs, and may operate more like group homes than "traditional" foster homes. Without any restriction on their locations, there is a possibility that this type of foster homes could be concentrated in an area, however, there has been no evidence to support that this has occurred in the City. The foster home that generated this concern has been in operation for over two (2) years, and appears to have integrated well with the surrounding community.

Should this status quo option be considered, there will be no change to the existing provisions in the zoning by-laws.

7.2 Option 2 - Foster Homes Considered as Group Homes

The "traditional" foster homes where families take in a few foster children to their homes have not been an issue in the community. The main concern is the growing number of "non-traditional" foster homes with live-in house parents. It could be argued that since the homes are "staffed" they should be treated like group homes.

By the definition in the *Municipal Act*, it could be interpreted that a foster home providing care for three (3) to four (4) foster children operated under a foster care licence from the MCSS to be a "group home". Subject to amendments to the "GROUP HOME" definition in the zoning by-laws and the Group Home Registration By-law 475-83 to include foster homes providing care for three (3) to four (4) foster children as group homes, the provisions in the zoning by-laws with respect to permitting group homes only in detached dwellings, the minimum 800 m (2,625 ft.) separation distance requirement and the registration process for group homes would apply.

However, with no restrictions presently, foster homes are permitted as-of-right in all dwellings. Imposing the restrictions as group homes means that foster homes providing care for three (3) to four (4) foster children would be permitted only in detached dwellings, and that they have to comply with the 800 m (2,625 ft.) separation distance from another group home, thus limiting their locations in the community. Although it may be appropriate to consider foster homes with live-in house parents as group homes, "traditional" foster homes taking in three (3) to four (4) foster children will also be interpreted to be group homes and would automatically be subject to the group home provisions. By

making it more difficult to establish foster homes for three (3) to four (4) foster children, it could be more difficult for service providers to keep siblings together.

Should this option of interpreting foster homes providing care for three (3) to four (4) foster children as group homes be considered, amendments to the definition of "GROUP HOME" in the zoning by-laws and the Group Home Registration By-law 475-83 will be required. A definition of "FOSTER HOME" should also be introduced in the zoning by-laws. Further, should the public notification process for group homes noted in Section 6.0 be considered, foster homes providing care for three (3) to four (4) foster children will also be subject to the same process.

7.3 Option 3 - Establish Provisions for Foster Homes

Since the *Municipal Act* allows the municipality to register group homes with three (3) or more foster children, foster homes providing care for three (3) to four (4) foster children could be interpreted to be group homes by the definition in the *Municipal Act*. However, while a foster home with three (3) to four (4) foster children may be interpreted as a group home, alternative provisions could be established.

As noted earlier, presently foster homes are permitted as-of-right in all dwellings. Provisions could be developed that continue to permit foster homes in all dwellings, rather than restricting them to detached dwellings, as is the case with group homes.

With the concern expressed regarding the increasing number of "non-traditional" foster homes, some of which contain various treatment programs, and to prevent concentration of foster homes providing care for three (3) to four (4) foster children in specific areas of the City, it may be appropriate to impose a minimum separation distance between these facilities and from existing group homes, and that such foster homes be registered and renewed annually with the City.

The minimum separation distance between group homes required by other municipalities varies from 100 m (328 ft.) in the City of Guelph to 1 500 m (4,921 ft.) in the City of Vaughan, as shown on Appendix B. The minimum separation distance between group homes in Mississauga is 800 m (2,635 ft.). To allow some flexibility without drastically limiting the availability of potential locations for foster homes providing care for three (3) to four (4) foster children, and at the same time to reduce the possibility of their concentration in certain areas, it may be appropriate to require a relaxed minimum separation distance (eg. 400 m or 1,312 ft.) between such foster homes and from existing group homes.

Similar to Option 2 noted above, imposing requirements means that "traditional" foster homes taking in three (3) to four (4) foster children would also be subject to the proposed provisions.

Should Option 3 be considered, public input is required to determine which foster homes, in terms of the number of foster children (either providing care to minimum three (3) foster children or minimum four (4) foster children), and the degree and type of treatment programs in the foster homes should be subject to the proposed provisions. This option also requires adding provisions regarding

minimum separation distance of group homes from foster homes providing care for three (3) to four (4) foster children. Further, a definition of "FOSTER HOME", and a by-law requiring registration of foster homes providing care for three (3) to four (4) foster children or an amendment to the Group Home Registration By-law 475-83 will be needed. However, to protect the children in foster care, these foster homes should be exempt from the public notification process should one be considered.

8.0 UPDATED STATUTORY REFERENCES OF "GROUP HOME" DEFINITION

The statutory references cited in the "GROUP HOME" definition in the zoning by-laws and in the Group Home Registration By-law 475-83 have since be updated. The most current references to the statues are outlined in Appendix C.

While it is not the intention to change the provisions related to group homes, for housekeeping purposes, consideration should be given to updating the statutory references cited in the "GROUP HOME" definition and in the Group Home Registration By-law 475-83.

9.0 CONCLUSION

Presently, foster homes are operated within the definition of "FAMILY" in the zoning by-laws and are permitted as-of-right in all dwellings in Mississauga.

In addressing the issue of appropriate distance separation for foster homes, this report examined the existing "GROUP HOME" definition and its provisions in the zoning by-laws, addressed the Provincial regulations related to group homes and foster homes, and outlined the distinction between the children's residences (also known as group homes for children) and foster homes in accordance with the Ministry of Community and Social Services *Foster Care - Licensing Manual* and the licencing requirements. The report also reviews group home and foster home provisions of other municipalities.

The report also reviews the public notification process of other municipalities, and provides the pros and cons of having public notification process.

Based on the evaluation of background information and related regulations, the report provides three strategic options to deal with the issue of foster homes providing care for three (3) to four (4) foster children: Option 1 - status quo; Option 2 - foster homes considered as group homes; and Option 3 - establish provisions for foster homes. These options are being presented for discussion purposes, there is no recommendation on the preferred option. Foster homes providing care for one (1) to two (2) foster children will continue to be permitted as-of-right in all dwellings in Mississauga.

While the report does not recommend changes to the intent of the group home provisions in the Zoning By-laws and in the Group Home Registration By-law 475-83, it suggests that for housekeeping purposes, the statutory references cited in the "GROUP HOME" definition in the Zoning By-laws and in the Group Home Registration By-law 475-83 be updated.

10.0 RECOMMENDATION

Based on the evaluation of background information and related regulations, three strategic options to deal with the issue of foster homes providing care for three (3) to four (4) foster children are proposed. Input from the public should be received prior to finalizing which option the City should pursue. In this regard, it is suggested that the report be circulated to the Ministry of Community and Social Services, various Children's Aid Societies, other non-profit organizations and other private service providers dealing with children, existing registered group home operators, and the ratepayers associations for their comments. Following this, a meeting open to the public be held to review the various strategic options. Subsequent to the holding of this meeting, this matter should be referred back to staff for further consideration and recommendation.

Housekeeping amendments should also be considered to update the statutory references in the "GROUP HOME" definition in the Zoning By-laws and in the Group Home Registration By-law 475-83.

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