



<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	Program	Child Protection	
	Subject	Changes of Legal Status Meetings	Policy # 1.12
Effective Date: July 5, 2010		Authorized by: Craig Dalton	
Revised Date: November 23, 2017		Deputy Minister	

1.0 PURPOSE

1.1 A Change of Legal Status meeting is held in all situations where a child has been found in need of protection from parental harm and where a change to the legal status of custody and guardianship for the child may be required as a child safety mitigation measure.

2.0 POLICY STATEMENT

2.1 Children are entitled to be protected from abuse and neglect. Decisions impacting the legal status of a child are significant and require a high level of scrutiny.

2.2 Delegated child protection social workers are authorized to make decisions respecting the legal status of a child under the *Child Protection Act*.

2.3 Change of Legal Status Meetings are required for all decisions to:

- make a court application;
- extend a court application;
- terminate, alter, or allow a court order to expire;
- return an apprehended child without making a court application; or,
- enter into, renew, terminate or allow a Voluntary Agreement for Temporary Custody and Guardianship to expire.

2.4 Responsibility for all risk mitigation decisions made during a Change of Legal Status Meeting involving a child’s legal custody and guardianship status remains with social workers and supervisors attending the Change of Legal Status meeting. Social workers may request input from Legal Counsel to assist in making informed decisions regarding court applications.

2.5 Change of Legal Status Meetings will have a minimum of two child protection supervisors in attendance, one of whom will be the resource supervisor.

3.0 PROCEDURES

- 3.1 Upon determination that a Change of Legal Status Meeting is required, the social worker and/or supervisor will make arrangements to organize the meeting. Where the social worker is in an acting supervisor capacity, another supervisor will be asked to attend the Change of Legal Status Meeting. Where the resource supervisor is unavailable, a senior resource social worker may be asked to attend.
- 3.2 The social worker and supervisor may request other child protection staff attend the Change of Legal Status Meeting.
- 3.3 In emergency situations or during After Hours Emergency Child Protection Services, the Change of Legal Status Meeting will be arranged for the following business day.
- 3.4 A Change of Legal Status Meeting will be held as soon as case plan direction and evidence warrants a decision regarding the child's legal status. A Change of Legal Status Meeting is required minimally ten (10) business days prior to the expiration of a Voluntary Agreement for Temporary Custody and Guardianship or a court order. When a court application is required, consideration should be given to time required to complete the affidavit(s) when determining when to hold the Change of Legal Status Meeting.
- 3.5 The social worker and/or supervisor will review the file and ensure relevant file information is prepared, to include:
 - a summary of the file history;
 - length of service provision;
 - progress on open services; and,
 - current child protection concerns.

When a child has previously been in the legal custody and guardianship of the province, this information must include the amount of time the child has spent in the custody and guardianship of the province both by voluntary agreement and by court order. The social worker is responsible for obtaining relevant and appropriate updates from service providers prior to the meeting.

- 3.6 Where the child has been in the custody and guardianship of the province beyond the time lines as defined by the *Child Protection Act* and an extension is being requested, or in other exceptional circumstances, the Director of Child Protection and the Provincial Coordinator of Child Protection Services will be consulted prior to the meeting.
- 3.7 The social worker and/or supervisor will chair the Change of Legal Status Meeting, present a verbal summary of the file information, and identify the reason for the meeting. If the child is currently in the legal custody and guardianship of the province, the child's social worker will provide an update of the placement and progress with the plan of care, including the child's views.

- 3.8 The resource supervisor will provide information on placement options based on availability and suitability to the child’s needs, and will provide coordination for placement decisions and services.
- 3.9 In situations where a decision cannot be determined, the Change of Legal Status Meeting will resume when relevant information is gathered. When needed, the Provincial Coordinator of Child Protection Services may be consulted.
- 3.10 The social worker is responsible for carrying out the decision made at the Change of Legal Status Meeting. Where new information is obtained resulting in a different response, a subsequent Change of Legal Status Meeting must be held as soon as possible to record the new information and decision. When possible, the same participants should attend. Where applicable, other service providers, including Legal Services, must be advised of the new information and decision.
- 3.11 All Change of Legal Status Meetings will be recorded on the Change of Legal Status Meeting form and signed by the social worker, both supervisors, and recorder. The document must be reviewed for accuracy and completed within three (3) business days.

4.0 REFERENCES

After Hours Emergency Child Protection Service 1.11
Apprehension 1.9
Voluntary Agreement for Temporary Custody and Guardianship 1.7

HISTORY:

February 1, 2013 - Editorial and format changes
July 18, 2013- Editorial and format change
November 23, 2017 - Editorial and format changes; clarification on roles and responsibilities