

<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	<b>Program</b>	<b>Child Protection</b>	
	<b>Subject</b>	<b>Record Disclosure Process for Director of Child Protection Initiated Court Applications and Proceedings</b>	<b>Policy # 1.16</b>
<b>Effective Date: February 23, 2017</b>		<b>Authorized by:</b>	
<b>Revised Date:</b>		<b>Deputy Minister</b>	

## 1.0 PURPOSE

- 1.1 To provide direction for the record disclosure process in Director of Child Protection initiated court applications and proceedings made under the *Child Protection Act*.

## 2.0 POLICY STATEMENT

- 2.1 The Director of Child Protection is responsible to keep records of all information obtained pursuant to the *Child Protection Act & Regulations* and to ensure full and complete disclosure of records, as required, for court applications and proceedings.
- 2.2 Information obtained in the provision of child protection services is confidential and may be shared only as authorized by the *Child Protection Act & Regulations* and the *Freedom of Information and Protection of Privacy Act (FOIPP)*.
- 2.3 Upon request for disclosure of information contained in a record obtained pursuant to the *Child Protection Act*, full and complete disclosure of the record, as required, is provided in a timely manner. The only information to be redacted is solicitor client privilege, the identity of the report source, and any information that may lead to the identity of a report source.
- 2.4 The record includes hard copy and electronic documentation and residential / foster care child in care log books.

## 3.0 PROCEDURES

- 3.1 No trial date will be set by the court until the disclosed record is completed and provided to Legal Services, unless it has been confirmed that disclosure is not required. Record disclosure is expected for all applications for a permanent order.

- 3.2 The social worker, in consultation with the supervisor, will contact the disclosure specialist directly to request a full and complete disclosure of a child protection record.
- 3.3 The social worker will provide the disclosure specialist with the following information to include, but not limited to:
- Parents' names
  - Parents' Personal Health Number (PHN)
  - Children's name
  - Children's PHN
  - Date disclosure required
  - Name of Legal Counsel to receive copy of the record
- 3.4 Upon receipt of the request, the disclosure specialist will establish a disclosure end date for all record information to be entered and completed on the file. This date will be provided to the child protection staff, the supervisor, and the Director of Child Protection by email.
- 3.5 The redacting process will not be initiated until all documentation is complete.
- 3.6 It is the responsibility of child protection staff to ensure full and complete documentation is forwarded to the disclosure specialist no later than the confirmed disclosure end date.
- 3.7 In the event the disclosure request can not be completed within the required time line, the disclosure specialist will notify, by email, the social worker, the supervisor, and the Director of Child Protection to allow sufficient time for an alternative arrangement to be made.
- 3.8 Upon completion, the disclosure specialist will deliver the redacted record document to legal counsel for the Director of Child Protection.
- 3.9 The Director of Child Protection will document the disclosure on the record.
- 3.10 A copy of the redacted record document will be retained in the file management location for two years and then destroyed.

#### **4.0 REFERENCES**

Documentation Policy 1.3

*Freedom of Information and Protection Privacy Act (FOIPP)*

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#### **HISTORY:**