



# QUEBEC CHILD WELFARE SERVICES INFORMATION SHEET

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## Introduction

This CWRP Information sheet provides an overview and description of child welfare and protective services within the province of Quebec, including relevant legislation, structure of services, and recent updates or changes to the child welfare system. This information sheet is a synthesis of publicly available documentation.

## Background

The Quebec Ministry of Health and Social Services is responsible for child welfare across the province. The [Youth Protection Act](#) governs child welfare and protection service delivery, which is provided through [offices](#) of the Director of Youth Protection (DYP) across Quebec, which are embedded in 18 regional health and social service centres. The Director of Youth Protection, and its delegates (ie. child protection social workers), are responsible for enforcing and upholding the Youth Protection Act. There are several First Nations and Inuit child welfare agencies across the province which serve children living on reserve. First Nations and Inuit children living off reserve or in regions without a designated First Nations Child and Family Service Agency are served through local DYP offices. First Nations Child Welfare Agencies in Quebec are required to uphold the Youth Protection Act.

The *Youth Protection Act* outlines guiding principles, legal mandates, and models for child welfare service delivery. The Act outlines the overarching goals of upholding the rights of children, ensuring the safety of children, and for children to be cared for by their families whenever possible. Special considerations for Indigenous children and families were added to the *Youth Protection Act* in 2001, with First Nations and Inuit communities permitted to create and implement their own health and social service agencies, contingent upon demonstration of ability to uphold all aspects of the *Youth Protection Act*.

In 2014, the Quebec Incidence Study found that 31,529 investigations of child maltreatment were completed, yielding an incidence rate of 20.72 per 1000 children. This number is an increase from 1998 (15.44) and 2008 (18.47). Of the investigations completed in 2014, 73% confirmed maltreatment or risk of harm to the child(ren). Neglect was found to be the most

common substantiated form of maltreatment (27%), followed by exposure to partner violence (21%), physical abuse (19%) and behavioral problems (19%) (Helie et al., 2012)

According to statistics published annually by the Quebec government there were 9,174 children in out-of-home care during the 2018-2019 reference year, a rate of approximately 5.79 per 1000 children under the age of 18 in Quebec (Gouvernement du Quebec, 2019).

### **Child in Need of Protection**

Section 38 of the *Youth Protection Act* outlines the circumstances which define when a child (under the age of 18) requires protective intervention. This includes situations in which a child is “abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioral disturbances,” as well as if the child has run away, is truant or deprived of access to education, or inadequately supervised (*Youth Protection Act*, c. 4, s. 38). All reports go through an initial screen to determine whether they meet the criteria outlined in the *Youth Protection Act* for a child requiring protective intervention. The response to the reported concerns of child abuse/neglect is determined in consideration of the severity of the report, age of the child, and risk of imminent danger.

### **Spectrum of Services**

Services to address concerns of child abuse/neglect are provided through voluntary agreements or court orders. Voluntary agreements have a maximum time limit of 1 year, with the possibility of 2 consecutive agreements for a total time limit of 2 years. A voluntary agreement may include placement of a child in a foster care or institutional treatment setting. In this case, the maximum time limits vary based on the age of the child. If concerns for child safety and wellbeing persist after the voluntary foster care agreement, the matter is sent to court for review. Provincial family court may order a child to be placed in foster or institutional care up to the age of majority (18) dependent upon the situation.

Following the Youth Protection investigation (referred to as an “evaluation”), the decision to provide on-going services and the nature and duration of those services (referred to as “orientation”) is determined by the DYP. On-going services are then coordinated through “Application of Measures (AM)” division of the Youth Protection system. Progress as well as any changes to the nature and duration of services are monitored through DYP “reviewer” social workers. Reviewers also determine if court interventions need to be ordered.

Services are provided internally and through external referrals. Internal youth protection services include case management, parenting support, supervised visitation, and some clinical services. Referrals can either be made to the youth services department (Jeunes en difficulté) of the regional health and social service centre, or to specialized clinical services or community organizations. Youth Protection services in Quebec are also responsible for services to young offenders under the *Youth Criminal Justice Act*. This includes case management, provision, and oversight of probation, clinical and rehabilitative services to support youth offenders (Batshaw Youth and Family Centres Foundation, 2009).

### **Indigenous Child Welfare Services**

There are 10 First Nations and the Inuit Nation spread across 55 communities in Quebec. Child welfare and protection services are provided in several different ways across the province. There are 15 First Nations child and family service Agencies in Quebec which provide youth protection services to a total of 19 communities. Seven of these agencies have full delegated authority to evaluate and intervene in matters of youth protection independently, while upholding the mandate of the *Youth Protection Act*, with the remaining eight having partial delegation for service delivery. The remaining First Nations and Inuit communities receive youth protection services from the provincial Offices of the DYP (Special Commission on the rights of the child and youth protection, 2020, p. 7; Gouvernement du Québec, 2022). 27 of these First Nations and Inuit communities have implemented child and family prevention services which provide support to First Nations and Inuit children and families with the aim of enhancing child wellbeing and preventing the need for youth protection involvement (Special Commission on the rights of the child and youth protection, 2020, p. 7). Indigenous child welfare and family service agencies across the province are supported collaboratively by the First Nations of Québec and Labrador Health and Social Services Commission and the Assembly of First Nations of Québec and Labrador.

### **Additional Information**

*An Investigation into the situation of Inuit children under the residential care of the CIUSSS-de-l'Ouest-de-l'Ile-de-Montreal and the Ungava Tulattavik Health Centre* was published on May 19, 2021 ([Commission des droits de la personne et de droits de la jeunesse](#), 2021). This report highlights violations of Inuit children's education and cultural rights due to being placed in residential care facilities outside of their communities and recommends: focusing resources on the creation of an autonomous residential care facility for children in Nunavik, increased family visitation for children placed in residential care outside of their communities, and collaboration between youth protection and education systems to ensure Inuit children in residential care have access to culturally appropriate formal education in English (Commission des droits de la personne et des droits de la jeunesse, 2021).

The Laurent Commission released a report in 2021 which was initiated following the death of a 7-year-old-child in Granby, QC in 2019. The report concludes the child's death to be a collective failure by the child protection system and examines the ability of the current child protection system to keep children safe. The report provides many "recommandATIONS", including the need to appoint a commissioner on the rights and well-being of children, the creation of a charter of children's rights, increased support to community organizations which support at risk children and families, and emphasizing prevention services (Commission spéciale sur les droits des enfants et la protection de la jeunesse, 2021).

Finally, the *Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress*, published its final report in 2019. The Inquiry Commission was created to investigate, assess, and make recommendations regarding relations between "Indigenous Peoples and certain public services in Quebec," including police, health, and social services (CERP, 2019, p. 11) Concerning youth protection services, the Commissioner writes that the current youth protection system is believed to

perpetuate the “negative effects of the residential school system” as it is a system that has been “imposed on Indigenous peoples from the outside, taking into account neither their cultures nor their concepts of family” (CERP, 2019, p. 407). 30 calls to action were made in response to the findings on the relation between First Nations and the Youth Protection system, including topics of self-governance and uptake of youth protection services by First Nations communities; funding and access to services for children in care, foster families, and post-placement services; children’s rights to culturally appropriate services and placements; culturally relevant assessment tools; and exemptions to maximum time limits for alternative living environments (CERP, 2019).

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