

Prince Edward Island
Child Protection Act

What We Heard



A Report of the
Child Protection Act Review
Advisory Committee

November 2008

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Executive Summary

The Prince Edward Island *Child Protection Act* (“the Act”) was proclaimed in 2003, replacing the *Family and Child Services Act*. The development and legislative approval of the *Child Protection Act* followed an extensive review of the former *Family and Child Services Act* which had been in place since 1981. The new *Child Protection Act* aimed to improve service to children in need of protection and their families. The Act was developed with the intention of addressing certain gaps that existed in the former *Family and Child Services Act*.

To ensure that the *Child Protection Act* remained current and responsive to the needs of Prince Edward Island children in need of protection and their families, Members of the Legislative Assembly included a provision in the Act that required it to be reviewed every three years by an Advisory Committee.

Section 58(1) of the *Child Protection Act* states:

The Minister shall appoint an Advisory Committee, in accordance with the regulations to review, every 3 years, the provisions of this Act and the services performed pursuant to this Act, and to report to the Minister concerning the operation and administration of this Act and concerning whether or not the principles and purposes of this Act are being achieved.

In accordance with section 58(1) of the Act the Honourable Doug Currie, Minister of Social Services and Seniors, appointed members to the Advisory Committee in October, 2007. The seventeen (17) member advisory committee established a fundamental operating principle that committee members would make every effort to create opportunities for input and participation of Islanders throughout the *Child Protection Act* review process which included the engagement of communities, organizations, groups, and individuals.

Public Engagement Process

From the outset, the Advisory Committee was committed to creating a safe, respectful, and comfortable atmosphere that allowed individuals to share their views regarding the *Child Protection Act*. Committee members agreed that it was their job to listen to people’s views and perspectives regarding the operation and administration of the Act and such views would not be judged, disputed, or validated by the Advisory Committee. The Committee’s ultimate task was to present the feedback obtained through the public engagement process in a manner that reflected the issues and themes heard by the Advisory Committee. Committee members were not tasked with making recommendations and have not done so within their report to the Minister of Social Services and Seniors. Advisory Committee members understand that the process of preparing recommendations will be the subject of the next phase of the *Child Protection Act* review process.

During the public engagement phase of the review process the Advisory Committee invited individuals and groups to provide input through a variety of methods:

- attendance at a public consultation;
- by forwarding a written submission using an on-line tool or by regular letter mail;
- by requesting a specific group meeting with Advisory Committee representatives; or
- through a private and confidential meeting with a member of the Advisory Committee.

An email address, cpareview@hra.ca, was established to receive electronic submissions. The Advisory Committee also created a website to assist Islanders in obtaining information about the *Child Protection Act* review and in providing input, www.gov.pe.ca/go/cpareview. The website shared information on the *Child Protection Act* review through an on-line discussion document which included background information and provided guiding questions that would be discussed in the private and public consultations. A toll-free number was also used for individuals or groups to contact the Advisory Committee for information regarding the Review or to arrange a private and confidential consultation.

Five public consultations were held across Prince Edward Island between February 20th and March 26th, 2008. Each consultation was approximately two hours in duration and over one hundred and twenty (120) people attended the five public consultations held across the province in O'Leary, Summerside, Charlottetown, Montague and Souris. A simultaneous translation service in French was made available at the Summerside consultation.

In an effort to create an opportunity for interested community partners to participate and provide input into the review process, the Advisory Committee created a comprehensive list of community partners. The Advisory Committee sent out one hundred and twenty (120) written invitations to foster parents and other community partners advising them of the *Child Protection Act* review and inviting them to attend one of the three (3) scheduled stakeholder consultations. Each partner consultation was approximately two hours in duration and a total of 45 people attended the community partner consultations, including foster parents, teachers, social workers, police, medical personnel, various community organizations and service providers.

The Advisory Committee felt it was imperative that youth, including those who had been or continue to be in the care of the Director of Child Welfare, be consulted. A youth representative participating on the Advisory Committee worked with the Youth in Care Network to organize a get-together over pizza and pop where Advisory Committee members heard about youth in care experiences with child welfare services. Another youth representative of the Advisory Committee met with youth who attend a regular evening youth group held at a Charlottetown school. The education representative of the Advisory Committee also organized youth consultations through the assistance of school counselors within the Eastern and Western School Districts.

The *PEI Child Protection Act* recognizes the unique cultural heritage of the First Nations, Aboriginal children and youth. Aboriginal representation on the Advisory Committee is a legal requirement in the *Child Protection Act Regulations*. To ensure an inclusive consultation with PEI's Aboriginal community, the Mi'kmaq Confederacy of PEI hosted and facilitated two provincial Aboriginal Consultations: one for Aboriginal public and one for Aboriginal children and youth. A total of sixty-three (63) people attended the consultations.

The Advisory Committee felt strongly that it is important to hear from child welfare staff who are in a position to comment on the operations of the *Act* based on their direct experiences with the legislation. The Committee members believed that the front line service providers who work with the legislation everyday would provide important insight. Members of the Advisory Committee met with over eighty (80) child welfare staff and directly heard the views of staff and their supervisors regarding what was happening with respect to program and service delivery.

Advisory Committee members wanted to ensure that there were confidential ways for Islanders to participate in the consultative process. Group and individual consultations were made available through specific meetings with Advisory Committee members. A total of eighteen (18) group and individual consultations were conducted. Of the group consultations, meetings were held with staff members of certain divisions within the Department of Health, the Department of Education and Early Childhood Development, the Department of Social Services and Seniors, the Office of the Attorney General and school boards.

An important aspect of the consultations was the confidential meetings Advisory Committee members had with people individually impacted by the child welfare system. A number of parents, family members and grandparents participated in this process. Some individuals and groups gave presentations and others submitted written briefs to the committee in addition to their private consultation.

Individuals and groups provided input to the Advisory Committee through a written submission either using an on-line tool which provided guiding questions or by regular letter mail. A total of twenty-nine (29) written submissions were received either electronically or by regular letter mail. Written submissions were received from a wide range of Islanders including; youth, parents, family members, grandparents, foster parents, social workers, health care providers, educators, justice representatives, community organizations and service providers.

The Advisory Committee members were very pleased by the overwhelming response of Islanders who came forward to participate in the review. In fact the deadline for responses of March 14, 2008 was extended to the end of May 2008 to ensure that all who wished to participate had an opportunity to do so. Taking into consideration the number of people that were represented through the various methods of consultation - public sessions, group and individual meetings, and written submissions - it is estimated that approximately 500 Islanders have participated in this inclusive review process.

“What We Heard”: Predominant Themes

The number of Islanders participating in this first public engagement process regarding the PEI *Child Protection Act* clearly affirms Islanders believe that protecting children is a civic responsibility, that all Islanders are responsible, and that Island communities want to be involved. The Advisory Committee found that participants had difficulty limiting their views to those concerning the *Act* and often broadened their input to include comments on child, youth and family services and programming, generally. The Advisory Committee has identified the predominant themes arising from “what we heard”.

An over-arching theme which arose from the review process was the need to improve resources for prevention and early intervention services which strengthen and preserve Island families and prevent children from requiring protection services under the *Act*. There is a view that significant service gaps exist for children in need, high risk youth and families at risk. While such service gaps have historically been a challenge, the current *Act* with its more specifically defined mandate regarding children in need of protection has served to further highlight the significant service gap for children in need and high risk youth. Other predominant themes identified include:

- the need for public education regarding the scope of the *Act*;
- the need to understand the definition of a child in need of protection;
- the need for consistent interpretation and application of the *Act* across child welfare offices;
- the need to define and address child neglect;

- the need to better understand the services and programming available under the *Act*;
- improved communication and information sharing among community and government partners, service providers, child welfare staff and those receiving services under the *Act*;
- strengthened relationships between families and child welfare staff;
- improved financial resources to parents, foster parents, and youth;
- improved access to services for children, youth and families;
- improved access to services for youth over sixteen;
- sensitivity to cultural and diversity issues;
- sensitivity to First Nations and aboriginal issues;
- improved working environments and reasonable caseloads for child welfare staff;
- the need to recruit and retain experienced child welfare staff;
- improved training and continuing education for child welfare staff;
- the need to establish and implement mediation and conflict resolution mechanisms;
- improved collaboration among service providers; and
- improved co-ordination and integration of services to children, youth and families.

The predominant themes heard by the PEI *Child Protection Act* Review Advisory Committee remarkably reflect the issues that have been identified in the multiple child protection reviews, Ombudsman, and Child and Youth Advocate documents produced across the country over the past number of years. Similar challenges face public child welfare systems across Canada. Most jurisdictions speak about considering the best interests of the child, the need to

provide a loving family home for every child, the value of investments in early childhood services, in child welfare services, and in services for children, youth and families. Yet, most jurisdictions in Canada continue to struggle with adequate levels of services to children, youth and families.

The Advisory Committee would like to acknowledge the tremendous work performed by front line child welfare staff, supervisors, coordinators and the Director of Child Welfare in Island communities. Child protection work is demanding and complex. Their commitment and dedication to child welfare services delivery enables services and programs to be delivered to vulnerable children, youth and families. Their work minimizes and protects children from harm daily. We rarely hear about their success in this regard. We only hear about this important work when things go wrong. Yet, child welfare staff know only too well that the current programs and services are only helpful in certain circumstances. Broader social issues significantly impact their ability to be effective.

The Advisory Committee also heard of the strong level of commitment to children, youth and families from educators, justice system officials, health service providers, other social service system providers, parents, foster parents, grandparents, school boards, various community and volunteer organizations, and community members.

Participants of this review process expressed hope that the first phase of the review of the *Child Protection Act* which included a comprehensive consultation process and identification of predominant themes leads to an equally robust second phase of analysis and recommendations. Many are optimistic that a thorough analysis of the issues will be conducted, sound recommendations will be developed, and action will be taken in partnership to strengthen Island families.

It has been well documented that the issues facing child welfare systems are multi-faceted and complex. Vulnerable parents and families do not create these issues, nor are the solutions to these issues the sole responsibility of overburdened child protection social workers. The solutions lie in a coordinated and cooperative response involving many government and community partners. The attitude that “everyone is responsible” must be embraced to ensure the safety of Island children, youth and families. The principles and the purpose of the *Child Protection Act*, “to protect children from harm due to abuse and neglect”, is best achieved when everyone involved in a child’s life feels responsible. It is in the context of this fundamental premiss that the Advisory Committee presents, “What we heard”.

“In PEI, our geography is not a liability, it is an opportunity (Participant)”.

Glossary of Terms

“Apprehension of a child” means the taking of a child into custody by the Director of Child Welfare or a delegated agent when there are reasonable grounds to believe that the child is in need of protection and a less intrusive course of action will not adequately protect the health and safety of the child.

“Child Protection Services” means intervention with children, youths or parents, in accordance with the *Child Protection Act*. The term is used in this report to indicate services provided or intervention that is required when a child is found to be in need of protection as defined by section 3 of the *Child Protection Act*.

“Child Welfare Services” means intervention with children, youths or parents, in accordance with the *Child Protection Act*. The term is used in this report to indicate the broad range of services available to children, youths, parents, and families within the Child and Family Services Division.

“Delegated agent” means a person to whom the Director of Child Welfare has delegated specific powers and duties of the Director under section 7 of the *Child Protection Act*. The Director may delegate to other persons, the power to provide child welfare services and the ability to exercise specified powers and duties of the Director in accordance with the *Act*.

“Director of Child Welfare” is a person appointed by the Minister of the Crown who is responsible for the overall administration of the *Child Protection Act*. Once appointed, the Director of Child Welfare assumes statutory responsibilities under the *Child Protection Act* which are prescribed at section 5 of the *Act*.

“Disclosure of a file” may occur under the *Act*. The Director of Child Welfare is required to keep separate records, containing information gathered in the administration of the *Act*, and in respect of a person who is a child, youth or parent who receives child welfare services under the *Act*. Under section 10, where the Director receives a request for disclosure of information in writing, the Director is required to make every reasonable effort to respond to a request for disclosure of information in a record not later than 60 days after receiving the request.

“Report” is the act of reporting by a person under the Mandatory Reporting section of the *Child Protection Act*. When a person has knowledge or reasonable grounds to suspect that a child is in need of protection they are required by the *Act* to “report” the circumstances to the Director of Child Welfare.

“Voluntary Care Agreement” may occur under the *Act* where, after an investigation by a delegated agent it is determined that a child is in need of protection, the Director may enter into an agreement with the parent of the child whereby the parent transfers temporary custody of the child to the Director, or the parent transfers temporary custody and guardianship of the child to the Director.

**“WHAT WE HEARD”,
A Report of the
Child Protection Act
Review Advisory Committee**

November 2008

Introduction

The Prince Edward Island *Child Protection Act* (“the Act”) was proclaimed in 2003, replacing the *Family and Child Services Act*. The development and legislative approval of the *Child Protection Act* followed an extensive review of the former *Family and Child Services Act* which had been in place since 1981. The new *Child Protection Act* aimed to improve service to children in need of protection and their families.

The new Act was developed with the intention of addressing certain gaps that existed in the former *Family and Child Services Act*. More specifically, the 2003 *Child Protection Act* sought to:

- clarify the intent of the legislature with respect to the principles and purposes of the Act through the Act’s preamble;
- address age differences among children with respect to time in care and their capacity to participate in decisions about them;
- clarify the Director of Child Welfare’s duties and powers;
- reflect the existence of the Regional Health Authorities that were in place at that time;
- shorten and define time frames with respect to court processes to ensure that child protection matters were heard in a timely fashion;
- clarify child welfare services to persons between sixteen and eighteen years of age;
- establish a complaints process for children in need of protection and their families;
- broaden the definition of a parent;
- broaden the options available to the court when making orders with respect to a child in need of protection;
- establish alternative approaches to court intervention, such as mediation;
- recognize the rights of First Nations communities;
- require the Director of Child Welfare to report the outcome of investigations to families;
- define the issues that must be considered when determining the best interests of the child so that there is a greater balancing toward the rights of the child;
- define a child in need of protection with greater specification and in accordance with current jurisprudence;
- clarify the confidentiality and disclosure provisions with respect to client records;
- reflect child welfare principles in the context of the *Canadian Charter of Rights and Freedoms*, *Youth Criminal Justice Act*, the *Adoption Act* and *Intercountry Adoption Act*.

To ensure that the *Child Protection Act* remained current and responsive to the needs of Prince Edward Island children in need of protection and their families, the Members of the Legislative Assembly included a provision in the Act that required it to be reviewed every three years by an Advisory Committee.

Section 58(1) of the *Child Protection Act* states:

58(1) The Minister shall appoint an Advisory Committee, in accordance with the regulations to review, every 3 years, the provisions of this Act and the services performed pursuant to this Act, and to report to the Minister concerning the operation and administration of this Act and concerning whether or not the principles and purposes of this Act are being achieved.

Section 15(4) of the *Child Protection Act, Regulations*, states:

Members of an Advisory Committee shall serve from the time of their appointment until the time the report of the Advisory Committee is delivered to the Minister pursuant to section 58 of the Act, which shall in no case be longer than six months from the time the Advisory Committee is appointed.

In accordance with section 58(1) of the *Act* the Honourable Doug Currie, Minister of Social Services and Seniors, appointed members to the Advisory Committee by letter on October 12, 2007 (Appendix "A").

Section 15(1) of the *Child Protection Act, Regulations* prescribes the membership of the Advisory Committee and states:

Subject to subsection (2), the Minister shall appoint as members of the Advisory Committee

- (a) the Director of Child Welfare or an employee of the Department nominated by the Director;
- (b) five employees of the Department who are knowledgeable about child welfare services;
- (c) a legal aid lawyer;
- (d) a lawyer who provides legal services to the Director;
- (e) three persons, 16 years of age or more, of whom at least one shall be a youth, who have received child welfare services;
- (f) two persons who have demonstrated an informed concern for the welfare of children; and
- (g) such other persons, not exceeding two, as the Minister may determine.

(2) Among the persons appointed as members of an Advisory Committee shall be

- (a) a person who is fluent in French and English, and
- (b) a person who is an aboriginal person.

(3) The Minister may appoint one of the members of an Advisory Committee as its chairperson.

The advisory committee appointed by the Honourable Doug Currie included the following members as prescribed by section 15 of the Regulations:

- Ron Stanley, Director of Child Welfare, Department of Social Services and Seniors
- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier and Colleen MacDonald, Child and Family Services, Department of Social Services and Seniors
- Cathy Chaisson, PEI Legal Aid lawyer, Office of the Attorney General
- Denise Doiron, solicitor, Office of the Attorney General
- Rachel MacPhee, Brittany Gilbert and Amber Joseph, youth representatives
- Dr. Sandy MacDonald / Adrian Smith, Eastern School District
- Dr Mitchell Zelman / Dr Christine MacNearney, PEI Medical Society
- Chief Darlene Bernard / Chief Brian Francis, Mi'Kmaq Confederacy
- Patsy MacLean, HRA, Chairperson

The Advisory Committee members convened their first meeting on October 30, 2007 to review the Committee mandate as defined by s. 58 of the *Child Protection Act*;

... to review, every 3 years, the provisions of this Act and the services performed pursuant to this Act, and to report to the Minister concerning the operation and administration of this Act and concerning whether or not the principles and purposes of this Act are being achieved.

and to begin to prepare for the important initiative that had been entrusted to them.

The Advisory Committee engaged in a number of processes to carry out its mandate. The first step was to become knowledgeable about the present *Act*, the child welfare services that are delivered under the current *Act*, and to understand the historical background of the delivery of child welfare services in Prince Edward Island. The following background section provides an overview of the information that was provided to Advisory Committee members to assist them in putting the *Child Protection Act* Review in an historical and a present day context. The Director of Child Welfare also played a key role in providing information to the Advisory Committee members by preparing and presenting an historical background presentation entitled *Child Protection Act, Historical Background* (Appendix "B").

Background

Historical context for the protection of children in Prince Edward Island

The first legislation in Prince Edward Island related to child protection was proclaimed in 1910; *An Act for the Protection of Neglected and Dependant Children*. Between the 1920's and 1950's Children's Aid Societies existed in Summerside and Charlottetown. These charitable organizations existed to ensure the well-being of children in their respective areas. Orphanages existed in PEI for many years, and were run by religious organizations, including the Mt Herbert/ Protestant Children's Orphanage and St. Vincent's Orphanage. In 1952, the Director of Child Welfare (DCW) position was created and staffed by the first and only social worker in the province at that time. It was also at this time that services began to be provided by government in a centralized manner.

From about 1952 onward, there was a trend toward creating more government-based social programs in the province, eventually including some protection services. This was in part due to funding initiatives from the Federal Government, but also to changing societal attitudes and expectations.

In about 1961, new legislation, *The Children's Protection Act* was enacted, making the DCW a recognized legal entity. Although still very sparsely staffed in the beginning, over the next number of years more social workers were hired and eventually a provincial child protection system evolved. *The Children's Protection Act* remained the governing legislation until in or about 1981, when the *Family and Child Services Act* was enacted. By this time a Child and Family Services Division had been created within the provincial government,

which included various services to assist families as well as child protection. The *Family and Child Services Act* was very broad in scope and over time became quite deficient in many respects, and was not changed despite evolving social trends and expectations, and new laws such as the *Charter of Rights and Freedoms* in 1985.

Federal funding in support of social service spending initially flowed to the provinces through the Canada Assistance Plan (CAP), a 50/50 cost sharing formula. Eventually, this evolved into other funding systems, based on federal transfer formulae.

In 1994, the Department of Health and Social Services restructured to a system based on Regional Health Authorities (RHA). From 1994 to 2005, the governance model devolved legal responsibility to the RHAs for the delivery of core health and social services. The RHAs employed the health and social services staff involved in service delivery. There were exceptions to this governance model in the areas of child protection and adoption services because of specific legislative requirements. The statutory authority for child protection and adoption services remained with the Department of Health and Social Services.

The DCW had the legal duty to administer the *Family and Child Services Act* provincially. The DCW was responsible for delegating legal authority to RHA staff and was the guardian of children in care. The RHA was responsible for employing child welfare staff and for front-line child welfare service delivery.

In 2005 the Health system restructured eliminating RHAs. Front line child welfare service delivery was assigned to the newly created Department of Social Services and Seniors along with the office of the DCW. During restructuring the focus was on maintaining resources for front line service delivery. As a result, policy and administrative positions were realigned and reduced.

Context of the Development of the *Child Protection Act 2003*

The development of the 2003 *Child Protection Act* followed an extensive review of the former *Family and Child Services Act*. The mandate and scope of the *Child Protection Act* was determined by health senior management of the Department of Health and Social Services between 1999 and 2003. As mentioned above, during that time the statutory authority for child protection services remained within the Department of Health and Social Services under the provincial administration of the DCW and the RHAs delivered child welfare services.

As the *Child Protection Act* was being developed three distinct populations of children/youth emerged: “children in need of protection”, “children in need” and “high needs children and youth”. The question was how to meet the needs of these three populations. It was decided that “child protection”, given its legal nature, should remain a provincial responsibility. “Children in need” seemed best suited to fit the service design and mandate of RHAs, with unique regional programs based on local needs.

For “high needs children and youth” a unified approach among child/ youth serving programs in Health was chosen.

From this approach the Tyne Valley Child Youth Developmental Health Centre was born. In addition, an integrated service model was developed that would capture high needs children /youth from a clinical and then from a program planning perspective. This model was developed with both provincial and regional components, but due to the 2005 restructuring this model was not implemented.

When the *Child Protection Act* was proclaimed in May 2003 work on “children in need” and “high needs children and youth” was underway and together formed the three planks of the children /youth health service policy. Unfortunately, system restructuring in 2005 significantly fragmented work undertaken on the “children in need” and “high needs children and youth” services. With the loss of integrated programming opportunities that the regional structure provided and the separation of programs for children and youth into different government departments (mental health, addiction, and child protection services) it became more difficult to restart the development agenda for these important service populations.

Characteristics of the Present *Child Protection Act* and its Administration

The 2003 *Act* reflects a number of beliefs about children which are espoused in today’s society. Children must be protected from abuse and neglect. The purpose of the *Act* is to see that this protection is carried out. Although the actions under the *Act* are generally carried out by Department of Social Services and Seniors staff, it is understood that prevention of abuse and neglect of children is a shared responsibility amongst family, community and the Province.

One community responsibility is mandatory reporting when a child is known or suspected to be in need of protection. This *Act* provides protection to children from birth to their 18th birthday. There are a number of situations in which children are defined as being in need of protection, such as when a child has been or is at significant risk of being physically, sexually or emotionally harmed by a parent, or where the child experienced such harm and the parent did not prevent it, or where a child requires treatment and the parent does not seek this treatment.

Parents have the right and primary responsibility for the care and supervision of their children, and the decision to remove children from that care and supervision should only take place when other measures have failed or are inappropriate. Intervention into families must only take place through appropriate legal means. Child welfare services must be delivered in ways that ensure the best interests of the child, and following the least intrusive approach to service delivery.

Child welfare services have the responsibility and authority to assess situations and, where necessary, investigate reports of children believed to be in need of protection. When children are found to be in need of protection after an investigation is complete, child protection services are offered. The aim is to protect and care for the child(ren) and assist families to address the identified protection concerns. These services can include, but are not limited to, parenting programs, referrals for mental health services, and counseling. Investigations and in care services are provided from any of the five offices across the province.

The 2003 *Act* was created using an approach sensitive to child development, and was designed to improve its legal capacity to protect children. Children have the same basic rights and freedoms as other citizens, but due to their vulnerability they require special attention to maintain those rights and freedoms.

Child welfare services are to be delivered in a timely and age-appropriate manner. Children develop and change quickly, especially younger children. Also, they experience time differently than as adults. Therefore, intervenors must act quickly if child protection services are required, as to ensure safety and security of children and minimize harm to their development. Time frames are placed on investigations, court applications, and on agreements for child welfare services, to ensure that these activities will be carried out in an efficient way, creating the least interference in the child's development. Also, the Director of Child Welfare will consider the views of a child of 12 or over in the development of their plan of care for the child.

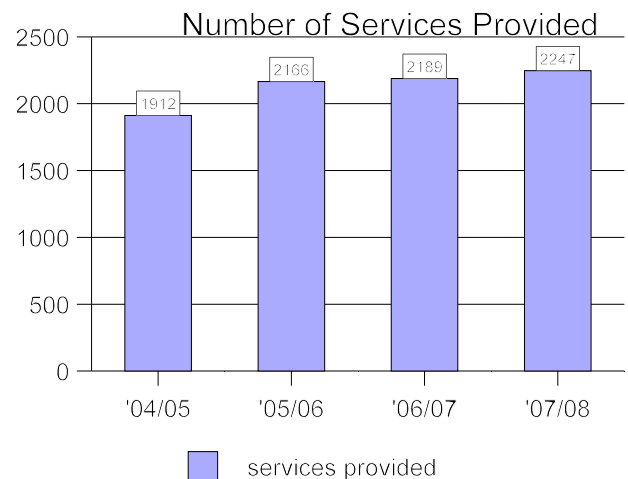
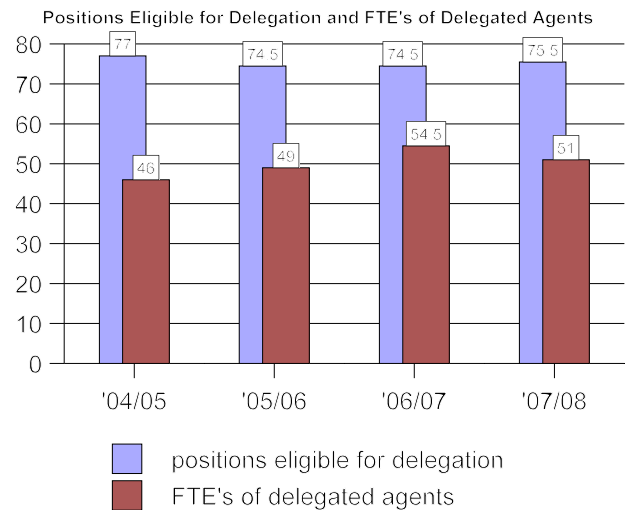
The cultural, racial, linguistic and religious heritage of children promote their healthy development, and must be taken into account while providing child welfare services. The Director of Child Welfare involves a First Nations representative in situations involving First Nations children or where such children are found to be in need of protection. The involvement of a First Nations representative in child protection matters is considered central to the plan of care for the children.

Data and information about Child Welfare work in PEI

Challenges exist in providing extensive data to describe the work done related to the *Child Protection Act*, for reasons such as the introduction of the Integrated Systems Management (ISM) system of data collection in 2004, and the change from Regional Health Authorities to a provincial delivery of services in 2005. What is known is that much work is done in this province to protect children and support families, often very difficult work, within an evolving environment. Child Protection is a field in which there is high staff turnover. Because staffing processes take time, supervisors report that vacancies often exist. The number of delegated child protection social workers who can carry out the work of the Director of Child Welfare is an indicator of the capacity to protect children and work with their families. Staff turnover and vacancies reduce the number of positions actually filled by delegated child protection social workers thus increasing the workload of delegated child protection social workers. Due to changes in priorities, the number of social work positions eligible for delegation have varied over time.

Demands on child welfare services are also increasing due to such requirements as inter-provincial agreements, increased awareness by the public of mandatory reporting about known or suspected child abuse or neglect, and reports arising from custody issues when parents separate or divorce. At any time, turnover, vacancies and less experienced staff lead to less than a full complement of delegated agents, reducing the number of staff able to act for the Director of Child Welfare in child protection work.

The changing number of delegated positions and the number of vacancies at any one time, combined with an increased demand for child protection services leads to an elevation in work load. The following charts illustrate these factors related to workload since 2004/ 2005.



Services provided include services for children in need of protection, parent services for the parents of these children, foster care, and adoptions. The information was accessed via the ISM system of information tracking. Some services may not have been fully tracked by this system, so there may be under-reporting of the full scope of services provided in child protection over this time period.

The following information regarding the delivery of Child Welfare services in PEI is instructive:

As of March 31, 2007:

- approximately 280 children were in the care of the Director of Child Welfare, PEI Department of Social Services and Seniors
- there were 87 foster families in PEI.
- the Department of Social Services and Seniors operated four group homes (26 beds), the Provincial Child and Youth Developmental Health Centre in Tyne Valley (11 beds) and the Cardigan Group Home (3 beds)
- the 2007/08 budget for Child Protection services was \$16,397,200

Methodology

The Methodology section that follows describes the various processes the *Child Protection Act* Review Advisory Committee Members used to carry out the *Child Protection Act* Review and consultation process.

Advisory Committee members held their first meeting to begin the *Child Protection Act* Review process in October 2007. At the first meeting of the Advisory Committee members discussed their approach to the Review within the context of their legislative mandate. Advisory Committee members agreed that their fundamental role was threefold:

- to familiarize themselves with the *Child Protection Act*, its purposes and its principles, its administration and its operation;
- to conduct a broad inclusive consultation process that attracts input from Islanders, including: children, youth, parents, grandparents, other family members, foster parents, government partners, community partners and service providers; and
- to gather and theme information arising from the consultations in the form of a written report to be submitted to the Minister of Social Services and Seniors within six months.

The Advisory Committee members established a fundamental operating principle that:

The Advisory Committee shall make every effort to create opportunities for input and participation of Islanders in the review process including communities, organizations, groups, and individuals.

From the outset, the Advisory Committee was committed to creating a safe, respectful, and comfortable atmosphere that allowed individuals to share their views regarding the *Child Protection Act*. Committee members agreed that it was their job to listen to people's views and perspectives regarding the operation and administration of the *Act* and such views would not be judged, disputed, or validated by the Advisory Committee. The Committee's ultimate task was to present the feedback obtained through the public engagement process in a manner that reflected the issues and themes heard by the Advisory Committee. Committee members were not tasked with making recommendations and have not done so within their report to Honourable Doug Currie, Minister of the Department of Social Services and Seniors. Advisory Committee members understand that the process of preparing recommendations will be the subject of the next phase of the *Child Protection Act* review process.

Advisory Committee Processes:

The Advisory Committee members began their work by establishing a Terms of Reference (Appendix "C") which outlined the operating principles of the Advisory Committee, Committee activities, and the roles, responsibilities and expectations of Committee members. The Committee agreed to meet on a monthly basis over the course of six months to steer the activities of the Review process. A smaller working group of Advisory Committee members was established to plan and implement Advisory Committee activities over the course of the review process. A preliminary meeting was held with child welfare coordinators and supervisors to assist Advisory Committee members in preparing for the consultation process. The focus group session helped Advisory Committee members identify the primary issues, as understood by the coordinators and supervisors, with respect to the delivery of programs and services under the *Child Protection Act*.

The Advisory Committee was committed to providing a range of options for people to participate in the review process and this was supported by a robust Communications Strategy that was developed and implemented in December 2007 and throughout January 2008. Communication objectives were developed, target groups and key interested parties were identified, and communication activities and the timing of such activities were planned.

Communications

A news release (Appendix "D"), was distributed on January 8, 2008 announcing the *Child Protection Act* review, the composition and the mandate of the Advisory Committee. On February 1, 2008 a second news release announced the public consultation schedule inviting Islanders to attend to share their ideas and concerns

about the operation and administration of the *Child Protection Act*. The press release invited individuals and groups to provide input to the Advisory Committee through a variety of methods;

- attendance at a public consultation,
- by forwarding a written submission using an on-line tool or by regular letter mail;
- by requesting a specific group meeting with Advisory Committee representatives, or
- through a private and confidential meeting with a member of the Advisory Committee.

An email address, cpareview@hra.ca, was established to receive electronic submissions. The Advisory Committee also created a website to assist Islanders in obtaining information about the *Child Protection Act* Review and in providing input, www.gov.pe.ca/go/cpareview. The website shared information on the *Child Protection Act* review through an on-line discussion document (Appendix "E") which included background information and provided guiding questions that would be discussed in the private and public consultations. A toll-free number was also established for individuals or groups to contact the Advisory Committee for information regarding the Review or to arrange a private and confidential consultation.

A newspaper advertisement (Appendix "F") was placed in local and regional newspapers and public service announcements were made on local radio stations inviting individuals, families, youth and community groups with an interest in the care and protection of PEI children and youth to attend one of the public consultations to offer ideas and concerns regarding the *Child Protection Act*.

Public Consultations

Five public consultations were held across Prince Edward Island between February 20th and March 26th, 2008 (Appendix "G"). These public consultations were intended to assist the Advisory Committee in collecting information from Islanders on how they perceived the *Act* to be working for children, youth and families across the province.

Each consultation began with introductory remarks from the Chairperson of the *Child Protection Act* Review Advisory Committee. It was acknowledged by the Chairperson that discussions regarding child protection services can create stress or anxiety for some people. Those in attendance were advised that a support worker from the Department of Social Services and Seniors was available if anyone attending the consultations felt a need for personal support during or at the conclusion of the consultation process.

A panel presentation by the Director of Child Welfare and the Director of Child and Family Services entitled "Protecting Our Children and Youth: The PEI *Child Protection Act*" (Appendix H) provided a brief overview of the Division of Child and Family Services which is responsible for providing child welfare and child protection services within the province. The Director of Child Welfare spoke about the principles of the *Child Protection Act* and the importance of working together to protect children within Island communities. The panel presentation closed with a powerful address from a youth representative of the Advisory Committee (Appendix "I"). Participants were then asked to break out into roundtable groups to discuss eight discussion questions specific to the *Child Protection Act* (see Appendix "J"). Advisory Committee members and child welfare staff attended each session to provide facilitation services and support to the public consultation process. At the end of the consultation, each round table group

was provided with an opportunity to report back to the larger group and present three highlights from their individual group discussions. Each consultation was approximately two hours in duration and over 120 people attended the five public consultations held across the province in O'Leary, Summerside, Charlottetown, Montague and Souris. A bilingual simultaneous translation service was made available at the Summerside consultation.

Community Partner Consultations

In an effort to create an opportunity for interested community partners to participate and provide input into the review process, the Advisory Committee created a comprehensive list of community partners. The Advisory Committee sent out one hundred and twenty (120) written invitations (Appendix "K") to foster parents and other community partners advising them of the *Child Protection Act* review and inviting them to attend one of the three (3) scheduled stakeholder consultations (Appendix "L").

Included with the written invitation was the discussion paper providing background information and a list of questions directed specifically to community partners to guide discussions at the consultations (Appendix "M"). The written invitation also welcomed written submissions from community partners. The format for the community partner consultations was similar to that of the public consultations, including the same panel presentation and small group format. Each partner consultation was approximately two hours in duration and a total of forty-five (45) people attended the community partner consultations; including foster parents, teachers, social workers, police, medical personnel, various community organizations and service providers.

Youth Consultations

The Advisory Committee felt it was imperative that youth, including those who had been or continue to be in the care of the Director of Child Welfare, be consulted. A youth representative participating on the Advisory Committee worked with the Youth in Care Network to organize a get-together over pizza and pop where Advisory Committee members heard about youth in care experiences with child welfare services. A series of questions specifically for youth were developed by the Committee and the questions were used to guide the consultation (Appendix "N"). Advisory Committee members heard about aspects of child welfare services that were meeting their needs, gaps and limitations in the services, and other issues affecting these youth. Thirteen (13) youth participated in the consultation. Another youth representative of the Advisory Committee met with youth who attend a regular evening youth group held at a Charlottetown school. This group included youth who currently receive child welfare services, those who have received such services in the past, as well as youth from the community. The youth who participated in this discussion voiced their opinions and concerns related to services for children and youth.

The education representative of the Advisory Committee also organized youth consultations through the assistance of school counselors within the Eastern and Western School Districts. Specific questions were developed to guide these consultations (Appendix "O").

Aboriginal Consultations

The *PEI Child Protection Act* recognizes the unique cultural heritage of the First Nations, Aboriginal children and youth. Aboriginal representation on the Advisory Committee is a legal requirement in the *Child Protection Act Regulations*. To ensure an inclusive consultation with PEI's Aboriginal community, the Mi'kmaq Confederacy of PEI hosted and facilitated two provincial Aboriginal Consultations: one for the Aboriginal public and one for Aboriginal children and youth. In addition to the panel and small group format used for the public consultations across the province, the Aboriginal consultations incorporated aspects of Aboriginal culture and facilitation to include a drumming ceremony and an opening and closing prayer by an elder of the Aboriginal community. The Chief of the Lennox Island First Nations provided opening remarks.

The agenda and guiding questions for the Aboriginal public consultations (Appendix "P") were developed to reflect the Aboriginal context. The youth consultations were held over a meal of pizza and pop and a specific set of questions was developed for the youth (Appendix "Q"). Over 45 young people traveled from points across the province to participate. Both consultations were approximately two hours in duration and a total of sixty-three (63) people attended the consultations. During closing remarks an elder of the Aboriginal community stated that these consultations were of great importance as this was the first time in her memory of over fifty years that the Aboriginal community had been specifically consulted in such a forum. In addition to the Aboriginal consultations, the Native Council of PEI provided a written submission to the Advisory Committee.

Child Welfare Staff Consultations

The Advisory Committee felt strongly that it was important to hear from child welfare staff who are in a position to comment on the operations of the *Act* based on their direct experiences with the legislation. The Committee members believed that the front line service providers who work with the legislation everyday would provide important insight. Members of the Advisory Committee met with over eighty (80) Child Welfare Staff and directly heard the views of staff and their supervisors regarding what was happening with respect to program and service delivery. Honourable Doug Currie addressed the staff at the beginning of the child welfare staff consultations. The small group format was used to obtain staff input and guiding questions were developed to support the process (Appendix "R").

Group and Individual Consultations

Advisory Committee members wanted to ensure that there were confidential ways for Islanders to participate in the consultative process. Group and individual consultations were made available through specific meetings with Advisory Committee members (Appendix "S"). A total of eighteen (18) group and individual consultations were conducted. Of the group consultations, meetings were held with staff members of certain divisions within the Department of Health, the Department of Education, the Department of Social Services and Seniors, the Office of the Attorney General and school boards. The Chair of the Advisory Committee, the Director of Child and Family Services and the Director of Child Welfare attended a meeting of the sub-committee of Deputy Ministers of Social Policy, provided an overview of the *Child Protection Act* and the Advisory Committee Review Process, and encouraged government department participation in the process.

A follow-up letter to the Deputies was sent to encourage staff participation in the consultation process.

An important aspect of these consultations was the confidential meetings Advisory Committee members had with people individually impacted by the child welfare system. A number of parents, family members and grandparents participated in this process. Some individuals and groups gave presentations and others submitted written briefs to the committee in addition to their private consultation.

Written Submissions

The early February news release invited individuals and groups to provide input to the Advisory Committee through a written submission either using an on-line tool which provided guiding questions or by regular letter mail. An email address was established to receive electronic submissions. The on-line tool provided easy access and enhanced the response for written submissions. A total of twenty-nine (29) written submissions were received either electronically or by regular letter mail. Written submissions were received from a wide range of Islanders including; youth, parents, family members, grandparents, foster parents, social workers, health care providers, educators, justice representatives, community organizations and service providers.

The Advisory Committee members were very pleased by the overwhelming response of Islanders who came forward to participate in the review. In fact the deadline for responses of March 14, 2008 was extended to the end of April 2008 to ensure that all who wished to participate had an opportunity to do so. Taking into consideration the number of people that were represented through the

various methods of consultation - public sessions, group and individual meetings, and written submissions - it is estimated that approximately 500 Islanders have participated in this inclusive review process. On May 2, 2008 Honourable Doug Currie made a statement to the Legislative Assembly providing an overview of the public engagement process used by the *Child Protection Act Review Advisory Committee* (Appendix "T"). He indicated that the government looks forward to hearing the themes of the consultation process.

He further indicated that the Advisory Committee's report will provide valuable information that will enable government to work in partnership with others to strengthen Island families. The Advisory Committee is pleased to submit the next section of its report which provides an overview of what the Advisory Committee heard during the consultation process.

What We Heard: Predominant Themes

Throughout the consultations most people consulted began their remarks or submissions by stating that they are very appreciative of the work undertaken by child welfare staff working within Child and Family Services. They recognize that the field of child protection is demanding, challenging work and that, generally, individuals working in the field are highly qualified dedicated professionals who are committed to making a difference for families and children. There is a recognition that child welfare staff must operate within the policy and program mandate of the Child and Family Services Division, the financial and human resources allocated to child welfare services within the province, and the legislative mandate of numerous pieces of legislation including;

- *Child Protection Act*;
- *Adoption Act*;
- *Intercountry Adoption (Hague Convention) Act*;
- *Custody Jurisdiction and Enforcement Act*;
- *Divorce Act*;
- *Freedom of Information and Protection of Privacy Act*, and
- certain provisions in the *PEI Supreme Court Rules*.

The policy, program, and legislative context within which child welfare staff deliver services defines the provision of such services and, if this context is not well understood, may appear to constrain the delivery of such services. Also, the financial and human resources allocated to child welfare services may impact services positively or negatively depending upon the adequacy of such resources.

Although the mandate of the *Child Protection Act* Review Advisory Committee was to review the provisions of the *Act* and the services performed pursuant to the *Act*, the reader will note throughout the report that in fact very little is said about the provisions of the *Act* itself. Rather, the public, community and government partners took this opportunity to provide their views about the provision of child, youth and family services within PEI generally. Participants in the consultation process provided their opinions on services provided under the *Act* as well as services beyond the mandate of the *Act*.

As the reader considers and reflects upon what the *Child Protection Act* Review Advisory Committee heard throughout the review process it is important that the information presented is considered in the broader context of child protection service delivery challenges across this country. Provinces and territories across Canada and, indeed, international jurisdictions are grappling with the intensive demands of providing adequate child welfare services which minimize and prevent harm to children and youth. These broader contextual issues that challenge child welfare service delivery have been repeatedly identified over the years in numerous reports, including recent reports such as, *The Child Youth & Family Services Act 2000-2005: HOW ARE WE DOING? A Report of the Minister's Advisory Committee on the Operations of the Child, Youth & Family Services Act (2005)*; *Connecting the Dots: A Report on the condition of youth-at-risk and youth with very complex needs in New Brunswick, Ombudsman and Child and Youth Advocate Report (January 2008)*;

Broken Promises: Juli-Anna's Story Report of the Ombudsman and Child & Youth Advocate (January 17, 2008). All reports express challenges currently existing in services to children and families. Their various recommendations are directed toward broad system challenges with suggestions for change. It is critical that the issues identified throughout this report are also recognized as broader system challenges.

It has been well documented that the issues facing child welfare systems are multi-faceted and complex. Vulnerable parents and families do not create these issues, nor are the solutions to these issues the sole responsibility of over burdened child protection social workers. The solutions lie in a coordinated and cooperative response involving many government and community partners. The attitude that "everyone is responsible" must be embraced to ensure the safety of Island children, youth and families. It is from this fundamental premiss that the Advisory Committee asks the reader to receive the themes presented below.

The Advisory Committee has organized the information gathered throughout the consultation process in themes and in accordance with the headings of the various provisions of the *Child Protection Act*. The themes are presented as they were heard and there has been no attempt to editorialize, validate or defend the perspectives presented. Sections of the *Child Protection Act* affected by each theme are presented first. The sections of the *Act* are then followed by the discussion of each theme.

Child Protection Act Sections

Preamble

Sections of the Act affected by this theme:

a. The preamble

AND WHEREAS the preservation of the cultural, racial, linguistic and religious heritage of a child promotes the healthy development of the child;

A principle articulated in the preamble of the *Child Protection Act* is that the preservation of the cultural, racial, linguistic and religious heritage of a child promotes healthy development of the child. This principle has significant application to First Nations and Aboriginal Peoples, the Acadian and Francophone community, and the immigrant and refugee community of PEI.

Theme - Cultural Relevance - First Nations and Aboriginal Peoples:

The *Child Protection Act* includes a number of provisions that are specific to Aboriginal children, their families and their community. The Act recognizes the importance of preserving the aboriginal child's cultural identity. It requires that in determining what is in the best interests of the aboriginal child that the importance of preserving the child's cultural identity be taken into consideration when considering a plan of care for the child. Other procedural aspects of the Act require, where a child is Aboriginal, that a designated member of the band is given notice and is consulted in the plan of care for the child.

The PEI *Child Protection Act* specifically requires that a person representing the Aboriginal Community be a member of the Advisory Committee struck to review the Act.

Theme - Cultural Relevance - Newcomers to Prince Edward Island:

Prince Edward Island is becoming more culturally diverse as newcomers choose Prince Edward Island as a place to settle. Immigrants and refugees who are newcomers to Prince Edward Island experience social inclusion and community integration needs that must be understood by Island communities generally and service providers such as child welfare workers, specifically.

Theme - Cultural Relevance - Acadian and Francophone community:

The preservation of the cultural and linguistic heritage of Acadian and Francophone children and families must be considered when determining what is in the best interests of the child and in providing child welfare services to Acadian and Francophone children and their families. It is important that services to the family and child are provided in French, their first language.

The PEI *Child Protection Act* specifically requires that a person who is fluent in French and English be a member of the Advisory Committee struck to review the Act.

Social institutions, service providers, government departments and mainstream community require information, training and resources to strengthen their capacity to address the needs of First Nations and Aboriginal People, the Acadian and

Francophone community, and the immigrant and refugee community of PEI, so they can respond appropriately, effectively and in a culturally appropriate manner.

Child Protection Act - Purpose of Act (section 2(i))

The primary purpose of this Act is to protect children from harm due to abuse and neglect, within the context of section 3 and the best interests of the child.

Theme - Perceived Narrow Application of Current Act

A recurring theme throughout the consultations is that the current *Child Protection Act* has been significantly narrowed in scope from the former *Family Child and Services Act*. Those consulted were divided in their views as to whether this was good public policy. Some of those consulted felt that the Act has done a good job in defining the conditions and circumstances under which a child is found to be in need of protection and upon which the Director of Child Welfare has the legal authority to intervene in the lives of children and their families and provide child welfare services. Others felt that the Act had narrowed significantly, leaving many children and families in need without supportive services. There were concerns expressed that no other agency or government services have stepped in to provide services to children and families who are in need but not deemed to be in need of protection under the current Act.

Child Protection Act - Best Interests of the Child (section 2(2))

Theme - Newcomers to Prince Edward Island

Sections of the Act affected by this theme:

- a. **Section 2(2)(i) Best Interests of the Child**
- 2.(2) The best interests of the child means the interests that appear, to the Director, or to a court, to be best for the child under the circumstances, having regard to all relevant considerations, including...**
 - (i) the cultural, racial, linguistic and religious heritage of the child.**

For some newcomer families immigrating to Prince Edward Island parenting practices that are familiar to them and culturally appropriate in their country of origin may be different from parenting standards and practices they encounter living in Prince Edward Island. It is critical that language and culture be taken into account when determining what are the best interests of the child when providing child welfare services to newcomer families.

The Advisory Committee heard that factors such as alienation, unfamiliarity with social institutions and government agencies, abusive or threatening past experiences with "government authorities" may create barriers and challenges for newcomer families. Good communication on initial contact and throughout child welfare processes is essential. It was suggested that interpretation services be made available to ensure that the family understands the nature of child welfare services that are being offered. The PEI Association for Newcomers to Canada has a mandate to advocate on behalf of the

immigrant and refugee community and assist them in accessing programs and services. It is important that support and guidance from the PEI Association of Newcomers be sought when child welfare workers interact with newcomers to PEI.

Child Protection Act - Child in Need of Protection (section 3)

Theme - Understanding the Definition of a Child in Need of Protection

Section affected by this theme:

- a. **Section 3 Child in Need of Protection**
- 3. A child is in need of protection where:**
 - (a) the child has suffered physical harm inflicted by a parent;**
 - (b) the child has suffered harm caused by**
 - (i) neglect of the child by a parent,**
 - (ii) failure of a parent to adequately supervise or protect the child, or**
 - (iii) failure of a parent to provide for the adequate supervision or protection of the child;**
 - (c) the child has been sexually abused by a parent or by another person where the parent knew or ought to have known of the possibility of sexual abuse of the child and the parent failed to protect the child;**
 - (d) the child has been harmed as a result of being sexually exploited for the purposes of prostitution and the parent has failed or been unable to protect the child;**

(e) the child has suffered emotional harm inflicted by a parent, or by another person, here the parent knew or ought to have known that the other person was emotionally abusing the child and the parent failed to protect the child;

(f) the child has suffered physical or emotional harm caused by being exposed to domestic violence by or towards a parent;

(g) the child is at substantial risk of suffering harm within the meaning of clause (a), (b), (c), (d), (e) or (f);

(h) the child requires specific medical, psychological or psychiatric treatment to cure, prevent or ameliorate the effects of a physical or emotional condition or harm suffered, and the parent does not, or refuses to obtain treatment or is unavailable or unable to consent to treatment;

(i) the child suffers from a mental, emotional or developmental condition, that, if not addressed, could seriously harm the child and the parent does not or refuses to obtain treatment or is unavailable or unable to consent to services or treatment to remedy or ameliorate the effects of the condition;

(j) the child has been abandoned, or the only parent of the child has died or is unavailable to take custody of the child, and adequate provisions have not been made for the care of the child;

(k) the child is in the custody of the Director or another person and the parent of the child refuses or is unable to resume custody of the child;

(l) the child is less than 12 years old, and the child, in the opinion of the Director,

(i) may have killed or seriously injured another person

(ii) poses a serious danger to another person, or

(iii) may have caused significant loss or damage to property, and the parent of the child does not obtain or is unwilling to consent to treatment for the child which may be necessary to prevent a recurrence of the incident or danger; or

(m) the past parenting by the parent has put a child at significant risk of harm within the meaning of this section. 2000(2nd), c.3,s.3.

"A child in need of protection. What does this mean? Is it a child wearing no coat in the winter, is it a child living in a messy home, is it a child not going to school? How do I know? (Participant)"

It is difficult for people who are not child welfare staff, child welfare and legal aid lawyers, or the judiciary, to understand what types of situations fall under the definition of a child in need of protection. What is harm, abuse and neglect? The public, government and community partners, parents and educators expressed a need to better understand the meaning of the provision that defines a child in need of protection and the burden of proof that must be met under the current *Child Protection Act*. They felt they needed to understand what comprises this definition in order to appropriately comment on whether the principles and purposes of the legislation were being met.

Advisory Committee members are aware that the issue of child neglect is a challenging issue across the country. In *Broken Promises: Juli-Anna's Story (2008)*, New Brunswick's Child and Youth Advocate and Ombudsman, Bernard Richard, speaks about the number of substantiated child

neglect cases; they have doubled across the country. This contributes to the increase of child welfare caseloads in Canada. He further states at page 30 of the report,

“This pressure on the child welfare system, combined with cuts to social programs, leaves social workers and families they serve very vulnerable. High caseloads and dwindling resources prevent the social worker from building relationships with families.

Many people feel child protection has become an overwhelmed, reactionary, crisis-driven system that deals with the most obvious situations, like physical injuries, but one that has become incapable of focusing on issues of child neglect, let alone prevention of other conditions. Research shows that the consequences of child neglect are as severe as other forms of child abuse (physical or sexual). “Indeed, neglect in early stages of life may lead to severe, chronic and irreversible damage” (Child Trauma Academy, 2007).”

Throughout the consultations the Advisory Committee heard concerns that the current *Child Protection Act* is too restrictive. There is a general understanding that the current *Act* attempts to clearly define a “child in need of protection” to ensure the *Act* is not applied too broadly. It is understood that the *Act’s* purpose is to protect children from harm due to abuse and neglect by their parents; and is not intended to provide services to children who are not in need of protection.

Nevertheless, the Advisory Committee consistently heard people express concerns that, while they understood government authorities should not intrude in the lives of families unless a child was found to be in need of protection, there is a significant problem arising where children and families in need of early intervention and supportive services are unable to access such services.

The issue of child neglect was often raised in that “neglect” is not well defined within the context of the *Act*. Many feel that the *Act* does not adequately respond to the neglect of a child by a parent. When does child neglect become severe enough that a child becomes a child in need of protection? If a child does not meet criteria for child protection, what other government programs are available and accessible to ameliorate such situations?

There is a perception that the former *Family and Child Services Act* was applied in such a way that early intervention and supportive services for families and children in need were accessible through Child and Family Services and this is no longer the case. Islanders are not advocating that early intervention, family preservation and support services be made available under the current *Act*, rather they are simply advocating that such programming and services be made available within the social services system and other government services.

**Child Protection Act - Administration
(Sections 4 to 10)**

*Theme - Need for Increased Public Education
Regarding the Child Protection Act*

Sections of the Act affected by this theme:

Section 4 Duties of the Minister

- (1) The Minister is responsible for the overall administration of this Act.
- (2) The Minister shall
 - (a) ensure that child welfare services are provided in the province in accordance with this Act;
 - (b) ensure the provision of such facilities and programs as the Minister considers necessary for the provision of child welfare services in the province; and
 - (c) provide direction and ensure coordination of child welfare services among service delivery agencies in the province.
- (3) The Minister may
 - (a) establish goals, objectives and guidelines for the delivery of child welfare services;
 - (b) enter into agreements with agencies or jurisdictions respecting the provision of child welfare services; and
 - (c) allocate funding and other resources for the provision of child welfare services. 2000(2nd),c.3,s.4; 2005,c.39,s.7.

Section 5 Duties of the Director of Child Welfare

- (1) The Minister shall appoint a Director of Child Welfare
- (2) The Director of Child Welfare shall have the following duties:
 - (a) to assume the custody and guardianship of children pursuant to the provisions of this Act;
 - (b) subject to the direction of the Minister, to administer and enforce the provisions of this Act;
 - (c) to cause reports made pursuant to section 22 to be investigated;
 - (d) to operate and deliver child welfare services under this Act by employees of the Department;
 - (e) to establish policies and procedures respecting all aspects of child welfare services;
 - (f) to establish policies and procedures for delegation of the Director's powers, and to establish policies respecting direction and supervision of the delegates;
 - (g) to provide consultation and direction to regional authorities respecting child welfare services provided under this Act;
 - (h) to monitor and evaluate service delivery under this Act;
 - (i) to submit to the Minister an annual review of child welfare services in the province;
 - (j) to advise the Minister and other persons on matters relating to child welfare and the programs, facilities and resources necessary to carry out the requirements of this Act; and

(k) to exercise the powers and duties required by this Act and such other powers and duties as the Minister may direct.

(3) The Minister shall appoint an acting Director to exercise the powers and duties of the Director where there is a vacancy in the office of Director or the Director is absent or unable to act.
2000(2nd),c.3,s.5.

Throughout the consultation process a general underlying theme emerged indicating that the general public has a poor understanding of the roles and responsibilities of child welfare staff, the public, other government and community partner organizations under the *Child Protection Act*. The former *Family Child and Services Act* had been in place since 1981 and many who are familiar with child welfare services continue to have expectations for services and programming as they existed under the former legislation.

Throughout the consultations there was general support for the belief that the protection and safety of Island children is a civic responsibility and that all Islanders within Island communities have a role to play. Therefore there is a significant need to build community understanding of the *Child Protection Act's* mandate, its purposes and its principles, the administration of the *Act* and its operation through programming and service delivery.

Generally, Islanders are aware that the Department of Social Services and Seniors provides child welfare services, but most view the available services as solely child protection services. Consultations revealed that many parents would not approach child

and family services for parenting support or assistance because they fear that their children may be taken from them, rather than receiving services and resources provided to assist them with parenting. It is felt that Islanders do not understand the administration and operation of the *Child Protection Act* because there is little public education or written information available to enable the public to be informed. In the absence of information the public make false assumptions and establish unrealistic expectations regarding what can or cannot be done within the framework of the *Child Protection Act*.

Most of those consulted identified a need for more knowledge regarding the types of services that are available through Child and Family Services, and specifically through child welfare services. It was felt that a community list of child welfare services and resources would help family and community members be aware of what resources are available to them.

Educators and school administrators indicated that they have a limited understanding of the *Act* and are not certain of their respective roles under the *Act* as a result. They have indicated a need for information sessions to better understand the current *Child Protection Act* and their respective role within the legislative framework. Currently, school administrators, counselors and educators are feeling frustrated with the *Act*, because of their experience. They see the current *Act* as more restrictive than the former *Act*.

There is a belief that much of the early intervention, prevention and parenting support work that is provided through child welfare services on a daily basis is generally unknown and goes unnoticed by the public.

This may well be the result of work being conducted in a highly confidential manner, respecting the families' right to privacy.

More information sessions in the schools directed to children and youth would enable children and youth to recognize when their personal situation may be one that falls within the scope of a child in need of protection or a child in need and direct them to the appropriate service.

Theme - Consistent Interpretation and Application of the Current Child Protection Act

Sections of the Act affected by this theme:

Section 4 Duties of the Minister
Section 5 Duties of the Director of Child Welfare

Another recurring theme relating to the administration of the *Child Protection Act* is the importance of the consistent application of the *Act* across the province. Those consulted indicated that the application of the *Child Protection Act* must be consistent throughout the province and across child welfare service offices. There is a need to clarify the intention behind the language of the *Act*, ensure consistent interpretation, and consistent application to services and programs which are supported through established policies and procedures. The public does not understand why a particular child is taken into care and another child, who is in a seemingly worse situation, is not taken into care.

Theme - Communication and Information Sharing Challenges:

Sections of the Act affected by this theme:

- a. **Section 5 - Duties of Director to make reports**
- b. **Section 9(2) - Disclosure of records**
- c. **Section 22 - Mandatory reporting**
- d. **Section 10 - Prohibition from disclosure**

Section 9(2)

Subject to this section and the regulations, the Director may, with or without consent, disclose information contained in a record, where

- (a) the person requesting the disclosure is over the age of 12 years and the subject of a record made under this Act or under the prior Act;
- (b) the disclosure, pursuant to clause (a), is made to a parent or guardian in the case of a person who is, in the opinion of the Director, incompetent;
- (c) the disclosure is made with respect to court proceedings under this Act;
- (d) the Director has reasonable grounds to believe that the disclosure is necessary to ensure the safety or essential well-being of the child to whom it relates;
- (e) the Director considers it necessary for the purpose of assessing needs, planning or providing care or services for the child;
- (f) the information is necessary to conduct an alternate approach under Section 18;
- (g) the information is required for the purposes of a criminal investigation or for an investigation under this Act;

- (h) the disclosure is made to an official or an organization providing child welfare services in another jurisdiction;
- (i) the information is provided to a person or organization for the purposes of maintaining it in information systems to be used for the administration of this Act;
- (j) the information is required to establish who is responsible for the care of a child;
- (k) the disclosure is an aggregate of information which does not identify particular persons; or
- (l) the disclosure is essential for the administration of this Act.

Section 22

- (1) Notwithstanding any other Act, every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall
 - (a) without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director, and
 - (b) provide to the Director such additional information as is known or available to the person.
- (2) Subsection (1) applies notwithstanding the confidential nature of the information on which the report is based, but nothing in this section abrogates any solicitor-client privilege.

- (3) Subject to subsection (5), no person shall reveal or be compelled to reveal the identity of a person who has made a report or provided information respecting a child pursuant to subsection (1).
- (4) Subject to subsection (5), a person who makes a report or provides information pursuant to subsection (1) or who does anything to assist in an investigation carried out by the Director is not liable to any civil action in respect of providing such information or assistance.
- (5) Subsections (3) and (4) do not apply where a person knowingly makes a report or provides information which is false or misleading.
2000(2nd),c.3,s.22.

Section 10

No person shall reveal information obtained pursuant to this Act except as permitted by this Act.
2000(2nd),c.3,s.10.

Throughout the consultations a general theme emerged regarding the significant limitations that exist in the sharing of information between and among child welfare workers and other professionals providing services to the same family, children or youth. There is a general perception that communication between child welfare services and others has diminished over the years to the extent that child welfare workers are no longer participants in case planning or management with other programs or services.

Community agencies and various government partners feel they cannot access important information on children or families that would enable them to make better decisions with respect to case planning and management. To some community and government partners it appears that child welfare staff do not want to collaborate; however, child welfare staff indicate to partners they may not attend either because of confidentiality restrictions or because of inadequate human resources to support their attendance at meetings not specifically within their mandate of child protection.

There is a concern that inter-agency and inter-departmental planning has diminished and has led to a lack of understanding or appreciation of one another's professional role, expertise and value to the child, youth or family. This is not seen to be in the best interests of the child, youth or family as many have complex needs which involve the social, health, education and justice systems.

Advisory Committee members heard that although people appreciate the statutory requirements needed to maintain confidentiality in the delivery of child welfare services, they were of the view that the *Act* permitted the sharing of information to other professionals when the purpose was assessing the needs, planning or providing care services for a child. It was felt that the well being and best interests of the child should out-weigh privacy interests of the family. There is a belief that the limitations prescribed by the provincial *Freedom of Information and Protection of Privacy Act* (FOIPP) has caused professionals to be extremely cautious about sharing information, particularly because of the penalties that can be imposed if information sharing violates the confidentiality provisions of either the *FOIPP* or the *Child*

Protection Act. As a result, community and government partners expressed the need to review the statutory requirements of provincial and federal privacy legislation to find ways to appropriately share information to support inter-agency and inter-departmental collaboration, that enables service providers to meet the needs of children and their families. Partners expressed a desire to work together and to begin immediately to develop effective mechanisms that support an inter-disciplinary team approach.

"The sum is better than its parts. We should be excelling in collaboration in this small province (Participant)."

The Advisory Committee heard that the rapport between police and child welfare workers has declined and that communication between the two agencies has become challenging in certain circumstances. Some police officers are left wondering if child protection has received the report(s) they have submitted because often there is no feedback from the child welfare office. It was suggested that consideration be given to continuing education and training for both the police and child welfare workers regarding information sharing within the context of the various pieces of legislation under which they operate. There is a view that police and child welfare workers may be reluctant to share information with one another as they are uncertain about what can be legally shared.

Because community and government partners may not understand the mandate of the *Act*, the roles and responsibilities of child welfare workers, and the corresponding services provided under the *Act*, some partners believe that child welfare workers are referring children elsewhere

rather than working with the child themselves. Improved inter-department and inter-agency communication would help clarify roles and responsibilities and manage expectations amongst various partner organizations.

School administrators, school counselors and educators feel that they should be informed of a child's situation on a "need to know" basis when the child is in the care of the Director of Child Welfare and is attending their school. Also, if the school has made a referral to the Director the school feels it is important for the principal to know that the referral has been received and what action is being taken to ensure that the school can be supportive of the child's situation. Representatives of the education system expressed their belief that certain information should be shared with schools in a timely manner, including:

- when a student moves into a group home;
- that a social worker will be meeting a child at the school;
- parent's mental health problem as it relates to the children;
- documentation if therapy or other services are in place (to avoid duplication of services);
- changes in social workers;
- whether an investigation is initiated or ongoing;
- when child protection becomes involved;
- when a child protection case is closed;
- when custody or guardianship of the child changes; and
- when a change in legal status of the child occurs.

A number of people consulted indicated that they found it difficult to reach the appropriate people within the child welfare system to seek guidance with respect to

services available or to have their questions answered. Some people indicated that child welfare supervisors were difficult to reach. People believed the daytime office hours of the child welfare staff make it difficult for working parents to contact them.

Theme - Resource Issues:

a) Child Welfare Staffing - Turnover and Inconsistency

Sections of the Act affected by this theme:

Section 4 Duties of the Minister

Section 5 Duties of the Director of Child Welfare

"In nine months I've had three social workers (Youth in Care)."

"The longer you have your social worker the more you trust her (Youth in Care)."

Youth in care, child welfare staff, and foster parents expressed concern over the frequent turnover of social workers who provide child welfare services. Frequent changes in social workers for children in care disrupts the continuum of care and makes it difficult for children and families. Youth in care describe situations where they have developed a trusting relationship with their social worker and then the worker is changed. A lack of consistency in social workers negatively affects relationship building and the trust developed between children in care and the child welfare staff. Youth in care indicate that frequent staff turnover has a detrimental effect on children who may open up to the first social worker who is assigned but are less likely to do so with subsequent social workers. Youth in care describe the importance of having one area of their life that remains consistent because coming into care is such a fearful and uncertain time for children and youth.

b) *Child Welfare Staffing- Human Resource Capacity*

Sections of the Act affected by this theme:

Section 4 Duties of the Minister

Section 5 Duties of the Director of Child Welfare

The Advisory Committee heard concerns regarding inadequate human resource capacity within the Child and Family Services Division to service child protection needs within the province. Concerns were expressed that child welfare services are only being provided to those situations where physical harm or abuse is occurring, in the most serious situations. There is a perception that children who are being neglected by a parent and who require child welfare services may not be receiving timely services because the present resources are not adequate and available to assist them.

There is a belief by many of those consulted that the limited level of human resources, generally, and the lack of experienced child welfare staff, more specifically, is contributing to the inability of Child and Family Services Division to adequately respond to children, youth and families' needs. It is also perceived by some partners and child welfare staff that child protection social workers are being asked to narrowly define the scope of their mandate in accordance with the present *Act*.

The limited number of seasoned, experienced, child protection workers practicing within Child Protection was expressed as a critical area of concern. In accordance with the trend across the country, there has been a significant shift in the number of trained staff who have experience in the area of child protection. This leaves new staff feeling vulnerable and

uncertain about their decision-making in the field. It also contributes to increased turnover of staff. A call for a mentorship program between experienced and new child protection social workers was heard consistently throughout the consultations. Identifying a mentor for new social workers coming into the field was seen as a way to enhance the quality of child welfare services for children and families and to support the recruitment and retention of child welfare staff.

Child welfare staff spoke about managing heavy workloads. The structure of some child welfare office teams have not changed since the current *Act* came into effect in 2003; there are the same number of long-term teams and staff and the same number of intake teams and staff. This creates problems when trying to meet the shortened time lines for investigations under the current *Act*. There is a concern that child welfare staff are expected to do more with less resources at a time when the needs of children, youth and families are becoming more severe and complex. There is a belief that priority should be given to providing appropriate tools and resources required to protect children and provide care to the children that come under the current *Act's* mandate.

Child welfare staff spoke about the lack of appropriate training for new child welfare staff and continuing education and training for child welfare staff, generally. This exacerbates the challenges experienced in the field when seasoned child protection social workers are in limited supply.

Child welfare staff, community and government partners, educators, parents and foster parents expressed a need for experienced staff with sufficient resources. Adequate human resource capacity and

capability would contribute to a consistent and ongoing positive relationship with children and their families and the ability to ensure a quality service. It would ensure that the most vulnerable children on PEI get the services and care that they need to support their development into healthy, productive adults.

Theme - Inconsistency in Service Delivery:

Sections of the Act affected by this theme:

**Section 4 Duties of the Minister
Section 5 Duties of the Director of Child Welfare**

No new policies or procedures were developed for the delivery of child protection services in accordance with the current *Child Protection Act*. Child welfare staff indicate that during the 2005 restructuring resources were dedicated to front line service delivery rather than policy and procedure development. As a result, staff are concerned about the inconsistent application of child welfare processes and service delivery from office to office across the province. Child welfare staff indicate that there are:

- various interpretations of the *Act* within different offices and among supervisors;
- major differences in legal protocols from office to office;
- discrepancies in the interpretation of policies, protocols, the *Act*, etc.;
- difficulties in ensuring that youth and children are treated and cared for consistently and equitably across the Province; and
- difficulties in uniform decision making without uniform policies and procedures.

They are also concerned about their exposure to liability when working in an environment with limited or outdated policies for service delivery to guide their standard of practice.

Child Protection Act - Assessment and Investigation (sections 11 and 12)

Theme - Communication and Information Sharing Challenges:

Sections of the Act affected by this theme:

Section 12 Investigation of the circumstances or condition of the child

- (1) **Where the Director has reasonable grounds to believe that a child may be in need of protection, the Director may, regardless of the consent of any person, carry out an investigation of the circumstances and condition of the child to determine whether the child is in need of protection.**
- (2) **An investigation by the Director may include an analysis of medical, health, social, residential, educational, emotional, economic, and other factors affecting the life of the child.**
- (3) **Notwithstanding any other Act, in conducting an investigation the Director may, without consent,**
 - (a) **visit the residence of the child and other places frequented by the child;**
 - (b) **transport the child to a place considered by the Director to be appropriate;**
 - (c) **interview and examine the child;**
 - (d) **interview the parent of the child;**

- (e) interview persons who care for the child and persons who have opportunities to observe the child;
- (f) interview persons who provide health, social, educational or other services to the child or to the parent of the child;
- (g) require information to be provided to the Director from medical, health, social, educational and other service records concerning the child and the parent;
- (h) cause an examination to be made of the physical, mental and emotional health and development of the child;
- (i) request the parent of the child to undergo an examination of physical, mental and emotional health or other assessments related to parenting of the child;
- (j) require information to be provided about past parenting by individuals; and
- (k) consult such other persons and gather such other evidence as may be necessary to complete the investigation.

(4) Upon the application of the Director, the court may order any person

- (a) to provide information to the Director;
- (b) to allow the Director access to a person, place or record; or
- (c) to cooperate with an investigation by the Director, under this section.

(5) Subject to subsection (6) and the regulations, the Director shall make reasonable efforts to give a general report of the results of an investigation to

- (a) the parent of the child, who is the subject of the investigation; and

(b) the child who is the subject of the investigation, if the child is at least 12 years old and apparently capable of understanding the circumstances of the investigation.

(6) A report is not required pursuant to subsection (5) where

- (a) the Director has reasonable grounds to believe that such a report would endanger the safety of the child or any other person; or
- (b) a criminal investigation related to the matter has been initiated or is likely to occur. 2000(2nd),c.3,s.12.

Throughout the consultations the Advisory Committee heard that children and families often do not understand what is happening when a child welfare worker carries out an investigation in response to a child protection report. Many clients have difficulty interpreting information relayed to them verbally, especially when they are in crisis, or subject to a protection investigation. Some child welfare staff, legal aid lawyers and people who have received child welfare services said that parents are often not clear about what is expected of them by child welfare staff. It was suggested, where possible, that parents should be provided with clear expectations, preferably in writing.

The Advisory Committee heard that parents are not always made aware or do not always understand why their children are taken into the care of the Director of Child Welfare. It is believed that the Director of Child Welfare should put as much information as possible on the notice of apprehension. A general description of the circumstances surrounding the reason for apprehension would be helpful for parents.

Parents want child protection staff to be clear with them when an investigation is complete. If supportive services are being offered, parents may not believe that the services are meant to be supportive if the family has had a negative experience during the investigation stage. Parents indicated that they had difficulty obtaining definitive information about whether a child protection file was opened or closed.

Child Protection Act - Provision of Child Welfare Services (Sections 13 to 15)

As indicated at the beginning of the themes section of this report, participants in the review began their remarks or submissions by stating that they are very appreciative of the work undertaken by child welfare staff working within Child and Family Services. They recognize that the field of child protection is demanding, challenging work and that, generally, individuals working in the field are highly qualified, dedicated professionals who are committed to making a difference for families and children. There is a recognition that child welfare staff must operate within various legislative frameworks, the policy and program mandate of the Child and Family Services Division, the financial and human resources allocated to child welfare services within the province, and that these constraints impact the provision of such services. Nevertheless, participants in the consultations identified gaps in service which they feel need to be addressed.

In discussing the provision of child welfare services it is important to understand such services as they are defined by the *Child Protection Act*. Subsection 1(j) defines “child welfare services” as meaning intervention with children, youths, or parents in accordance with the *Act*.

Sections of the Act affected by the following themes include:

- a. Section 13 Agreement for child welfare services
- b. Section 14 Agreement for child welfare services, with youth
- c. Section 1(h) Definition of a “child”

Section 13

- (1) Where the Director concludes, after an investigation, that a child is in need of protection, the Director may offer child welfare services to the parent.
- (2) Where an agreement for child welfare services has been reached with a parent, the initial term of the agreement shall not exceed 6 months, and the agreement may be renewed for two additional 6 month periods.
2000(2nd),c.3,s.13; 2002,c.2,s.1.

Section 14

- (1) The Director may, following an assessment or an investigation, enter into a written agreement for child welfare services with a youth, independently of the parent of the youth, where the youth is at least 16 years old and apparently capable of understanding the agreement, where
 - (a) the parent of the youth consents to the agreement or is unavailable to consent, despite reasonable efforts by the Director to make contact;
 - (b) consultation with the youth and the parent indicates that serious difficulties exist between them, making it impracticable to make an agreement with the parent for the benefit of the youth;

(c) the youth no longer lives with the custodial parent; or

(d) the Director determines that the involvement of the parent would be likely to be harmful to the best interests of the youth.

(2) The initial term of an agreement for child welfare services with a youth shall not exceed 6 months, and an agreement may be renewed for additional terms of 6 months, until the youth reaches the age of 18 years.

(3) Where a person who was the subject of an agreement under this section reaches the age of 18 years, the Director may enter a written agreement for continued child welfare services to prepare the person for independent living, where

(a) the person is a student or a participant in an approved educational, training or rehabilitative program; or

(b) the Director considers that there are unusual circumstances which necessitate special transitional support, until the person reaches the age of 21 years or until the Director considers that there is no longer a need for child welfare services under this subsection, whichever occurs earlier.

2000(2nd),c.3,s.14; 2002,c.2,s.2.

Section 1(h)

“child” means

(i) a person under the age of 16 years; or

(ii) a person between the ages of 16 and 18 years where the person, due to developmental, mental or physical incapacity, is or appears to be unable to protect himself or herself.

Theme - Gaps in Services

“Who is servicing the children and families in need, if they do not fall under the mandate of the Child Protection Act? (Participant)”

A recurring theme from those who responded to the *Child Protection Act* review was that there is little to no apparent preventative or proactive programming for children, parents and families being delivered through the Child and Family Services Division, or if it is being delivered the public, community and government partners, educators and justice officials are not aware that it is occurring. Many people consulted asked, “who is servicing the children and families in need, now that they no longer fall within the mandate of services and programs under the *Child Protection Act*?”.

There is a view that children who may be suffering harm caused by the neglect of a parent are not receiving services and others are falling through gaps in services. Concerns were raised regarding a general lack of appropriate services to support children and youth. The gap in mental health and addiction services was often raised. The current *Act* does not provide for preventative, early intervention or family preservation services and no other agency or government department has taken the lead in providing services in these areas. A specific budget has not been identified to provide such services. There is a feeling that children, youth and families have nowhere to turn for help. People believe that government programs and services have carefully defined their mandates for services and programs, resulting in the exclusion of vulnerable children, youth and families. Those wishing to access preventative and supportive services must experience a

deterioration in their situation until they qualify for services through highly intrusive programming such as child protection or youth justice services.

Theme - Child Protection Service Challenges to Children and Their Families

A number of parents, family members and youth who have had involvement with child welfare services provided their perspective on their experiences with the child protection system. Educators, community and government partners, justice partners, and the Aboriginal community commented on their experiences. First, people acknowledged that providing child protection services is a demanding and challenging area and that those receiving services are often doing so reluctantly or through court intervention. It is understood that the nature of child protection services is that child protection social workers intervene in the lives of children and families during very difficult and “trying” circumstances. As a result, child welfare services may not be seen in a favourable light by the family. It is important to remind the reader that it is within this context that the Advisory Committee heard the following challenges regarding child protection service delivery.

a) Service challenges to families and children:
The Advisory Committee heard that some parents find it difficult to trust that child welfare staff are in place to support and assist them. Rather they feel that child welfare staff pretend to be supportive when they first intervene in order to build a case against them. A number of clients found it difficult to engage in a positive manner with their child welfare worker. They expressed feelings of having failed their children, being judged, disrespected, threatened, disempowered, and highly scrutinized.

These parents did not feel like they could work in collaboration with child protection services as they did not see it as a partnership.

Some parents feel that the system is “not doing enough” to assist them. These parents find that child welfare staff are difficult to access by phone or in person. Receiving or obtaining information about their case is difficult and they are often passed to different child welfare staff in an attempt to have their questions answered. Once they are able to access someone they are often told that certain information can not be shared with them leaving them frustrated and wondering who they should contact to obtain assistance or information.

Other parents feel that the child protection system does not take better care of their children than they would. There is limited access to services for children in care and long waiting periods to access services. There is a lack of resources for children coming into the care of the Director of Child Welfare, including the availability of foster homes, group homes or other placements. The Aboriginal community feels that there is little programming that is specific to Aboriginal children and families. There is a lack of resources to undertake parenting capacity assessments. Child welfare staff working with immigrant and refugee families have indicated that there is a lack of access to qualified interpreters for families who require child welfare services.

b) Child Protection Act service challenges to youth

The public, community, government and education partners, child welfare staff, and individuals who have interacted with child welfare services expressed their concern for certain PEI youth who range between the age of fifteen to seventeen years of age or

younger. There was a general consensus that there are too many youth in PEI who are “falling through the cracks”. A number of the children in this age group are developing into “couch kids” or “couch surfers” who drift from home to home because they do not have a safe or supportive home in which to live. These youth are not attending school on a regular or consistent basis. They are making unsafe choices and putting themselves at risk. Some may even be living in cars to escape difficult family situations. At fifteen to seventeen years of age, youth are generally not willing to live in a foster home or group home environment, yet they do not have the maturity to be living on their own without supports. Many eighteen year olds who received child welfare services throughout their younger years and will exit the child welfare system because they have turned eighteen, are not developmentally ready to begin living independently and make their own decisions.

Consultations revealed a belief that the new *Child Protection Act* was changed so that “children out of the control of their parents” of any age are no longer eligible for protection under the *Act*. It was also felt that sixteen and seventeen year old youth are no longer eligible for protection under the *Act*, even when there is proven evidence of physical and/or sexual abuse by their parents or guardians. Some child welfare staff indicated that they have been asked not to seek renewal of Voluntary Care Agreements after a child is sixteen years old.

Concerns were expressed that child welfare services presently available for youth ages fifteen to seventeen are inadequate and do not meet the needs of these youth. There is a perception that the child protection system does not provide services to fifteen or sixteen year olds because they will soon be aging out of the system and it is not considered an

appropriate use of limited resources. There is a belief that, with very few exceptions, voluntary care or other financial help is not offered to developmentally capable youth over the age of sixteen. Some child welfare staff are of the understanding that child welfare “policy” directs that youth age sixteen and seventeen should not be taken into the care of the Director. Others indicate that there is no such policy. The interpretation of such a policy, if it exists, requires clarification. There is a further concern that such a practice is being applied to youth as young as fourteen and fifteen years of age, causing younger children to fall through the cracks as time goes on.

Generally those consulted indicated that more services and resources should be directed to those youth who need a place to stay when they can’t stay at home because they are being harmed or there is a substantial risk that they will be harmed. Clarification is required as to which government programs, divisions or departments have the mandate and responsibility to provide services to these youth.

Those consulted indicated that enhanced services and improved case planning is needed for youth within this age group who are in need of protection and who have entered voluntary care agreements with the Director of Child Welfare. A number of years ago under the former *Family and Child Services Act*, financial assistance programming worked cooperatively with child welfare services to provide some financial support to assist youth at risk to live apart from their difficult family situations. Concerns were expressed that such cooperative arrangements across Government programs that enabled financial assistance to youth are no longer available. It is believed that with appropriate

supports in place such youth would be able to continue with their education, get back on track, and realize their potential.

One suggestion was that a different level of protection from harm be defined and child welfare services be added for youth between the ages of sixteen and eighteen, than for children who are younger. The availability of transitional housing would be very helpful to child welfare staff and others who are trying to assist such youth. Currently government and community supports and programming are extremely limited and uncoordinated. There is a view that an immediate call to collaborative action to identify an appropriate budget and specific programming to serve the needs of such youth is absolutely critical.

There is also belief that a number of youth between the ages of sixteen and eighteen years of age with special needs are not receiving adequate support services. The perception is that children as defined under s.1(h) (ii) of the *Act* are not receiving adequate child welfare services and that the needs of such children and the intention of this section should be evaluated.

A number of people consulted recommended that realistic expectations regarding what Child and Family Services can provide to support youth aged sixteen to eighteen be established because they view the resources dedicated to children ranging from zero to sixteen as being limited. They do not want to see them further diminished through a reallocation of resources. They felt it is unrealistic to believe that child welfare staff have the ultimate responsibility to make youth “behave” and that it is within their power or control to make them want to receive services or treatment. Many believe that it will require a coordinated community and government response within which

child welfare services plays a defined role with other partners to adequately address the complex needs of youth at risk.

Theme - Transitional Support to Children in Care Exiting Child Welfare Services

It was felt that consideration should be given to amending subsection 14(3) which permits transitional support to be provided to a person receiving child welfare services who has reached the age of eighteen years. This section permits the Director of Child Welfare to continue providing child welfare services until a person reaches age twenty-one, where the person is a student or is participating in an approved educational, training or rehabilitation program or if there are unusual circumstances. A number of groups consulted indicated that there was a need to extend services to youth to the age of twenty-one even if the person was not attending post-secondary education or training. It was noted that today most youth remain within the family unit until they are past the age of twenty-one and therefore it is reasonable that transitional supports to youth receiving child welfare services from the Director be extended beyond age eighteen and up to age twenty-one.

Theme - Inter-departmental and Intra-departmental Communication and Collaboration in Service Delivery

When child welfare staff and foster parents attempt to access other services for children and families they often sense a lack of support from other government services and departments. When delivering child welfare services there is a need for better communication between Child Protection workers, community partners, and government partners such as justice, health and education. Cross training for child protection and youth justice and school

counselors was suggested as an opportunity to enhance communication and collaboration.

Theme - "Out of Control" Kids

Sections of the Act affected by this theme:

- a. Subsections 3(b) and 3(g) **Children in need of protection**
- b. Section 13 **Agreement for child welfare services**
- c. Section 14 **Agreement for child welfare services, with youth**

Subsections 3 (b) and (g)

A child is in need of protection where...

(b) the child has suffered harm caused by

- (i) neglect of the child by a parent,**
- (ii) failure of a parent to adequately supervise or protect the child, or**
- (iii) failure of a parent to provide for the adequate supervision or protection of the child.**

(g) the child is at substantial risk of suffering harm within the meaning of clause (a), (b), (c), (d), (e), or (f).

During the course of consultations concerns were expressed regarding youth who are "out of parental control". The Advisory Committee heard from the public, parents, child welfare staff, health care providers, educators and justice officials about their concern for youth who deemed to be "out of control". This is a long standing multi-dimensional issue that has evaded satisfactory solutions for youth and their families for many years in PEI and across the country.

Parents express feelings of powerlessness, they are feeling responsible for their child and the child's actions yet their child is out of their parental control and the parent does not know where to access services to assist them in parenting their child. Generally the "out of control youth" does not fall under the current definition of a child in need of protection. To be found to be in need of protection, the child must have suffered harm by the failure of the parent to adequately supervise or protect the child, or by the failure of the parent to provide for adequate supervision or protection of the child. Parents are told, because they are not harming their child, that the child does not fit the definition of a child in need of protection and child welfare services are not available to them. Some parents feel that the only way to access services is for them to harm or threaten to harm their child.

Youth in these situations are putting themselves at risk by running away from home or they are making poor choices. They may be into substance abuse or experiencing addiction or mental health problems. Although parents are legally responsible for these youth, they ultimately have no authority over these children. Often the youth will not voluntarily agree to an offer of services or programming which leaves parents, educators and other service providers wondering what to do for these youth.

There are other youth who are "out of control" as a result of poor or inadequate parenting and health professionals and educators express difficulty in accessing services for these youth. These are often thirteen to seventeen year olds who appear to be falling through the cracks of our social system. These youth are often in need of supportive services but they are over-looked because their level of need is not high

enough to be determined to be “in need of protection”. There is also a belief that there is a lack of consistency in assessing these youth to determine whether they are in need of protection and some believe that the criteria has been set too high. School counselors and parents have expressed that they sometimes hope the youth becomes involved in the youth justice system so that services will be made available to the youth.

Generally, those consulted felt that interagency, inter-departmental, and intra-departmental cooperation is required to manage this very complex multi-dimensional issue of “out of control” youth. There was agreement that these youth are the collective responsibility of parents, education, health, social services, justice systems and community partners. There was general consensus that no one department, service or program could adequately address the needs of these youth.

Child Protection Act - Alternative Approaches (section 16 and 17)

Theme - Alternatives to Litigation: Mediation and Conflict Resolution

Sections of the Act affected by this theme:

- a. Section 16 **Alternative approaches**
- b. Section 17 **Time limits**

Section 16

(1) Subject to the regulations, where the Director has determined that a child is in need of protection and no agreement has been made with the parent of the child respecting child welfare services, the Director may initiate an alternative approach to developing a plan of care for the child.

- (2) A plan of care developed as an alternative approach is subject to the approval of the Director.**
- (3) Notwithstanding any other provision of this section, where a child is 12 years old or more, a plan of care shall not be effective unless**
 - (a) the plan of care has been explained to the child in a manner appropriate to the child; and**
 - (b) the Director has considered the views of the child. 2000(2nd),c.3,s.16.**

Section 17

- (1) Subject to section 18, a plan of care pursuant to section 16 shall not exceed 6 months in duration, but it may be renewed by the parties for not more than two additional 6 month periods.**
- (2) Notwithstanding sections 36 and 37, where the Director has made an application pursuant to section 29 and the Director considers that an alternative approach may be successful, the Director may request an adjournment or withdraw the application.2000(2nd),c.3,s.17.**

The public, community and government partners, family legal aid lawyers, child welfare staff, and certain members of the judiciary expressed their belief that the introduction of less adversarial approaches to many child protection matters would be in the best interest of children and their families. While the court process may be necessary to resolve some child protection matters, alternative methodologies would serve to soften the approach of child welfare services in circumstances where it is in the

best interests of children that they intervene in a family situation.

It is believed that an alternative approach founded upon mediation and conflict resolution principles would support more effective outcomes for children and their families. A less adversarial approach would achieve more favourable outcomes, including;

- minimize future risk of abuse or neglect of a child;
- improved child welfare social worker/client relationships;
- enhanced communication in a forum where interests, needs and concerns of the child, the family and child welfare staff are heard, and understood;
- shortened time frames in which child protection matters are resolved;
- earlier intervention for the child and preservation of the family's dignity; and
- increased satisfaction of all parties in a process where each party plays a part in determining the ultimate outcome of their family matter.

Other jurisdictions such as Nova Scotia, British Columbia, and Ontario have introduced Child Protection Mediation Services and are building capacity in this area. Prince Edward Island could learn from the experiences of these jurisdictions.

Throughout the consultations it was proposed that an office be established using alternative approaches to work with families. It would be important that such an office is staffed with employees who have knowledge of child welfare issues and practical

experience dealing with such issues using alternative approaches. They would assist the parties in establishing a plan for a child without the need to proceed to court.

The Advisory Committee heard from Mediation PEI Inc. and other interested parties that consideration be given to building capacity within Child and Family Services to initiate the alternative approaches contemplated at sections 16 and 17 of the *Child Protection Act*. They suggested that a first step would be to invest in the training of qualified mediators to ready the Child and Family Services Division for a child protection mediation pilot project. It is suggested that the development of such a pilot program should include input from various stakeholders from Child and Family Services, the legal community, the social work community, families, and other interested community and government partners. It was further suggested that the *London, (Ontario) Child Protection Mediation Project* be used as a model (www./fcc.on.ca/third_option.html).

There is a strong belief that mediation and other collaborative approaches are valid methodologies that can effectively be used when interacting with vulnerable families, and that building capacity for such methodologies is an important and necessary first step to bringing change to a traditionally adversarial environment.

Child Protection Act - Custody and Guardianship by Agreement (Sections 18 to 21)

Sections of the Act affected by the following themes:

- a. Section 18 Temporary Agreement
- b. Section 20 Permanent Surrender
- c. Section 23 Apprehension of child without warrant
- d. Section 24 Apprehension of child with warrant

Section 18

- (1) Where, after an investigation, the Director determines that a child is in need of protection, the Director may enter into an agreement with the parent of the child whereby
 - (a) the parent transfers temporary custody of the child to the Director; or
 - (b) the parent transfers temporary custody and guardianship of the child to the Director.
- (2) Before making an agreement pursuant to subsection (1), the Director may consider the opinions of other persons respecting the care of the child and the Director shall
 - (a) consider the opinions and proposals for care of the child which a non-custodial parent may propose;
 - (b) where a child is 12 years old or more, explain in a manner appropriate to the child, the reasons for and the nature, effect and implications of the proposed agreement to the child, and consider the views of the child; and
 - (c) be satisfied that the agreement is in

the best interests of the child.

- (3) An agreement made under this section shall include the following terms:
 - (a) a transfer of temporary custody or temporary custody and guardianship of the child to the Director;
 - (b) a plan of care for the child;
 - (c) terms of access to the child by a parent or other person;
 - (d) the duration of the agreement and its manner of termination;
 - (e) the financial or other contributions to be made by the parent towards the care of the child; and
 - (f) other terms as agreed.
- (4) An agreement made pursuant to this section may apply to more than one child.
- (5) The initial term of an agreement made under this section shall not exceed
 - (a) 3 months respecting a child who is 5 years old or less; or
 - (b) 6 months respecting a child who is 6 years old or more.
- (6) An agreement made under this section may be renewed for additional terms, provided the child shall not be in the continuous custody of the Director under the agreement, for a period exceeding
 - (a) 12 months, where the child is 5 years old or less; or
 - (b) 18 months, where the child is between the ages of 6 and 12 years.

- (7) Notwithstanding clause 1(h), where a child is over 12 years old, an agreement may be renewed for any number of terms until the child reaches 18 years, provided the Director reviews the agreement annually.
- (8) For the purposes of this section, the date of the initial agreement is the date used to calculate
 - (a) the age of the child; and
 - (b) the total continuous custody.

Section 20

- (1) Where the Director determines after an assessment or an investigation that the parent of a child is unable or unwilling to provide for a child and presents no alternative plan, or the plan for the child is not acceptable to the Director, the parent may make an agreement with the Director for the permanent surrender to the Director of the custody and guardianship of the child.
- (2) An agreement pursuant to this section may apply to more than one child.
- (3) Before entering into an agreement with the parent of a child pursuant to this section, the Director shall
 - (a) consider the opinions and proposals for the care of the child presented by a non-custodial parent;
 - (b) explain to the child in a manner appropriate to the child, the reasons for and the nature and effect of the proposed agreement, and consider the views of the child;

- (c) cause further assessment to be made, where the child proposes an alternative;
- (d) cause further assessment to be made, where the child is over 12 years old and expresses opposition to the proposed agreement; and
- (e) be satisfied that permanent surrender of custody and guardianship of the child is in the best interests of the child.

- (4) Unless the court otherwise orders, no agreement made pursuant to this section is valid unless all persons who have rights of guardianship respecting a child have signed it.
- (5) No agreement may be made pursuant to this section unless the child who is the subject of the agreement is at least 14 days old at the time the agreement is executed.2000(2nd),c.3,s.20.

Section 23

- (1) The Director may apprehend a child, without a warrant, where the Director has reasonable grounds to believe that
 - (a) a child is in need of protection; and
 - (b) a less intrusive course of action will not adequately protect the health or safety of the child.
- (1.1) Where the Director has reasonable grounds to believe that
 - (a) a child is in need of protection; and
 - (b) either
 - (i) the health or safety of the child is in immediate jeopardy;
 - or

(ii) there is an immediate risk that the child or the child and the parent are

about to leave the area, the Director may, without a warrant and regardless of the consent of any person, enter, by force if necessary, any premises where the child believed to be present or to reside, and search for, locate and take the child into the custody of the Director.

- (2) A peace officer shall assist the Director in the apprehension of a child under this section, when the Director requests that assistance.
2000(2nd),c.3,s.23; 2002,c.2,s.3.

Section 24

- (1) The court may, on the application of the Director without notice, grant a warrant to the Director where the court is satisfied that
- (a) there are reasonable grounds to believe that
 - (i) a child is in need of protection, and
 - (ii) a less intrusive course of action will not adequately protect the health or safety of the child;
 - (b) the Director has attempted to apprehend a child pursuant to section 23; and
 - (c) the parent of the child, or other person caring for the child, has refused to give up the child or to permit entry to the premises where the Director reasonably believes the child to be present or to reside.

(1.1) The court may, on the application of the Director without notice, grant a warrant to the Director, for execution immediately after the birth of a child, where the court is satisfied that there are reasonable grounds to believe that

- (a) the child will be a child in need of protection on its birth; and
 - (b) a less intrusive course of action will not adequately protect the health or safety of the child.
- (2) A warrant issued pursuant to this section authorizes the Director or the Director assisted by a peace officer, regardless of the consent of any person, to
- (a) enter, by force if necessary, any premises where there are reasonable grounds to believe that the child is present or resides;
 - (b) search those premises for the child; and
 - (c) apprehend and take the child into custody.
- (3) A warrant issued pursuant to this section may be transmitted to the Director by facsimile.
2000(2nd),c.3,s.24; 2002,c.2,s.4.
- (4) Repealed by 2002,c.2,s.4.
- (5) Repealed by 2002,c.2,s.4.

*Theme - Communication and Information
Sharing Challenges*

Families say they are not always clear about why the Director of Child Welfare is intervening in their family. Sometimes supportive services are being offered to assist the family but it is not clear to the family why the system is intervening. Parents also spoke about having their children apprehended and not knowing the reasons for the apprehension.

Children say they do not always understand why they are apprehended from their families and placed in foster care. Their circumstances are not always explained to them. It is perceived by some youth in care and some child welfare staff that while some social workers take the time to advise age appropriate children why they are in care, this does not occur in all circumstances. The youth feel there is little opportunity for their input or participation in their plan of care.

Many parents state that they are unaware that they can come forward and provide an alternate plan of care for their child. They believe that child welfare staff should provide this information to parents so that they are given the opportunity to provide an alternative plan for their children, which may provide an opportunity for the child to reside with a family member or family friend.

Participants also expressed concerns that voluntary agreements for child protection services are not always entirely voluntary. Parents often do not understand the various child protection processes; the implications of a voluntary care agreement or what it means to have the Director of Child Welfare take custody and/or guardianship of their child.

It was expressed that full disclosure of the Director's investigation should be made available to the parent as soon as possible. Concerns were also raised about timely and complete disclosure of information by the Director when a permanent order is being sought. A parent should have all the information needed to respond to the Director of Child Welfare's application for permanent custody of their child as soon as possible.

Theme - Planning for Children in Permanent Care

The Advisory Committee heard that there are challenges in providing services in a timely fashion for children who come into permanent care of the Director of Child Welfare. Improved services for planning for children coming into permanent care are required. Delays in assessments of potential adoptive families and permanency planning are contributing factors. It appears to some who were consulted that significant numbers of children and youth in care remain "in limbo". They remain in care far longer than expected and are not able to move to adoption. It was suggested that a child in care team, with sufficient resources, be established to provide services to permanent wards.

Theme - Interaction Between Child Protection and Other Family Law Matters:

The jurisdiction of the Director and the court in dealing with the Director of Child Welfare matters is child protection. The *Child Protection Act* does not confer jurisdiction to the Director or the courts over intra-family disputes. These are addressed under the *Divorce Act* and the *Custody, Jurisdiction and Enforcement Act* and in the family court. Challenges arise when there is a concurrent child protection application and family law

application. If one parent is the custodial parent and creating a situation where the child is in need of protection, and the non-custodial parent (under family law) would not cause the child to be in need of protection if the child was in their custody, the Director of Child Welfare cannot give the child to the non-custodial parent, even if the Director of Child Welfare believes that it would be in the child's best interests. The *Act* does not give the Director of Child Welfare the authority to do so. Under the *Act* the Director cannot apprehend a child from one parent and give custody of that child to the other parent.

Child Protection Act - Mandatory Reporting (section 22)

Sections of the Act affected by the following themes:

a. Section 22 Mandatory reporting

- (1) Notwithstanding any other Act, every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall**
 - (a) without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director; and**
 - (b) provide to the Director such additional information as is known or available to the person.**
- (2) Subsection (1) applies notwithstanding the confidential nature of the information on which the report is based, but nothing in this section abrogates any solicitor-client privilege.**

- (3) Subject to subsection (5), no person shall reveal or be compelled to reveal the identity of a person who has made a report or provided information respecting a child pursuant to subsection (1).**
- (4) Subject to subsection (5), a person who makes a report or provides information pursuant to subsection (1) or who does anything to assist in an investigation carried out by the Director is not liable to any civil action in respect of providing such information or assistance.**
- (5) Subsections (3) and (4) do not apply where a person knowingly makes a report or provides information which is false or misleading.**
2000(2nd),c.3,s.22.

Theme - Need for Increased Public Education:

While most people are aware of the general obligation to report a situation where they believe a child is in need of protection, many people indicated that they have a number of questions with respect to reporting suspected child abuse. Many people are uncertain about what should be reported. The need to report physical and sexual abuse is clear to people, but situations of child neglect or failure of a parent to adequately supervise or protect a child are less clear. Those consulted suggested that public information sessions be presented and written information be developed identifying the signs of child abuse and neglect, advising what one should do in response, and indicating what people should expect following a report.

Those consulted felt it was important to know what happens following a report to the Director of Child Welfare. It was important to people to obtain confirmation that the report had been received and that an assessment of the child's circumstances was being conducted. Child welfare staff indicated there is a need to educate the public that in some circumstances more than one report may be required for child protection staff to gather enough evidence through investigation to find the child in need of protection and to provide child welfare services.

Theme - Confidentiality and Privacy Issues:

The community has a role to play in ensuring that children are protected. People living in small communities may be reluctant to report suspected child abuse in order to protect the privacy of the children's parents or out of concern that the source of the report will be disclosed. Lack of understanding regarding what reporting information remains confidential and what information child protection workers can share at a later date is of concern to many community and government partners as well. They would like clarification regarding the extent to which the identity of report sources are protected.

Educators, other professionals, and the general public are becoming hesitant to report cases of suspected child abuse or neglect because they have recently learned when information is provided to a referral source by a third party, the third party's identity is not protected from disclosure. There are further concerns regarding the right to confidentiality during investigations which result from the initial referral; if an educator is approached after the initial report and is asked to provide additional information in the course of an investigation by a child welfare worker is there a right to

confidentiality concerning any information that the educator provides? Information sessions regarding child protection reports and the protection of report sources would be helpful to correct the undesired result where people become reluctant to report situations where a child may be in need of protection.

Mandatory reporting to child protection is required when there is a situation of family violence within the home and a child lives in the home. However, there is an unintended impact of this where some victims of violence are reluctant to report abuse because of the fear of child protection involvement. The Advisory Committee heard that in many cases where child protection is involved the onus is put on the victim of family violence to ensure that the children are protected from the abuser with little or no support in dealing with the abuser. Victim Services would like to see specialized training and education provided for all child welfare staff on the most effective ways to intervene in domestic violence cases. They believe that there should be a focus on intervening directly with the abuser on risk reduction and containment and assessing whether access to the family should be permitted.

Some participants believe that families experiencing family violence, mental health and addiction issues would benefit from access to supervised visits for the child and the parent who is experiencing such issues. Currently, supervised visits are not supported through any structured program in the province unless the child is in the care of the Director. The Advisory Committee heard that such programs are available in other jurisdictions and it was suggested that Prince Edward Island consider researching the feasibility of establishing such a program.

Child Protection Act - Apprehension of a Child (Sections 23 to 28)

*Theme - Communication and Information
Sharing Challenges:*

Sections of the Act affected by this theme:

- a. section 27 Notice of apprehension
- b. section 28 Placement of a child

Section 27

- (1) Where a child is apprehended under this Act, the Director shall
 - (a) make all reasonable efforts to give notice of the apprehension and the reasons for it, to the parent of the child, as soon as reasonably possible; and
 - (b) not later than 4 clear days after the apprehension, apply for an order under section 29.
- (2) Notwithstanding clause (1)(b), where the Director determines that it is in the best interests of the child to return the child to the parent in whose custody the child was at the time of apprehension, the Director shall
 - (a) return the child instead of making an application pursuant to section 29; and
 - (b) submit a report to the Minister respecting the apprehension and the reasons for returning the child.2000(2nd),c.3,s.27.

Section 28

- (1) Unless the court otherwise orders, the Director has custody and guardianship of an apprehended child except where the child is returned pursuant to clause 27(2)(a).
- (2) The Director may place an apprehended child in the care of a member of the extended family of the child, or of another caregiver.
2000(2nd),c.3,s.28.

Parents spoke about having their children apprehended and not knowing the reasons for the apprehension. They suggested that the notice of apprehension should include, in as much detail as possible, reasons for the apprehension. Many parents wished they had a person that they could access at that time to provide information to them so they could anticipate what would happen next.

Theme - Placement of the Child with a Member of the Extended Family, or Another Caregiver:

The Director has the authority upon apprehending a child to place the child in the care of a member of the extended family of the child or another caregiver; many parents are unaware of this opportunity. There is a view that the Director should ensure that all parents are made aware of this option, as exercising this option may avoid the child being placed in foster care or possibly avoid court action. A number of people indicated the policy respecting placements with a member of the extended family or another caregiver requires clarification. There were also a number of concerns expressed by potential kinship providers. Frustration was heard with respect to the perceived "bureaucratic" approach to assessing potential kinship providers as

appropriate care givers. Potential kinship providers also felt that they did not receive sufficient resources to enable them to accept children who could be placed in their care. It is believed that if appropriate resources were made available by the Director, more family members or friends may be in a position to bring children into their care and avoid the child being placed in an unfamiliar foster home situation.

Child Protection Act - Court Applications (Sections 29 to 46)

Theme - Court Applications and Hearing Processes:

Sections of the Act affected by this theme:

- a. Section 31 - Application for court date for interim hearing
- b. Section 36 - Protection hearing
- c. Section 38 - Disposition Hearing and Terms of Supervision Order
- d. Section 39 - Review of order

Section 31

- (1) Where an application is made pursuant to section 29, the Registrar shall fix a date for an interim hearing not later than 4 clear days from the date of filing of the application.
- (2) The parent from whom the child was apprehended, and any other custodial parent who is known to the Director and who may reasonably be served shall be served with a copy of the application under section 29 together with 2 clear days notice of the interim hearing under this section.

- (3) The Director shall, at the interim hearing, present evidence respecting
 - (a) where the child was not apprehended, the grounds for believing the child is in need of protection and an interim plan of care for the child; or
 - (b) where the child was apprehended,
 - (i) the grounds for believing the child is in need of protection;
 - (ii) the circumstances respecting the apprehension;
 - (iii) considerations by the Director of less disruptive measures than apprehension; and
 - (iv) an interim plan of care for the child.
- (4) Where the court finds that a *prima facie* case has not been made to find the child in need of protection, the court shall dismiss the application and, in the case of an apprehension, return the child to the parent in whose custody the child was at the time of apprehension.
- (5) Where the court is satisfied that a *prima facie* case has been made that the child is in need of protection, the court
 - (a) shall set a date for a protection hearing;
 - (b) shall order that the child
 - (i) remain in or be placed in the custody and guardianship of the Director, or
 - (ii) remain with or, where applicable, be returned to the parent in whose custody the child was at the time of apprehension, subject to the supervision of the Director; and

(c) may include terms in the order as set out in subsection 38(3) or (4).

- (6) The court may, on the application of the Director, vary an order made pursuant to subsection (5) at any time.
- (7) Nothing in subsection (5) impedes the powers of the Director to continue or complete an investigation respecting the child.
- (8) Where the Director has custody and guardianship of a child pursuant to subsection (5) or (6), the Director may place the child in the care of a member of the extended family of the child or other caregiver. 2000(2nd),c.3,s.31; 2002,c.2,s.5.

Section 36

- (1) Unless the parties otherwise agree, a protection hearing shall be commenced not later than 40 days from the completion of the interim hearing.
- (2) Notwithstanding subsection 29(2) and subsection (1), the court, with the consent of the parties, may combine the protection hearing and the disposition hearing into one hearing.
- (3) Where, at the conclusion of a protection hearing, the court
 - (a) finds that a child is not in need of protection, the court shall dismiss the application and, if applicable, order that the child be returned to the parent of the child in whose custody the child was at the time of the apprehension or of the interim hearing; or

(b) finds that a child is in need of protection, the court shall schedule a disposition hearing, in accordance with subsection 37(1).

- (4) Notwithstanding subsection 29(2) and clause (3)(b), the court may, after finding that a child is in need of protection, and with the consent of the parties, make a disposition order, after considering the best interests of the child. 2000(2nd),c.3,s.36.

Section 38

- (1) At the conclusion of a disposition hearing, the court may
 - (a) dismiss the application and order the child to be returned to the parent in whose custody the child was at the time of apprehension or the interim hearing; and
 - (b) vary, suspend or revoke any existing custody order or agreement with respect to the child.
- (2) Subject to section 41, at the conclusion of a disposition hearing, the court may order, after consideration of the best interests of the child,
 - (a) that the child remain with or be placed in the custody of a parent of the child, subject to the supervision of the Director, for a period not exceeding 6 months;
 - (b) that the child be placed in the temporary custody and guardianship of the Director;

(c) that the child be placed in the temporary custody and guardianship of the Director for a specified period, followed by a return to the custody of the parent subject to the supervision of the Director, for a cumulative period not exceeding 6 months;
(d) that the child be placed in the permanent custody and guardianship of the Director; or
(e) that the child be placed in the permanent custody and guardianship of a parent.

- (3) A disposition order that requires supervision by the Director, made pursuant to this section, may include the following terms:
- (a) a requirement that the Director supervise the child;
 - (a.1) a requirement that during a period of supervision the Director shall be permitted to see the child on a regular basis, independent of a parent;
 - (a.2) a requirement that appointments with the Director during a period of supervision be scheduled in a manner consistent with the plan of care submitted by the Director;
 - (b) directions to allow the Director to provide child welfare services to the child or for the benefit of the child;
 - (c) directions respecting the place of residence of the child and the persons residing with the child;
 - (d) directions respecting contact with the child by any person;
 - (e) requirements respecting assessment, treatment or services to be obtained by a parent; and
 - (f) such other terms as the court may consider appropriate in the circumstances.

- (4) A disposition order that places temporary custody and guardianship of a child with the Director, made pursuant to this section may include the following terms:
- (a) access to the child by a parent or other person, subject to reasonable terms and conditions;
 - (b) requirements respecting the assessment, treatment or services to be obtained for the child;
 - (c) requirements respecting the assessment, treatment or services to be obtained by a parent;
 - (d) return to the custody of the parent under the supervision of the Director, upon the fulfilment of certain conditions; and
 - (e) such other terms as the court may consider appropriate in the circumstances.
- (5) Subject to section 41, where a disposition order is made pursuant to clause (2)(d), the rights and obligations of the parent of the child and any other guardianship rights with respect to the child are extinguished, and the Director has all rights to custody and guardianship of the child, including the right to give or withhold consent to the adoption of the child. 2000(2nd),c.3,s.38; 2002,c.2,s.8.

Section 39

- (1) Prior to its expiry, the Director may apply to the court for a review of an order made pursuant to clause 38(2)(a), (b) or (c).
- (2) The Director shall give 10 days notice of a review hearing to
 - (a) the parent of the child; and
 - (b) where the child is an Aboriginal child, to the designated representative of the band, in accordance with subsection 37(2).
- (3) Subject to section 41, upon the conclusion of a review hearing, the court may terminate, vary or make such additional order as the court may consider reasonable.
- (4) A review hearing shall be commenced not later than 45 days from the date of filing of an application for review, unless
 - (a) otherwise ordered by the court, where the Director is seeking permanent custody and guardianship of a child; or
 - (b) otherwise agreed by the parties, where the Director is not seeking permanent custody and guardianship of a child.
- (4.1) Notwithstanding subsection (4), no court order or agreement shall result in a review hearing being commenced more than 60 days from the date of filing of an application for review.

- (5) At a review hearing, the court may consider evidence taken at a previous hearing under this Act, respecting the child or a sibling of the child.
- (6) Custody and guardianship of a child continues in accordance with the order under review, pending the completion of the review hearing.
2000(2nd),c.3,s.39; 2005,c.3,s.1.

The present *Act* has fairly stringent and short time lines for moving cases from apprehension to interim hearing. Advisory Committee members were informed that Court time has been set aside on Tuesday in Summerside, and on Wednesday and Thursday in Charlottetown for child protection interim hearings. The only way the court can accommodate the time lines for protection hearings which are to be held not later than forty days from the completion of the interim hearings is if counsel for the Director of Child Welfare contacts the court immediately upon apprehension of the child.

Advisory Committee members learned that the number of cases in which the Director is seeking permanent custody has increased and these matters generally go to trial. Concerns were expressed that the current time lines in the *Act* do not give sufficient time for the Director and defence counsel to adequately prepare for hearings.

There are times when parents wish that their children be placed with a grandparent or other family member. Under the *Act* the parent does have the opportunity to present an alternative plan of care for the child. The Director is to present evidence that considerations have been given by the Director that are less disruptive than apprehending the child and taking the child

into the care of the Director. Under the *Act*, at the interim hearing, the court does not have the authority to order the Director to place the child with another family member unless that person happens to fall within the definition of a parent in subsection 1(s). Participants suggested consideration be given to providing this option for the court during an interim hearing.

It was suggested that Section 39 be amended to permit a longer period of time between the date of the application for review requesting permanent custody and the time of the hearing. Concerns were also expressed regarding the situation when a permanent order has been appealed, the judge's decision is prolonged, the child remains in their current situation and permanency planning is delayed.

Some foster families expressed the belief that in some cases the court makes decisions to return children to their natural families too soon. They believe that the natural parents are not always being held accountable and issues that need to be addressed are not being brought to a satisfactory conclusion. Circumstances include: accommodations and safety issues, employment and income issues, addiction and substance abuse issues, and delays in attending parenting support courses.

Child Protection Act - Child Care (section 47 to 49)

Theme - Foster Care:

Sections of the Act affected by this theme:

- a. **Section 47 Programs and facilities**
- b. **Section 48 Director may delegate care of the child**

Section 47

The Minister may establish and operate or make agreements for the operation of such services, programs and facilities as may be necessary to accommodate the needs of children, youths or persons in the custody of, or receiving services from, the Director. 2000(2nd),c.3,s.47.

Section 48

- (1) Subject to monitoring and direction, the Director may delegate the Director's rights and responsibilities respecting a child in the custody or guardianship of the Director, to a caregiver, within or outside of the province.**
- (2) Where a child is in the custody, guardianship or under the supervision of the Director, the Director is entitled**
 - (a) to have access to, contact and communication with the child;**
 - (b) to inspect any place of residence or activity used for the care of the child; and**
 - (c) to inspect and take copies of any records respecting the care of the child.**
- (3) A child in the care of a caregiver pursuant to subsection (1) remains in the custody or guardianship of the Director for the purposes of this Act. 2000(2nd),c.3,s.48.**

Foster parents play a significant role in the lives of children in care. Youth in care indicate that they would like their foster home situation to provide as "normal" a home life as possible for them. Consistency

in foster homes is as important to youth in care as consistency with their social workers. Children in care indicate that they require stability and it is important that they not be moved from foster home to foster home. It is critical that they are able to remain in a particular school so that they can make friends, get “settled in” and attempt to lead a “normal life” as much as possible.

Children in care wish that foster parents were able to make more decisions regarding their day-to-day care and activities rather than having these decisions under the authority of the social worker. Foster parents are not able to sign consent forms for school or make some decisions regarding the children in their care. The children and youth would like to see the Director delegate more responsibilities to the foster parent(s). This would enable children in care to lead a more “normal” life.

There are some aspects of living in care that cause children in care embarrassment including the criminal records checks that are required of a family if a child in care will be visiting with them overnight. The use of Credit Service Authorization Vouchers (CSAs) is also embarrassing when shopping for clothes or other personal items. Children in care would prefer to be given money rather than CSAs to purchase personal items.

Foster parents are proud to play an important care giver role in the life of child in care. They find it very difficult to watch the harm that occurs in a child’s life in situations where a child in care goes back home time and time again only to return to the foster parent in the end. From their perspective, parents of children in care should be held accountable to demonstrate that a plan of care is in place that will meet the needs of the child over the longer term before the child is returned home. Foster parents are not always convinced that the

Child Protection Act and the courts have struck the right balance between the best interests of the child and parental rights.

Foster parents believe that adequate funding should be in place to support children in care. Often children in care miss out on important extra-curricular activities such as hockey, dance or music lessons, because they are children in care and there is a lack of financial resources to support such activities.

Delays are experienced in accessing appropriate services for children in care. Foster parents and other participants in the review felt that all government services including, but not limited to, access to a family doctor, pediatricians, mental health and addiction services should be readily available to meet and assess the needs of the child within a more appropriate time frame.

Foster parents feel good communication between their foster child’s social worker and the foster parent is critical. They would like to see case conferences held regularly which include supervisors, workers and foster parents. They believe that there are significant benefits to information sharing which develops strong working relationships between child welfare services and foster parents and contributes to the well-being of the child in care.

Foster parents indicated there are a number of experienced foster care givers who will no longer be providing services because they are aging and will be retiring from the system. As a result new foster parents are coming into the system. A shortage of foster parents is occurring. With more children with complex needs coming into care, foster parents require enhanced resources and supports to help them manage the needs of these children.

Child Protection Act - Miscellaneous

Theme - Inter-provincial Jurisdictional Challenges

Individuals who have interacted with child welfare services in different provincial jurisdictions believe that inter-jurisdictional protocol and policies must be developed to ensure the safety and security of children residing in one province with a custodial parent and who either move with a custodial parent or are required to visit a non-custodial parent who may have child protection involvement in another province. Concerns were raised by a number of parents that there is a disconnect and lack of coordination among child welfare offices in different provinces and the custodial parent. This can leave the parent who is trying to ensure the safety and security of their child feeling vulnerable and alone without direction or guidance from child welfare authorities in either jurisdiction.

Theme - Policy Considerations

a) Establishing a Child Advocate

A number of participants indicated that consideration should be given to establishing a Child/Youth Advocate in Prince Edward Island. This position would play an advocacy role for the interests and needs of vulnerable children and families within the province. It was felt that an objective person separate and apart from government services would be available to consider the best interests of Island children and youth and provide recommendations in that regard.

b) Establishing a Child Protection Court

It was suggested that the legislative direction that places all child protection matters under the Supreme Court, Trial Division is unfair to the other competing interests that come under its jurisdiction; such as criminal, family, civil, estates, administrative law and small claims. In other jurisdictions the court of first instance is the provincial court. Certain members of the judiciary suggested that this approach be considered for Prince Edward Island.

c) Establishing a Children's Lawyer Service

The current *Act* authorizes the court to order that a child over twelve years of age may be represented by counsel at the expense of the Director of Child Welfare. That provision does not protect the interests of children under twelve years of age. Sometimes a child's interests are markedly different from the participants in a child protection matter. It was suggested that Prince Edward Island should give consideration to establishing an office that serves the role of the children's lawyer.

d) Reorganization of the Act

There is a view that the *Act* is not organized in a way that is logical and enables the average reader to understand its definitions and its mandate in terms of the protection provisions for children of varying age groups. It was suggested that consideration should be given to reorganizing the structure of the current *Act*.

Child Welfare Staff Consultation

Advisory Committee members were very pleased to have a strong representation of child welfare staff and supervisors attend the child welfare staff consultation. Over eighty (80) staff attended to provide their insight on program and service delivery under the current *Act*. Their contribution to this report is critical. Although the themes arising from the Child Welfare Staff consultation were very similar to those arising from the other consultations held by the Advisory Committee and the reader will note recurring themes, Committee members felt it was important for the reader to hear the voices of child welfare staff within this report. Child welfare staff recognize that many of the difficulties they are experiencing are systemic issues, some of which are resource related, and may not be a result of the current *Act*. The clarity with which they see the issues affecting child welfare service delivery will be of great assistance during the next phase of this review process when the themes are further analyzed and recommendations are developed.

*Theme - Need for Increased Education Regarding the **Child Protection Act** - Perceived Narrow Application of Current Act*

Child welfare staff believe that the public has a limited understanding of the legislative mandate for service delivery under the current *Act*. The child welfare staff have experienced a shift in child welfare service delivery from the former *Family and Child Services Act* where the scope of child welfare services tended to be more broad. They are concerned that the public has difficulty understanding when child welfare staff should intervene in a family and when they should not be involved. A further concern is that families do not know where to turn for services when their child is not found to be

in need of protection but is still in need of preventative or supportive services. Child welfare staff believe that information is required to assist the public in understanding the mandate of the current *Act* and the services to be provided under the *Act*.

Child welfare staff suggest that public education is also required to help Islanders understand their responsibility under the *Act* to report suspected child abuse or neglect. Some people are afraid to report because they are unaware that the identity of the person making a report will be kept confidential. Those who do report find it difficult to understand why one child is taken into the care of the Director and another child who is in a situation that appears similar or worse is not taken into care.

Child welfare staff feel it is important that the role of the Director of Child Welfare and delegated workers under the *Act* be explained to the public. Often the public believes that child protection workers should be involved in family situations or providing services in areas that they are not legally mandated to provide. Sometimes other government partners, including education, health, and justice partners, do not understand the role of the Director of Child Welfare and delegated child protection social workers under the *Act*. Because these roles are not well understood under the current *Act* there is sometimes a perception that child welfare staff are not doing their job. Also adding to the confusion for the public is the inconsistency of service delivery across the province between different child welfare offices.

Child protection workers believe that they are sometimes seen as being very intrusive in the lives of families and may be seen as

“kidnappers” of people’s children. This leads to a feeling of mistrust by parents toward child welfare staff and as a result parents are reluctant to access child welfare services when they require support or assistance. There is also a belief that there are children in need or at risk that child protection services is not helping since the new *Act* was implemented and the definition of a child in need of protection has been more specifically defined. Child welfare staff are concerned that a service gap exists with respect to preventative and supportive services for children, youth, and their families and as a result they are unable to access such services.

There are some parents, children, youth and other partners who interact with child welfare workers who generally understand the mandate of the *Act*. They believe that child welfare staff are very caring of the children in their care, and have faith that child welfare staff will do something to help the situation. There are a number of families and educators who respect the work of child welfare staff and express appreciation for their intervention. Often the good experiences are not spoken about or heard.

Theme - Gaps in Service: Child Protection Act Service Challenges to Youth Ages 16 to 18 and “Out of Control Children and Youth”

Child welfare staff feel that there is a lack of services for youth who are sixteen years old and older. Confusion exists under the *Act* concerning the availability of child welfare services to children who are sixteen years of age and older. Some child welfare workers believe that there is a policy direction that indicates they are not able to provide services to youth who are nearing their sixteenth birthday, where others are being told that services are available.

Child welfare staff find that the lack of clarity with respect to services that are to be provided to children sixteen years and older under the current *Act* causes confusion and difficulty in providing services to this population of youth. Clarification is required to provide clear direction to child welfare staff regarding the level of service that is legislatively mandated and available. Providing services to this population is often complicated by the fact that many of these youth do not wish to receive services and may not be willing to cooperate with child welfare staff.

Child welfare staff are seeing a rising number of teens who are pregnant and other older teens requiring financial assistance because they are no longer living with their parents or under parental control. These youth often do not fall under the definition of a child in need of protection, but are youth in need or youth at risk. Current children and youth services are not effective in addressing the needs of these youth. The needs of these youth are generally beyond or outside of child welfare services’ mandate. These youth often have complex social problems that require a collaborative effort from various government partners.

Child welfare staff are often asked by parents and other partners to intervene and provide services for “out of control” children and youth who are not children who are in need of protection as defined by the *Act*, yet they are children who are beyond parental control and are at risk of harm because of their own behaviour. Mental health and addiction services for these youth are difficult to access and often unavailable. Sometimes these youth refuse to access treatment. While child protection services are not appropriate services for these children as they are not children in need of protection under the *Act*, there are very

limited services available for these high risk children, youth and their parents. As a result, parents look to child welfare services for assistance because they have no where else to turn.

Child welfare staff find that the public sometimes has unrealistic expectations of what services the Child and Family Services Division can provide to children who are not found to be in need of protection. There is often a belief that if the “out of control youth” comes into the care of the Director of Child Welfare that services will become available. In reality there is a general lack of therapeutic services, respite care, one-on-one services, or family preservation services. In order to appropriately support “out of control youth” and their families, various government and community partners will need to come together to develop a coordinated response.

Theme - Communication and Information Sharing Challenges

There are legislative requirements under various pieces of legislation that prevent child welfare staff from sharing information. Sometimes a person who reports a situation of child abuse or neglect may feel that nothing is being done because of the confidentiality requirements with which child welfare staff must comply. Information regarding follow-up to a report cannot be shared by staff. Often, because of confidentiality provisions, other government partners find it challenging to access information about children and youth from child welfare staff. Despite their understanding of the need for confidentiality, community and government partners feel that appropriate information is not shared with them by child welfare staff.

Child welfare staff appreciate that parents require information from them as to why they are intervening in the family and the processes that will be used under the *Act*. Mechanisms need to be put in place to ensure that parents understand their rights under the *Act*. They recognize that it is important for children to know why they have been apprehended and have come into the care of the Director of Child Welfare. It is important that communication between child welfare staff and parents occurs regularly and information is clear. Parents and families appreciate being treated with respect and having their concerns heard. There are situations where there is good communication between the child welfare staff and the parents. Parents have expressed their gratitude for the support and assistance received and continue to use child welfare services as a resource for support and information into the future.

Child welfare staff indicated that parents would benefit from information sessions and written brochures or pamphlets that explain the services and programming available to them within the Child and Family Services Division. The work of child protection workers is not well understood by the general public and efforts should be made to provide general information to the public.

Some child welfare staff find that there is poor communication within the child welfare services system and among child welfare offices. Education and clarification regarding interpretation of the provisions of the current *Act* is required so that the *Act* can be applied consistently across the province by child welfare staff. One major area of concern is with respect to the legal interpretation of the mandatory reporting

section of the *Act* which protects the identity of a person who has made a report or provided information where it is suspected that a child is in need of protection. Confusion remains regarding the extent to which this provision protects sources who provide information. Generally, there is a belief that legal protocol varies significantly amongst child welfare offices within the province.

Theme - Child Protection Services Challenges to Children and Their Families

Child welfare staff recognize that children in care do not lead “normal” lives like their friends and peers who live at home with their parents. They must ensure that their friend’s parents have had a criminal records check before they can attend sleep-overs. They are not able to drive in a friend’s car without the driver’s abstract being checked. Their foster parents can’t make certain decisions on their behalf. It may be embarrassing for children in care to have their social worker visit them at school. As a result, they feel separate and apart from their friends and feel a stigma of being a child in care.

Parents tell child welfare staff that they feel left out of some decisions regarding their children’s everyday activities. Some parents may feel disadvantaged because their children may have access to better programming and services when they are in the care of the Director of Child Welfare.

Child welfare staff express concern regarding the number of people that may be involved in child welfare services provided to children and their families. There may be a high turnover of people involved with children in care and their families, including the social worker, one-on-one worker, group home worker, and family service worker. Children

may also have a number of different placements while they are in care. This lack of continuity of care and stability negatively affects children and their families.

Child welfare staff indicate that there is a lack of services accessible to both parents and children in care. The waiting lists for addiction and mental health services are long and do not provide parents with the means of addressing parenting issues that are identified in the case plan for the child and the family. Parenting capacity assessment services are not available. As a result, by the time services are accessed there may not be enough time given to address case plan objectives. Children in care also wait for long periods of time before they can access therapeutic services. Child welfare staff are unable to assist the family in accordance with the developed case plan when accessibility to services is so limited.

Improved cooperation is needed among government partners to address the needs of children and families. Sometimes child welfare staff feel that other partners pull their resources away once Child and Family Services Division is involved.

Child welfare staff recognize that some parents who request assistance from child welfare services become frustrated by the lack of response to their situation. Often this is because there is minimal preventative, supportive and rehabilitative resources in Island communities to which child welfare staff can refer families. Child welfare staff believe that improved treatment and rehabilitation programming for youth experiencing complex mental health and/or substance abuse issues should be established. Some child welfare staff suggested that these services be delivered through wraparound clinical treatment services in the community and through a

specific dedicated facility that supports and augments such community services. Staff felt consideration should be given to establishing sufficient resources to enable the secure assessment provision in the current *Act* to be proclaimed.

Child welfare staff also identified concerns regarding limited resources to adequately provide programming and services to permanent wards who are under the care of the Director. These children often experience long waits to access services or for certain resources to be developed to assist them. There are limited resources for adoption assessments and permanency planning which results in children being in care for long periods of time that could be avoided if sufficient resources existed. Concerns were raised about children who are eighteen and “aging out of the system”, who continue to require support to pursue education opportunities or who have not matured enough to be on their own.

Other resources for children in care are limited including the availability of foster parents. In order to recruit and retain foster parents, child welfare staff believe that foster parents require appropriate supports and services to assist them in managing the increasingly more complex issues of children coming into care. Kinship placements, where children are placed with a family member or friend following an apprehension, are not adequately supported.

Theme - Least Intrusive Course of Action

Child welfare workers feel that they strive to use the least intrusive course of action when intervening in the lives of children, youth and families and that this principle is applied in their day-to-day work with children, youth and families. However, clients may not trust the child welfare staff and where supportive services are being

provided to the family, there may be a belief that child welfare staff are only there to build a case to eventually apprehend the children from the family. Parents may be fearful, have a sense of powerlessness, and of having no control over the situation. They may not see the approach taken by child protection social worker as being the least intrusive approach. Although parents sign a voluntary care agreement to place their child in the care of the Director of Child Welfare, they may not feel that they had a choice because the next step in the process would be a court action. Also, there are some situations where parents may refuse to sign an agreement for service and the child protection file is closed, although the investigation determined that the child was in need of protection.

Theme - Inconsistency in Service Delivery

Child welfare staff believe that there is inconsistency of child welfare service delivery under the *Act*. Because new policies for service delivery have not been developed under the *Act*, inconsistent approaches arise and child welfare staff are left to explain “why they are doing what they are doing” without policy to underpin their decisions. Clients sometimes feel that child welfare staff are exercising their own personal judgement that is subjective, rather than making objective decisions based upon policy guidelines. It is difficult for child welfare staff to be making decisions without policies to guide them, as it puts them in a position of having to make decisions without having written program policies to assist or support them in their decision-making. They feel that appropriate resources need to be established to enable the development of policy and procedures that support the implementation of the *Act* and the delivery of child welfare services.

Theme - Human Resource Capacity

From a broader systems perspective, the various restructuring of the health and social services system has significantly affected the way child welfare services are delivered and the human and financial resources available to deliver the programs and services to children and their families.

Child welfare staff find their workload to be large and as a result find it difficult to provide services and programming as effectively as they would like. The structure for delivering child welfare services within child welfare offices has not changed from the former *Act*, despite the fact that time lines for investigation and court processes under the current *Act* have been shortened and resources have been diminished. The lack of new policies and procedures to support programming and decision-making further affects their ability to deliver services consistently across the province. The volume of documentation that is required to be completed by child welfare staff as a result of the ISM affects their ability to provide effective services.

File preparation for court hearings and responding to file disclosure requests also takes child welfare staff away from direct service delivery to children and their families. Access to resources, such as a paralegal, to assist social workers with file preparation for court and file disclosure requests under the *Freedom of Information and Protection of Privacy Act* would help address workload issues.

Theme - Training and Continuing Education

There are limited training and continuing education opportunities for child welfare staff. Some child welfare offices limit the number of training days available to staff per year. This is particularly problematic because

there is a great deal of staff turnover resulting in many of the child welfare staff being new to child protection services. The number of “seasoned” child welfare staff providing child welfare services is declining and because of the current service delivery demands on their time, there is little opportunity for them to mentor and support new and inexperienced staff. Child welfare staff would appreciate more opportunities to come together professionally to discuss child welfare practice issues and to develop solutions in a collaborative fashion. Furthermore, experienced child welfare staff would also appreciate more continuing education opportunities to learn about current trends and best practices in the area of child protection.

As a result of various factors negatively affecting the child welfare staff’s ability to deliver child welfare services programming, staff feel concerned about issues of liability for themselves, personally, and for the child welfare system, generally. This creates increasing levels of stress for child welfare staff. The child welfare staff work hard to support one another and to deliver the best level of service they can deliver within the human and financial resources that are available to them. These pressures affect the Child and Family Services Division’s ability to attract and retain child welfare staff. Staff feel it is important that all levels of government, beyond the child welfare system, appreciate the complexity of child protection work and its need for supportive services that augment child protection services. There is a belief that a shared ownership of responsibility across government departments and among community partners is needed to ensure the needs of children, youth and families are being met through an investment of adequate resources and integrated and collaborative programming.

Theme - Recruitment and Retention of Social Workers in the Area of Child Protection

With increasing labour market shortages in the area of child protection social workers, PEI is competing with other jurisdictions for qualified experienced child protection social workers. This competition for talent is expected to become more intense because of the demographics of the current workforce. Attention must be paid to the recruitment and retention of child welfare staff. Child welfare staff suggest that an increased importance be placed upon the value of child protection social workers within the public sector. They indicate that in jurisdictions outside of Prince Edward Island, child protection social workers are paid more highly than other social workers within the public sector. This helps retain social workers in the child welfare system. The work environment also needs to be considered and staff suggest that incentives be put in place to make child protection work more attractive; including, but not limited to, professional development opportunities, flexible work hours, and mentoring programs.

Appropriate orientation and training is required for new social workers coming into the child welfare system. Child welfare staff believe that the development of a clinical educator position to provide staff training and development would assist in this regard. To retain staff in the area of child protection, it is important that adequate tools and resources are available to enable them to effectively protect children and to parent children who come into the care of the Director of Child Welfare.

Theme - Clarification of Roles and Responsibilities

Child welfare staff express concerns about a blurring of roles and responsibilities between the Director of Child Welfare's legal representatives and the delegated child welfare staff. It is their belief that the child protection social worker is the person who has the level of expertise to determine the level of risk within a family and to a child living within the family. There is a belief that social workers are relying too heavily on direction from the Director's legal representatives in determining whether a child is believed to be in need of protection, whether child protection services should continue with a family, or in developing case plans. Social workers may feel pressured to have parents sign voluntary care agreements when the social worker feels there is a need to apprehend the child. Some feel that the value placed upon the social worker's expertise has been lost over time. It is the view of some child protection social workers that the legal representatives' role should be limited to providing legal advice to the Director of Child Welfare and the Director's agents.

Theme - Newcomers to Prince Edward Island

As PEI welcomes more immigrants and refugees to the province, cultural barriers to child welfare services must be identified and addressed. Child welfare staff indicated that language barriers present difficulties in providing services and programming. They also appreciate that cultural differences in parenting standards and practices must be understood by child welfare staff to effectively support newcomer families.

Personal experiences from an immigrant or refugee's country of origin must also be kept in mind as government agencies may not always be seen by newcomers as "helping" agencies. Child welfare staff indicated that access to qualified interpreters is critical when providing services to newcomer families. Involvement of the Newcomers Association who are often the first contacts for newcomers to PEI is essential.

Theme - Definition of a Child in Need of Protection

Generally in the area of child welfare, child neglect is a very difficult area to define. Child welfare staff recognize this as a challenge across the country. It would be very helpful to child welfare staff if specific criteria could be developed to more definitively define emotional abuse and child neglect that falls within the definition of a child in need of protection.

Theme - The Current Child Protection Act

Generally child welfare staff feel that the current *Act* has provided direction and clarity in terms of the specific mandate of child welfare staff when a child is found to be in need of protection. Many of the difficulties that child welfare staff are experiencing are systemic, are often resource related and have little to do with required changes to the current *Act*. In 2003 the current *Act* more clearly defined the child protection mandate for children found to be in need of protection; as a result gaps in services for children and families in need and high risk youth have been identified and are more apparent. Child welfare staff see that significant service gaps exist in the area of prevention, early intervention, family support and family strengthening.

Theme - Children in Need: Prevention, Early

Intervention, Family Support and Family Strengthening

Child welfare staff believe that presently, community and government partners do not have the capacity and are not structured to respond to the broader child welfare needs of children, youth and families. The mandate of the current *Act* focuses on child protection services for children found to be in need of protection. Little to no capacity through government and community partners has been developed to serve children and families who are in need or at high risk. These vulnerable populations feel they have no where to turn and become increasingly frustrated with child welfare services and child welfare staff's inability to respond to such needs.

The themes presented above represent the areas identified by child welfare staff who attended the Child Welfare Staff consultations. The perspectives of child welfare staff are also reflected in the "What we heard? Predominant themes" section of this report as child welfare staff also participated in public consultations, community partner consultations, one-on-one consultations and submitted written submissions.

Aboriginal Consultations

The *Child Protection Act* includes a number of provisions that are specific to Aboriginal children, their families and their community. The *Act* recognizes the importance of preserving the Aboriginal child's cultural identity. It requires that in determining what is in the best interests of the Aboriginal child that the importance of preserving the child's cultural identity be taken into consideration when considering a plan of care for the child. Other procedural aspects of the *Act* require, where a child is Aboriginal, that a designated member of the band is given notice and is consulted in the plan of care for the child.

As mentioned earlier in this report the *Child Protection Act* specifically requires that a person representing the Aboriginal community be a member of the Advisory Committee struck to review the *Act*. The Advisory Committee met with adults and youth from the Aboriginal Community living in Prince Edward Island at a forum organized by the Mi'kmaq Confederacy of PEI. The forum was led by the Lennox Island First Nation's band chief and an elder from the community. A smudging ceremony was performed and drumming by the Aboriginal youth opened the evening consultations. The following themes emerged:

Theme - Need for Increased Public Education Regarding the Child Protection Act

Both adults and youth agreed that there is a need for increased information and education regarding the provisions of the *Child Protection Act* and its application to Aboriginal families and children.

It was suggested that a "plain language" document be developed that describes the *Act* and its application. There is a belief that while the *Act* provides guidance and direction for the Director of Child Welfare, child welfare staff, lawyers and the courts, the *Act* itself is not helpful in providing information about child welfare services to the average citizen. The Aboriginal community would also like to receive more information regarding services and programming available to Aboriginal children and youth. It is also important for them to know how the *Child Protection Act* relates to the *Indian Act* in terms of the delivery of programs and services to First Nation and Aboriginal people in PEI both on and off reserve.

It is essential that the chief and council have access to the *Child Protection Act* and any standards, policies or protocols that have been established in accordance with the *Act*. They felt it would be helpful to have a social worker from child protection services provide an information session to the chief and council or possibly the Aboriginal community.

Theme - Communication and Information Sharing Challenges:

Sections of the Act affected by this theme:

- a. Section 9 Records and disclosure
- b. Section 22 Mandatory reporting

Section 9

(1) The Director may keep records containing information gathered in the administration of this Act.

(2) Subject to this section and the regulations, the Director may, with or without consent, disclose information contained in a record, where

- (a) the person requesting the disclosure is over the age of 12 years and the subject of a record made under this Act or under the prior Act;
- (b) the disclosure, pursuant to clause (a), is made to a parent or guardian in the case of a person who is, in the opinion of the Director, incompetent;
- (c) the disclosure is made with respect to court proceedings under this Act;
- (d) the Director has reasonable grounds to believe that the disclosure is necessary to ensure the safety or essential well-being of the child to whom it relates;
- (e) the Director considers it necessary for the purpose of assessing needs, planning or providing care or services for the child;
- (f) the information is necessary to conduct an alternative approach under section 18;
- (g) the information is required for the purposes of a criminal investigation or for an investigation under this Act;
- (h) the disclosure is made to an official or an organization providing child welfare services in another jurisdiction;
- (i) the information is provided to a person or organization for the purposes of maintaining it in information systems to be used for the administration of this Act;
- (j) the information is required to establish who is responsible for the care of a child;

(k) the disclosure is an aggregate of information which does not identify particular persons; or

(l) the disclosure is essential for the administration of this Act.

- (3) Subject to subsection (4), the Director may disclose identifying information with the written consent of the person who is the subject of the record.
- (4) Subject to the regulations, the Director may refuse to disclose, or by editing or other means, limit disclosure of information if there are reasonable grounds to believe that revealing the information may
 - (a) result in physical or emotional harm to the requesting person or to another person; or
 - (b) lead to the identification of a person who made a report pursuant to section 22.
- (5) Notwithstanding any other provisions of this section, the Director shall refuse to disclose, or by editing, limit disclosure of information, where the disclosure
 - (a) may jeopardize a criminal investigation or an investigation under this Act; or
 - (b) is prohibited by law.
- (6) No person shall publish information disclosed by the Director under this Act, except in accordance with the purposes and conditions which governed the disclosure.

(7) Notwithstanding subsection (6), any person to whom information is disclosed pursuant to this section may use the information to publish statistical analyses, reports or commentaries, provided that identifying information is not revealed. 2000(2nd),c.3,s.9.

Section 22

- (1) Notwithstanding any other Act, every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall
- (a) without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director; and
 - (b) provide to the Director such additional information as is known or available to the person.
- (2) Subsection (1) applies notwithstanding the confidential nature of the information on which the report is based, but nothing in this section abrogates any solicitor-client privilege.
- (3) Subject to subsection (5), no person shall reveal or be compelled to reveal the identity of a person who has made a report or provided information respecting a child pursuant to subsection (1).

(4) Subject to subsection (5), a person who makes a report or provides information pursuant to subsection (1) or who does anything to assist in an investigation carried out by the Director is not liable to any civil action in respect of providing such information or assistance.

(5) Subsections (3) and (4) do not apply where a person knowingly makes a report or provides information which is false or misleading.
2000(2nd),c.3,s.22.

The Aboriginal community is a small community in Prince Edward Island and maintaining confidentiality when providing child welfare services to Aboriginal children and their families can be challenging for child welfare staff. It may also be difficult for members of the Aboriginal community to report suspected situations where they believe children are being abused, harmed or neglected. Aboriginal community members may be fearful and not make a report because there may be a lack of trust in the child welfare system and also because of the closeness of the community. It is very important that good mechanisms are in place for reporting and maintaining confidentiality of the report source so that people will put the best interests of the child first.

Participants indicated that when referrals are made there is often no acknowledgment that the report was received and that child protection services is looking into the report. The community does not want to know the details but would like confirmation that the report was received and that an appropriate response to the report is occurring.

Because the community is very small other members of the community may see a social worker or the RCMP visiting a family within the community and draw certain conclusions which may compromise the families' right to privacy regarding child protection matters. It was suggested that social workers should keep these sensitivities in mind when assessing a referral or conducting investigations.

Participants said it is important that families are made aware of their options and are fully apprised of the implications of the Director of Child Welfare's intervention. They felt they would like child protection social workers to take the time to tell families what is happening and why. It would be helpful for the parents to have someone they could access other than the social worker to assist them in understanding the next steps they must take in the child protection process.

Those attending the consultation said child protection services must keep an open dialogue with Aboriginal communities. Government agencies have a history with respect to their interventions within Aboriginal communities. All members of the community believe that they have a responsibility in the well being of children and youth within their communities and want to be a part of "raising" their children and youth. They believe that it takes the whole community to raise the child. It is important that child protection staff understand the important role that grandparents and elders play in parenting and raising Aboriginal children. These are very important relationships within the Aboriginal community. They would like this aspect of Aboriginal culture and heritage to be considered when developing a plan of care for a child who has come into the care of the Director.

Theme - Recognizing Aboriginal Needs and Ensuring Cultural Relevance:

Sections of the Act affected by this theme:

- a. Section 1(a), (e) and(f) Definitions of "Aboriginal child", "band" and "band council"
- b. Section 30(2) Court shall consider band submissions
- c. Section 32(2) Notice to band, protection hearing
- d. Section 37(2) and (4) Notice to band

Section 1

1. In this Act

- (a) "Aboriginal child" means a child who
 - (i) is registered in accordance with the *Indian Act* (Canada),
 - (ii) has a biological parent who is registered in accordance with the *Indian Act* (Canada),
 - (iii) is under 12 years old and has a biological parent who
 - (A) is a descendant from an Aboriginal person, and
 - (B) considers himself or herself to be Aboriginal, or
 - (iv) is 12 years old or more, a descendant of an Aboriginal person and considers himself or herself to be Aboriginal;
- (e) "band" means a body of Indians as defined by the *Indian Act* (Canada);
- (f) "band council" means the administrative body for a band, as defined by the *Indian Act* (Canada).

Section 30

- (2) Where the child who is the subject of protection or disposition hearing under this Act is an Aboriginal child, the court shall consider the submissions at the hearing of the designated representative of the band or counsel for the designated representative. 2000(2nd),c.3,s.30.

Section 37

- (2) Where the child is believed to be an Aboriginal child and a member of a band, the Director shall serve 10 days notice of a disposition hearing,
- (a) if the child is registered or entitled to be registered as a member of a band, on a designated representative of the band; or
 - (b) if the child is not registered as a member of a band and is an Aboriginal child, on a designated representative of a band that has been identified by
 - (i) the child, if the child is 12 years old or older, or
 - (ii) the parent of the child if the child is less than 12 years old.
- (4) Where the child is believed by the Director to be an Aboriginal child and a member of a band, the Director shall consult with the designated representative of the band in developing a plan of care for the child.

Both the adults and youth who were consulted agreed that it is absolutely critical that the Aboriginal child's cultural identity is preserved and in most circumstances the community would consider this to be in the best interest of the child. In determining what is in the best interests of the Aboriginal child and in developing a plan of care for the child, the Aboriginal community would like consideration to be given to using the alternate approaches provisions of the *Child Protection Act*. They would like an alternate approach to developing a plan of care for a child found to be in need of protection including traditional Aboriginal methods of problem-solving and conflict resolution, such as the use of talking circles.

The Aboriginal community would like, where ever possible, culturally appropriate child care arrangements made for an Aboriginal child in care. Aboriginal youth do not want to leave their communities. Both the adults and youth consulted indicated the importance of the availability of Aboriginal foster homes where an Aboriginal child is cared for in an Aboriginal environment. It is important that child welfare staff understand that Aboriginal children who lose their sense of community experience a great loss; it is very harmful to them and may negatively affect them for life. The community recognizes that there are times when it is not possible for the child to remain within the Aboriginal community. They believe that if a child must be placed in a non-Aboriginal home, significant efforts must be made to keep them connected to their Aboriginal community so that they can continue to honour and embrace their culture.

The Aboriginal community believes that child welfare staff working within their community require information, training and resources to strengthen their capacity to address the needs of First Nations and Aboriginal People and provide culturally sensitive programming. Establishing partnerships with the social worker who is currently working within the Mi'kmaq PRIDE Program (Parenting Resources for Information, Development and Education) would assist in this regard.

Theme - Children in Need: Prevention, Early Intervention, Family Support and Family Strengthening

The adults and youth who participated in the Aboriginal consultations spoke about the need for prevention, early intervention and supports to children and families who are vulnerable. It is felt that many at risk families are unable to access services and as a result the family situation deteriorates to a point where child protection services are required as the children begin to suffer from neglect and harm. The adults spoke about a need for parenting support groups and counseling that would be available outside of working hours.

There is a belief that preventative and supportive measures provided to parents would diminish the need for more intrusive measures such as apprehension and bringing children into the care of the Director. The establishment of the Mi'kmaq Family PRIDE Program (Prevention, Respect, Intervention, Development and Education) has been a positive step within the Aboriginal community. Aboriginal community members believe that access to preventative and supportive services on a voluntary basis that are not directly attached to child

protection services alleviates the stigma for families and children in need of such services.

The youth spoke about a need for more recreational opportunities and after school and weekend programming for youth within their community. They believed that having something productive to do with their leisure time would prevent some of the substance abuse and addiction issues that are arising within their community. The youth also recognized the socio-economic factors that contributed to challenges within families. They spoke of the need to have proper housing, enough food, and opportunities for work and education. The significant theme arising from the youth consultation was the importance of being loved by their parents and their community.

Theme - Gaps in Services:

The Aboriginal community spoke about difficulties in accessing their child protection social worker. They find it difficult to access social workers after "business" hours and would prefer to have access on evenings and weekends. They noted inconsistencies in services and programming between the east and west child welfare offices. There is also a belief that child welfare staff are not consistent in their application of the *Child Protection Act*.

The Aboriginal communities also spoke about a lack of services for youth ages fourteen to eighteen. The issues that were raised by the Aboriginal community with respect to gaps in services were very similar to those identified at other consultations held across PEI.

Prevailing Theme:

Children in Need: Prevention, Early Intervention, Family Support and Family Strengthening

A prevailing theme heard throughout the various consultations and written submissions was the need for prevention, early intervention and supports to families who are vulnerable. It is felt that many at risk families are unable to access services and as a result the family situation deteriorates to a point where child protection services are required as the children begin to suffer from neglect and harm.

There was a strong message from those consulted that at risk families should be able to access preventative and supportive services on a voluntary basis and that such services should not be directly attached to child protection services as this creates a stigma for families and children in need of such services.

There is a strong belief held that many parents are in need of preventative and supportive intervention and that such services available under the former *Family and Child Services Act* are no longer available under this *Act* or within the Child and Family Services Division. Many parents are feeling helpless and do not know where to turn for support and assistance.

There is a strong call to action by those consulted for more preventative and early intervention measures including but not limited to family strengthening programming, family therapy and counseling, interim supports, and alternate care options. However, people cautioned that resourcing for such services should not be reallocated from the child protection services budget which is currently stretched thin. With adequate parental education, preventative and early intervention programming supports there is a belief that families could be strengthened and the family unit preserved. Views were expressed that the time is ripe for community and government partners to come together to address this significant gap in services.

"In PEI, our geography is not a liability, it is an opportunity (Participant)."

Learning Opportunities for Future Processes

Feedback from Consultation Evaluation

Advisory Committee members felt it was important to elicit feedback from participants in the *Child Protection Act Review* to inform opportunities for improvement in future review processes. Evaluation forms were distributed after each public and partner consultation (see Appendix "U"). Consultation participants were asked to rate, on a scale of 1 to 5 where one was poor and five was excellent, their level of satisfaction with the:

- Promotion of the sessions,
- Information provided, and
- Opportunity to give input.

Participants were also asked to comment on:

- How they heard about the session,
- The part of the session they found **most** helpful,
- The part of the session they found **least** helpful, and
- Any additional comments or suggestions they had regarding the *Child Protection Act Review* process.

Feedback received was quite positive. A brief summary of the consultation evaluations is outlined below.

Promotion of sessions

Of the 170 evaluation forms completed 73% of people rated their level of satisfaction with the promotion of the sessions as a '4' or higher. Less than 5% of people rated their level of satisfaction under '2'. The average response was 3.97.

Information provided

Eighty-three percent of respondents rated their level of satisfaction with the information provided as a '4' or higher with a little over 3% of people rating their satisfaction as a level 1 or a level 2. The average response was 4.15.

Opportunity to give input

An astounding 90% of evaluation respondents rated the opportunity to give input as a '4' or higher. Of that 90%, sixty-three percent of respondents rated the opportunity to give input as a '5' or 'excellent'. The average response was 4.53.

How they heard about the session

Consultation participants were notified regarding the consultations in a variety of ways. Common responses included newspaper advertisements, media releases and invitations. Respondents also identified that they heard about the session at work, either through a supervisor or through email.

The part of the session they found most helpful

Respondents identified the small table groups and the opportunity to have open and honest discussions as the most helpful parts of the session. Participants felt that this forum provided an opportunity for all parties to be heard and to share their thoughts and ideas for positive change.

The part of the session they found least helpful

A few of the consultation participants identified the length of the consultation as the least helpful part of the session. Participants at public consultations said that the two hour consultation was not long enough because of the magnitude of the information that needed to be shared and

discussed. Other comments included not knowing enough about the *Act*, not having the opportunity to have specific questions regarding the legislation answered, and a couple of respondents would have liked an open mic to have been available.

Additional suggestions or comments

The Advisory Committee received a number of valuable suggestions and comments from the evaluation forms. Many people suggested that more regular opportunities to come together and discuss this important issue would be helpful while others urged the Advisory Committee to listen to the feedback provided at each session and make the necessary changes to the *Act* or services provided in accordance with the *Act*. Still others were looking forward to a copy of the report and information regarding next steps.

Overall the comments received were very positive and people were pleased to have been consulted regarding the *Child Protection Act*.

Advisory Committee Observations for Future Review Processes

Section 58, the legislative provision of the *Child Protection Act* that mandates an Advisory Committee to review the *Act* every three years is the first of its kind in Prince Edward Island. This is the first time that child protection legislation has been taken to the public for input. Advisory Committee members were faced with the task of creating the *Child Protection Act* review process, conducting the public engagement process, and preparing a report of the review for the Minister of Social Services and Seniors, all within the six month time frame mandated by the legislation. Throughout the review process Advisory Committee members learned what worked well and where there

were opportunities for improvement.

Seeking public engagement on a piece of legislation such as the *Child Protection Act* requires Advisory Committee members to establish a consultative process that enables various mechanisms for input. The need to hear input from highly vulnerable populations must be kept in mind and the ways and means by which this can be achieved in a safe, comfortable and respectful atmosphere must be carefully considered and planned. It is equally as important that child welfare staff, government and community partners are provided with avenues for input that are safe and respectful.

The Advisory Committee learned that a highly structured process that provided opportunity for small group discussion among participants worked well for public, staff and community partner consultations. Carefully planned questions and targeted invitations to attend consultations or focus groups worked well for many of the consultation sessions. The focus groups conducted with youth and with the Aboriginal Community were highly successful.

The leadership taken by the youth representatives on the Advisory Committee and through the "Youth in Care Network" provided an incentive for youth to attend. The strong support of the education representative on the Advisory Committee also supported a strong connection with youth in the schools, school counselors and student services teams. The leadership taken by the Mi'kmaq Confederacy of PEI to plan and host the Aboriginal consultation process provided for a strong representation of the First Nations and Aboriginal community. The French Language Services Coordinator with the Department of Health and the

Department of Social Services and Seniors was an excellent resource in assisting the Advisory Committee to provide simultaneous translation at the public consultation held in Summerside. Many child welfare staff demonstrated their leadership by attending consultations and providing facilitation and professional support.

Three of the five public consultations were well attended with thirty to forty people attending consultation sessions in Summerside, Charlottetown and O'Leary. A smaller attendance was noted in Souris and Montague with only two members of the public attending at each of these sessions along with child welfare staff from those communities. Because the public engagement part of the review process was held during February and March, winter weather conditions may have played a role in attendance. Also, people from small communities may be reluctant to attend a public forum specific to child protection matters because of privacy concerns within small communities.

The group and individual consultation sessions with Advisory Committee members was a popular mechanism used by government partners and individuals directly impacted by the *Child Protection Act*. Government partners found that this mechanism provided an opportunity for input that they would be less inclined to give at an open public forum. Individuals directly impacted by the *Child Protection Act* welcomed an opportunity to speak with Advisory Committee members in a safe and confidential setting.

A comprehensive communications plan is required to advise the community of the review process and advise them of ways to contact and provide input to the Advisory

Committee. A broadly based communications strategy is critical to the success of the consultation process. Communication tools and methods such as press releases, print ads, public service announcements on local radio and television, dedicated website, email address and toll free number provide a synergistic effect. Media coverage was very positive and provided opportunities for youth representatives on the Advisory Committee to serve as spokespersons (Appendix "V"). The use of background documents, guiding questions and on-line tools proved to be very helpful in encouraging written submissions from a wide range of participants.

The one hundred and twenty (120) written invitations to community partners elicited a somewhat disappointing response. Having certain Advisory Committee members make a personal contact with key community groups and leaders involved with women's groups, family resource centres, and other community youth networks may improve the response rate in this area, rather than through letter invitation from the Chairperson.

A common recommendation from those who attended the consultations was that there was not enough time to receive information about the *Child Protection Act* or to have a full discussion of the issues arising from services and programs delivered in accordance with the *Act*. It is recommended that the structure of the consultation sessions whether they be two hour or half-day sessions be extended to allow more time for discussion.

The Advisory Committee also found it difficult to narrow the scope of the review to issues respecting the *Child Protection Act*

specifically. In providing their input, many participants in the review process found it difficult to separate issues relating to the operation and administration of the *Child Protection Act* from broader child welfare issues. There may be opportunities to provide information and education to the public between now and the next review process that may assist the public in distinguishing between the two.

The comprehensiveness of the *Child Protection Act* Review process would not have been possible without the dedication and active participation of each and every Advisory Committee member and many child welfare staff. Advisory Committee members took very active roles in supporting consultation processes, by actively participating in the development of discussion documents and guiding questions, facilitating consultations sessions, attending group and individual consultations, organizing youth and Aboriginal consultation processes, reading and reviewing consultation input and submissions, identifying recurring themes, and reviewing draft versions of the Advisory Committee Report. It is absolutely key that members of the Advisory Committee and child welfare staff are actively involved in the review process.

The Advisory Committee members sincerely hope that the *Child Protection Act* Review Advisory Committee's Report, the Appendices herein, and the lessons learned will assist the next Committee in successfully designing and implementing the next *Child Protection Act* review process.

Conclusion

The *Child Protection Act* Review Advisory Committee has had the privilege of meeting with many Islanders over the course of the past six months to hear their views regarding the provisions of the *Child Protection Act* and the services performed pursuant to the *Act*. Youth and families impacted by the *Act*, community groups and organizations, government partners, school boards, foster parents, the judiciary, First Nations, Aboriginal people, and concerned citizens responded to our invitation for input through a variety of mechanisms. The Advisory Committee's invitation to the Island community was so widely accepted that the Committee extended its deadline for input to ensure that those who wished to participate had the opportunity to do so. Approximately five hundred (500) Islanders participated in the review. Advisory Committee members extend a heartfelt thank-you to participants who took the time to attend consultations, individual interviews, or provide a written submission. Throughout the preparation of this report committee members worked diligently to ensure your voice is reflected in the themes identified.

The number of Islanders participating in this first public engagement process regarding the PEI *Child Protection Act* clearly affirms Islanders believe that protecting children is a civic responsibility, that all Islanders are responsible, and that Island communities want to be involved. The Advisory Committee found that participants had difficulty limiting their views to those concerning the *Act* and often broadened their input to include comments on child, youth and family services and programming, generally. The Advisory Committee received the information as it was heard and made

no attempts to editorialize or validate the input as the Committee felt strongly that the voices of all participants, to the extent that it was possible, be reflected in the report. The Committee has identified the predominant themes arising from "what we heard".

An over-arching theme which arose from the review process was the need to improve resources for prevention and early intervention services which strengthen and preserve Island families. There is a view that significant service gaps exist for children in need and youth and families at risk. While such service gaps have historically been a challenge, the current *Act* with its more specifically defined mandate regarding children in need of protection has served to further highlight the significant service gap for children in need and high risk youth. Other predominant themes identified include:

- the need for public education regarding the scope of the *Act*;
- the need to understand the definition of a child in need of protection;
- the need for consistent interpretation and application of the *Act* across child welfare offices;
- the need to define and address child neglect;
- the need to better understand the services and programming available under the *Act*;
- improved communication and information sharing among community and government partners, service providers, child welfare staff and those receiving services under the *Act*;
- strengthened relationships between families and child welfare staff;
- improved financial resources to parents, foster parents, and youth;

- improved access to services for children, youth and families;
- improved access to services for youth over sixteen;
- sensitivity to cultural and diversity issues;
- sensitivity to First Nations and Aboriginal issues;
- improved working environments and reasonable caseloads for child welfare staff;
- the need to recruit and retain experienced child welfare staff;
- improved training and continuing education for child welfare staff;
- the need to establish and implement mediation and conflict resolution mechanisms;
- improved collaboration among service providers; and
- improved co-ordination and integration of services to children, youth and families;

The predominant themes heard by the PEI *Child Protection Act* Review Advisory Committee remarkably reflect the issues that have been identified in the multiple child protection reviews, Ombudsman, and Child and Youth Advocate documents produced across the country over the past number of years. Similar challenges face public child welfare systems across Canada. Most jurisdictions speak about considering the best interests of the child, the need to provide a loving family home for every child, the value of investments in early childhood services, in child welfare services, and in services for children, youth and families. Yet, most jurisdictions in Canada continue to struggle with adequate levels of services to children, youth and families.

The Advisory Committee would like to acknowledge the tremendous work done by front line child welfare staff, supervisors, coordinators and the Director of Child Welfare in Island communities. Child

protection work is demanding and complex. Their commitment and dedication to child welfare services delivery enables services and programs to be delivered to vulnerable children, youth and families. Their work minimizes and protects children from harm daily. We rarely hear about their success in this regard. We only hear about this important work when things go wrong. Yet, child welfare staff know only too well that the current programs and services are only helpful in certain circumstances. Broader social issues significantly impact their ability to be effective.

The Advisory Committee also heard of the strong level of commitment to children, youth and families from educators, justice system officials, health service providers, other social service system providers, parents, foster parents, and grandparents, school boards, various community and volunteer organizations, and community members. Participants of this review process expressed hope that the first phase of the review of the *Child Protection Act* which included a comprehensive consultation process and identification of predominant themes leads to an equally robust second phase of analysis and recommendations. Many are optimistic that a thorough analysis of the issues will be conducted, sound recommendations will be developed, and action will be taken in partnership to strengthen Island families.

The principles and the purpose of the *Child Protection Act*, “to protect children from harm due to abuse and neglect”, is best achieved when everyone involved in a child’s life feels responsible. The principle articulated in the preamble of the PEI *Child Protection Act* that, “the prevention of abuse and neglect of children is a responsibility shared by the family, community and the province” is well canvassed in the document by Bernard Richard, New

Brunswick Ombudsman and Child and Youth Advocate entitled, *Connecting the Dots: A report on the condition of youth at risk and youth with very complex needs in New Brunswick* (2007). To illustrate this fundamental principle he quotes Antoine de saint Exupery, author of *The Little Prince* and the novel *Terre des Hommes*:

“When by mutation a new rose springs forth in a garden all the gardeners pitch in. We isolate the rose, we cultivate the rose, we favour the rose. Alas, there are no gardeners of men.”

It is the desire of all Advisory Committee members that, as partners move into the next phase of this review process, recommendations are developed to nurture and cultivate and favour our children, our youth and our families. Committee members trust that the information presented in this report will assist partners in that regard. Let us all be gardeners ...

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Social Services
and Seniors

Services sociaux
et Aînés



Office of the Minister

PO Box 2000, Charlottetown
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APPENDIX "A"

Bureau du ministre

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

October 12, 2007

Ms. Patsy MacLean
HR Associates
1 Harbourside
Charlottetown, PE
C1A 84R

Dear Ms. MacLean:

In accordance with Section 58(1) of the *Child Protection Act* and Sections 15(1)(g)&(3) of the *Regulations*, I am pleased to appoint you to the Child Protection Act Review Advisory Committee and I am pleased that you have accepted the role as chairperson.

The purpose of the Advisory Committee is to report to me concerning the operation and administration of the Act and whether or not the principles and purposes of the Act are being achieved. As you are aware, the first meeting has been scheduled for Tuesday, October 30th, 1:30 pm - 3:00 pm, and will be held in the Child & Family Services Boardroom A, 2nd floor, 161 St. Peters Road (Sherwood Business Centre). Please contact Wendy Hughes at 368-5294 to confirm your availability for this meeting.

I would like to take this opportunity to extend my sincere appreciation for your willingness to contribute your expertise, knowledge and skills as we embark on this important initiative on behalf of Island children and families.

Sincerely,

Doug Currie
Minister

cc. Sharon Cameron
Rona Brown

18 OCT 2007

APPENDIX "B"

Child Protection Act Historical Background

CPA REVIEW
November 19/07
Denise Doiron
Ron Stanley

CPA BACKGROUNDER

LEGISLATIVE HISTORY

- 1909 The Delinquent and Neglected Children's Act
- 1951 The Child Welfare Act
- 1962 The Child Protection Act
- 1981 The Child and Family Services Act
- 2003 The Child Protection Act

CPA BACKGROUNDER

- That the first child protection legislation was proclaimed in 1909.
- That there were two children's Aid Societies in Charlottetown and Summerside between 1920's and 1950's.
- That in 1952 the office of Director of Child Welfare was created in new child welfare legislation. The first DCW was the first professional social worker on PEI and he was his only staff.
- That PEI had two orphanages Mt Herbert/Protestant Children's Orphanage and St. Vincents Orphanage. Mt Herbert operated until 1973.

CPA BACKGROUNDER

DID YOU KNOW????

- That in March 31, 1973 there was 476 children in care
- That on March 31, 1983 there were 217 children in care
- That on March 31/1994 there were 169 children in care.
- That on March 31/2003 there were 250 children in care.
- That on April 30/05 there were 191 children in care.

CPA BACKGROUNDER

DID YOU KNOW????

- That in 1978 there were 78 family service files open.
- That in 1985 there were 310 family service files open.
- That in 2005 there were 1105 family service files open.

CPA BACKGROUNDER

DID YOU KNOW????

- That in 1978 there were 30 designated agents of the DCW
- That in 1985 there were 37.5 designated agents of the DCW.
- That in 1995 there were 45 designated agents.
- That currently there are 58 delegated agents (note this does not include new Child protection staff who have not achieved delegation status)

CPA BACKGROUNDER

- Development of the former Family and Child Services Act began in 1977
- It was proclaimed in 1981
- The Family and Child Services Act was delivered by "The Child and Family Services Division" of the Department of Health and community services

CPA BACKGROUNDER

- Child and Family Services had a single entry service delivery model with a Generic approach to practice.
- The economic engine of Child and Family services was the "Canada Assistance Plan" CAP
- The CAP funding formula was based on a 50/50 cost sharing for eligible social services between the provincial and federal levels of government.

CPA BACKGROUNDER

- The Child and Family Services Division provided more than Child Protection Services
- Child and Family Services provided:
 - Financial Assistance
 - Nutrition services
 - Speech therapy
 - Home maker
 - General Counseling
 - Juvenile Delinquents Act (until 1986)
 - Adoption (new Adoption Act proclaimed 1993
 - Intercountry {Hague Convention} Act proclaimed in 1994)
 - Child Protection

CPA BACKGROUNDER

In Child and Family Services the whole was intended to be greater than the sum of its parts.

Child Protection was not Child and Family Services

The alignment of the C&FS social programs was to maximize the service development potential of CAP

CPA BACKGROUNDER

- In 1994 the department of Health and Social Service restructured to the Health System based on a Regional Health Authority Service delivery model
- In this model Child and Family Services as a provincial service program was eliminated. social programs such as child protection and financial assistance were separated and sent on different administrative and policy paths.

CPA BACKGROUNDER

- In 1996 the Federal Government ended the CAP 50/50 cost share program in favour of the Canadian Health and Social Transfer CHST .
- The CHST is based on a "block cost sharing model". The provinces would be provided with a block amount annually that required the province to decide on how to spend the funds.

CPA BACKGROUNDER

Along with H&SS system restructuring in 1994 and the end of CAP in 1996 three other major changes occurred to challenge child protection services since 1981.

1. The Federal governments proclamation of the Young Offenders Act.
2. The proclamation of the provinces Adoption and Intercountry Adoption Acts
3. The federal Government inclusion of the Canadian Charter of Rights and Freedoms in the constitution which has and is impacting case

CPA BACKGROUNDER

- Given the many challenges and challenges from the Judiciary respecting the efficacy of the Family and Child Services Act in 1996 the Minister of Health gave permission to examine what needed to be changed.
- Most Canadian jurisdictions undertook similar Act reviews
- The child welfare supervisors committee provided an examination of the service delivery context and made recommendations for change.

CPA BACKGROUNDER

1. The intent of the legislature was not clearly set out the F&CSA.
2. The F&CSA dealt with Children as a single group not addressing age differences particularly with respect to time in care and capacity to participate in decisions made about them.
3. The DCW's investigation powers were not clear.
4. The F&CSA was not developed for the Health system with Regional Health Authorities as such "governance" was not clear.

CPA BACKGROUNDER

5. There was an issue with court process and the amount of time it took to get to trial and to enable a parent to be heard.
6. There was a concern about F&CSA s.11 services to minors as to how to determine when to service a 16 17 year old as a minor living apart or as a child.
7. The F&CSA did not provide for a complaints process.

CPA BACKGROUNDER

8. The F&CSA provided for a narrow definition of parent.
9. The F&CSA was limited in only allowing the Court to return a child home or grant a temporary or permanent order.
10. There was no provision in the F&CSA for alternative approaches such as mediation.

CPA BACKGROUNDER

11. The F&CSA provided a limited authority to secure a Youth in a place of safety. (policy 24hrs in YCJA facility)
12. The F&CSA did not recognize the right of First Nations communities.
13. The F&CSA did not provide for the development of regulations within the statute.

CPA BACKGROUNDER

14. The F&CSA did not require the DCW to report to families or youth of the outcome of an investigation
15. The F&CSA's Best Interests of the Child section required a greater balancing with respect to the "Rights of the Child".
16. F&CSA's section of defining a child in need of protection required greater specification and harmonization with legal adjudication.

CPA BACKGROUNDER

17. The F&CSA did not provide enough clarity with respect to service records and disclosure.
18. The ability of service to secure permanent orders under the F&CSA was being seriously challenged

CPA BACKGROUNDER

- It is notable that a companion Child Youth Advocate Act was developed along side the CPA.
- The Child Youth Advocate Act was not accepted by government.
- A provision to review the Act every 3 years was set out to ensure some of the functions of an Advocate could provided for .

CPA BACKGROUNDER

- Due to the extent of the change required the recommendation from the legal planner was not to make change by amendment but rather to do a major overhaul.
- In 1997 the legislative review committee of government gave authority to Draft new legislation

CPA BACKGROUNDER

- An ACT development initiative called Child Welfare 2000 was initiated.
1. Five community consultations were held in the regions of the different Health authorities.
 2. Over 100 questionnaires were sent out person with an interest in child welfare and a process to allow for in person representations was established
 3. A committee was established to review provincial/Territorial Child welfare Legislation
 4. A committee was established to review governance

CPA BACKGROUNDER

5. A committee was established to review place of safety/secure care
6. Consultations took place with the Chief Justice of the Trial Division.
7. Consultations on legal procedures were undertaken with Province of Nova Scotia.
8. Dr Paul Thomas a legal scholar from Dalhousie University was consulted.

CPA BACKGROUNDER

9. Legal support was secured to examine governance and consultations were held with Health Senior Management.
10. Consultations were held with Health Senior management with respect to the scope of the CPA. An offer was made to develop a service plan for children in need but not in need of protection

CPA BACKGROUNDER

- The planned name of the new statute was the Child, Youth and Family Service Act.
- Following consultation with Chief Justice who remarked that the government should clarify its intent with the new Act given that when legislation says Family services it signals to the court that the Act is more about family service provision than child protection.
- Given this important advice the Act's name was changed to the Child Protection Act

CPA BACKGROUNDER

The new CPA was introduced for first reading by Minister Jamie Ballem spring of 2000.

A decision was made not to send the new Act to committee but rather to allow the proposed Act to be open for review and potential amendment.

The CPA remains open until the spring of 2003 where it was reintroduced with a couple of small amendments and proclaimed May 10 2003

CPA BACKGROUNDER

CPA AND F&CSA

- In basic structure the CPA is similar to the F&CSA
- A fundamental legal structural difference can be found in the definitions of a child in need of protection.
- The definitions of a Child, Youth and Parent.
- And the client domain "who is the Client"

CPA BACKGROUNDER

Protection definitions differences F&CSA and the CPA

F&CSA child is in need of protection who

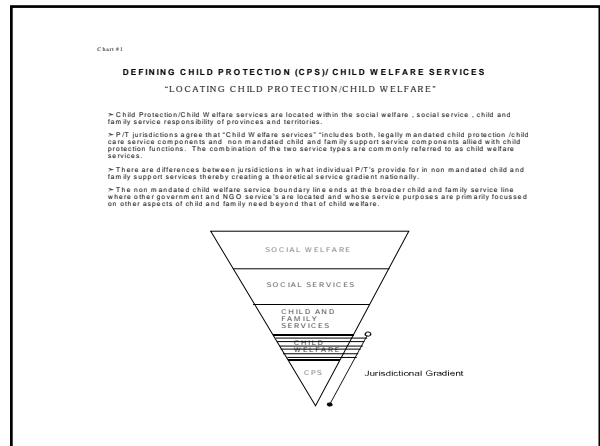
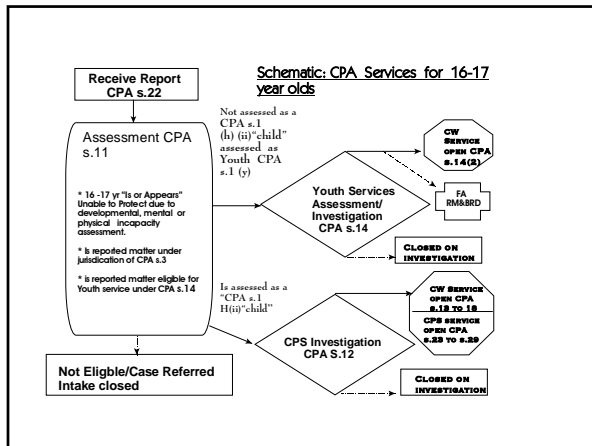
(A) IS NOT RECEIVING PROPER, GUIDANCE, EDUCATION AND SUPPORT

CPA CHILD IS IN NEED OF PROTECTION WHERE

A) THE CHILD HAS SUFFERED PHYSICAL HARM INFLICTED BY THE PARENT

CPA BACKGROUNDER

- **F&CSA population served Children in need of protection and children who "may be in need of protection"**
- **CHILD PROTECTION ACT POPULATION SERVED CHILDREN IN NEED OF PROTECTION AND CHILDREN AT SUBSTANTIAL RISK (CPA 3(G))**



CPA BACKGROUNDER

- It is noteworthy that the CPA required amendment, particularly in the Administrative section, when the Health system was restructured in 2003.
- Like the F&CSA the CPA had been designed to fit a service delivery structure that was abolished.

APPENDIX “C”

CHILD PROTECTION ACT REVIEW ADVISORY COMMITTEE TERMS OF REFERENCE

December 18, 2007

BACKGROUND and MANDATE:

Section 58(1) of the **Child Protection Act** states:

The Minister shall appoint an Advisory Committee, in accordance with the regulations to review, every 3 years, the provisions of this Act and the services performed pursuant to this Act, and to report to the Minister concerning the operation and administration of this Act and concerning whether or not the principles and purposes of this Act are being achieved.

Section 15(4) of the **Child Protection Act, Regulations**, states:

Members of an Advisory Committee shall serve from the time of their appointment until the time the report of the Advisory Committee is delivered to the Minister pursuant to section 58 of the Act, which shall in no case be longer than six months from the time the Advisory Committee is appointed.

The Honourable Doug Currie, Minister of Social Services and Seniors, appointed members to the Advisory Committee by letter on October 12, 2007.

MEMBERSHIP:

Section 15(1) of the **Child Protection Act, Regulations** states:

Subject to subsection (2), the Minister shall appoint as members of the Advisory Committee

- (a) the Director of Child Welfare or an employee of the Department nominated by the Director;
- (b) five employees of the Department who are knowledgeable about child welfare services;
- (c) a legal aid lawyer;
- (d) a lawyer who provides legal services to the Director;

(e) three persons, 16 years of age or more, of whom at least one shall be a youth, who have received child welfare services;

(f) two persons who have demonstrated an informed concern for the welfare of children; and

(g) such other persons, not exceeding two, as the Minister may determine.

(2) Among the persons appointed as members of an Advisory Committee shall be

(a) a person who is fluent in French and English, and

(b) a person who is an aboriginal person.

(3) The Minister may appoint one of the members of an Advisory Committee as its chairperson.

OPERATING PRINCIPLES:

The Advisory Committee shall make every effort to create opportunities for input and participation of Islanders in the review process including communities, organizations, groups, and individuals.

ACTIVITIES:

1. Conduct a documentary review including child protection legislation in Canadian and international jurisdictions.
2. Receive a historical overview and obtain background information regarding the rationale for the development and implementation of the current **Child Protection Act**.
3. Conduct consultations and key contact meetings with interested parties and key stakeholders across Prince Edward Island to obtain their views on the operation and administration of the **Child Protection Act**.
4. Consolidate findings arising from the consultations and key contact meetings and draft a written report.
5. Present the Report of the Child Protection Act Review Advisory Committee to the Honourable Doug Currie, Minister of Social Services and Seniors.

ROLES, RESPONSIBILITIES, AND EXPECTATIONS of COMMITTEE MEMBERS

Advisory Committee Chair:

The Chair of the Advisory Committee, in collaboration with Advisory Committee members, is responsible for ensuring that the Advisory Committee Mandate and Terms of Reference are achieved by;

- drafting meeting agendas for distribution to Advisory Committee Members;
- facilitating Advisory Committee Meetings;
- organizing consultations with interested parties, key stakeholders, and key contact meetings;
- facilitating the review of information and findings arising from consultations and key contacts with Advisory Committee Members ;
- drafting the Report of the Child Protection Act Review, with the guidance of the Advisory Committee.

Advisory Committee Members:

Working collaboratively, all members are expected to:

- attend regularly scheduled meetings;
- review materials in preparation for Advisory Committee meetings;
- share their expertise, knowledge and skills with respective Advisory Committee Members to achieve the Mandate and Terms of Reference of the Advisory Committee;
- participate in the development of the Advisory Committee's work plan;
- support the chairperson and resource persons as they carry out consultations and key contact meetings under the guidance of Advisory Committee Members;
- provide guidance and share expertise in the development of the Report of the Child Protection Act Review; and
- achieve consensus on the final Report of the Child Protection Act Review for submission to the Minister of Social Services and Seniors.

Resource Persons:

Administrative Support:

The Advisory Committee shall identify an employee from the Department of Social Services and Seniors who shall be responsible for:

- note-taking at Advisory Committee Meetings;
- ensuring that meeting minutes are distributed to committee members in a timely manner;
- arranging meeting venue and hospitality; and
- arranging consultations and key contact meetings.

Communications:

An employee from the Department of Social Services and Seniors shall support the Advisory Committee with respect to communication and public relations requirements of the committee.

Consultations and Key Contact Meetings:

Facilitation support will be provided by the Department of Social Services and Seniors for interested party and stakeholder consultations and key contact meetings.

MEETINGS:

Meetings of the Advisory Committee will take place on a regular basis, at the call of the Chair, to ensure that the mandate of the Advisory Committee is achieved within the legislated six month time frame. Meeting dates will be set in advance and can be changed by consensus in consultation with committee members.

Appendix A: Meeting Dates

Appendix B: Membership

Appendix C: Advisory Committee Work Plan

**APPENDIX “A”
Meeting Dates**

MEETING DATE	TIME	LOCATION
November 19, 2007	9:30 a.m. - 12:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
December 4, 2007	1:30 p.m. - 4:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
December 14, 2007	9:30 a.m. - 12:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
January 10, 2008	1:30 p.m. - 4:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
January 21, 2008	9:30 a.m. - 12:00 p.m.	HRA Boardroom 1 Harbourside Charlottetown
February 7, 2008	1:30 p.m. - 4:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
March 6, 2008	1:30 p.m. - 4:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
March 27, 2008	9:30 a.m. - 12:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
May 23, 2008	9:30 a.m. - 12:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A
May 29, 2008	9:00 a.m. - 12:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom B
June 12, 2008	12:00 p.m. - 3:00 p.m.	Sherwood Business Centre Child and Family Services Boardroom A

**APPENDIX “B”
Advisory Committee Membership**

NAME	DEPARTMENT	TITLE
Jim Bentley	Social Services & Seniors Child and Family Services	Child Protection Supervisor
Darlene Bernard <i>alternate</i>	Lennox Island Band Council	Band Chief
Brian Francis	Abegweit First Nations Band Council	Band Chief
Rona Brown	Social Services and Seniors Child & Family Services	A/Director, Child & Family Services Division
Cathy Chaisson	Office of the Attorney General P.E.I. Legal Aid	Lawyer
Denise Doiron	Office of the Attorney General Legal and Judicial Services	Departmental Solicitor
Brittany Gilbert	Youth Representative	Youth representative
Wendy Hughes	Social Services and Seniors Child and Family Services	Administrative Assistant
Amber Joseph	Youth Representative	Youth Representative
Josette Losier	Social Services and Seniors Child and Family Services	Resource Social Worker
Colleen MacDonald	Social Services and Seniors Child and Family Services	Intake - Child Welfare
Dr. Sandy MacDonald <i>alternate</i>	Eastern School District	Superintendent
Adrian Smith	Eastern School District	Director, Student Services
Maureen MacEwen	Social Services and Seniors Child and Family Services	Child Protection/Youth Services Co-ordinator East
Patsy MacLean	HRA	Consultant
Rachel McPhee	Youth Representative	Youth Representative

Ron Stanley	Social Services and Seniors Child and Family Services	Director of Child Welfare
Verna Lynne Weeks	Social Services and Seniors Corporate and Finance Services	Communications Officer
Dr. Mitchell Zelman <i>alternate</i> Dr. Christine McNearney	PEI Medical Society PEI Medical Society	Pediatrician Queen Elizabeth Hospital Prince County Hospital, Kensington Medical Centre

APPENDIX “C”

Advisory Committee Work Plan

November 2007

1. Historical Overview of Child Welfare Legislation in Prince Edward Island
2. Develop Terms of Reference

December 2007 / January 2008

3. Finalize Terms of Reference
4. Documentary Review of Relevant Canadian and International Child Welfare Legislation
5. Determine key stakeholder groups / interested parties for consultations
6. Determine key contacts for interviews
7. Arrange consultations, meetings and prepare communication plan
8. Meeting of Advisory Committee to review communications plan
9. Media release on appointment of Child Protection Act Review Advisory Committee

January 2008 / February 2008

10. Development of discussion guide and questions
11. Prepare letters of invitation to stakeholder groups and organizations
12. Discussion guide and questions available to the public\
13. Secure and promote Web site, email, contact phone number
14. Coordinate private/public consultation process and venues
15. Media release advertising public consultations
16. Conduct stakeholder interviews/public consultations ie. workshops, focus groups, etc.

March 2008

17. Organize and theme information from documentary review and consultations
18. Target date for development of final report
19. Draft Report of the Child Protection Act Review Advisory Committee

April 2008

20. Submit draft report to the Child Protection Act Review Advisory Committee
21. Submit final Report to the Minister of Social Services and Seniors

Appendix "D"

For Immediate Release

July 2, 2008

The following is distributed by Island Information Service at the request of the Department of Social Services and Seniors

Child Protection Act Review Advisory Committee Appointed

Charlottetown, Prince Edward Island, January 8 --- Honourable Doug Currie, Minister of Social Services and Seniors announced today that a review of Prince Edward Island's *Child Protection Act* is currently underway.

Minister Currie stated, "the protection of children of Prince Edward Island is of utmost importance to our Government and all Islanders. According to the regulations of the *Child Protection Act*, this review is now one year overdue."

The *PEI Child Protection Act* and regulations require the Minister to appoint an Advisory Committee to review the act every three years. The aim of the review is to report on the operation and administration of the act and to determine whether or not its principles and purposes are being achieved. The committee will provide a report to the Minister within six months. This report will inform the Minister and enable government to consider the need for legislative and policy changes taking into account public input.

The advisory committee includes the following members:

- Ron Stanley, Director of Child Welfare, Department of Social Services and Seniors
- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier and Colleen MacDonald, Child and Family Services, Department of Social Services and Seniors
- Cathy Chaisson, PEI Legal Aid lawyer, Office of the Attorney General
- Denise Doiron, solicitor, Office of the Attorney General
- Rachel MacPhee, Brittany Gilbert and Amber Joseph, youth representatives

- Dr. Sandy MacDonald / Adrian Smith, Eastern School District
- Dr Mitchell Zelman / Dr Christine MacNearney, PEI Medical Society
- Chief Darlene Bernard / Chief Brian Francis, Mi'Kmaq Confederacy
- Patsy MacLean, HRA, Chairperson

The *Child Protection Act* Review Advisory Committee will host consultations across the province in February / March 2008. More information about how Islanders can provide input will be announced later in January.

BROADCAST COPY

Today, Social Services and Seniors Minister Doug Currie announced that a review of Prince Edward Island's *Child Protection Act* is currently underway.

An advisory committee has been appointed to review the act and to report on its operation, administration and as to whether or not its principles and purposes are being achieved.

Details of public consultations and other ways that Islanders can make submissions to the advisory committee will be announced in January 2008.

The committee is expected to provide its report to the Minister by April 2008.

Ce communiqué est distribué par le Service de renseignements de l'Île à la demande du ministère des Services sociaux et des Aînés

Constitution du comité consultatif de l'examen de la loi sur la protection de l'enfance

Charlottetown, Île-du-Prince-Édouard, le 8 janvier – L'honorable Doug Currie, ministre des Services sociaux et des Aînés, a annoncé aujourd'hui qu'un examen de la loi sur la protection de l'enfance (*Child Protection Act*) de l'Île-du-Prince-Édouard est en cours et qu'un rapport devrait être terminé en avril 2008.

Le ministre Currie a déclaré : « La protection des enfants de l'Île-du-Prince-Édouard est de la plus haute importance pour notre gouvernement et pour tous les Insulaires. Selon les règlements de la loi intitulée *Child Protection Act*, cet examen aurait dû être fait il y a un an. »

La loi intitulée *PEI Child Protection Act* et ses règlements obligent le ministre à nommer un comité consultatif pour examiner la loi tous les trois ans. Le but de l'examen est de faire rapport sur l'application et l'administration de la loi et de déterminer si les principes et les buts sont atteints. Le comité présentera un rapport au ministre d'ici six mois.

Autre qu'informer le ministre, ce rapport permettra également au gouvernement d'envisager la nécessité d'apporter des modifications législatives et des changements de politiques en tenant compte de l'avis du public.

Le comité consultatif est composé des membres suivants :

- Ron Stanley, directeur du bien-être à l'enfance, ministère des Services sociaux et des Aînés

- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier et Colleen MacDonald, Services à l'enfance et à la famille, ministère des Services sociaux et des Aînés
- Cathy Chaisson, avocate de l'aide juridique de l'Î.-P.-É., Bureau du procureur général
- Denise Doiron, avocate, Bureau du procureur général
- Rachel MacPhee, Brittany Gilbert et Amber Joseph, représentantes des jeunes
- D^r Sandy MacDonald / Adrian Smith, Commission scolaire de l'est
- D^r Mitchell Zelman / D^{re} Christine MacNearney, Société médicale de l'Î.-P.-É.
- Chef Darlene Bernard / Chef Brian Francis, Mi'Kmaq Confederacy
- Patsy MacLean, HRA, présidente

Le comité consultatif de l'examen de la loi sur la protection de l'enfance tiendra des consultations d'un bout à l'autre de la province aux mois de février et mars 2008. Plus tard en janvier, les Insulaires pourront mieux se renseigner sur la manière d'exprimer leurs commentaires.

POUR LES DIFFUSEURS :

L'honorable Doug Currie, ministre des Services sociaux et des Aînés, a annoncé aujourd'hui qu'un examen de la loi sur la protection de l'enfance (*Child Protection Act*) de l'Île-du-Prince-Édouard est en cours.

Un comité consultatif a été constitué afin d'examiner la loi, de faire rapport sur son application et son administration, puis de déterminer si les principes et les buts sont atteints.

Les détails des consultations publiques seront annoncés plus tard en janvier. Les Insulaires pourront également mieux se renseigner sur la manière d'exprimer leurs commentaires au comité consultatif.

Le comité s'attend pouvoir présenter un rapport au ministre en avril 2008.



Protecting Our Children and Youth: **The PEI *Child Protection Act***

Discussion Paper

In January 2008, Honourable Doug Currie, Minister of Social Services and Seniors announced a review of Prince Edward Island's *Child Protection Act*.

The *PEI Child Protection Act* and regulations require the Minister to appoint an advisory committee to review the *Act* every three years. The aim of the review is to report on the operation and administration of the *Act* and to determine whether or not its principles and purposes are being achieved. The committee will provide a report to the Minister at the end of April 2008. This report will inform the Minister and enable government to consider the need for legislative and policy changes taking into account public input.

The advisory committee includes the following members:

- Ron Stanley, Director of Child Welfare, Department of Social Services and Seniors
- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier and Colleen MacDonald, Child and Family Services, Department of Social Services and Seniors
- Cathy Chaisson, PEI Legal Aid lawyer, Office of the Attorney General
- Denise Doiron, solicitor, Office of the Attorney General
- Rachel MacPhee, Brittany Gilbert and Amber Joseph, youth representatives
- Dr. Sandy MacDonald / Adrian Smith, Eastern School District
- Dr Mitchell Zelman / Dr Christine MacNearney, PEI Medical Society
- Chief Darlene Bernard / Chief Brian Francis, Mi'Kmaq Confederacy
- Patsy MacLean, HRA, Chairperson

The *Child Protection Act* Review Advisory Committee will host consultations across the province in February and March 2008. Individuals or groups can also provide input to the advisory committee through a private and confidential meeting or written submission.

Please use the questions at the end of this guide to make a written submission **before March 14, 2008 to:**

Child Protection Act Review Advisory Committee

c/o HRA

1 Harbourside Drive, Charlottetown, PE C1A 8R4

Fax: (902) 626-2532 E-mail: cpareview@hra.ca

Background

The *Child Protection Act* was proclaimed in 2003, replacing the *Family and Child Services Act*. This followed a complete review of the former *Act* and aimed to improve service to children in need of protection in Prince Edward Island and their families.

Children must be protected from abuse and neglect in our society. The purpose of the *Child Protection Act* is to see that this protection is carried out. Although the actions under the *Act* are generally carried out by staff of the Department of Social Services and Seniors, it is understood that prevention of abuse and neglect of children is a shared responsibility amongst family, community and the province.

One community responsibility is mandatory reporting when a child is known or suspected to be in need of protection. This *Act* provides protection to children from birth to their 18th birthday. There are a number of situations in which children are defined as being in need of protection, such as when a child has been or is at significant risk of being physically, sexually or emotionally harmed by a parent, or where the child experienced such harm and the parent did not prevent it, or where a child requires treatment and the parent does not seek this treatment.

Child Protection Services has the responsibility to assess situations and, where necessary, investigate reports of children believed to be in need of protection. For those children found in need of protection, a range of child welfare services is offered that aim to protect and care for a child and provide support to a family.

The *Child Protection Act* (2003) was created using a child development-sensitive approach and was designed to improve its legal capacity to protect children. Children have the same basic rights and freedoms as other citizens, but require special attention to maintain those rights and freedoms.

Services are to be delivered in an age-appropriate manner. Children develop quickly, especially younger children. Also, they experience time differently than they will as adults. Therefore, we must act quickly if child protection services are required, to ensure safety and security of children and minimize harm to their development. The cultural,

Background (continued)

racial, linguistic and religious heritage of a child is important to healthy development, and must be taken into account while providing child welfare services.

Parents have the right and responsibility for the care and supervision of their children, and consideration to remove children from that care and supervision should only take place when other measures have failed or are inappropriate. Intervention into families must only take place through appropriate legal means. Child welfare services must be delivered in ways that ensure the best interests of the child.

- ▶ As of March 31, 2007, there were approximately 280 children in the care of the Director of Child Welfare, PEI Department of Social Services and Seniors.
- ▶ As of March 31, 2007, there were 87 foster families in PEI.
- ▶ The Department of Social Services and Seniors operates six residential facilities for youth.
- ▶ The 2007/08 budget for Child Protection services is \$16,397,200.
- ▶ The Director of Child Welfare has 58 delegated agents (social workers within Child Protection who have authority under the *Child Protection Act*).

Guiding Discussion Questions

Mandatory Intervention

- 1) What is your understanding of the purpose of the *Child Protection Act*?
- 2) What is your understanding of child welfare services available in your community?
- 3) Does the *Child Protection Act* provide an appropriate balance between privacy and the protection of children? If not, what if any, suggestions do you have?
- 4) What is working, not working, with the *Child Protection Act*?

Children, Youth & Families

- 5) What are the needs of children receiving protection services under the *Child Protection Act* (e.g. investigation, alternate arrangements, temporary care)?
- 6) Are there children and youth the *Child Protection Act* is not protecting? If so, tell us about them.
- 7) What do families need to care for and protect their children and youth?
- 8) What can we as a community do?

Prince Edward Island Child Protection Act Review

For more information or to book a private consultation, call Wendy Hughes at (902) 368-5294 or 1-866-5940588 or visit the website www.gov.pe.ca/go/cpareview.



La protection de nos enfants et de nos jeunes
Le Child Protection Act de l'Î.-P.-É.
(loi sur la protection de l'enfance)

Document de travail

En janvier 2008, le ministre des Services sociaux et des Aînés, Doug Currie, a annoncé une révision du *Child Protection Act* (CPA - en anglais à l'Î.-P.-É.).

Le CPA et ses règlements obligent le ministre à nommer un comité consultatif afin de réviser la loi tous les trois ans. L'objectif de la révision est de faire rapport sur le fonctionnement et l'administration de la loi et de déterminer si les principes et objectifs de la loi sont réalisés ou non. Le comité remettra un rapport au ministre à la fin d'avril 2008. Ce rapport renseignera le ministre et permettra au gouvernement d'étudier le besoin de modifications à la loi et aux politiques compte tenu des commentaires de la population.

Le comité consultatif est composé des membres suivants

- Ron Stanley, Directeur du bien-être de l'enfance, ministère des Services sociaux et des Aînés
- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier and Colleen MacDonald, Services à l'enfance et à la famille, ministère des Services sociaux et des Aînés
- Cathy Chaisson, avocate, Aide juridique de l'Î.-P.-É., Bureau du procureur général
- Denise Doiron, avocate, Bureau du procureur général
- Rachel MacPhee, Brittany Gilbert and Amber Joseph, représentantes de la jeunesse
- Dre Sandy MacDonald et Adrian Smith, Commission scolaire de l'est
- Dr Mitchell Zelman et Dre Christine MacNearney, PEI Medical Society
- Chef Darlene Bernard et Chef Brian Francis, Mi'kmaq Confederacy
- Patsy MacLean, HRA, présidente

Le Comité consultatif sur la révision du *Child Protection Act* tiendra des consultations dans la province en février et mars 2008. Des personnes ou des groupes peuvent offrir leurs commentaires au comité consultatif au moyen d'une rencontre privée et confidentielle ou par soumission écrite.

Veillez utiliser les questions se trouvant à la fin du présent guide pour envoyer une soumission écrite **avant le 14 mars 2008** au :

Comité consultatif sur la révision du *Child Protection Act*

a/s de HRA

1, promenade Harbourside, Charlottetown PE C1A 8R4

Télec. : (902) 626-2532; Courriel : cpareview@hra.ca

ANTÉCÉDENTS

Le *Child Protection Act* a été proclamé en 2003, en remplacement du *Family and Child Services Act*. La nouvelle loi est apparue à la suite d'une révision complète de l'ancienne loi et elle visait à améliorer les services aux enfants ayant besoin de protection à l'Î.-P.-É. et à leurs familles.

Les enfants doivent être protégés contre la violence physique et la négligence dans notre société. L'objectif de la Loi est de voir à ce que cette protection se réalise. Même si les actions en vertu de la Loi sont posées en général par le personnel du ministère des Services sociaux et des Aînés, il est bien entendu que la prévention de la violence physique et de la négligence envers les enfants est une responsabilité partagée entre la famille, la communauté et la province.

Une responsabilité de la communauté est l'obligation de rapporter le fait que l'on sait ou que l'on croit savoir qu'un enfant a besoin de protection. La Loi fournit une protection aux enfants entre le moment de leur naissance et leur 18^e anniversaire. Voici un certain nombre de situations dans lesquelles on reconnaît que l'enfant a besoin de protection : il a encouru ou encourt un risque sérieux d'être physiquement, sexuellement, émotionnellement maltraité par un parent; il a expérimenté un tel mauvais traitement et le parent ne l'a pas empêché; il a besoin de traitement et le parent ne s'en occupe pas.

Les Services de protection de l'enfance ont la responsabilité d'évaluer la situation et, au besoin, d'enquêter sur les rapports d'enfants que l'on croit dans le besoin d'être protégés.

Dans le cas des enfants à qui l'on reconnaît un besoin de protection, un ensemble de services aux enfants est offert, lequel vise à protéger l'enfant, à en prendre soin et à fournir un soutien à sa famille.

La Loi de 2003 a été créée en utilisant une approche soucieuse du développement de l'enfant, et elle a été conçue pour accroître la capacité légale de protéger les enfants. Les enfants ont les mêmes droits et libertés fondamentales que les autres citoyens, mais le maintien de ces droits et libertés requiert une attention particulière.

Les services sont offerts en fonction de l'âge. Les enfants se développent rapidement, surtout les jeunes enfants. De plus, leur expérience du temps n'est pas la même que lorsqu'ils seront adultes. En conséquence, nous devons agir rapidement si l'enfant a besoin de services de protection afin d'assurer sa protection et sa sécurité et de minimiser le tort fait à son développement. Le patrimoine culturel, racial, linguistique et religieux des enfants fait la promotion de leur développement sain, et il doit être pris en considération lorsqu'on fournit des services d'aide à l'enfance.

Les parents ont le droit et la responsabilité du soin et de la surveillance de leurs enfants, et l'idée de retirer l'enfant de ce soin et de cette surveillance ne devrait se matérialiser qu'en cas d'échec des autres mesures ou si celles-ci sont inappropriées. L'intervention dans les familles ne doit se faire que par des moyens légaux appropriés. Les services d'aide à l'enfance doivent être offerts de manière à assurer les meilleurs intérêts de l'enfant.

- ▶ Au 31 mars 2007, environ 280 enfants se trouvaient sous la garde du Directeur de la protection de l'enfance, ministère des Services sociaux et des Aînés.
- ▶ Au 31 mars 2007, il y avait 87 familles d'accueil à l'Î.-P.-É.
- ▶ Le ministère des Services sociaux et des Aînés exploite six établissements résidentiels pour les jeunes.
- ▶ Le budget 2007-2008 des services de protection de la jeunesse est de 16 397 200 \$.
- ▶ Le directeur de la protection de l'enfance a 58 agents délégués (travailleurs sociaux dans la protection de l'enfance, lesquels détiennent leur autorité en vertu du *Child Protection Act*).

QUESTIONS-GUIDE POUR LA DISCUSSION

Intervention obligatoire

- 1) Que savez-vous de l'objectif du *Child Protection Act*?
- 2) Que savez-vous des services de protection de l'enfance dans votre communauté?
- 3) Le *Child Protection Act* fournit-il un équilibre approprié entre le respect de la vie privée et la protection des enfants? Si ce n'est pas le cas, avez-vous une ou des suggestions à faire?
- 4) Qu'est-ce qui fonctionne et ne fonctionne pas avec le *Child Protection Act*?

Enfants, jeunes et familles

- 5) Quels sont les besoins des enfants recevant des services de protection en vertu du *Child Protection Act* (c.-à-d. enquête, arrangements de remplacement, garde temporaire)?
- 6) Existe-t-il des enfants et des jeunes qui ne sont pas protégés par le *Child Protection Act*? Si oui, donnez-nous des explications.
- 7) De quoi les familles ont-elles besoin pour veiller au bien-être de leurs enfants et de leurs jeunes et pour les protéger?
- 8) En tant que communauté, que pouvons-nous faire?

Révision du *Child Protection Act* de l'Î.-P.-É.

Pour en savoir davantage ou pour arranger une consultation privée, téléphonez à Wendy Hughes au (902) 368-5294 ou au 1-866-594 ou visitez le site Web www.gov.pe.ca/go/cpareview

Appendix "F" - Newspaper Advertisements

Public Consultations

Child Protection Act Review



The Child Protection Act Review Advisory Committee invites individuals, families, youth and community groups with an interest in the care and protection of Prince Edward Island children and youth as defined by the *Child Protection Act* (2003) to offer ideas and concerns.

Consultation Schedule

Wednesday, February 13, 7 to 9 p.m.
Hernewood School, Woodstock

Wednesday, February 20, 7 to 9 p.m.
Athena School, Summerside
Open to all residents (with simultaneous translation in French)

Monday, February 25, 7 to 9 p.m.
Colonel Grey High School, Charlottetown

Monday, March 3, – Aboriginal Consultations
2 p.m. for the public; 5 p.m. for youth.
Centre Belle-Alliance, 5 Ave. Maris Stella, Summerside

Wednesday, March 5, 7 to 9 p.m.
Montague High School

Monday, March 10, 7 to 9 p.m.
Souris High School

If you prefer to book a private and confidential meeting with the review advisory committee, please call one of the numbers below.

Written submissions are also welcome and can be sent to:

Child Protection Act Review Committee
c/o HRA
1 Harbourside, Charlottetown, PE C1A 8R4
Fax: (902) 626-2532 Email: cpareview@hra.ca

The deadline for written submissions is March 14, 2008.

For more information:

Call: (902) 368-5294 or 1-866-594-3777

Click: www.gov.pe.ca/go/cpareview



Social Services
and Seniors

Consultations publiques

Révision du Child Protection Act



Le Comité consultatif sur la révision du Child Protection Act invite les personnes, les familles, les jeunes et les groupes communautaires intéressés aux soins et à la protection des enfants et des jeunes de l'Î.-P.-É. tels que définis par le *Child Protection Act* (2003) (loi sur la protection de l'enfance, non traduite à l'Î.-P.-É.) à donner leur point de vue et à faire part de leurs préoccupations.

Horaires des consultations

Le mercredi 13 février, de 19 h à 21 h
École Hernewood, Woodstock

Le mercredi 20 février, de 19 h à 21 h
École Athena, Summerside
Ouvert à tous les résidents (avec traduction simultanée pour les francophones)

Le lundi 25 février 2008, de 19 h à 21 h
Colonel Grey High School, Charlottetown

Le mercredi 5 mars 2008, de 19 h à 21 h
École secondaire de Montague

Le lundi 10 mars, de 19 h à 21 h
École secondaire de Souris

Si vous préférez arranger une rencontre privée et confidentielle avec le Comité consultatif sur la révision, veuillez téléphoner à l'un des numéros de téléphone ci-dessous.

Nous vous invitons également à faire une soumission par écrit et à l'envoyer au :

Comité consultatif sur la révision du *Child Protection Act*
c/o HRA
1, promenade Harbourside, Charlottetown PE C1A 8R4
Télec. : (902) 626-2532 Courriel : cpareview@hra.ca

La date limite des soumissions écrites est le 14 mars 2008.

Pour en savoir davantage,

Téléphonez au (902) 368-5294 ou au 1-866-594-3777

Visitez le site Web au www.gov.pe.ca/go/cpareview



Services sociaux
et Aînés

APPENDIX “G”

PEI Child Protection Act

Public Consultation

Agenda

- 7:00 p.m. Introductory Remarks
Patsy MacLean
Child Protection Act Review Advisory Committee
Chairperson
- 7:10 p.m. Panel Presentation
Protecting Our Children and Youth: The PEI Child Protection Act
Ron Stanley, Director of Child Welfare
Rona Brown, A/Director of Child and Family Services
Amber Joseph, Youth Representative
- 7:30 p.m. Instructions for Roundtable Discussions - (Patsy)
- 7:35 p.m. Break out into Roundtable Groups (identify facilitators and recorders) -
(Patsy)
- 7:40 p.m. Roundtable Discussions (70 minutes to discuss 8 questions - see facilitators
guide for approx. times for questions)
- 8:50 p.m. Reporting back 3 highlights to the large group - (Facilitators and Patsy)
- 9:10 p.m. Wrap up (Patsy)

Public Consultations

Who	When	Number of Attendees
East Prince/Francophone - Athena School, Summerside	February 20, 2008	31 people
Queens - Colonel Gray High School, Charlottetown	February 25, 2008	38 people
Eastern Kings - Souris High School, Souris	March 10, 2008	13 people
Kings - Montague Regional High School, Montague	March 13, 2008	7 people (2 public, 3 Advisory Committee members, 2 staff)
West Prince - Hernwood School, Woodstock	March 26, 2008	31 people

Appendix "H"

Appendix "H"


Child & Family Services
PEI Child Protection Act Review



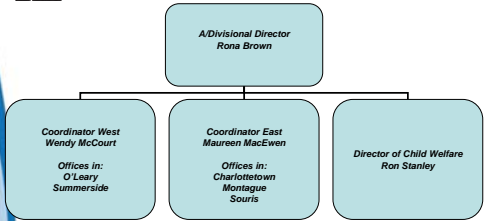
Feb '08

Mandate

Strengthen PEI's capacity to protect and care for children



Who we are . . .



```
graph TD; A["A/Divisional Director  
Rona Brown"] --- B["Coordinator West  
Wendy McCourt  
Offices in:  
O'Leary  
Summerside"]; A --- C["Coordinator East  
Maureen MacEwen  
Offices in:  
Charlottetown  
Montague  
Souris"]; A --- D["Director of Child Welfare  
Ron Stanley"]
```


Some Facts About Us . . .

- 87 foster homes
- 6 residential facilities
- 2 coordinators, 10 supervisors
- 5 offices
- Services provided 24/7 x 365
- Employ 50% of PEI Social Workers
- 4 pieces of legislation
- 300 Children in Care

Together we can . . .

- Strengthen our civic responsibility
- Become more informed
- Influence social policy
- Build safer communities
- Go forward in partnership

PEI Child Protection Act Review 2008



What is it all about ???



Its all about understanding that



Parents are the first protectors of their children



Child Protection Services are just one part of a protecting community



It is about working for the most important people on PEI

Our Children

Through:

- Family strengthening
- Protection
- Child care
- Permanency planning



It is about the vision of

Continually evolving PEI's capacity to Protect and Care for Children.



It is about fulfilling the intent of the law:

Whereas the rights of children, families and individuals are guaranteed by the rule of Law, intervention into the affairs of individuals and families should be governed by law so as to protect those rights and preserve the autonomy and integrity of the family wherever possible



It is all about service based on

Family centered practice with child centered outcomes





It is all about the
whole community

Working together to
protect children!



Moving Forward Together . . .

Thank You!



APPENDIX "I"

Hello Everyone,

My name is Amber Joseph and I am the Youth Representative for the Child Protection Act Committee.

In coming here today, I hope to spread some awareness of the rewards and challenges faced by children in care and also the importance of making their experiences as positive and informative as possible.

Coming into the system can be a scary process for children regardless of their age or environment in which they came from. There are many obstacles that these children are forced to face. Moving to a new home that is completely unfamiliar can be very confusing. There are not always answers to the questions these children may have which leaves them feeling confused and neglected. I believe that there are ways to communicate these changes to children of all ages. It would be helpful if the child could maintain a relationship with someone who was close to them before such a tragedy took place. This could be a friend or a guidance counselor who knew their situation. This would be someone who the child trusted. It is hard enough for the child to leave their home but coming into a situation where they don't know anyone can be frightening. Having familiar people in the child's life, even if it cannot be a parent, is important when faced with such an adjustment period.

A huge challenge for children in care often tends to be education. Because they are moved around, these children may be on the lower achieving end in school. A disadvantage that often takes place is that they may be expected to perform less as well as the other children because of their circumstances. What these children really need is to be shown that you cannot use your past experiences as a reason not to work hard. We need to show them that they can do it and treat them as we would other students.

A huge obstacle that children in care are faced with is being looked down upon or discriminated against because of their last name or the kind of family they come from. We see this happening all the time. We see it happening with own children's friends. We say "Her mother is an addict or her father is in prison. I don't want my child hanging out with her, she's bad news. But what are we teaching our children? What kind of adults will they become? We evaluate individuals on where they came from, who their parents are and often how much money they have. What we are forgetting is that as a society, it is our responsibility to care for and love all children. We can make a difference in a child's life by giving them a chance, by not looking down on them and taking a moment to care. I believe that sometimes in life we are forced to bear the penalties of action we are not responsible for and this is what many children in care have to live with.

I would like to say that it is because of many people that we are able to offer children a chance that normally would have not been available to them. Foster parents are a perfect example of this. It is because of them that these children have a place to call home. These children are worthy of a good life, one that promotes growth and learning with a support system that they can fall back on. These children are the future and as a community, we owe them a chance at something better.

APPENDIX “J”

PEI Child Protection Act - Review

Public Consultation Questions

Mandatory Intervention

- 1) What is your understanding of the purpose of the *Child Protection Act*?
- 2) What is your understanding of child welfare services available in your community?
- 3) Does the *Child Protection Act* provide an appropriate balance between privacy and the protection of children? If not, what if any, suggestions do you have?
- 4) What is working, not working, with the *Child Protection Act*?

Children, Youth & Families

- 5) What are the needs of children receiving protection services under the *Child Protection Act* (e.g. investigation, alternate arrangements, temporary care)?
- 6) Are there children and youth the *Child Protection Act* is not protecting? If so, tell us about them.
- 7) What do families need to care for and protect their children and youth?
- 8) What can we as a community do?

APPENDIX "K"



Social Services
and Seniors

Services sociaux
et Aînés



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

February 6, 2008

Dear Foster Parents:

Re: Invitation - Child Protection Act Review Consultation

On January 8, 2008 the Honourable Doug Currie, Minister of Social Services and Seniors announced that a review of Prince Edward Island's *Child Protection Act* is currently underway. The *PEI Child Protection Act* and regulations require the Minister to appoint an Advisory Committee to review the Act every three years. The aim of the review is to report on the operation and administration of the Act and to determine whether or not its principles and purposes are being achieved. The committee will provide a report to the Minister by the end of April 2008. This report will inform the Minister and enable government to consider the need for legislative and policy changes.

The *Child Protection Act* Review Advisory Committee will host consultations across the province in February / March 2008. These consultations are intended to assist the Committee in collecting information on how the Act is working for children, youth and families across the province. The consultations will be one of a number of ways that Islanders can provide input on the operation and administration of the *Child Protection Act*.

It is very important that the Advisory Committee obtains the views of Foster Parents within Prince Edward Island. **A consultation session specifically for Foster Parents will be held with members of the Advisory Committee on Thursday, February 21, 2008, 9 a.m. to 12:00 noon, Murchison Centre, 1719 St. Pius X Avenue (across from St Pius X church and behind the Irving on St Peter's Rd), Charlottetown.** To assist you in preparing for the consultation, we have enclosed a discussion paper that provides background information and guiding questions that will be used to seek your views at the consultation. Advisory Committee members encourage your participation and we look forward to seeing you on February 21st.

Written submissions are also welcome and can be sent to :

Child Protection Act Review Committee
c/o HRA
1 Harbourside, Charlottetown, PE C1A 8R4
Fax: (902) 626-2532 Email: cpareview@hra.ca

The deadline for written submissions is March 14, 2008. If you require more information please call (902) 368-5294 or 1-866-594-3777 or visit our website at www.gov.pe.ca/go/cpareview .

We look forward to meeting with you on February 21st!

Sincerely,

Patsy MacLean
Chairwoman

Enclosure: Discussion Paper - “Protecting Our Children and Youth: The PEI Child Protection Act”



Social Services
and Seniors

Services sociaux
et Aînés



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

February 6, 2008

Dear Community Partners in Protecting Island Children and Youth:

Re: Invitation to Attend Consultation - Child Protection Act Review

On January 8, 2008 the Honourable Doug Currie, Minister of Social Services and Seniors announced that a review of Prince Edward Island's *Child Protection Act* is currently underway. The *PEI Child Protection Act* and regulations require the Minister to appoint an Advisory Committee to review the Act every three years. The aim of the review is to report on the operation and administration of the Act and to determine whether or not its principles and purposes are being achieved. The committee will provide a report to the Minister by the end of April 2008. This report will inform the Minister and enable government to consider the need for legislative and policy changes.

The *Child Protection Act* Review Advisory Committee will host consultations across the province in February / March 2008. These consultations are intended to assist the Committee in collecting information on how the Act is working for children, youth and families across the province. The consultations will be one of a number of ways that Islanders can provide input on the operation and administration of the *Child Protection Act*.

It is very important that the Advisory Committee obtains the views of Community Partners involved in the protection of Island children and youth. **Consultation sessions specifically for Community Partners will be held with members of the Advisory Committee on:**

Thursday, February 21, 2008, 1:00 pm to 4:00 pm, Murchison Centre
Friday, March 7, 2008, 9:00 am to 12 noon, Murchison Centre
Friday, March 7, 2008, 1:00 pm to 4:00 pm, Murchison Centre

These consultations will all be held at the Murchison Centre which is located at 1719 St. Pius X Avenue (across from St Pius X church and behind the Irving on St Peter's Rd), Charlottetown.

To assist in preparing for the consultations, we have enclosed a discussion paper that provides background information and guiding questions that will be used to seek your views, or those of your designate(s) at the Community Partner consultations. You are also encouraged to please feel free to circulate this invitation to staff within your organization.

Written submissions are also welcome and can be sent to :

Child Protection Act Review Committee
c/o HRA
1 Harbourside, Charlottetown, PE C1A 8R4
Fax: (902) 626-2532 Email: cpareview@hra.ca

The deadline for written submissions is March 14, 2008. If you require more information please call (902) 368-5294 or 1-866-594-3777 or visit our website at www.gov.pe.ca/go/cpareview .

Thank you for your attention to this important review, and we look forward to meeting with you or your designate during our Community Partner consultations.

Sincerely,

Patsy MacLean
Chairwoman

Enclosure: Discussion Paper - “Protecting Our Children and Youth: The PEI Child Protection Act”

APPENDIX "L"

Partner Consultations

Who	When	Number of Attendees
FOSTER PARENTS Murchison Centre, Charlottetown	February 21, 2008 a.m.	19 people
COMMUNITY PARTNERS Murchison Centre, Charlottetown	February 21, 2008 p.m.	10 people
	March 7, 2008 a.m.	9 people
	March 7, 2008 p.m.	7 people

APPENDIX “M”

PEI Child Protection Act - Review

Partner Consultation Questions

- 1) What do you believe are the key issues from the perspective of the public?

- 2) What do you believe are the key issues from the perspective of those receiving child protection services?

- 3) What are the key issues for you as partners?

- 4) What information do you believe is important for the *Child Protection Act* Review Advisory Committee to have in order to prepare its' report to the Minister of Social Services and Seniors?

APPENDIX “N”

PEI *Child Protection Act* Review Youth in Care Consultation - Hosted by Youth in Care Network

1. Tell us about your experience in receiving services as youth who are in the care of the Director of Child Welfare. Are there aspects of being a youth in care that you would like us to consider in our review of the *Child Protection Act*?
2. What do you think is working well for youth who are in the care of the Director.
3. What could be improved?
4. What are your suggestions for change?

APPENDIX "P"

PEI Child Protection Act

Aboriginal Public Consultation

March 3, 2008

Agenda

Opening Prayer - Elder - Matilda Knockwood

- 2:00 p.m. Welcome by Chief Darlene Bernard, Lennox Island First Nations
- 2:10 p.m. Introductory Remarks
Patsy MacLean
Child Protection Act Review Advisory Committee
Chairperson
- 2:15 p.m. Panel Presentation
Protecting Our Children and Youth: The PEI *Child Protection Act*
Ron Stanley, Director of Child Welfare
Rona Brown, A/Director of Child and Family Services
Amber Joseph, Youth Representative
- 2:45 p.m. Instructions for Roundtable Discussions - (Patsy)
- 2:55p.m. Break out into Roundtable Groups (identify facilitators and recorders) - (Patsy)
- 3:00 p.m. Roundtable Discussions (60 minutes to discuss 9 questions - see facilitators guide - for approx. times for questions)
- 4:00 p.m. Reporting back 3 highlights to the large group - (Patsy)
- 4:20 p.m. Wrap up (Patsy)

Aboriginal Partner Consultation Questions

Mandatory Intervention:

- 1) *What is your understanding of the purpose of the Child Protection Act?*
- 2) *What is your understanding of child welfare services available in your community?*
- 3) *Are you aware that the Child Protection Act has specific provisions for aboriginal children and families?*
- 4) *Does the Child Protection Act provide an appropriate balance between privacy and the protection of children? If not, what if any, suggestions do you have?*
- 5) *What is working, not working, with the Child Protection Act?*

Children, Youth, & Families:

- 6) *What are the needs of aboriginal children receiving protection services under the Child Protection Act (e.g. investigation, alternate arrangements, temporary care)?*
- 7) *Are there children and youth the Child Protection Act is not protecting? If so, tell us about them.*
- 8) *What do families need to care for and protect their children and youth?*
- 9) *What can we as a community do?*

Public Consultation

for

First Nations & Aboriginal People Child Protection Act Review



When: March 03, 2008
2:00 pm to 4:00 pm

Where: Centre Belle-Alliance,
5 Avenue Maris Stella
Summerside

Refreshments Provided

Private Consultation Available If Required



Hosted by the Child Protection Act Advisory Committee
& Mi'kmaq Confederacy of Prince Edward Island

APPENDIX “Q”

PEI Child Protection Act

Aboriginal Youth Public Consultation

March 3, 2008

Agenda

5:00 pm – 5:30 pm	Supper - Pizza
5:30 pm – 5:50 pm	Introduction/Brief overview of the Child Protection Act
5:50 pm – 6:00 pm	Round Table Instructions
6:00 pm – 6:15 pm	Round Table Breakout
6:15 pm – 6:30 pm	Round Table – Change
6:30 pm – 6:45 pm	Round Table – Change
6:45 pm – 7:00 pm	Round Table – Change
7:00 pm – 7:15 pm	Wrap up

Round Table Breakout Sessions

Faciliator

Scribe

Table One – Blair	Lennox Island family support worker
Table Two – Abegweit	Jodie
Table Three – Ryan Knockwood	Marilyn Lefrank
Table Four – Lori St. Onge	TBA

Instructions: Separate youth into four groups and assign each group to a table. Each table will have a facilitator, a question, and a scribe to take notes. Each facilitator will have a treat to give the youth prior to the discussion.

PEI Child Protection Act

Aboriginal Youth Public Consultation

Questions

- 1) If a child has to be removed from their family and put into temporary care, aside from their basic needs of food, shelter & clothing what else has to be done for the child's well being?
- 2) The Child Protection Act is in place to ensure that children and youth are safe. Do you know of any children or youth in the community the Child Protection Act is not protecting?
- 3) What do you think your parents need to protect and keep your family safe?
- 4) What can the community do to help keep children and youth safe?

Attention All Youth

YOU
can make a
DIFFERENCE!!!

Please Join us for a
**Consultation for First Nations & Aboriginal Youth
of the Child Protection Act Review**

When: March 03, 2008,
5:00 pm to 6:00 pm - Pizza Party
6:00 pm to 8:00 pm - Consultation

Where: Centre Belle-Alliance,
5 Avenue Maris Stella,
Summerside



Transportation

To reserve your seat, please contact:
Blair Creelman - 831-2774
Ryan Knockwood - 626-2882

PIZZA PARTY



Surprise Gift
For Every Participant



Private Consultation Available if Required



Hosted by
The Child Protection Act Advisory Committee
& Mi'kmaq Confederacy of Prince Edward Island

APPENDIX “R”

Child Protection Act Review Child and Family Services Division Staff Consultation March 12, 2008 9:00 a.m. - Noon Murchison Centre

Agenda

- 9:00 Welcome - Deputy Minister Sharon Cameron
- 9:05 Opening Remarks - Minister Doug Currie
- 9:20 Overview of the agenda - Patsy
- Preparing staff for Small Group Discussion - Patsy
- Identify table groups
 - Review of consultation questions
 - Identify a recorder for note-taking and reporting back
- 9:30 Small Group Facilitated Discussion (2 questions - 20 min each)
- CFS Managers and Supervisors
 - CFS Staff
- 10:15 Nutrition break
- 10:30 Small Group Facilitated Discussion (2 questions - 20 min each)
- CFS Managers and Supervisors
 - CFS Staff
- 11:15 Reporting back to large group
- 3 highlights - 5 min
- 11:50 Closing remarks - Patsy

APPENDIX "S"

Group and Individual Consultations

Who	When	Number of Attendees
Department of Education		
Eastern School District Principals and School Counsellors	December 6, 2007	95 people
Eastern School District Student Services Team	January 23, 2008	
East Wiltshire Intermediate MAST Team	February 12, 2008	
Western School Board School Counsellors	February 20, 2008	
Department of Health		
Community Mental Health, Richmond Centre	March 13, 2008	7 people
Prince County Hospital, Queen Elizabeth Hospital & Risk Management	March 19, 2008	7 people
Adult Protection	April 16, 2008	2 people
Office of the Attorney General		
Office of the Attorney General - C & CS Senior Management Team/Victim's Services	February 20, 2008	11 people
Department of Social Services & Seniors		
Office of the Attorney General - C & CS Senior Management Team/Victim's Services	February 20, 2008	11 people
Child and Family Services Staff	March 26, 2008 March 28, 2008	3 people
Department of Social Services & Seniors - Income Support	May 16, 2008	6 people
Other		
Mediation PEI	February 27, 2008	9 people

Holland College Human Services Class	March 7, 2008	20 people
Client Consultations	February 26, 2008 March 19, 2008 March 26, 2008 March 28, 2008 April 1, 2008	2 individual consultations 1 individual consultation 1 individual consultation 2 individual consultations 1 individual consultation

Appendix 'T' - HOUSE STATEMENT - *Child Protection Act Review*

Presented by Hon. Doug Currie, Minister of Social Services and Seniors to the Legislative Assembly of Prince Edward Island, May 2, 2008

Madam Speaker, last October I appointed an advisory committee to carry out a review of PEI's *Child Protection Act*. Representation on the Advisory Committee is defined in the *Child Protection Act* and regulations. The act, proclaimed in 2003, established a mandatory review every three years. Protecting vulnerable children and youth is the civic responsibility of all Islanders. Reviewing the *Child Protection Act* was a priority for our government when we were elected. This is the first time that this legislation has been taken to the public for their input.

We believe that the protection of children is a shared civic responsibility, a responsibility shared by family, community and government, and we shared that message with our partners and the community. Over the past few months the advisory committee has been consulting with children, youth, parents, family members, grandparents, foster parents, teachers, social workers, police, medical personnel, justice representatives, community organizations, and service providers.

From the onset, the advisory committee was committed to creating a safe, respectful, and comfortable atmosphere that allowed individuals to share their views regarding the *Child Protection Act*. Each consultation began with introductory remarks from the advisory committee chairperson, Patsy MacLean. Following that, our director of Child and Family Services, Rona Brown, provided a brief overview of our department and the importance of working together to protect children. The director of Child Welfare, Ron Stanley, then provided a presentation entitled Protecting our Children

and Youth: The PEI *Child Protection Act*.

The panel presentation closed with a powerful address by an advisory committee youth member, Amber Joseph. Participants were then asked to break into small groups to discuss questions specific to the legislation. Each small group then reported back to the large group with three highlights from their discussion. Consultations averaged about two hours and over 120 people attended the five public events held across the province in O'Leary, Summerside, Charlottetown, Montague, and Souris. A bilingual simultaneous translation service was made available to the Summerside public consultation.

The PEI *Child Protection Act* recognizes the unique cultural impacts of our Aboriginal children and youth, and Aboriginal representation on the advisory committee is a legal requirement according to the regulations. To ensure an inclusive consultation with our Aboriginal community of PEI, in partnership with the advisory committee, the PEI Mi'kmaq Confederacy for First Nations and Aboriginal Peoples hosted and facilitated two provincial Aboriginal consultations: one for the Aboriginal public and one for Aboriginal children and youth. We also received a written submission from the PEI Native Council. These consultations were very successful. In addition to the panel and small group format used across the province, the Aboriginal consultations incorporated aspects of Aboriginal culture and facilitation including a drumming ceremony, and an opening and closing prayer by an elder of the aboriginal community. The response was overwhelming, especially with our Aboriginal children and youth. Over 45 young people travelled from points

across this province to participate. In addition to public consultations, the advisory committee invited over 120 community partners to attend one of the three half-day stakeholder consultations. These consultations followed the same panel presentation and small group discussion format.

Protecting children requires that all government services work together. Interdepartmental partnership and cooperation is paramount in our services to Island children and their families, and this is a priority with our government.

This collaborative approach was strongly endorsed by the advisory committee, and as such, several consultations were conducted with colleagues from the Office of the Attorney General, Department of Health, Department of Education, and Department of Social Services and Seniors. Stakeholder participants contributed significantly to this consultative process and I would like to take this opportunity to thank them for their contribution.

There was consensus by the advisory committee that it would also be important to gain insight from our child protection staff. These are the frontline service providers who work with the legislation each and every day. It was so very important to their views directly with respect to program and service delivery as it relates to the act. The advisory committee also wanted to ensure that there were safe ways for Islanders to participate. To this end the advisory committee arranged one-on-one private consultations with individuals directly impacted by the *Child Protection Act*. The advisory committee commends all those individuals and family members who came forward to share their experiences in an effort to help others.

There was also the opportunity for Islanders to send written submissions by e-mail or mail.

The work of the advisory committee is just now coming to a close. In fact, the work of the advisory committee has had to be extended due to the overwhelming response of Islanders wanting to participate in this review. In total, approximately 500 Islanders participated in this inclusive review process, and in doing so Islanders have clearly affirmed that protecting children is a civic responsibility and the community wants to be involved.

I've been advised that feedback from participant evaluations has been extremely positive. Overall, Islanders have expressed satisfaction with the information provided at the sessions, the openness and the respectfulness of the forum used to facilitate discussion, and the opportunity to provide input to the process. One of the most consistent aspects of the evaluations was that people appreciated the small group discussion format which allowed everyone to have an opportunity to express their views. An example of some of the comments received included: I found the informal session very positive and open; great opportunity to hear and validate our perspectives; will look forward to results and next steps, thanks for the opportunity.

I would like to take this opportunity to thank all Islanders: youth, parents, family members, grandparents, foster parents, First Nation and Aboriginal community members, staff, service providers, and those personally impacted by the *Child Protection Act*, who took the time to participate and contribute their experiences, thoughts, suggestions, and wisdom on how we can enhance services to children and youth on PEI through the principles and administration of PEI's *Child*

Protection Act. I especially want to thank the members of the advisory committee for their diligent and methodical attention to detail and process. The advisory committee recognized the extreme sensitivity of child protection services and impacts on families. They were diligent in their efforts to create comprehensive, open, safe, respectful, and inclusive opportunities so that the voices of Islanders could be heard throughout the important legislative review process. Protecting children and youth is the civic responsibility of every Islander. Our government looks forward to hearing the themes of this consultation. Advisory committee members are now finalizing their report which I expect to receive in June. Thank you very much, Madam Speaker.

Appendix "U"



Child Protection Act Review Consultation Evaluation

Please take a moment to tell us about this session by answering the following.

1. Please rate your satisfaction with ...

	Poor				Excellent
Promotion of sessions	1	2	3	4	5
Information provided	1	2	3	4	5
Opportunity to give input	1	2	3	4	5

2. Please tell us how you heard about this session.

3. The part I found most helpful was:

4. The part I found least helpful was:

5. Please list your suggestions or comments:

Please use the other side for any additional comments. Thank you!

The Child Protection Act Review Advisory Committee



Social Services
and Seniors

Appendix “V” - Media Reports

Taking the lead in improving the child protection process

The Journal Pioneer, 19 February, 2008



Brittany Gilbert of Albany, a youth representative on the provincial advisory committee reviewing the Child Protection Act, hopes to help improve the system for other young people in care.

SUMMERSIDE – Brittany Gilbert discovered she had a voice in foster care. She started singing. Got diagnosed with ADHD. And improved her grades.

“I probably wouldn’t have been as good of a kid if I wasn’t in foster care,” admits the 17-year-old.

And now she’s hoping to improve the system as a youth representative on the provincial advisory committee reviewing the Child Protection Act.

“Children in care are really the ones that deal with it the most,” Gilbert said during an interview on her lunch hour at Three Oaks Senior High in Summerside. “It all revolves around them.”

Gilbert went into foster care at age nine and now lives with Patsy and Brian Arsenault of Albany.

Her experiences and discussions with other young people underline the importance of consistency. Gilbert explained teens in care have expressed the importance of staying in one home if it’s working well. She also believes youths in permanent care should have one social worker.

She’s had five in seven years.

“You get one social worker, earn their trust, tell them everything and then they go away and you have to do the whole process over again.”

Gilbert has changed families several times but had wanted change. She credits workers for looking into family situations that aren’t working. But she added young people sometimes get moved when they’re happy.

“It’s heartbreaking for them.”

Gilbert also described some procedures and rules as “annoying” – even downright embarrassing. Buying clothes with government vouchers can draw unwanted attention if the cashier doesn’t know how to handle them and requests help on the store PA.

“Then it’s public that this is a foster kid,” Gilbert said, explaining gift cards have been suggested as one alternative.

As a foster child, she must also inform her social worker of outings other than those with family or related to school. She needs her social worker (not her family) to sign permission slips. And if she stays overnight at a friend’s house, she has to make sure her social worker knows and there’s a criminal record check done.

“You can’t just one night say, ‘I want to sleep over at my friend’s house.’ You have to make plans like two weeks ahead.”

She recognizes rules offer protection but thinks some could be more flexible. For example, perhaps only new friends – not lifelong ones – need criminal record checks.

Gilbert hopes her participation with the advisory committee will bring such issues to light and ensure the voice of young people is heard.

She doesn’t plan to stop there. Now maintaining an average in the 80s, she hopes to have a career as a youth worker.

“I just want to help other kids that are like me,” she said.

Too many kids falling through the cracks, committee told

Tuesday, February 26, 2008 | 5:07 PM AT CBC News

CHARLOTTETOWN - A committee looking at reforming P.E.I.'s Child Protection Act heard Monday evening that there are too many Island children that the act is not helping.

About 25 people showed up at Charlottetown's Colonel Grey High school for the public meeting, including worried parents and people who work with youth. It was second in series of public forums put on by an advisory committee to the province.

One mother said her teenage daughter is verbally abusive and out of control. She has been trying for a year and a half to get help, but she's being told because the act doesn't apply to children over 16 there's nothing anyone can do.

"The gap there is that we need the help now because if we don't have control, they're going to start using drugs or alcohol," she said.

"They will be abused or they will start abusing."

Windsor White, principal of the East Wiltshire Jr. High in Cornwall, said it is often too difficult to find the right resources for children.

"We have a situation where a student is refusing to go home, and here we are in the school system — perhaps at three o'clock or 3:10 on a Friday afternoon — trying to figure out what we're going to do with the student," said White.

For John Macmillan, manager of adolescent services for P.E.I., the difficulty is the act can't be used to help kids who are putting themselves in dangerous situations.

"It could be drugs, it could be alcohol, could be promiscuity. And they need our protection," said Macmillan.

There will be several more public forums held in various locations across the Island, after which the advisory committee is expected to give its recommendations to the government at the end of April.