



CHILD PROTECTION ACT REVIEW

Advisory Committee Report
November, 2016



Child Protection is Everyone's Responsibility

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EXECUTIVE SUMMARY

Background

The primary purpose of the Prince Edward Island *Child Protection Act* (“the Act”) is to protect children from parental harm due to abuse and neglect within the context of particular provisions of the Act and considering the best interests of the child. To ensure that the *Child Protection Act* remains responsive to the needs of children, the legislation contemplates a review process every five years. 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 five 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, fifteen members were appointed to the Advisory Committee in November 2015. The 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 the public, community partners, government partners, service providers, youth, family members, foster parents and others.

Methodology

To fulfill its functions, the Advisory Committee engaged in a comprehensive consultation process. From the outset, the Advisory Committee was committed to creating a respectful atmosphere that allowed individuals to share their views regarding the *Child Protection Act*. During the consultation 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;
- attendance at a partner consultation (if applicable);
- by forwarding a written submission using on-line guiding questions, by email 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.

Six (6) public consultations were held across Prince Edward Island between February and May, 2016. Each consultation was approximately two hours in duration and thirty-eight (38) people attended the six public consultations held across the province in O’Leary, Summerside,

Charlottetown, Montague, Souris and Hunter River. A simultaneous translation service in French was made available at the Summerside consultation.

To provide an opportunity for service providers and interested community partners to participate in the review process, the Advisory Committee organized distinct consultations for the following groups:

- Legal Services, Legal Aid and Crown Attorneys
- Police Services
- Foster Parents
- Community Service Providers
- Provincial, Supreme and Appeal Court Judiciary
- Grandparents Group (East Prince Seniors Initiative)

Each partner consultation was approximately two hours in duration and a total of one hundred and ten (110) participants attended the community partner consultations including foster parents, teachers, social workers, counsellors, police officers, medical and health care personnel, various community organizations and service providers.

In addition to stakeholder consultations, the Advisory Committee also held distinct consultations for Youth, Child and Family Services Staff and Aboriginal Communities. Youth consultations were attended by twenty-six (26) youth, Child and Family Services Staff consultations were attended by eighty (80) staff and consultations with Aboriginal Communities were attended by fifty-three (53) individuals.

An important aspect of the consultations was the confidential meetings Advisory Committee members had with people individually impacted by the child protection system. A number of parents, family members and grandparents participated in this process through private and confidential meetings with members of the Advisory Committee. A total of seven (7) private consultations with eight (8) participants and three (3) private group requests with twenty-one (21) participants were conducted.

Numerous individuals and groups provided input to the Advisory Committee through written submissions. A total of nineteen (19) written submissions were received from a wide range of Islanders including people working within education and justice systems, health care providers, community partners, social workers, members of the judiciary, not for profit, community organizations and family members.

Themes

Prince Edward Islanders attending public, private, community and service provider consultations and through written submissions clearly stated that in order to positively address the root causes of parental harm and neglect of children, Islanders must view the protection of children and the promotion of healthy child and family development and well-being as everyone's responsibility. This shared responsibility involves families, communities and government. Comprehensive and integrated approaches involving families, communities and government are critical but currently, such approaches are lacking.

The purpose of the *Child Protection Act* is to protect children from parental harm and neglect; however, the Advisory Committee consistently heard concerns that this legislated mandate is approached narrowly. As a result of a narrow interpretation and/or application of the *Act*, there is a reactionary approach to child protection rather than a preventative approach focused on fostering the wellbeing of children and families, and this is creating significant gaps in the protection of children. In this regard, the Advisory Committee identified a number of themes related to public policy development and service delivery:

A. Themes - Public Policy

With respect to the development of public policy, the Advisory Committee heard that there is a need for:

- Social policy framework within PEI to promote and support healthy child and family development and well-being, inclusive of Indigenous children and families, aimed at the collective responsibility of government, families and communities to protect children from parental harm **and** promote and support healthy child and family development and well-being;
- Collaborative approaches to integrated programming delivered horizontally across government departments and in partnership with families and communities;
- Social policy framework to protect children and promote healthy child and family development and well-being that aligns with provincial poverty reduction strategy;
- Social policy framework to protect children and promote healthy child and family development and well-being that aligns with population health based approach to mental health and addictions programming;
- Effective child protection services interventions based upon structured decision-making processes and evidence;
- Effective mechanisms for data collection to support the measurement of outcomes;
- Effective mechanisms to represent the voice and interests of the child(ren);
- Additional staffing resources to support "children in need of protection";

- Additional staffing resources for a broader child welfare system which also focuses on “children in need” and “high needs children and youth”;
- Child death and serious injury review process and a domestic homicide review process.

B. Themes - Service Delivery

The Advisory Committee heard that improvements in the delivery of child protection services is required in the following areas:

- Interpretation and application of the scope of the *Child Protection Act*;
- Key factors in effectively resolving child protection disputes
 - Standard and burden of proof
 - Evidentiary burden and hearsay
 - Access to legal representation
 - Other child protection court models, alternative dispute resolution processes;
- Partner and service provider collaboration, including mechanisms for timely sharing of information important to the best interest of the child, and respectful of all parties
- Living arrangements for children involved with child protection services
 - Least intrusive approaches and safety plans
 - Kinship placements
 - Foster care
 - Group homes;
- Extended services for children beyond 18 years of age;
- Child protection services interventions;
- Enhanced public awareness of child protection issues;
- Enhanced cultural sensitivity and cultural competency;
- Child protection services and internal processes;
- Relationships between children and child protection social workers;
- Children receiving child protection services maintaining contact with family members;
- Interface of *Child Protection Act* processes and civil custody and access processes;
- Fathers and mothers and the child protection system and the risk of unfair bias and prejudices;

C. Themes – Aboriginal Engagement

The *Child Protection Act* recognizes the unique cultural heritage of the First Nations and Aboriginal individuals. To ensure an inclusive engagement with PEI’s First Nations and Aboriginal community, the Advisory Committee organized engagement sessions on the Abegweit First Nations Reserve in Scotchfort and on the Lennox Island First Nations Reserve in Lennox Island. At each of these locations, time was allocated for engagement sessions with community service providers, Aboriginal youth and Aboriginal community members. A total of

fifty-three (53) people participated in these engagement sessions. An invitation was also extended to Aboriginal people living off Reserve to either attend the sessions held on Reserve, or alternatively, at a meeting to be held at a later date at the Native Council of PEI. Given the distinct experience of Aboriginal Communities in PEI with Child Protection Services, the feedback from the Aboriginal Engagement was themed separately from the remainder of the data collected in the consultation process. The primary themes arising from the engagement with PEI First Nations and Aboriginal individuals were:

- Child Protection Services building trusting relationships with Aboriginal Communities;
- Improved cultural sensitivity and awareness within Child Protection Services and the approach to investigations within Aboriginal Communities;
- A need to close gaps in services for children and families living off-reserve;
- Improved collaboration and information sharing amongst services providers;
- Enhanced programming and support for Aboriginal children in care; and
- Enhanced programming for Aboriginal parents involved with Child Protection Services.

Recommendations

To address issues of concern raised during the review process with respect to the operation and administration of the *Child Protection Act* and concerning whether the principles and purposes of this *Act* are being achieved, the Advisory Committee developed sixty-six (66) recommendations under two broad categories; namely, public policy recommendations and service delivery recommendations.

A. Public Policy Recommendations

With respect to public policy issues, the Advisory Committee's overarching recommendation is that Government adopt a social policy framework for the promotion of healthy child and family development and wellbeing and the protection of children from parental harm, supported by implementation of a three-year action plan overseen by a senior leadership group comprised of Deputy Ministers, senior officials, and community members. A critical component of the framework is enhanced collaboration and communication across government departments, supporting integrated programming delivered horizontally amongst and across departments, and aligning with a comprehensive poverty reduction strategy and a population health based approach to mental health and addictions programming. Other enabling public policy recommendations include implementing and continuing parent education and support programming, establishing effective child protection services interventions grounded in evidence and structured decision making processes, establishing mechanisms – including electronic collection systems – for effective data collection and measurement of outcomes, establishing mechanisms which represent the voice and interests of children to enable children

to authentically participate in matters that affect them, and providing additional staffing resources to effectively support “children in need of protection”, in addition to “children in need” and “high needs children and youth”. To learn from the most unfortunate cases where children are seriously injured or die the establishment of a child death and serious injury review process and a domestic homicide review is recommended.

B. Service Delivery Recommendations

With respect to service delivery, the Advisory Committee makes recommendations which can be grouped under the following general areas: 1) refinement and development of policies, procedures and partnerships, 2) undertaking of jurisdictional scans and reviews, 3) proposed legislative amendments, and 4) implementation of appropriate resources.

1) Policies, Procedures and Partnerships

The Advisory Committee recommends the development of information sharing policies and procedures to support collaborative approaches and the shared responsibility for the protection of children from parental harm. There is a need to effectively balance the legislative requirement for confidentiality and the need for information sharing with service providers, foster parents, community partners and police services. The Advisory Committee recommends policies and procedures for improved communication and enhanced relationships with service providers, foster families, community partners, and police services. Policies and procedures regarding collaborative approaches to developing plans of care for children receiving child protection services as well as addressing the medical needs of children are recommended.

In the context of group homes, the Advisory Committee recommends implementing a trauma-informed approach to group care and the development of province-wide group home rules to support consistency of group care. The Advisory Committee makes further recommendations for the delivery of services for children sixteen (16) to eighteen (18) years old, including the development of life skills programming for children living in group homes to ease their transition into adulthood.

Further recommendations relate to enhancing cultural sensitivity and cultural competency with respect to Indigenous people living on PEI and the growing population of Newcomers in PEI. Other specific recommendations with respect to policies and procedures relate to improving the quality of child protection services provided to children and families, for example, the process for obtaining authorizations for children in care and the location of meetings between children and child protection social workers.

2) Jurisdictional Scans and Practice Reviews

In certain areas, in advance of making specific recommendations, the Advisory Committee recommends practice reviews and jurisdictional scans be conducted (beyond the scope of this Review) to gather more information on various potential legislative and practice options before determining the most appropriate approach in Prince Edward Island. Some examples include a jurisdictional scan regarding the standard of proof and the evidentiary burden upon the Director of Child Protection and how hearsay is addressed in child protection matters. It will also be important to review certain definitions such as “best interests of the child”, “neglect”, “emotional harm”, “substantial risk of harm” and “parent”.

Other jurisdictional scans involve the supports available for least intrusive arrangements in other jurisdictions. How are other jurisdictions supporting extended services to children beyond the age of eighteen (18)? What models of courts and court services as well as alternative dispute mechanisms exist to address child protection matters in other jurisdictions? What is the most appropriate model for the PEI context? What are the sources for delay that may be impacting the ability to meet timelines under the *Child Protection Act* including timely Court decisions involving children in the care of the Director of Child Protection? What legal supports are available to care givers of children receiving child protection services and others involved in least intrusive arrangements in other jurisdictions? What internal policies and procedures are in place to mitigate gender bias or prejudices in the delivery of child protection services?

3) Legislative Amendments

The Advisory Committee indicates that amendments to the *Child Protection Act* and other legislation are needed. Specifically, there is a need for greater clarity regarding the appropriate balance between parental rights and preservation of the family unit and the best interests of the children including timely resolutions. Providing discretion to the Court to waive consent of one party/parties to combine protection and disposition hearings to enable more timely decisions is also recommended. There may be a need to specifically provide for notification to the Director of Child Protection in proceedings under the *Victims of Family Violence Act*. The Advisory Committee also recommends that consideration be given to moving to open court hearings for child protection matters, subject to publication bans. The outcome of the recommended jurisdictional scans and practice reviews shall give rise to proposed legislative amendments as well.

4) Resources

The Advisory Committee identified a number of areas that will require an investment of resources. Additional resources directed to caregivers caring for children under least intrusive arrangements are needed, including financial, child care, medical, dental, optical and respite support. Children receiving child protection services require increased contact time with front

line child protection staff to build important trusting relationships. The Advisory Committee recommends transitional support and housing for children preparing to exit the child protection services system. Expedited kinship placement assessments are recommended to support timely and appropriate placement of children. Enhanced training and professional development opportunities are also recommended for child protection staff in specific areas, including family violence and the application of rules of evidence.

Foster families provide a vital service to children receiving protection services and the Advisory Committee recommends that Child Protection Services work collaboratively with the Prince Edward Island Federation of Foster Families to discuss improvements to supports for foster families and mechanisms to improve communication and support respectful relationships amongst child protection staff and foster parents.

C. Recommendation Arising from Aboriginal Engagement

With respect to the themes arising from the Aboriginal engagement, the Advisory Committee makes an overarching recommendation respecting the jurisdictions of the Government of PEI and the Mi'kmaq First Nations Government: the establishment of a forum comprised of senior provincial government representatives and First Nation and Aboriginal leaders for the development of specific recommendations to address the themes arising from the Aboriginal engagement and that these recommendations be informed by the Child Welfare Recommendations of the Truth and Reconciliation Commission of Canada 2015.

The Executive Summary highlights a brief number of the recommendations proposed by the Advisory Committee. Due to the comprehensive and integrated nature of the recommendations the reader is encouraged to review the sixty-six (66) recommendations in their entirety to gain a full appreciation of the breadth and depth of the recommendations of the Advisory Committee Report herein.

Acknowledgements

Child abuse and neglect are complex issues and child protection is everyone's responsibility. One professional service provider group taking on a significant share of the responsibility for child protection work in PEI is child protection social workers. Every day, child protection social workers work diligently to ensure that children are safe from parental harm and neglect. Child protection social workers also play an important role in the lives of children in care acting as supports and as role models. Throughout the consultations, the Advisory Committee heard many participants recognize child protection social workers, their hard work and their dedication to the children and families with whom they work.

In addition to positive comments about child protection social workers, by virtue of its purpose, the present review of the *Child Protection Act* attracted many comments on the perceptions of

gaps, limitations and failings of the child protection system. The gaps, limitations and failings identified throughout the consultation phase of the review represent systemic issues. The Advisory Committee notes that the gaps, limitations and failings identified are not with respect to individual child protection social workers or child protection social workers as a group. Overall, the Advisory Committee heard significant appreciation for the difficult work undertaken by child protection social workers. The current gaps in the child protection system were identified predominantly because of the way the system is currently configured and mandated to deliver services.

Child Protection Services operates within the Division of Child and Family Services within the Department of Family and Human Services. There is a prevailing view that Child Protection Services presently operate without important early intervention and preventative services. For the most part the responsibility for child protection, safety and well-being, supports and services, has not been integrated across government departments or with community services and partners. Resources, structures and policies have not been put in place to support such integration. The Advisory Committee is confident that the implementation of the recommendations put forward in this report will facilitate the integration of responsibility for child protection, safety and well-being across government departments and within the community and that the implementation of the recommendations will provide a solid foundation to ensure child protection and family wellbeing in PEI.

INTRODUCTION

The primary purpose of the Prince Edward Island *Child Protection Act* (“the Act”) is to protect children from parental harm due to abuse and neglect within the context of particular provisions of the Act and considering the best interests of the child. To ensure that the *Child Protection Act* remains responsive to the needs of children, the legislation contemplates a review process every five (5) years. 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 five 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(1) of the *Child Protection Act*, Regulations prescribes the membership of the Advisory Committee:

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

(a) the Director of Child Protection or an employee of the Department nominated by the Director;

(b) five employees of the Department who are knowledgeable about child protection 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 protection services;

(f) two persons who have demonstrated an informed concern for the best interests 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.

In accordance with section 58(1) of the Act and section 15(1) of the Regulations, the Minister of Family and Human Services, Honourable Doug Currie (as he was at the applicable time), appointed members to the Advisory Committee by letter on November 12th, 2015 (Appendix “1”). The advisory committee appointed by the Honourable Doug Currie constituted the following individuals:

- Wendy McCourt, Director of Child Protection, Department of Family and Human Services
- Rona Smith, Director of Child and Family Services, Department of Family and Human Services
- Katrina Anderson, Maureen MacEwen, Sally Ripley and Joyce Robertson, Child Protection Services, Department of Family and Human Services
- Leslie Collins, Legal Aid
- David Larter, Departmental Solicitor, Justice and Public Safety
- Danny Phalen, Victoria Pineau and Taylor Wilson, youth representatives
- Tammy Arsenault, First Nations-Aboriginal Representative
- Dr. Philip Smith, University of Prince Edward Island
- Dr. Heather Morrison, Chief Public Health Officer, Department of Health and Wellness
- Patsy MacLean, HR Atlantic, Chairperson

The Advisory Committee members convened their first meeting on November 17, 2015 to review the Committee mandate as defined by section 58 of the *Child Protection Act*:

... to review, every five 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.

To fulfill its mandate, the Advisory Committee engaged in a number of processes and activities. These are described in further detail in the Methodology section.

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 Dependent 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 Director of Child Welfare 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 Director of Child Welfare and the RHA's 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 parental harm 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 Family and Human Services staff in the Child and Family Division, 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 from parental harm. 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 protection services must be delivered in ways that ensure the best interests of the child, and following the least intrusive approach to service delivery.

Child protection 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 legal capacity to protect children. Children have the same basic rights and freedoms as other citizens, but due to their vulnerability, children require special attention to maintain those rights and freedoms.

Child protection services are to be delivered in a timely and age-appropriate manner. Children develop and change quickly, especially younger children. Also, children experience time differently than 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 protection services, to ensure that these activities will be carried out in an efficient way, creating the least interference in the child's development. Also, Child Protection Services will consider the views of a child age twelve (12) years or over in the development of a plan of care for the child. Cultural, racial, linguistic and religious heritage are important components of healthy child development and must be taken into account while providing child protection services.

Data and information about Child Protection Services in PEI

Throughout the consultation process challenges were identified in the collection of data and the application of data to confidently capture the delivery of child protection services and the outcomes of such services under the administration and operation of the *Child Protection Act*. A variety of factors have historically impacted the availability and production of accurate data which could be used to inform the development and delivery of child protection services in the province and support evidence-based practice, procedures and policies. Such inhibiting factors include the introduction of the Integrated Systems Management System (ISM) system of data collection in 2004 which does not technically support an effective way of collecting data in the area of child protection services. Another factor was the 2005 restructuring which transitioned the model of service delivery from a regional approach through the Health Authorities to a provincial service delivery model. The transfer and integration of information and data from regional health authorities' child protection programs to provincial child protection programs was limited. Basic statistical information is maintained within the Child and Family Services Division.

During the public and community partner consultations the following information collected by the Child and Family Services Division was shared with participants to provide a statistical overview of Child Protection Services within the province.

Child Protection Statistics					
Type of Service	2011/12	2012/13	2013/14	2014/15	2015/16
Child Protection Reports Received	3,461	3,326	3,766	3,368	3,443
Child Protection Investigations Opened	2,105	1,786	1,786	1,838	1,954
Children who Received Child Protection Services in Their Own Homes	575	512	690	720	734
Children in Care	264	224	230	225	196
Focused Intervention Services to Parents	601	569	632	659	636
Extended Service	7	9	12	10	11

During the 2015/16 fiscal year ending March 31st, 2016:

- There were 196 children in the care of the Director of Child Protection;
- Child Protection Services received and responded to 3,443 child protection reports;
- Child Protection Services investigated 1,954 matters reported to their service;
- Child Protection Services provided 734 children child protection services in their own homes;
- Child Protection Services provided Intervention Services to 636 parents;
- 11 children in the care of the Director and over the age of eighteen received extended services;
- There were approximately 65 foster families in PEI;
- The Department of Family and Human Services operated five group homes in the province; one group home for children 6 years to 12 years of age (6 beds) and four group homes for children ages 12 to 18 (30 beds); and
- The 2015/16 budget for Child Protection Services was \$18,636,400.

METHODOLOGY-ADVISORY COMMITTEE PROCESSES

Fundamental Functions

In November 2015, the Advisory Committee began its work on the *Child Protection Act* review process. To start, Advisory Committee members discussed the role of the Committee and agreed on the fundamental functions of Committee:

- to familiarize themselves with the *Child Protection Act*, its purposes and its principles, its administration and its operation;
- to conduct a broad and inclusive consultation process that attracts input from Islanders, including communities, organizations, groups, and individuals such as children, youth, parents, grandparents, other family members, foster parents, government partners, community partners, service providers, Mi'kmaq First Nations and Aboriginal people;
- to gather and theme information arising from the consultations and submissions in a written report to be submitted to the Minister of Family and Human Services; and
- to provide recommendations to the Minister of Family and Human Services based on the information arising from the consultations and submissions.

Operating Principles

After determining the fundamental functions of the Committee, the Advisory Committee members turned their minds to operating principles to fulfill these functions. Operating principles were established in Terms of Reference (Appendix "2"). The Terms of Reference outline Committee activities as well as the roles, responsibilities and expectations of Committee members.

In order to steer the activities of the review process, the Committee agreed to meet on a regular basis over the course of the project. For efficiency and effectiveness, smaller working groups of Advisory Committee members were established to plan and implement Advisory Committee activities over the course of the review process including working groups on communications, youth consultations, data collection and outcomes measurement.

Communications

As previously mentioned, the Advisory Committee was committed to conducting a broad and inclusive consultation process that attracts input from Islanders, including communities, organizations, groups, and individuals such as children, youth, parents, grandparents, other family members, foster parents, government partners, community partners, service providers, Mi'kmaq, First Nations and Aboriginal people. Furthermore, the Advisory Committee was in

favour of providing a range of options for people to participate in the review process. In order to communicate to Prince Edward Islanders the various opportunities for participation, a communications strategy was developed and implemented. Communication objectives were developed, target groups and key interested parties were identified, and communication activities and the timing of such activities were planned.

As part of the communication strategy, a news release (Appendix “3”), was distributed on January 25, 2016 announcing the *Child Protection Act* review, the composition and the mandate of the Advisory Committee. The news release also advised of the public consultation schedule and invited Islanders to attend to share their ideas and concerns about the operation and administration of the *Child Protection Act*. The press release advised individuals and groups of the various opportunities for Islanders to participate in the review, including:

- attendance at a public consultation;
- participation in targeted consultations for employees of Child & Family Services, foster parents, professional services providers and Aboriginal communities;
- forwarding a written submission using mail or email and by responding to a set of guiding questions;
- requesting a specific group meeting with Advisory Committee representatives; or
- requesting a private and confidential meeting with a member of the Advisory Committee.

The news release discussed the background for the review and discussed the first review of the *Child Protection Act* initiated in 2007. A link to the report for that review process was provided.

To facilitate communication of its activities, the Advisory Committee created a website: <http://www.gov.pe.ca/sss/childprotectionact>. In addition to the above, the website also included a backgrounder document (Appendix “4”). This document included background information and provided guiding questions to be discussed in the private and public consultations. The website also provided a copy of the presentation to be delivered at the *Child Protection Act* review consultations (Appendix “5”). An email address was established to receive electronic submissions: cpareview@htratlantic.ca. This email address was shared on the website along with a telephone number for individuals or groups wishing to contact the Advisory Committee for information regarding the review or to arrange a private consultation.

Consultations

In anticipation of the consultation process, the Advisory Committee members established a fundamental operating principle to steer their work with respect to determining specific processes and procedures:

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.

To fulfill this principle, the Advisory Committee determined that it was important that consultations be conducted in a safe, respectful, and comfortable atmosphere which would allow individuals to share their views regarding the *Child Protection Act*. To this end, Committee members agreed to listen attentively and neutrally during the consultations.

The Advisory Committee held a number of consultations with the public, community partners, government partners, service providers, youth, family members, foster parents and others. Details on these consultations are provided as follows.

Public Consultations

Public consultations were organized by the Advisory Committee to obtain information from the general public regarding views on the *Child Protection Act* and the services performed pursuant to the *Act*. Six (6) public consultations were held across Prince Edward Island between February 3rd and May 11th, 2016 in O’Leary, Summerside, Charlottetown, Montague, Souris and Hunter River. A bilingual simultaneous translation service was made available at the Summerside consultation.

Each consultation began with introductory remarks from the Chairperson of the *Child Protection Act* Review Advisory Committee. Introductory remarks were followed by a presentation by the Director of Child and Family Services entitled “*Child Protection Act* Review 2016”. The presentation provided an overview of the Division of Child and Family Services which is responsible for providing child protection services within the province. The presentation also included statistical information regarding child protection and details regarding the various processes and mechanisms used by Child and Family Services pursuant to the *Child Protection Act*.

After this presentation, participants were invited to engage in a group discussion on questions specific to the *Child Protection Act* (Appendix “6”). Advisory Committee members and Child and Family Services staff attended each session to provide facilitation services and support to the public consultation process. Each consultation was approximately two (2) hours in duration. In total, thirty-eight (38) individuals attended the six (6) public consultations.

Child and Family Services Staff Consultations

Child and Family Services staff deliver front line services pursuant to the *Child Protection Act*, therefore, to respect their unique vantage point, the Advisory Committee organized two (2) consultations to solicit the input of Child and Family Services staff on their views regarding the *Act* and its implementation. Over eighty (80) Child and Family Services staff attended the two

(2) sessions. Honourable Tina Mundy, Minister of Family and Human Services, addressed the staff at the beginning of the first consultation. A small group format was used to obtain staff input as well as guiding questions developed to support the process (Appendix “7”).

Community Partner Consultations

To provide an opportunity for interested community partners to participate in the review process, the Advisory Committee organized distinct consultations for the following groups:

- Legal Services, Legal Aid and Crown Attorneys;
- Police Services;
- Foster Parents;
- Community Service Providers;
- Provincial, Supreme and Appeal Court Judiciary; and
- Grandparents Group (East Prince Seniors Initiative).

The Advisory Committee sent written invitations (Appendix “8”) to community partners advising them of the *Child Protection Act* review and inviting them to attend one of the fourteen (14) scheduled partner consultations or to provide written submissions.

Each consultation began with introductory remarks from the Chairperson of the *Child Protection Act* Review Advisory Committee. As part of these consultations, the presentation entitled “*Child Protection Act* Review 2016” was delivered by the Director of Child and Family Services. Discussions were held in a small group format. Each partner consultation was approximately two (2) hours in duration and a total of one hundred and ten (110) participants attended the community partner consultations including foster parents, teachers, social workers, counsellors, police officers, medical and health care personnel, various community organizations and service providers.

Youth Consultations

In order to obtain feedback from youth, including those who had been or continue to be in the care of the Director of Child Protection, the Advisory Committee organized three (3) consultations specifically with youth. Two (2) Child Protection Workers participating on the Advisory Committee as well as a youth representative participating on the Advisory Committee worked with the Youth in Care Network to organize get-together events over pizza and pop. At the get-together events, the groups discussed a series of questions developed specifically for youth (Appendix “9”). From the youth, Advisory Committee members heard about aspects of Child Protection Services that were meeting their needs, gaps and limitations in the services, and other issues affecting these youth. In total, twenty-six (26) individuals participated in the youth consultation.

Aboriginal Engagement

The *Child Protection Act* recognizes the unique cultural heritage of the First Nations, Aboriginal children and youth. To ensure an inclusive engagement with PEI's First Nations and Aboriginal community, the Advisory Committee organized engagement sessions on the Abegweit First Nations Reserve in Scotchfort and on the Lennox Island First Nations Reserve in Lennox Island. At each of these locations, time was allocated for engagement with community service providers, Aboriginal youth and Aboriginal Community Members. The Aboriginal engagement incorporated aspects of Aboriginal culture and facilitation including an opening and closing prayer by an elder of the community. The Chief of the Lennox Island First Nations provided opening remarks at the engagement session in Lennox Island. A total of fifty-three (53) people participated in these sessions. An invitation was also extended to Aboriginal people living off Reserve to either attend the engagement sessions held on Reserve or alternatively at a meeting to be held at a later date at the Native Council of PEI.

Private Group and Individual Consultations

To provide a more private method for individuals and groups to share their input, the Advisory Committee offered group and individual consultations upon request. A total of seven (7) private consultations with eight (8) participants and three (3) private group requests with twenty-one (21) participants were conducted.

Written Submissions

As mentioned above, the news release of January 25, 2016 invited individuals and groups to provide input to the Advisory Committee through various means including written submissions. These submissions could be provided by email or regular mail by using guiding questions provided online. A total of nineteen (19) written submissions were received from a wide range of Islanders including people working within education and justice systems, health care providers, community partners, social workers, members of the judiciary, not for profit and community organizations.

A Note on Public Engagement

The level of engagement and committed participation of the public was noted by the Advisory Committee. To illustrate the strong public engagement on this review, initially, the Advisory had scheduled five public consultations across Prince Edward Island in February and March; continued engagement from the public as well as requests from Members of the Legislative Assembly encouraged the Advisory Committee to schedule a sixth public consultation in Hunter River on May 11, 2016. Based on the various methods of consultation - public sessions, group and individual meetings, and written submissions - it is estimated that approximately three hundred and sixty (360) Islanders have participated in this review process.

On April 15th, 2016, Honourable Tina Mundy made a statement to the Legislative Assembly providing an overview of the public engagement process used by the *Child Protection Act* Review Advisory Committee. She indicated that the Government looks forward to hearing the themes and recommendations arising from the review.

Advisory Committee Deliberations

In May and June of 2016, the Advisory Committee began reviewing the feedback gathered through the review process for the purpose of theming the data for the final report and creating recommendations. In July and August 2016, the Advisory Committee met on four occasions to participate in facilitated discussions to theme information gathered through the consultative process. Sub-committees of the Advisory Committee also met to provide focused input on specific areas of the Report including data gathering and outcome measures and recommendation development. The Chairperson led the facilitated discussions to assist Advisory Committee members in analyzing the information and identifying themes. Through the facilitated discussions, the Advisory Committee identified a number of consistent themes and formulated recommendations. These themes and recommendations are found in the next sections of this report.

PRE-AMBLE TO THE THEMES

Child abuse and neglect are complex issues and child protection is everyone's responsibility. One professional service provider group taking on a significant share of the responsibility for child protection work in PEI is child protection social workers. Their hard work and dedication is critical in the provision of child protection services in the province. Every day, child protection social workers work diligently to ensure that children are safe from parental harm and neglect. Child protection social workers also play an important role in the lives of children in care acting as supports and as role models. Throughout the consultations, the Advisory Committee heard many participants recognize child protection social workers, their hard work and their dedication to the children and families with whom they work. It was also noted that child protection social workers are rarely acknowledged for their success in keeping children safe. They are profiled when the system as a whole has failed.

In addition to positive comments about child protection social workers, by virtue of its purpose, the present review of the *Child Protection Act* attracted many comments on the perceptions of gaps, limitations and failings of the child protection system. The gaps, limitations and failings identified throughout the consultation phase of the review represent systemic issues. The Advisory Committee notes that the gaps, limitations and failings identified are not with respect to individual child protection social workers or child protection social workers as a group. Overall, the Advisory Committee heard significant appreciation for the difficult work

undertaken by child protection social workers. The current gaps in the child protection system were identified predominantly because of the way the system is currently configured and mandated to deliver services. Child Protection Services operates within the Division of Child and Family Services within the Department of Family and Human Services. There is a prevailing view that Child Protection Services presently operate without important early intervention and preventative services. For the most part the responsibility for child protection, safety and well-being, and supports and services has not been integrated across government departments or with community services and partners. Resources, structures and policies have not been put in place to support such integration.

A common thread throughout all of the consultations and submissions gathered by the Advisory Committee was that there is more work to be done by our community and Government with respect to child protection – we all can do better for the children of PEI - *Child Protection is Everyone's Responsibility*. Core to the protection of children from abuse and neglect is the promotion of healthy child and family development and well-being. Promotion of healthy child and family development and well-being is a collective responsibility across government and communities and families.

THEMES AND RECOMMENDATIONS FROM CONSULTATIONS AND SUBMISSIONS

[A. Public Policy Recommendations](#)

Core to protection of children from abuse and neglect is promotion of healthy child and family development and well-being. Promotion of healthy child and family development and well-being is usefully understood from ecological and population health perspectives, suggesting that interventions are best targeted according to need. In such models, standard services and low intensity supports are provided across the whole of the population. Moderate intensity supports are provided for families at risk and high intensity supports are provided for families experiencing significant challenges. Inadequate provision of appropriate supports at lower levels increases likelihood of higher-level demands.

Establish a Social Policy Framework

Promotion of healthy child and family development and well-being is a collective responsibility, across government and with communities and families. Although the roles played by government and community organizations will differ, meeting this collective responsibility requires genuine and fulsome collaboration. The provinces of Alberta, Manitoba and New Brunswick are examples of Canadian jurisdictions that have recognized the need for such collective responsibility and have demonstrated leadership and action in this regard.

The Province of Alberta passed the *Children First Act* in May 2013 and proclaimed the *Act* in stages in November 2013 and January 2014¹. The [Children First Act](#) enhances legislation, tools, processes and policies to improve the security, education, health, safety and well-being of children and youth in Alberta. The *Act* updates and amends legislation and enhances the tools, process and policies that impact how government and service providers deliver programs and services for children and youth. It also aligns with and supports the work of other initiatives including: Alberta’s Social Policy Framework, Early Childhood Development Strategy, Poverty Reduction Strategy and the Information Sharing Strategy.

Healthy Child Manitoba (HCM) is the Province of Manitoba’s long-term, cross-departmental strategy for putting children and families first. With its community partners, the Province of Manitoba, has developed a network of supports and strategies for children, youth and families².

Starting Early, Starting Strong is Manitoba Five-Year Plan for Early Childhood Development.

In November 2015, New Brunswick released a five year strategy by New Brunswickers entitled, *Keeping Children Safe From Harm in New Brunswick*. The governance and oversight of the five year strategy is the joint responsibility of the Executive Council Office and the Office of the Child and Youth Advocate³.

Prince Edward Islanders attending public, community and service provider consultations and through written submissions clearly stated that in order to positively address the root causes of parental harm and neglect of children, Islanders must view the protection of children and the promotion of healthy child and family development and well-being as everyone’s responsibility. This shared responsibility involves families, communities and government. Comprehensive and integrated approaches involving families, communities and government are critical.

Child Protection Services under the mandate of the *Child Protection Act* has the legislated responsibility to protect children from parental harm and neglect. Historically, as the *Child Protection Act* was being developed three distinct populations of children and youth emerged: “children in need of protection”, “children in need” and “high needs children and youth”. When the *Child Protection Act* was proclaimed in May 2003 work on “children in need” and

¹ <http://www.humanservices.alberta.ca/16594.html> - *Children First Act* – Enhancing Supports and Protection for Alberta Children

² <http://www.gov.mb.ca/healthychild/> - *Starting Early, Starting Strong* – Manitoba’ Five-Year Plan for Early Childhood Development

³ <http://www.gnb.ca/0073/Harm-Prevention.pdf> *Keeping Children Safe From Harm in New Brunswick*, November 2015

“high needs children and youth” was underway and together formed the three planks of the children /youth health service policy. Unfortunately, it appears the integrated programming for “children” in need” and “high needs children and youth” did not survive the 2005 restructuring of the regional health authorities and programming was situated in more siloed fashion within government departments.

Clearly, Child Protection Services cannot and should not accept the sole responsibility of protecting children from parental harm and neglect, alone and disconnected from a broader public policy framework. It is critical that its legislative role is clearly defined within a network of integrated programming, as a provider of high intensity supports provided to families experiencing significant challenges. The Advisory Committee is of the view that a Review of the *Child Protection Act* in five years hence will produce similar results to this 2016 Review unless Child Protection Services becomes just one aspect of an established network of supports, programs, services and strategies for families and children.

1. *The Advisory Committee recommends that government adopt a social policy framework recognizing that: (i) protection of children, and promotion of healthy child and family development and well-being, is everyone’s responsibility; (ii) this shared responsibility requires meaningful collaboration, across government and with communities and families; (iii) promotion of healthy child and family development and well-being is to be informed by an ecological model, recognizing individual, relationship, community, and societal levels of influence, and is to be guided by a population health perspective, through which the needs of all Island children and families are addressed at an appropriate level of intervention and support, and (iv) that this social policy framework will inform legislative amendments, policy decisions, core processes, programming selection and implementation, and day-to-day practice.*

The social policy framework shall be inclusive of Indigenous children and families and aimed at the collective responsibility to protect children and promote healthy child and family development and well-being and shall align with other initiatives of the Government of PEI including the Poverty Reduction Strategy, the Wellness Strategy, Early Learning and Child Care Framework and the Mental Health and Addictions Strategy.

Establish a Three-Year Plan

- 2. The Advisory Committee recommends that the social policy framework be supported through the development of a three-year plan of action overseen by a senior leadership group constituted by 31 January 2017, and reporting to Executive Council annually. The recommended senior leadership group composition is the Deputy Minister of Family and Human Services, the Director of Child and Family Services, the Deputy Minister of Education, Early Learning and Culture, the Director of the Public Schools Branch within the Department of Education or the Director of Student Services and the Director of the French Language School Board, the Deputy Minister Responsible for Aboriginal Affairs and the Director of Aboriginal Affairs, the Deputy Minister of Justice and Public Safety, the Director of Justice Policy; the Deputy Minister of Health and Wellness, the Chief Public Health Officer, and three community members, including one voice from the perspective of a consumer of services. Further, given the centrality of a population health perspective for this work, the importance of corporate consistency and the need for sustainability, that the senior leadership group be co-chaired for its duration by the Chief Public Health Officer and co-chaired for one-year terms by rotating members of the group. The responsibility for the work of the senior leadership group does not rest with the Chief Public Health Officer but is collaboratively shared among the members.*

Require a Collaborative Approach to Integrated Programming Delivered Horizontally Across Departments

The need to “break down the silos” within government has been identified for decades, and yet significant progress to working collaboratively across departments is not readily apparent. Significant barriers to information sharing and collaboration across government programs and departments, amongst service providers and with community partners were identified throughout the Review. Recently, a provincial initiative entitled “the Bridge” was launched to enhance collaboration and information sharing across government programs and departments to support persons experiencing acutely elevated risk of harm.

- 3. The Advisory Committee recommends that part of annual performance review of Deputy Ministers be evidence of enhanced collaboration across departments and with community.*

Align Social Policy Framework to Protect Children and Promote Healthy Child and Family Development and Well-being with Provincial Poverty Reduction Strategy

Healthy and affirming child development occurs within families of any socio-economic status, as does child abuse and neglect. Families living in poverty do carry additional challenges across a wide range of health, education, justice, and child protection measures. It is appropriate to

identify and provide the appropriate interventions to support impoverished families in their parenting responsibilities, but it is also appropriate to end family poverty.

- 4. The Advisory Committee recommends that Government commit to implementing a comprehensive poverty reduction strategy to include multiple social policy departments through public engagement while working with the Federal Government to determine the best means of income and program support for our Island population to include exploring mechanisms for ending child and family poverty in PEI, including the benefits and costs of PEI serving as a pilot site for implementation of a Basic Income Guarantee.*

Align Social Policy Framework to Protect Children and Promote Healthy Child and Family Development and Well-being with Population Health Based Approach to Mental Health and Addictions Programming.

Not all families where children are at risk of abuse and neglect experience mental health and addictions challenges, and such challenges do not necessarily translate into child abuse and neglect. But mental health and addictions challenges are over-represented in cases of child abuse and neglect, and addressing them can be key to child safety and family cohesion.

- 5. The Advisory Committee recommends that the province adopt a population approach to mental health and addictions that recognizes the importance of and provides resources for promotion and prevention, early identification, timely and appropriate intervention, and ongoing support, and that the presence of children in a family be taken into account when prioritizing access to services.*

Implement Parent Education and Support Programming

Provision of appropriate parenting education and support can be key to prevention of child abuse and neglect, and to intervention in efforts to strengthen families at risk and already experiencing problems with abuse; because the influences of parenting are pervasive, supporting parenting has broad impacts across health, educational, and justice measures.

- 6. The Advisory Committee recommends that the province continue with widespread implementation of the Triple P Positive Parenting Program, the Positive Parenting From Two Homes Program and the Period of Purple Crying Program.*

Establish Effective Interventions Based Upon Evidence

Many ideas are available and can be created about how to promote healthy child and family development and well-being; however, decisions about interventions must be based upon best available evidence, or we risk failing to protect children, and wasting resources.

7. *The Advisory Committee recommends that existing and proposed interventions be subject to analysis regarding available evidence for effectiveness, and that evidence for effectiveness be a key criterion in programme maintenance and adoption.*

The committee heard questions and concerns (including from child protection social workers) about consistency and evidence based decision making when child protection social workers, supervisors, Coordinator and the Director act on reports about suspected child abuse and neglect. While individuals' professional judgment is an important and necessary component in child protection work, that judgment is best exercised with a context of clear, transparent, consistent, valid, and research-based criteria for decision making. Such a context is not presently in place in our province. Other jurisdictions have developed structures to support evidence-based decision making in child protection. One such mechanism used in multiple Canadian, United States, and international jurisdictions is the Structured Decision Making® (SDM) Model, providing for intake assessment, safety assessment, risk assessment, family strengths and needs assessment, risk reassessment, and reunification assessment. The SDM® Model includes collaborative identification with the jurisdiction of service standards, workload measurements, and mechanisms for accountability and quality control.

8. *The Advisory Committee recommends that government investigate adoption of the Structured Decision Making® (SDM) Model, considering its potential benefits in protecting children from harm and neglect, in facilitating family strengthening, in ensuring that decisions made about children and families are consistent, fair, evidence-based, and defensible, and in supporting a challenged child protection work force; considering its costs; considering alternative mechanisms to meet its benefits if it were not to be adopted; and reporting by 31 January 2017.*

Establish Mechanisms for Effective Data Collection and Measurement of Outcomes

Effective data collection and measurement, not only on an individual case basis but also on a population basis, are essential tools in protection of children from abuse and neglect. Reliable and valid measures can: (1) strengthen effective practice, (2) inform policy development, (3) guide resource allocation, (4) provide a baseline for measuring intervention and system effectiveness, and (5) serve accountability. At a systems level, current data collection and measurement practices in child protection are entirely inadequate to meet any of these five purposes.

9. *The Advisory Committee recommends that an independent audit of case files, to include assessments, investigations, focused intervention, and children in care, to identify what information is recorded, consistency in recording practices across files, and to inform recommendations regarding enhancements to recording practices be initiated by 31 January 2017.*

10. *The Advisory Committee recommends that government develop an electronic data collection system capturing information from each report made to Child Protection (3,443 in 2015-16), such that easily retrievable and analysable data are available regarding, minimally the:*
- a. Number of different families about which reports are made*
 - b. Number of different children about which reports are made*
 - c. Frequency of reports regarding the same child and incident*
 - d. Frequency of reports regarding the same child and different incidents*
 - e. The nature of the concern (e.g., emotional abuse, physical abuse, sexual abuse, exposure to domestic violence, neglect, lack of supervision)*
 - f. Ages and genders of children involved*
 - g. Source of report (e.g., parent, other family member, neighbour, professional)*
 - h. Number of reports where it is determined no further action is required, and reasons why*
 - i. Number of reports assessed to require (i) immediate investigation, (ii) investigation within 1 business day, (iii) investigation within 3 business days, and (iv) investigation within 7 business days and the reasons for such assessments*
 - j. Determinations of investigations, including the number of cases in which a concern about child abuse or neglect is founded, the number of cases in which referral to community resources takes place, the number of cases in which apprehension of the child takes place, the number of cases in which the parent makes an alternate safety plan for the child, the number of cases in which a Voluntary Agreement for Temporary Custody and Guardianship of the child takes place, and the reasons for such determinations.*
11. *The Advisory Committee Recommends that a Working Group, from within Child and Family Services and with an opportunity for input from others with a concern for children’s wellbeing from within and beyond government, be established to recommend the specific measures to be utilized in the data system regarding child protection reports, and report by 31 January 2017.*
12. *The Advisory Committee recommends that government develop an electronic data collection system capturing information regarding outcomes for children receiving child protection services and children in the care of the Director of Child Protection minimally including data for each of the indicators identified in the National Child Welfare Outcomes Indicator Matrix, namely:*

- a. *Safety*
 - i. *recurrence of maltreatment*
 - ii. *serious injuries and deaths*
 - b. *Well-being*
 - iii. *school performance*
 - iv. *child behaviour*
 - c. *Permanence*
 - v. *out-of-home placement*
 - vi. *moves in care*
 - vii. *permanency status*
 - d. *Family and Community Support*
 - viii. *family moves*
 - ix. *parenting*
 - x. *ethno-cultural placement matching*
13. *The Advisory Committee recommends that a Working Group, including members from the Departments of Family and Human Services; Health and Wellness; Education, Early Learning and Culture; and Justice and Public Safety, and community representation, and with dedicated expert staffing and administrative support, be established to recommend the specific measures to be utilized in the data system regarding children receiving child protection services and children in the care of the Director of Child Protection, and that this group:*
- a. *Be established by 31 January 2017;*
 - b. *Consider needs and opportunities for data sharing of sensitive information and recommend protocols for such by 30 April 2017;*
 - c. *Identify at least one appropriate specific measures for each of the 10 categories of indicators derived from the National Child Welfare Outcomes Indicator Matrix, and such other indicators as it might identify as important, and identify for each a mechanism and timeline and resource implications for implementation, recognizing that the complexities and timelines for implementing different measures will vary, reporting its first recommendations by 30 April 2017 and its final recommendations by 30 June 2017.*
14. *The Advisory Committee recommends that dedicated resources of ITSS be made available to collaborate in developing the electronic data collection systems recommended by these Working Groups and if ITSS resources are not available to give priority to this initiative that a contractor with appropriate level of skill and expertise be procured through government procurement processes.*

Establish Mechanisms to Represent the Voice and Interests of the Child

Children have the same basic rights and freedoms as other citizens, but due to their vulnerability, children require special attention to maintain those rights and freedoms. Throughout the Review children in care and others involved in children's lives indicated that within the current child protection framework the experiences, concerns and needs of children are not sufficiently heard. There is a need for children to participate authentically in matters that affect them. Engaging children and youth in such decisions is not only a good way to ensure their interests are protected, it is their right.

Although the Director of Child Protection and the Director's delegates, child protection social workers, are to represent the child's best interests in child protection matters under the *Child Protection Act*, many participating in the Review expressed the view that there is a gap and that children of all ages should be given a voice through an objective person separate from government services. Presently, there is no such role independent from government that serves this advocacy function. Participants expressed the need for mechanisms that ensure all decisions made under the *Child Protection Act* are child centered and that a child's voice is paramount particularly in circumstances of high conflict. Further, no third party mechanism holds the respective branches of government accountable for the adequacy and effectiveness of services provided for children at a systems level. Many provinces in Canada have established the role of the Child and Youth Advocate to fulfill these functions.

15. The Advisory Committee recommends that government establish effective mechanisms to ensure that the basic rights and freedoms of children are maintained, that they are afforded the opportunity to participate in matters that affect them, and that their voices are heard by a neutral third party not connected to government services. The functions to be carried out include:

- a. Policy oversight that holds government accountable to a social policy framework adopted to protect children and promote healthy child and family development and wellness;*
- b. Systems oversight that holds government departments responsible for collaborative and integrated programming which operates horizontally across departments and effectively engages families and community;*
- c. Authority to conduct a third party independent case review (separate from a judicial review or coroner's inquest);*
- d. Legal representation of children's interests in civil custody and access matters, child protection matters, or other matters where children's rights and interests are at issue;*
- e. Public awareness and education function with respect to the rights of children.*

16. *The Advisory Committee recommends that the Deputy Ministers of Social Policy explore effective options at a systems level and at an operational level to ensure that children are afforded the opportunity to authentically participate in matters that affect them with the support of an objective third party.*

Provide Additional Staffing Resources

The Advisory Committee is convinced that child protection staff are challenged in terms of time and resources to carry out their functions with respect to “children in need of protection”, even within a narrow interpretation of the current Act. The advisory committee is convinced that broader functions with respect to “children in need” and “high needs children and youth”, which, with the development of the *Child Protection Act* in 2003, were to be undertaken by Regional Health Authorities and an integrated service model, respectively, have not been successfully carried out, given developments including system restructuring in 2005. There is an urgent need for appropriate resources to address “children in need” and “high needs children and youth”. Continued failure to meet these needs is detrimental to healthy child and family development, and in some cases it increases the number of “children in need of protection”. Such concerns were well-documented in the previous review of the *Child Protection Act*; they will be repeated in another five years’ time if corrective action is not taken.

17. *The Advisory Committee recommends that the senior leadership group referenced in recommendation two (2) develop a plan for a broader child welfare system promoting healthy child and family development and addressing “children in need” and “high needs children and youth” and that includes (i) allocating substantial additional resources to Child and Family Services; or (ii) allocating substantial additional resources to other governmental and community services; or (iii) such combination of (i) and (ii) as would be most effective and efficient*

Establish a Child Death and Serious Injury Review Process and a Domestic Homicide Review Process

In the most unfortunate cases, children are seriously injured or die, sometimes as a result of child abuse or neglect. When this happens there is a heavy responsibility to learn as much as possible about the circumstances surrounding the serious injury or death so that prevention strategies can be identified and implemented whenever possible. Comprehensive, multidisciplinary review of these cases requires refined collaboration, and is best carried out within a structured review process. “Child Death and Serious Injury Review” processes have been well established in multiple US and Canadian jurisdictions. They are not designed to assess individual blame, and do not preclude the possibility of an inquest, criminal proceedings, or civil proceedings. They do provide a structure for representatives from multiple agencies and disciplines to share information, engage in meaningful exploration, and learn from each

other and the situation under review. A Child Death and Serious Injury Review team is a standing, not *ad hoc*, entity. A structured and confidential information sharing system is utilized to permit comprehensive review of all relevant circumstances. The review team collaboratively identifies, as relevant to the case at hand, possible modifiable risk factors, organizational policies and practices in child welfare, physical and mental health best practices, and legislation and education related to public health and safety that could prevent similar deaths and injuries.

Well established “Domestic Homicide Death Review” processes are also in place in multiple US and Canadian jurisdictions. In many cases of domestic homicide the well-being of children is affected. Lessons learned in one type of review process about protocols for appropriate information sharing can have applicability in the other type of review process.

In October, 2010, PEI’s Department of Community Services and Seniors hosted a one day *Atlantic Canada Workshop on Child Death and Serious Injury Review for Key Leaders and Professionals*. In October, 2011, the Premier’s Action Committee on Family Violence Prevention called for establishment of a Child Death and Serious Injury Review process and a Domestic Homicide Review process in PEI. In November, 2014 the Standing Committee on Health, Social Development and Seniors reported to the Legislative Assembly its support for the establishment of a Child Death and Serious Injury Review process, as well as a Domestic Homicide Review Process.

18. The Advisory Committee recommends that the province establish a Child Death and Serious Injury Review process and a Domestic Homicide Review process, each to be operational by 30 June 2017.

B. Service Delivery Recommendations

Theme: Scope of Child Protection Act

There is a general understanding that the purpose of the *Child Protection Act* is to protect children, from birth until the age of 18, from parental harm and neglect. However, the Advisory Committee consistently heard concerns that this legislated mandate is approached narrowly as defined in the *Act*, and as a result, there is a reactionary approach rather than working to prevent harm and fostering the wellbeing of children approach.

There is a prevailing view that there is a systemic challenge in the limited scope interpretation and application of the current legislation which is creating significant gaps in the protection of children. Child Protection Services experiences a high threshold in the application of the *Child Protection Act* particularly with respect to the evidentiary burden required to establish that a child is at “substantial risk of suffering physical or emotional harm”. The interpretation and application of the current legislation and the evidentiary burden imposed by the court is such

that many vulnerable children do not come under the purview of the legislation. The Advisory Committee heard from child protection social workers and their legal counsel that the evidentiary burden to obtain an order for Child Protection Services to supervise parents is as onerous as it is to obtain an order to permanently place a child under the guardianship and custody of the Director of Child Protection.

Moreover, legislation neglects to address and public social policy initiatives are not in place with respect to integrated services and programming across government departments that would prevent the need for the intrusive mechanisms of the *Child Protection Act*. Child Protection Services indicate that vulnerable children may not receive needed protective services in circumstances where parents are reluctant to accept parenting support and the evidence available may not support a finding in court that the child is in need of protection. In such circumstances parents may choose not to engage with Child Protection Services as they do not view the service as a “helping-service”. For Child Protection Services to be effective in the protection of children, it must be embedded in a broader child welfare system which offers a broad range of supports for children and families ranging from low intensity supports to high intensity interventions. It is believed that such services are the responsibility of both the Government and the community.

Another broad concern was heard regarding how Child Protection Services is limited in its ability to intervene in certain situations and should address children who may be harmful to themselves and children ages sixteen (16) to eighteen (18) who refuse services. Currently the *Act* does not provide the Director of Child Protection with the authority to intervene where children may be harmful to themselves or to limit the autonomy of children ages sixteen (16) to eighteen (18) who refuse services. The impact of not being able to intervene to assist and support children experiencing such challenges is that their social issues and behaviours may ultimately become criminalized. The absence of a broader child welfare approach to services for children results in the escalation of such situations to the criminal justice or mental health systems.

As such, there is a resounding need to shift from a child protection system that reacts to situations and crisis to a child welfare system that focuses on early intervention and prevention of harm as well as family strengthening. Many suggestions were received in this regard including resources for child welfare, family strengthening programs, services for mental health issues for parents and children, services for addictions for parents and children, intervention in family violence cases, the ability to work with perpetrators of family violence, men’s groups, resources for fathers, programming for supervised visits with parents, parenting skill building, management of high risk cases, counseling, a shelter for children to obtain services including mental health, food and schooling, a mobile action team, drop-in centers, among many others.

While some of the above services and programs are available, cutbacks to funding and resources are undermining their viability and effectiveness. In some cases, family-focused programs have been lost entirely such as Supermoms and homemaker programs. In other cases where services and programs are available, they seem to be accessible only once a situation becomes a crisis; those wishing to access preventative and supportive services must experience deterioration in their situation until they qualify for services through highly intrusive programming.

Furthermore, the Advisory Committee further believes that a coordinated implementation by the Senior Leadership Group of the social policy recommendations referenced at 1 to 8 will create an essential and robust foundation for a comprehensive child welfare system in PEI.

Theme: Collaboration on Child Protection Issues

The Advisory Committee heard from numerous groups regarding the need for a collaborative response to child protection issues involving multiple community partners and service providers. It is believed that an integrated and collaborative approach to child protection matters drawing upon the knowledge, experience and resources of many different service providers would be beneficial to families. When information is not shared in child protection matters, it is seen to be a significant impairment to collaboration.

Sections 7(1) and 7(2) of *Child Protection Act* address the gathering of information pursuant to the administration of the legislation and the terms for disclosing this information. However, partners share a view that there is a limited ability for child protection social workers to share information. In some cases, individuals stated they experienced that child protection services can be challenging with respect to the sharing of information and appear to withhold information for improper reasons.

Many community partners and service providers (i.e. police, probation officers, youth justice workers, shelter workers, health care providers, providers of family resources and others) expressed frustration when information is not shared within the context of child protection. There is a sentiment that information is shared with Child Protection Services but that this is not reciprocated by child protection staff on the basis of the legislation. Currently, there is not a consistent approach and sharing of information seems to be dependent on the relationships between the particular social worker assigned to the case and the other professional and/or information is shared on an off-record basis.

Throughout the consultations, the Advisory Committee heard many examples of lack of information sharing which was particularly problematic for other service providers and community partners. Some include not providing foster parents information regarding children's medical conditions or needs, requesting that police be present for home visits but

not providing the names of the parents for police to perform background checks, requesting police files without stating the relevance of the files, not advising probation services where clients breach the terms of probation orders and not contacting the police when observing someone in the community where there is an outstanding warrant for their arrest. Furthermore, in circumstances of parents who are separated and they share the parenting of their child, where a child protection service is open with respect to one parent, the Director of Child Protection does not share information with the parent who is not the subject of the child protection service.

Advisory Committee members were directed to subsections 7(2)(d) where the Director may disclose information where it is necessary to ensure the safety or essential well-being of the child to whom it relates and 7(2)(e) where the Director may disclose information where the Director considers it necessary for the purpose of assessing needs, planning or providing services for the child. Attention was drawn to the fact that the language of these subsections appear to provide the legislative authority for the Director of Child Protection and the Director's agents to share information more broadly than the current practice. Concerns were raised that in the absence of clear direction of how narrowly or broadly to apply the information-sharing provision within the *Child Protection Act*, the impact is that the application of the provision varies across the Child Protection Service, there is a tendency to interpret the section narrowly and to always err on the side of caution.

Individuals who mandatorily report also indicated wanting feedback on the outcome of their information. This includes health care providers, education professionals, grandparents and other family members. Moreover, children indicated a desire for information regarding the outcome of investigations and why decisions for apprehension were or were not made as well as similar information regarding other interventions and decisions made with respect to their care.

It is suggested that to address these issues, there is a need to clarify the interpretation and application of the information-sharing section and/or develop a framework for information sharing among service providers and other interested parties in the context of child protection. It is believed by many that increased sharing of information will lead to more collaboration, holistic approaches to interventions and better outcomes in child protection matters.

19. The Advisory Committee recommends that a working group be established by 31 January 2017 to review the provisions of the Child Protection Act specific to information sharing and propose solutions to inform policy and procedures for information sharing. The working group will include the Director of Child Protection and representatives of Legal Services, Legal Aid, Child Protection Services, police services, Health PEI, education, Justice, and community partners providing services to children. The working group will

gather information from other Canadian jurisdictions delivering child protection services to include, but not limited to, legislative provisions, protocols, practices and procedures to determine if legislative amendments to the Child Protection Act are required and provide a report by 30 April 2017.

20. *The Advisory Committee recommends that Child Protection Services develop and implement information sharing protocols with other service providers, foster parents and community partners providing services to children.*
21. *The Advisory Committee recommends that Child Protection Services develop and implement protocols for when it is deemed necessary to share information with the other parent to ensure that the child is protected from harm.*
22. *The Advisory Committee recommends that Child Protection Services develop policies and procedures for information sharing with Police Services.*
23. *The Advisory Committee recommends that a collaborative case conferencing and case management approach to protecting children, to include shared responsibility and information sharing, in high risk families be implemented and include participation of parents, service providers and community partners.*

Furthermore, the Advisory Committee believes that a coordinated implementation by the Senior Leadership Group of the Social Policy recommendations referenced at recommendations 1 to 8 will serve to improve a collaborative response to child protection matters and information sharing.

Theme: Resolving Child Protection Disputes

Standard and Burden of Proof

The burden of proof is stated at section 40 of the *Child Protection Act* as follows:

“The burden of proof for any application pursuant to this Act shall be on the preponderance of evidence within the context of the best interests of the child”.

Throughout the consultations, many perceived that the current *Child Protection Act* and its application are weighted in favour of parents’ rights. There is a sentiment that under the current legislation, parental rights trump the best interest of the child. There is a view held by the public, professional service providers and child protection social workers that the *Act* is applied with the presumption that parents’ rights take precedence and that a high standard of proof must be met to displace those rights. The result is that the threshold for intervention by Child Protection Services is high and many vulnerable children are assessed to be not meeting the definition of “child in need of protection”, and therefore, they are not coming under the

purview of the Act. Many indicated that the child protection framework should focus on the safety and wellbeing of children as opposed to maintaining the integrity of the family or protecting parental rights. Others, including children, would like recognition that it is not always in the best interests of the child to live with or to reunite with the family.

When a child is found to be in need of protection, the Advisory Committee heard from some members of the judiciary that the Director of Child Protection proceeds on the understanding that it must show the Court that it has made sufficient efforts to promote and protect the family interests before an order for a permanency placement can be granted. It was believed that parents are given many chances before a permanent order is made even where there is no reasonable prospect of improvement. Meanwhile, children are in a state of uncertainty regarding their status sometimes for lengthy periods during which important opportunities are diminished such as attachment or adoption. At least one member of the judiciary believed that the *Child Protection Act* provides authority to take a more proactive approach to child protection matters. However, he/she noted that subsequent cases adjudicated under the current *Child Protection Act* appears to revert back to the approach where parents are provided many opportunities to demonstrate their efforts before permanent decisions are made with respect to children.

24. The Advisory Committee recommends that the Act be amended to more clearly direct those interpreting the Act about the requirements, while respecting parental rights, to ensure that parental rights and desire for family preservation do not trump the best interests of the child, and to recognize that the best interests of the child include timely decisions about permanency placement.

Alternative Dispute Resolution/Mediation

The *Child Protection Act* states that an alternative approach may be used to develop a plan of care for a child, including mediation, joint planning conference, family group planning conference or such other method of dispute resolution or joint planning as the Director considers appropriate. One group submitted that mediation is not sufficiently utilized as a process for dispute resolution. The group suggested that mediation is less costly as a dispute resolution mechanism both financially and emotionally and that this process should be used more often in child protection cases. Members of the judiciary also indicated that mediation may be a good option for temporary child protection matters. It was also recognized during the consultations that, while some child protection matters may be well suited for alternative dispute resolution processes, other matters may require resolution through court processes. Currently, there are no policies, procedures or people trained in alternative dispute resolution practices within Child Protection Services.

25. The Advisory Committee recommends that Child Protection Services conduct a jurisdictional scan regarding utilization of alternative dispute resolution (ADR) in child protection matters and, in consultation with appropriate government and community partners, establish policies and procedures regarding utilization of ADR in this province.

Timelines

The Advisory Committee heard concerns regarding the time required for the permanent orders. While the Advisory Committee did not have data to verify timelines in child protection matters, it is the experience and perception of Child Protection Services and legal counsel that the timelines established in the Act with respect to protection and disposition hearings are rarely met. There is a perception that there are delays by the Courts in making permanent orders in the timelines established under the legislation. Some perceive that there is limited court availability for cases to be heard. Many raised the need to consider timelines in care when making an application for permanent care. Some participants highlighted neonatal and infant brain development and the significant impacts of the lack of permanent placements of children on their development stressing the need to strengthen the timelines for permanency placement. Children are negatively impacted as they may be caught up in the legal process for significant periods of time, sometimes years. Participants expressed grave concern as this impacted the child's ability to form permanent attachments when court decisions are final and the result may be that the child is never able to be adopted and remains a child in the care of the Director of Child Protection until the child reaches the age of eighteen (18).

The approach adopted in PEI in contrast to other jurisdictions may play an important role in the Courts' decision on permanency placement. The Advisory Committee heard that in PEI, when a child is in need of protection, the Director of Child Protection proceeds on the understanding that it must show the Court that it has made sufficient efforts to promote and protect the family interests before an order for a permanency placement can be granted. In contrast, the Advisory Committee heard that in other jurisdictions, when a child is found to be in need of protection, the Director of Child Protection may seek an order for permanency placement and parents opposed to the application must justify their objection. It is suggested that a shift to the latter approach would result in earlier permanency placement for children.

Many different factors appear to be at play in causing delays, real or perceived, in permanent orders. These include the availability of court time for child protection matters, the approach to protection and family interests, adjournments, pre-trial conferences, and other factors.

26. The Advisory Committee recommends that a working group consisting of the Director of Child Protection, representatives of Legal Services, representatives of Legal Aid, Court personnel, and Health PEI be established by 31 January 2017 to conduct an in-depth review of sources for delays that may be impacting adherence to timelines for Court

decisions involving children in the care of the Director of Child Protection. The Advisory Committee recommends that the working group provide proposed solutions by 31 May 2017.

- 27. The Advisory Committee recommends that consideration be given to providing discretion to the Court to waive consent of one party/parties for the purposes of combining protection and disposition hearings.*

Hearsay

Hearsay is a term applied to testimony given by a witness who relates, not what the witness knows personally, but what others have told the witness, or what the witness has heard said by others. The Advisory Committee heard numerous child protection social workers, legal counsel and other service providers comment upon hearsay evidence. They expressed frustration with the Courts' position on hearsay evidence. Specifically, they stated that the requirements to show circumstantial reliability of hearsay evidence was too onerous in child protection cases and that lawmakers should consider loosening these requirements.

Historically, with respect to child protection matters before the court, child protection workers gave testimony in court testifying to statements or observations made by others involved in the child or family's life such as police officers, teachers, health care professionals, or neighbours. In the past, they would provide information to child protection workers in the course of the child protection worker's investigation or in providing services to children and their families. Today, the court requires direct evidence from such people (the police officers, teachers, health care professionals, or neighbours) and requires each of them to attend in court to testify and be cross examined on their testimony by opposing counsel. Counsel for the Director of Child Protection and the Director of Child Protection indicate that this requirement has increased the complexity and length of court time required for child protection cases.

For their part, members of the judiciary reiterated statements made in recent cases on this issue, namely, that decisions made under the *Child Protection Act* are serious and the parties are under an obligation to follow the rules of evidence just as any other parties before the courts. However, to facilitate the admissibility of hearsay evidence into proceedings under the *Act*, one member of the judiciary suggested enacting legislation that eliminates one of the two requirements for admitting such evidence, the requirement to show necessity.

- 28. The Advisory Committee recommends that a jurisdictional scan of child protection legislation be conducted to assess how hearsay evidence is addressed across Canada and, if necessary, make recommendations for consideration of legislative amendments to the PEI Child Protection Act.*

Access to Legal Representation

Issues of access to legal representation were also raised including the lack of affordability of legal services to defend oneself against intervention and apprehension by Child Protection Services as well as the high threshold for eligibility for legal aid. Grandparents and other family members acting as caregivers in least intrusive arrangements also indicated that they had difficulty accessing affordable legal services.

29. *The Advisory Committee recommends that a working group consisting of representation from the Law Foundation of PEI, Law Society of PEI, Family Law Centre, Legal Services, Legal Aid and the Community Legal Information Association, review legal supports available to grandparents and other persons who may be acting as care givers in least intrusive arrangements. Alternative Dispute Resolution policies and procedures from recommendation #26 should be part of this review.*

Exploring Other Models

Suggestions were made to explore the models in place in other jurisdictions with respect to the use of specialized courts for child protection matters as well considering amendments to and clarification within the legislation itself including the approach used for hearsay, evidentiary burden, and standard of proof.

“The focus is the child and programs needed to work together in the best interests of the child” - Participant

30. *The Advisory Committee recommends that the Senior Leadership Group strike a working group to conduct a jurisdictional scan to review existing models of courts and court services to address child protection matters and to suggest an appropriate model for PEI.*

Theme: Living Arrangements for Children Involved with Child Protection Services

Least Intrusive

Where children are in need of protection and requiring out-of-home care, a plan of safety presented by parents where that child is cared for by grand-parents, extended family and others may be a feasible alternative to coming into the legal custody and guardianship of the Director of Child Protection. In this circumstance the Director of Child Protection is in agreement with the plan of safety proposed by the parents. There is a general perception that the least intrusive approach which provides for the safety of the child is a desirable option, both for children and their families. Many people, however, spoke about the lack of available

supports afforded to grand-parents, extended family members or others caring for children in least intrusive arrangements.

In addition to the lack of financial resources, grand-parents, extended family members and others who come forward to care for the children face other challenges. The nature of such arrangements is not well understood. In these situations, the parents create safety plans and Child Protection Service may or may not remain involved. The least intrusive care provider may believe that the Child Protection Service continues to be involved and have decision-making authority with respect to the children when in fact this is not the case. In addition, given the nature of the least intrusive arrangement and the safety plan of to care for the child in need of protection, rights and decision-making authority remain with the parents. At times, this creates difficulties for caretakers who find themselves caring for children on a day-to-day basis, and sometimes for extended periods of time and yet they have no legal or decision-making authority for the child. Access to information was also cited as a challenge.

The Advisory Committee heard from numerous grand-parents taking responsibility for their grand-children in these situations. They discussed that they were not receiving financial resources to assist them in this role which was causing financial strain. Other care-givers suggested lack of resources is a significant limitation of the current system and that if resources were provided, such as those provided to foster families, more individuals who are in the child's life may come forward to care for a child in need of protection. They noted that this would be beneficial for both children and their families.

In addition to the particular financial strain created for grand-parents when they take responsibility for their grand-children, grand-parents can sometimes face other challenges in caring for their grand-children due to the age of the grand-parents. One example includes the loss of one's driver's license due to age and transportation complications. Another example includes ineligibility for senior-specific housing after grand-children come to live with them. Some grand-parents present indicated that they hesitated to raise these concerns with Child Protection Services for fear that the children would be apprehended. As well, where grand-parents are the primary caregivers, children sometimes experience anxiety regarding provisions for the child in the event of their grand-parents' death.

While it is acknowledged that the least intrusive arrangement is a desirable option for children as they remain in the care of people who are known to them; many less desirable characteristics of the arrangement were highlighted; the primary concern being that children may be placed in such arrangements for lengthy periods of time leaving children in limbo with respect to legal guardianship. In some circumstances care givers of such least intrusive arrangements eventually seek legal guardianship of the child(ren) through court processes.

31. *The Advisory Committee recommends that a jurisdictional scan be completed to determine how least intrusive arrangements are supported across Canada, including appropriate timelines and time limits for such arrangements.*
32. *The Advisory Committee recommends that appropriate resources be developed to support individuals caring for children when a least intrusive plan is made by a parent for the safety of the child to include financial, child care, medical, dental, optical and respite support.*
33. *The Advisory Committee recommends that policies and procedures for least intrusive child safety plans be developed for Child Protection Services. The policies and procedures should provide clear direction to include: criteria for assessment of a parent's ability to make an appropriate safety plan for his/her child; criteria for information to be shared between Child Protection Services and the least intrusive careprovider; information on parental legal rights, responsibilities and obligations for the child when placed in a least intrusive safety plan; clarification that when a parent makes a least intrusive child safety plan, the child is not in the legal custody and guardianship of the Director of Child Protection; government/community programs and resources available to support least intrusive careproviders; and focus on best interest of the child in planning for long term safety plans for children.*
34. *The Advisory Committee recommends that Child Protection Services partner with the Community Legal Information Association and Legal Aid to produce a pamphlet to aid in informing parents and possible alternative care providers of the purpose of the least intrusive arrangement, and the obligations and responsibilities of the persons involved (Child Protection Services, parents and alternative care providers).*

Kinship Placements

The nature of kinship placements are not well understood by those outside of Child Protection Services. Kinship Foster Parent(s) are individuals who are assessed and approved to provide foster care to a specific child who is in the legal custody and guardianship of the Director of Child protection and may include a relative or someone known to the child. Participants heard that while the option for Child Protection Services to offer kinship placements to children who come under the legal custody and guardianship of the Director is a positive option, the time that it takes for a relative or someone known to the child to undertake a kinship placement is lengthy, which requires that the child(ren) be placed in a foster home for a significant period of time while the kinship assessment is being conducted. This takes away from the benefit of the kinship placement option in the short term as it necessitates the placing of the child(ren) with people who are not known to the child(ren).

35. *The Advisory Committee recommends that Child Protection Services expedite the timelines to complete Kinship Foster Parent assessments with priority to the best interests of the child to be placed with someone known to the child.*

Foster Care

“This (fostering) has been a very rewarding experience for us as a family”

- Participant

Every day across the province, foster parents open their homes and their hearts to children who need safe and loving homes during difficult times in their young lives. Throughout the consultations, the Advisory Committee heard about the many strengths and challenges foster parents and their families experience in the vital service they provide to support children, families and communities.

From foster parents’ perspective, there are certain challenges with foster care within PEI. Many spoke about the lack of funding for foster care and financial support for foster families. Associated with this concern was their perspective that there is at times a lack of respect for individuals who are foster parents demonstrated by the Child Protection system. Foster families believed that lack of respect was displayed through their limited communication with Child Protection Services and the limited consultation with foster parents.

Foster parents also expressed frustration and anxiety around the high level of scrutiny under which they work. This feeling was explained by one participant who stated he/she felt like they live in a glass house in their own home. Some expressed sadness and concern around the stigma associated with foster care, both for foster parents and foster children. Further, foster parents expressed frustration with cluster meetings (a regular forum for foster parents to meet to discuss topics of common interest and concern) explaining that they feel they are limited in the topics of discussion when child protection staff oversee the meetings. Foster families highlighted the importance of having a forum with other foster families to openly discuss issues that they had in common. This would serve as a support to one another in their important role within the Child Protection system.

For their part, children raised concerns regarding the low numbers of foster families. In addition to this concern, children had specific suggestions to improve foster care experiences. They suggested providing foster parents greater legal authority over their care, including the ability to sign authorization forms to attend events and school activities. They suggested forming cluster groups for children living in care to meet with others living in a similar situation and to share their experiences. Children recommended that rules applicable to foster parents be enforced more consistently. Additionally, children asked that when disputes arise with foster families, child protection social workers listen to their side of the story as well as that of the foster parents.

From the perspective of some child protection social workers and other service providers, foster care is contentious as a living arrangement for children as foster care may not always be viewed as the best living arrangement. A few individuals consulted stated that foster care is not always ideal for children. In some cases, placing children in foster care can also create trauma for children.

The Advisory Committee believes that the coordinated implementation by the Senior Leadership Group of Service Delivery Recommendations referenced at 20 to 23 will support collaborative approaches for children in foster care with respect to information sharing and case conferencing. Additional recommendations relating to foster care include:

- 36. The Advisory Committee recommends that Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, develop and implement accountability measures to improve communication and respectful relationship between Child Protection Staff and Foster Parents. As a first step, it is further recommended that a cluster-like system, which is co-lead/co-chaired by a Foster Parent with a Child Protection Social Worker, be implemented in order to build a collaborative approach in meetings and interactions between foster parents and Child Protection Services.*
- 37. The Advisory Committee recommends that Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, implement a collaborative approach to developing plans of care for children in the care of the Director of Child Protection placed in a foster home to include the presence and participation of foster parents and that respects confidentiality of parental information.*
- 38. The Advisory Committee recommends that, subsequent to the development of information sharing protocols, Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, develop and implement accountability measures to improve communication and respectful relationships between Child Protection staff and Foster Parents.*
- 39. The Advisory Committee recommends that Child Protection Services develop partnerships with physicians and the Medical Society of PEI for an enhanced collaborative response to the medical needs of children in the care of the Director of Child Protection.*
- 40. The Advisory Committee recommends that Child Protection Services work collaboratively with Prince Edward Island Federation of Foster Families to discuss improvements to supports for foster parents.*

41. The Advisory Committee recommends that Child Protection Services provide foster parents with meeting space for self-directed cluster meetings.

42. The Advisory Committee recommends that foster parents be provided with emergency backpacks with supplies for children of various ages who may need an emergency placement.

Group Homes

“Group home staff and social workers need to realize that they stand in the place of our parents” Youth in care – Participant

Youth workers work diligently to ensure that children are cared for in a safe environment within the residential setting of a group home. The Advisory Committee heard that there is a need for clarity for children coming into group homes around what to expect when moving into and living in a group home setting. They also expressed a strong desire for clarity around the rules applicable in group homes. At times, rules appear to be applied inconsistently by group home workers which causes some insecurity for children.

Children expressed concerns around confidentiality. Specifically, some indicated that they would like their status and living arrangement in a group home to remain confidential. Children also indicated that maintaining personal privacy in a residential setting is challenging, particularly with respect to children living together in a group home respecting one another’s personal boundaries and personal possessions. Children also expressed frustration with administrative issues such as the time required to obtain an allowance when in a group home setting.

The Advisory Committee also heard concerns from children regarding the treatment of children in group homes. Some children believed that some staff do not treat them with respect and that the staff do not trust them. They explained that this impacts their wellbeing and ability to feel at home in a group home. Children also expressed concerns and sadness around the direction that staff are not to form attachment to children living in a group home.

Children noted that some children are learning some life skills while living in a group home; however, children and child protection staff saw the lack of mandatory consistent structured life skills programming as problematic. Other concerns raised by child protection social workers were that group homes may not always be appropriate for some children. In some cases, living in a group home may cause them further harm, particularly where out of control children are also present in the home.

43. *The Advisory Committee recommends that a trauma informed approach to group care be implemented in all Child & Family Services group homes.*
44. *The Advisory Committee recommends that clear, concise and consistent group home rules and responsibilities be established for the five group homes in the province and that these rules be provided, in an age appropriate and provincially consistent format, to each child and his/her parent upon the child's placement in the home.*
45. *The Advisory Committee recommends that a provincially consistent life skills program be developed in consultation with children in care and reviewed annually.*

Other Comments

Throughout the consultations, the Advisory Committee also heard other comments around potential living arrangements for children involved with child protection. Several participants remarked on the trauma and hardship children in need of protection have experienced. As such, it was suggested that Child Protection Services consider broader policy options where children remain in the family home and the parent responsible for harming and/or neglecting the child be removed. An analogy to this is the emergency protection orders contemplated under the *Victims of Family Violence Act* where an order can be made granting the victim of family violence and other family members the exclusive occupation of the family residence. The child could be cared for by the other parent, grand-parents or other individuals in his or her own home minimizing the amount of disruption in the child's life.

46. *The Advisory Committee recommends that a jurisdictional scan be completed to explore models across Canada wherein a parent is removed from the home when a child is found in need of protection from parental harm, thus, allowing the child to stay in his/her familiar surroundings and be cared for by an alternative care provider.*

Theme: Extended Services for Children Beyond 18 Years of Age

A number of participants consulted indicated that there is a need to broaden extended services provided in the *Act*, particularly, there is a need to revisit the age by which the services of Child Protection cease and the accessibility of extended services. Most children today remain within the family unit, or are dependent upon the family unit, beyond the age of eighteen (18) as most are not fully independent at that stage in their development. It is believed that children involved with Child Protection are especially vulnerable, and like their peers, they too are often not able to live fully independently at age eighteen (18). Like their peers, children involved with Child Protection may lack the necessary life skills to live independently.

It was the perception of many that services offered through Child Protection are abruptly ended as a child becomes eighteen (18) years of age. Several children expressed feelings of anxiety and uncertainty about their 18th birthday. For some, this reinforces feelings of being alone and unsupported. Alternatively, others indicated feeling forced to return to a family situation that is unhealthy and damaging.

As a result of changing social norms, several suggestions were heard: revisiting the age by which services under Child Protection end, making extended services accessible to more children in care, including children in temporary care, and ensuring a gradual exit of children from the Child Protection system including financially supported transitional housing which offers programming that builds skills for independent living; such as cooking, shopping, budgeting and financial management. Many consider that the supports offered through extended services are needed to ensure a good start into adulthood for children who have had challenging childhoods.

The Advisory Committee also heard the perspective of adults harmed as children. Some individuals continue to carry the impacts of trauma incurred as a result of parental harm and neglect into adulthood. As such, consideration should be given to providing services and supports to such adults.

47. The Advisory Committee recommends that a jurisdictional scan be conducted to review child welfare legislation across Canada for consideration of proposed legislative amendments to the PEI Child Protection Act to raise the age for extended services beyond twenty-one (21) years.

48. The Advisory Committee recommends that Government designate capital and operational resources for the development and maintenance of transitional housing options to support children exiting the child protection system.

Theme: Child Protection Interventions

Concerns were raised regarding investigations conducted by Child Protection Services. There was a perception among some participants that the approach used by child protection social workers is not always consistent or thorough. In some instances, participants asserted that the information relied upon by child protection social workers was not accurate. There were also concerns that in some cases, individuals with information relevant to the investigation were not always asked to participate in the process leaving important sources unexamined. Furthermore, in the opinion of a few participants, cases involving serious mental health issues on the part of parents were not addressed leaving children in vulnerable situations as their parents faced significant mental health problems. Some participants advocate for more training for child protection social workers on conducting investigations as well as more training

on mental health issues. Other participants acknowledged that child protection social workers may be operating with limited resources which may impact the investigation process and how work is carried out.

Communication was also identified as an issue with respect to investigations and other interventions. Parents believed that they were not kept informed during Child Protection Services interventions and investigations. Others who had reported concerns pursuant to mandatory reporting also believed that they should be informed regarding the outcome of their reporting. Meanwhile, increased information sharing among various service providers in a child's life may help support families under investigation or known to be high risk.

The Advisory Committee also heard that child protection social workers sometimes feel prevented from pursuing further intervention with a family due to the legal thresholds at play. At least one group stated that there should be legislated protection for staff that take measures in good faith for the safety and best interest of the child. From their perspective, child protection social workers should not have to consider whether they will be successful in court as they sort out the best plan for a child which in the social worker's view is grounded in the safety of the child and the child's best interests.

A broad concern was heard regarding how Child Protection Services is limited in its ability to intervene in certain situations and should address children who may be harmful to themselves, children ages sixteen (16) to eighteen (18) who refuse services, the limits to the autonomy provided to children and other related issues.

The Advisory Committee believes that adoption by the Senior Leadership Group of Recommendation 8 will lead to improvements in evidence-based decision-making in Child Protection interventions. Additional recommendations include:

49. *The Advisory Committee recommends that a jurisdictional scan be conducted to review child welfare legislation across Canada for consideration of proposed legislative amendments to include definitions of "best interests of the child", "child in need of protection", "neglect", "parent", "emotional harm", "substantial risk of harm"; confidentiality limitations specific to professionals who report information pursuant to mandatory reporting provisions and clarification of required procedural protocols; clarification on "plan of care" and "caseplan"; alternative approaches to developing safety plans for children; and, provisions to place a child with someone with whom the child has an established relationship to include a parent or grandparent, or in accordance with an alternate placement option presented by the parents of a child.*

50. The Advisory Committee recommends that Child Protection Services develop policies and procedures for the delivery of child protection services to children between the ages of sixteen (16) and eighteen (18) years of age and an abandoned child.

51. The Advisory Committee recommends that Child Protection Services amend the Voluntary Agreement for Temporary Custody and Guardianship form to state that the Director of Child Protection determines the child to be in need of protection without requiring the parent to acknowledge same and revise policies and procedures to clarify criteria for voluntary agreements.

In cases involving domestic violence, some expressed the sentiment that the onus is placed on the victim of family violence (i.e. often the mother but not always) to ensure that children are protected with little or no support for addressing the abuse. Indeed, victims of family violence sometimes feel vulnerable about losing care of their children if the perpetrator of the violence does not comply with directions, for example, to stay away from the home. Frequently, there are circumstances where the violent offender repeatedly returns to the home where the victim of family violence and the children are living. Child Protection Services currently provides minimal safety planning on risk reduction for families experiencing domestic violence and instead places responsibility on the non-offending parent to protect the children. Victims of family violence often fear that Child Protection Services will remove their children despite the fact that the victim has received little support or assistance in creating a safety plan for addressing the abuse. Individuals, professional groups and staff consulted recommend that child protection social workers receive more training on intervening in domestic violence cases.

The Advisory Committee noted that child abuse and neglect sometimes occurs within the context of broader family violence. Professionals investigating reports of child abuse and neglect, and those working with families after a substantiated finding, need to be aware of the complex dynamics present in family violence, and the implications for work with children in such families.

52. The Advisory Committee recommends that Child Protection Service staff, and staff with such other services as might be identified by the Senior Leadership Group, undergo periodic training regarding family violence and its impacts upon children, such training to be comprised of interventions with demonstrated evidence for enhancing participants' knowledge, attitudes, and/or skills.

Theme: Enhanced Public Awareness of Child Protection Issues

Throughout the consultations, the Advisory Committee noted comments made regarding enhancing public awareness. These comments centered around enhancing public awareness of child protection issues such as the issues commonly addressed by Child and Family Services, reporting obligations and early warning signs of harm to children or neglect. Any such communications should be made in plain language. There is a hope that enhanced awareness of child protection issues would result in more vigilant communities, higher rates of appropriate reporting and earlier intervention reducing the need for more intrusive interventions. The Advisory Committee also heard that it would be beneficial to have greater information on available resources for families in need of assistance offered by the Government or within the community.

Numerous groups of participants discussed the perception of Child Protection Services and suggested enhanced awareness of the role of such services. Many expressed that families fear Child Protection Services. For some, Child Protection Services is seen as taking children away from their families. Others indicated that they sometimes do not report concerns for fear that children will be apprehended. There is a stigma for families associated with being involved with Child Protection Services. The Advisory Committee heard that there is a need to reshape public perception of Child Protection Services and highlighting their role in ensuring that families receive the help and supports needed to safeguard children from abuse and neglect.

Comments were also heard about a need for enhanced public awareness with respect to specific topics. The Advisory Committee heard that there is a need for public awareness on early child brain development, on the pervasive influence of parents on children's development and wellbeing, awareness of the potential dangers of allowing children to engage in unsupervised social media activities as well as the responsibilities of the public in this regard.

The Advisory Committee heard that consideration should be given to amending the *Child Protection Act* such that hearings are open to the public in accordance with the principles of access to justice and open courts. As an alternative viewpoint, while the principles of access to justice and open courts are important, any changes with respect to attendance at Child Protection hearing should also take into account issues of confidentiality, the need to protect the identity of the parties involved and the need to ensure the safety of the parties involved.

53. The Advisory Committee recommends that consideration be given to amending the Child Protection Act such that hearings are open to the public in accordance with the principles of access to justice and open courts.

Theme: Enhanced Cultural Sensitivity

The Advisory Committee met with Lennox Island and Abegweit First Nations and a themed overview of the discussions are at pages 56 to 64 herein. While the *Child Protection Act* makes provisions for Aboriginal persons, it was believed that there is a need to enhance cultural sensitivity with respect to Aboriginal persons, Newcomers to PEI as well as persons of minority cultures. Recognition of the importance of minority culture, language, religion is needed in determining the best interests of a child under the *Child Protection Act*.

Conversely, as PEI becomes more culturally diverse, there may be a need for Child and Family Services and/or other agencies to formalize and communicate expectations around the *Act* and the wellbeing of children in Prince Edward Island. Involvement of the Newcomers Association who is often the first contact for newcomers to PEI would be important in such a task. To illustrate the recent work of Child and Family Services in this regard, Child and Family Services recently connected with the Buddhist Community in Little Sands at their request to provide information with respect to residential education settings. There is a view that Child and Family Services should engage in more work of this nature.

For their part, members of the judiciary stressed that where a child is of Aboriginal heritage, the parties should inform the Court to ensure that this is considered in decision-making. It was noted that there is a Designated Band representative as prescribed in the *Child Protection Act* who has a specific function in the legislation to represent the band respecting an Aboriginal child. On the other hand, members of the judiciary noted that a child's heritage must be placed within the context of the best interest of the child.

54. The Advisory Committee recommends that the senior leadership group referenced in recommendation two (2) appoint a working group including members from Child Protection Services, the Newcomers Association of PEI, La Société Saint-Thomas-d'Aquin and such other governmental and community partners as appropriate to create a plan for enhancing cultural sensitivity within services for children and families, and for communicating with newcomers about expectations around the Child Protection Act and the wellbeing of children in Prince Edward Island.

55. The Advisory Committee recommends that whenever the Director of Child Protection brings before the Courts a case involving a child who is of Aboriginal heritage, the Director shall ensure that the Courts are informed so that this is considered in decision making.

Theme: Child Protection Services Internal Processes

The Advisory Committee heard numerous participants commend, recognize and express gratitude for child protection staff for their hard work in this area. The work of child protection staff is seen as important and valuable. Many noted that the work of child protection staff can be challenging, complex and isolating. They further acknowledged that the challenges within Child Protection Services are at a systems level and should not be borne by individual child protection social workers, alone.

Some participants questioned workloads wondering whether the volume of work assigned to staff allows cases to be addressed effectively. Others noted, including staff, that staff are overwhelmed, overworked and some experiencing compassion fatigue. Children stated that when social workers are out of the office work is stalled, such as obtaining signed consent forms for field trips or for other school activities. Children commented that generally, there appears to be significant bureaucratic processes for services (i.e. extended services, authorizations for over-night visits to friends' homes, consent forms for field trips, etc.) and that this impacts their ability to receive services and participate in normal activities. Overall, children believed that this compromised normalcy in their lives.

Foster parents and the judiciary noted high turnover and a disproportionate ratio of new staff to experienced staff as a cause for concern. For children, high turnover means many social workers within a short time period limiting the relationship that can be built. One child in care noted that in three (3) years, he/she had had nine (9) different social workers. Many children in care confirmed that having multiple social workers while in care is the norm.

56. The Advisory Committee recommends that the Senior Leadership Group seek advice from Risk Management and Legal Services regarding the appropriateness of current policies and practices followed by Child Protection Services with respect to enabling foster parents and group home staff to provide permission for children's activities including extra-curricular activities, school trips and overnight visits in the future.

57. The Advisory Committee recommends that the Public Service Commission work closely with the Senior Leadership Group to conduct an analysis on recruitment and retention indicators within Child Protection Services and identify factors that may be impacting recruitment and retention and implement recommendations for improvement.

Working Relationships with Legal Counsel

Based on comments heard in the child protection staff consultations, working relationships between staff, supervisors and legal counsel can sometimes be challenging where staff feel they and supervisors are taking direction from legal counsel in terms of how to case manage a matter rather than receiving advice on legal options. Community partners also expressed

frustration that staff are choosing not to pursue court orders based on the advice of their legal counsel, stating that cases should be pursued based on the social worker's assessment of the best interests of the child in question and the most appropriate case plan to achieve this.

The Director of Child Protection must exercise due diligence in all considerations regarding changes to the legal status of children. Children should only be removed from parental care and supervision when other measures have failed or are inappropriate, and returned when deemed safe and in the best interests of the child. A Child Protection policy entitled *Change of Legal Status Meetings* provides clarity on roles and responsibilities of legal counsel to the Director of Child Protection and Child Protection Social Workers.

The Advisory Committee believes risk assessment is an integral component of Child Protection Services work with children and families and that the adoption by the Senior Leadership Group of Recommendation 8 will lead to improvements in evidence-based decision-making in Child Protection interventions, including the effectiveness of decisions regarding children's safety and in obtaining permanence for a child in the care of the Director of Child Protection.

58. (a) The Advisory Committee recommends that the role of child protection social workers and supervisors and the role of legal counsel be further clarified and differentiated when making decisions on the legal status of a child involved with Child Protection Services within the existing context of the Director of Child Protection and those acting on the delegated authority of the Director.

(b) The Advisory Council recommends that opportunities be created for Child Protection staff to receive supplementary training on the application of rules of evidence which may aid in facilitating improved understanding of the rationale for legal counsel's advice and improved communication between Child Protection staff and legal counsel.

Theme: Relationships between Children and Child Protection Social Workers

Children in care highlighted the special role played by child protection social workers in their lives. For many children, child protection social workers are seen as playing the role of parents. Children explained that child protection social workers are very important and valued by the children with whom they work. Many children expressed wanting more one-on-one time with their child protection social worker. Others indicated that they would like for child protection social workers to follow up with them more regularly to see how they are doing and see how they are adjusting to their placement. Children also wanted more time to speak with their child protection social worker to discuss their needs, services available to them and to discuss their case plan. As an illustration of the impact of individual attention paid to children in care, one child recalled a time when her Family Ties Worker came to see him/her while at the hospital;

the incident positively impacted him/her and he/she remembered the gesture fondly and with appreciation. Another child who had aged out of Child Protection Services returned to visit the home of a child protection worker he/she had interacted with to let her know “that he/she has turned out well” in his adult life.

59. The Advisory Committee recommends that Child Protection Services explore options to promote regular and consistent contact between front line child protection social workers and children in the legal and custody and guardianship of the Director of Child Protection. Child protection social workers attribute their current caseloads as an impediment to established relationships between themselves and children in the legal custody and guardianship of the Director of Child Protection.

Meetings with Children

Children noted concerns around the practice of social workers requesting to meet with children at school during school hours. Children explained that these meetings are intimidating, stressful and draining and impact their concentration in school for the remainder of the day. They also spoke about the stigma children feel when child protection social workers meet with them in a school setting. They suggested that meetings be conducted off school premises and that children be informed as to the reason for the meeting.

With respect to general information provided to children by child protection social workers, children noted significant inconsistencies with the information received from staff. They noted a need for child protection social workers to provide more consistent information to children.

60. The Advisory Committee recommends that child protection social workers arrange to meet a child, with the exception of an investigation, outside of school hours unless the child expresses a preference to do so. It is recommended that the child's preference for meeting time and location be discussed with the child and respected by the child protection social worker unless otherwise not practicable.

Maintaining Contact with Family Members

Notwithstanding that it may not be in the child's best interests to live with his/her parents, children expressed that they wish more efforts were made by Child Protection Services to support children to maintain contact with their family members.

61. The Advisory Committee recommends that, unless it is viewed by the Director of Child Protection as contrary to the child's best interests, children who are in the care of the Director, and who want to maintain contact with their family members, be supported in doing so.

Theme: Interface of *Child Protection Act* Processes and Civil Custody and Access Processes

The Advisory Committee heard views regarding the interface of *Child Protection Act* processes and civil custody and access processes. Specifically, the Committee heard concerns about the perception of limited requirements to notify the Director of Child Protection regarding civil custody and access proceedings between parents. The Director of Child Protection does receive notice of custody and access proceedings between parents. The Director determines if there has been involvement with Child Protection Services and the Director of Child Protection then has two weeks to respond and notify their intention to file a report in the matter, if the Director deems there is a need to do so. The Director provides a report to the Court within sixty (60) days and does not make recommendations with respect to custody and access of the child. The parties to the civil custody and access matter have fifteen (15) days to respond.

There was a perception by participants that Child Protection Services could and should play a greater role in civil custody and access proceedings including facilitating supervised access for parents where necessary. The suggestion with respect to supervised access was expressed at the time of the consultations as PEI did not have such a program. Recently, the Government of PEI announced the development of a service to provide a safe and supervised access service for children moving between parents as well as a parenting coordination service for high-risk families in transition. The Advisory Committee understands that this program will be offered through the Family Law Centre, Department of Justice and Public Safety.

Alternatively, the Advisory Committee also heard that there is a need for enhanced public awareness that Child Protection Services does not play a role in civil custody and access processes other than the requirement to file a report if deemed appropriate by the Director. Additionally, there appears to be a general lack of understanding of the purpose of the Director of Child Protection's report in civil custody and access processes and as a result varying expectations of the Director of Child Protection's role in such matters.

62. The Advisory Committee recommends that court applications pursuant to the Victims of Family Violence Act be served on the Director of Child Protection in the same manner as stipulated in the Rules of Civil Procedure for all other custody and access claims.

63. The Advisory Committee recommends a working group be established to include a member of the Judiciary, the Director of Child Protection, Legal Services, Legal Aid, and the Law Society of PEI to address the following concerns:

- i) how to include the Director of Child Protection into Victims of Family Violence Act cases without slowing the court process;*

- ii) to clarify the role of the Director of Child Protection after the Director has intervened and filed a Report to the Court; and*
- iii) to determine if a representative of the Director of Child Protection should be present at Pre Motion Conferences when the Director of Child Protection indicates they are intervening.*

64. The Advisory Committee recommends that Child Protection Services partner with the Community Legal Information Association to produce an information pamphlet to clarify their role in civil custody matters.

Theme: Fathers and Mothers and the Child Protection System

The Advisory Committee heard from a number of participants that there is a perception of bias in the child protection system in favour of mothers over fathers. There is a perspective that Child Protection Services and workers see mothers and children as more credible than fathers in child protection disputes. There is also a perception by some that Child Protection Services is more focused on supporting mothers as opposed to fathers. One participant spoke of his/her experience with Child Protection Services and recalled a tone that “men are wrong” and a general stereotype that “men are abusers” held by those working in the system. The Advisory Committee heard that the public too also appears to be biased towards mothers caring for their children.

Participants indicated that there are indeed fathers who want to be active parents and want to develop and improve their parenting skills to be better fathers to their children. The Advisory Committee heard that to effectively engage these fathers, it is important that Child Protection Services be aware of biases and prejudices regarding fathers and adopt a more inclusive and supporting attitude towards the men in children’s lives.

Additionally, the Advisory Committee is aware that assumptions can also be made about women’s roles as mothers, about what does and does not constitute a “good mother”, about what is acceptable behaviour for someone who is a mother in contrast to someone who is a father, and about what efforts and contributions by mothers—compared with fathers—get noticed and applauded. The well-being of children is most supported when there is full appreciation for the contributions which can be made by fathers and mothers, alone or as couples, and by same-sex couples, in nurturing children.

65. The Advisory Committee recommends that Child Protection Services, in consultation with such other government and community services as appropriate: (1) review its policies and procedures to minimize risk of unfair bias regarding the roles and expectations for fathers and mothers, alone or as couples, and for same-sex couples; and (2) develop and implement appropriate staff professional development designed to minimize such risk.

For greater clarity to the reader, where the Advisory Committee does not identify a specific timeline for the implementation of a particular recommendation the Advisory Committee defers to the Senior Leadership Group identified in the Public Policy recommendations to establish an appropriate timeline for the implementation of such recommendations.

SUMMARY OF ABORIGINAL ENGAGEMENT

The Advisory Committee engaged Aboriginal People living on and off Reserve in Prince Edward Island throughout the engagement process. The following Report represents a summary of the themes arising from the organized engagement sessions held on the Abegweit First Nations Reserve in Scotchfort and the Lennox Island First Nation Reserve in Lennox Island. An invitation was extended to Aboriginal People living off Reserve to either attend the engagement sessions held on Reserve or, alternatively, at a meeting to be scheduled at a later date as requested by the Native Council.

The engagement sessions held with the Aboriginal communities are not to be viewed as a formal Provincial Government to Mi'kmaq First Nations Government consultation process which would need to be conducted prior to legislative amendments to the *Child Protection Act*, specifically with respect to legislative provisions which relate to an Aboriginal Child living in Prince Edward Island.

ABORIGINAL ENGAGEMENT – ABEGWEIT FIRST NATIONS

Engagement with Abegweit First Nations community members and service providers was held on Reserve in Scotchfort. Advisory Committee members were appreciative of the opportunity to be invited on Mi'kmaq land to hold a discussion about the administration of the *Child Protection Act*. In collaboration with the Aboriginal representative member of the Advisory Committee, the Advisory Committee offered an opportunity for Aboriginal people living off-Reserve in PEI to attend an engagement session off-Reserve in Charlottetown, PEI.

Theme: Building Trusting Relationships

Community members spoke about the level of distrust and fear Mi'kmaq people have of the Child Protection Services system and the child protection social workers delivering services within the system. The historical negative and traumatic effects of the Indian Residential School experience underpin the high level of distrust and significant fear that Aboriginal People have of current Child Protection Services. When a child is moved from their community by child protection social workers because of a finding that the child is in need of protection, the community does not have faith that the child will be treated well by the Child Protection system. Furthermore, parents are concerned that child protection social workers who come into their homes will use “standards of assessment” when conducting an investigation that are

not appropriate to the manner and way Aboriginal children are parented by a network of caring adults within the Aboriginal community. The Aboriginal community believes that it takes the community to raise the child.

Theme: Improved Cultural Sensitivity and Awareness

Improved cultural awareness when working with Aboriginal parents and families was a predominant theme. Increased cultural awareness training for direct care providers and child protection social workers was identified as a strong need and viewed as critical to establishing any level of trust with child protection social workers. Community members indicated that having many different child protection social workers offering services within the community hinders the opportunity to build a relationship with Abegweit First Nation community members and service providers. Community members recommended an increase in Aboriginal social workers and that a designated child protection social worker be assigned to the community to enable a consistent approach and relationships to be established.

Theme: Approach to Investigations

Community members indicated that the manner in which child protection investigations are conducted on Reserve exacerbate the feelings of distrust and fear of Child Protection Services within the community. Their view of the apprehension process is that child protection social workers are often accompanied by the police, the apprehension happens very quickly and the police rush away from the community in their cars. Community members indicated that child protection social workers connecting with community elders and Abegweit First Nation Service providers in advance to plan their approach would make a positive impact on how and where the child protection intervention takes place and how it is perceived by the family and the community.

Community members spoke about their desire for child protection social workers to demonstrate a level of basic courtesy and respect when entering the home of the parents of an Aboriginal child to investigate a report of harm to the child. When developing a plan of safety for the child, community members indicated that it is important that child protection social workers consider what supports are within the Abegweit First Nation community that can be wrapped around the child in the least intrusive manner; are there uncles, aunts and grandparents available to care for the child?

Service providers expressed concern about Aboriginal children being interviewed on a number of occasions by Child Protections Services and police in the course of an investigation. Service providers are concerned about the traumatizing effect that this has for the child involved with child protection services. There are limited supports available to support a child in this

circumstance. Service providers working within the PRIDE program as liaisons and in their role witness the effect of multiple referrals on the same family and the impact on the children.

Theme: Children and Families Living Off-Reserve

A recurring theme heard throughout the engagement session was the gap in the *Child Protection Act* with respect to Aboriginal children who are not registered or do not have status. Concerns were expressed for Aboriginal children and families living off-Reserve who are not connected to their community, are not connected to services available to Aboriginal children and families living on reserve, and ultimately do not have a voice. A strong concern was raised that there are Aboriginal or Indigenous children living with families in PEI who are not connected to a Reserve and as a result are not identified as an Aboriginal child.

Theme: Collaboration and Information Sharing

Service providers working with Abegweit First Nations providing services to Aboriginal children and their families spoke about the challenges they experienced working collaboratively with provincial Child Protection Services. Information sharing and communication was identified as a significant gap. A concern raised was the lack of recognition by provincial Child Protection Services of the role of the on-Reserve service providers and their role in supporting the children and helping the parents in developing a case-plan. Information-sharing and collaboration amongst on-Reserve service providers and child protection social workers would enhance the chances of developing a viable plan to ensure the safety of the child within the community.

Theme: Programming and Support for Aboriginal Children in Care

The importance of Aboriginal children who have been found to be in need of protection from parental harm remaining within the Aboriginal Community following an apprehension from their home was a key theme. History has shown that children removed from their community and their heritage and culture have a difficult time adapting at a later time upon return to their community. Connection and attachment to the Aboriginal community is critical.

While the Aboriginal community wishes for Aboriginal children to remain in the community rather than being removed from their community, when a child has been deemed to be a child in need of protection from parental harm, service providers spoke about the challenges encountered when a least intrusive plan of safety is developed for the child with grandparents, relatives or a community member. Community members and service providers indicated that there is a lot of confusion around the legal status of the child when the child is placed in relative's home through a safety plan developed by the parents with the support of Child Protection Services. There are also significant financial implications for the grandparent, relative or community member who agrees to take the child and care for the child. There is a

limited understanding that there are no financial supports to do so through the provincial Child Protection Service. The community and service providers are confused about the difference between placing a child with a relative or community member through a least intrusive safety plan and that of a kinship placement.

The Aboriginal community members also spoke about their assumptions that few community members would be accepted as Aboriginal foster families because of provincial policy requirements for fostering children. They commented on their concern with respect to the need for a criminal record check which may create ineligibility as foster parents, as well as the requirement for homes to be structured in a particular manner with respect to allocation of bedrooms for foster children.

ABORIGINAL ENGAGEMENT – LENNOX ISLAND FIRST NATIONS

Engagement with Lennox Island First Nations community members and service providers was held on Reserve in Lennox Island. Advisory Committee members were appreciative of the opportunity to be invited on Mi'kmaq land to hold a discussion about the administration of the *Child Protection Act*. Chief Matilda Ramjattan was present for the engagement session.

Theme: Building Trusting Relationships

Similar to the engagement session held with Abegweit First Nations, community members spoke about the level of distrust and fear Mi'kmaq people have of Child Protection Services system and the child protection social workers delivering services within the system. The historical negative and traumatic effects of the Indian Residential School experience underpin the high level of distrust and significant fear that Aboriginal People have of current child protection and welfare services. When children are moved from their community by child protection social workers because of a finding that the child is in need of protection the community does not have faith that the child will be treated well by the child protection system. There is also a concern based upon history that child protection services may be looking for a reason to take their children from their parents and that Aboriginal parents may be held to a standard that is not reasonable or culturally appropriate. Community members expressed their concern that there are biases within the child protection system toward a non-Aboriginal way of parenting.

Theme: Improved Cultural Sensitivity and Awareness

Improved cultural awareness when working with Aboriginal parents and families was a predominant theme. Increased cultural awareness training for child protection social workers was identified as a strong need and viewed as critical to re-establishing any level of trust with child protection social workers. They will not be seen as helpers until a level of trust is

established. Community members indicated that having many different child protection social workers offering services within the community hinders the opportunity to build a relationship with Lennox Island First Nation community members and service providers.

Community members recommended an increase in Aboriginal social workers and that a designated child protection worker be assigned to the community to enable a consistent approach and support established relationships with Lennox Island service providers. Service providers and community members also spoke about the trauma that many Aboriginal parents have experienced and that child protection social workers need to be trauma informed in order to truly understand where the parents may be due to their own trauma.

Theme: Approach to Investigations

Service providers indicated that their experience with Child Protection Services is that there is not a consistent approach to reports under the *Child Protection Act*. Community members and service providers find it difficult to not know the outcome of a report that has been made in terms of whether there has been an intervention or a follow-up.

Community members indicated that the manner in which child protection investigations are conducted on Reserve exacerbate the feelings of distrust and fear of Child Protection Services within the community. Their view of the apprehension process is that child protection social workers are often accompanied by the police and the apprehension happens very quickly. Sometimes a school is locked down and children are kept separate from their parents. Community members indicated that child protection social workers connecting with community elders and Lennox Island First Nation Service providers in advance to plan their approach would make a positive impact on how and where the child protection intervention takes place and how it is perceived by the family and the community.

Lennox Island service providers would like to work with provincial child protection social workers to find ways to diminish the stress and anxiety for Aboriginal families and communities during a child protection investigation or an apprehension. The Lennox Island Child Development Team could be a strong asset. Service providers encouraged provincial child protection services to work in a more collaborative fashion with the Aboriginal community to make safety plans for children who are in need of protection.

Service providers indicated that alternative approaches to removing children from their home should be considered when it is determined that a parent is causing harm to the child. Alternative options to be considered should be removing the parent who is causing harm to the child from the home and having a foster parent, relative or community member move into the home with the child.

Community members spoke about their desire for child protection social workers to demonstrate a level of basic courtesy and respect when entering the home of the parents of an Aboriginal child to investigate a report of harm to the child. When developing a plan of safety for the child, community members indicated that it is important that child protection social workers consider what supports are within the Lennox Island First Nation community that can be wrapped around the child in the least intrusive manner. Are there uncles, aunts and grandparents available to care for the child?

Community members also spoke about the need for Aboriginal Foster parents so that if Aboriginal children do need to leave the community in which they live they are placed with an Aboriginal Foster family. The community has a concern that once their children “cross the causeway” and leave the community that they may never be back. Community members also identified that it can be difficult to offer a foster parent placement in such a small community and the challenges that may arise as a result; children in care living with a foster family and their close proximity to their parents.

Theme: Collaboration and Information Sharing

Service providers working with Lennox Island First Nations providing services to Aboriginal children and their families spoke about the challenges they experienced working collaboratively with provincial child protection services. Information sharing and communication was identified as a significant gap. A concern raised was the lack of understanding or recognition by provincial child protection services of the role of the on-Reserve service providers and their role in supporting children and helping the parents. Members of the Child Development Team indicated that more effective measures for information-sharing and collaboration with provincial child protection social workers with the consent of families would enhance services provided to the family, eliminate duplication and potentially eliminate service gaps. Child Protection Services can also build trust with the First Nations communities by working collaboratively with service providers who are working within the First Nations communities.

A positive aspect of child protection services working more collaboratively with Lennox Island service providers is that culturally appropriate case plans can be developed for Aboriginal families that supports the safety of Aboriginal children in a home where the community wraps around the children and the family.

It was noted that the PRIDE program may have some work to do in helping the community members understand the program, their liaison role between child protection services and the families, and how they can help Aboriginal families in their interaction with child protection services.

Theme: Programming for Aboriginal Parents Involved with Child Protection

A significant theme arose concerning the challenges that Aboriginal parents have accessing programs and services that may be part of a parenting plan developed to improve parenting skills or address mental health or addiction issues. The parents must demonstrate they are participating in and completing the plan. Aboriginal parents may have trouble accessing the services or attending scheduled appointments because the services are offered during the day when they are working, or they may not have transportation to services offered at a location at a significant distance away from their community. The impact of this is that Aboriginal parents may not appear to be making an effort to follow through with their case plan and as a result their children remain in care.

Theme: Programming and Support for Aboriginal Children in Care

Aboriginal children expressed their views on the challenges they experienced being an Aboriginal child in care and what actions or measures would have made a positive impact on their experience. Children expressed their concern that an intervention by child protection services does not necessarily make life better for the child. One child who spent years in care and away from the Aboriginal community with little opportunities to reconnect with his/her community, his/her heritage and his/her culture found reintegration back into the Aboriginal community quite challenging. Living in a non-Aboriginal community is different from living in an Aboriginal community.

Children recommended transition programming for children who reach the age of 18, leave the care of the Director of Child Protection and return to the Aboriginal community. It is very challenging for children to return with limited life skills and no cultural attachment and connection. The children also recommended that programming and services for children in care extend beyond the age of eighteen (18) years and that a connection with a one-on-one worker would be a good support for a successful transition.

Aboriginal children were challenged by the turnover of social workers and indicated that one Aboriginal child had seven (7) social workers in one year. It is difficult for children who have many social workers during their time in care to form any kind of relationship with their child protection social worker. Children emphasized that every child's needs are different and that it is important that someone is paying attention to the child and the supports they require. Generally, children indicated that they require consistency in their lives and are able to connect with a social worker that they can trust and develop a relationship. The children also believe that Aboriginal children, perhaps not all, need to be placed in a First Nations community or with an Aboriginal family off-Reserve to ensure that their attachment to the community continues.

66. (a) *The Advisory Committee recommends that, for the purposes of creating a process to formally review themes identified throughout the Advisory Committee's engagement with Aboriginal People of PEI and to support the establishment of an appropriate forum for the development of specific recommendations to address such themes, Provincial Government representatives including the Deputy Minister responsible for Aboriginal Affairs and Director of Aboriginal Affairs convene an initial meeting to be held on or before 31 January 2017 with First Nation and Aboriginal leaders in PEI; including, Chief of the Lennox Island First Nation, Chief Matilda Ramjattan, Chief of the Abegweit First Nation, Chief Brian Francis, Executive Director, Legal / Band Government Advisor and Director of Intergovernmental Affairs of the Mi'kmaq Confederacy, Don MacKenzie, President of the Native Council of PEI, President Lisa Cooper, Executive Director of Aboriginal Women's Association of PEI, Judith Clark.*
- (b) *The Advisory Committee recommends that the Child Welfare Recommendations of the Truth and Reconciliation Commission of Canada 2015, developed to redress the legacy of residential schools, and enumerated 1 through 5, be used to underpin specific recommendations referenced in Recommendation 66, herein⁴.*

CONCLUSION

The *Child Protection Act* Review Advisory Committee met with many Islanders over the course of the Review to hear their views regarding the provisions of the *Child Protection Act* and the services performed pursuant to the Act. There was significant engagement from the public, youth and families impacted by the Act, community partners and organizations, government partners, foster parents, service providers, the judiciary, Mi'kmaq First Nations and Aboriginal people. In total, approximately three hundred and sixty (360) Islanders participated in the review. Advisory Committee members are grateful to participants who took the time to attend consultations and one-on-one interviews or provide a written submission. The Chairperson of the Advisory Committee sincerely appreciates the dedication of all Advisory Committee members who devoted countless hours to the consultation and report writing phases of the Advisory Committee Review.

When discussing the *Child Protection Act*, the Advisory Committee found that participants took a broad view of the purpose legislation and the scope of child protection in general. An overarching theme which arose from the review process was the need to improve resources for prevention and early intervention services which supports healthy child and family

⁴ http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

development and strengthens Island families. In addition to improvements required in Child Protection Services for children at risk of parental harm, there is a prevailing view that significant service gaps exist for children in need and youth and families at risk. There are also significant gaps for children and youth who are at high risk but may not require protection from parental harm.

A common thread throughout all of the consultations and submissions gathered by the Advisory Committee was that there is more work to be done by our community and Government with respect to child protection – we all can do better for the children of PEI - Child Protection is Everyone's Responsibility. Core to the protection of children from abuse and neglect is the promotion of healthy child and family development and well-being and this is a collective responsibility across government, communities and families.

Clearly, Child Protection Services cannot and should not accept the sole responsibility of protecting children from parental harm and neglect, alone and disconnected from a broader public policy framework. The Advisory Committee is of the view that a Review of the *Child Protection Act* in five years hence will produce similar results to this 2016 Review unless Child Protection Services is recognized as just one aspect of an established network of integrated supports, programs, services and strategies for families and children.

Prince Edward Islanders attending public, community and service provider consultations and through written submissions clearly stated that in order to positively address the root causes of parental harm and neglect of children, Islanders must view the protection of children and the promotion of healthy child and family development and well-being as everyone's responsibility. This shared responsibility involves families, communities and government. Comprehensive and integrated approaches involving families, communities and government are critical.

To address the issues heard during the consultation process as well as other issues of concern with respect to the operation and administration of the *Child Protection Act* and concerning whether the principles and purposes of this Act are being achieved, the Advisory Committee prepared sixty-six (66) recommendations under the broader categories of public policy recommendations and service delivery recommendations. The first three (3) over-arching policy recommendations are designed to establish a framework, corporate direction and senior leadership and accountability critical to the implementation of the remaining sixty-three (63) recommendations. Without such a framework there is a strong possibility that the remaining recommendations will flounder:

1. *The Advisory Committee recommends that government adopt a social policy framework recognizing that: (i) protection of children, and promotion of healthy child and family development and well-being, is everyone's responsibility; (ii) this shared responsibility requires meaningful collaboration, across government and with communities and*

families; (iii) promotion of healthy child and family development and well-being is to be informed by an ecological model, recognizing individual, relationship, community, and societal levels of influence, and is to be guided by a population health perspective, through which the needs of all Island children and families are addressed at an appropriate level of intervention and support, and (iv) that this social policy framework will inform legislative amendments, policy decisions, core processes, programming selection and implementation, and day-to-day practice.

The social policy framework shall be inclusive of Indigenous children and families and aimed at the collective responsibility to protect children and promote healthy child and family development and well-being and shall align with other initiatives of the Government of PEI including the Poverty Reduction Strategy, the Wellness Strategy, Early Learning and Child Care Framework and the Mental Health and Addictions Strategy.

- 2. The Advisory Committee recommends that the social policy framework be supported through the development of a three-year plan of action overseen by a senior leadership group constituted by 31 January 2017, and reporting to Executive Council annually. The recommended senior leadership group composition is the Deputy Minister of Family and Human Services, the Director of Child and Family Services, the Deputy Minister of Education, Early Learning and Culture, the Director of the Public Schools Branch within the Department of Education or the Director of Student Services and the Director of the French Language School Board, the Deputy Minister Responsible for Aboriginal Affairs, the Director of Aboriginal Affairs, the Deputy Minister of Justice and Public Safety, the Director of Justice Policy, the Deputy Minister of Health and Wellness, the Chief Public Health Officer, and three community members, including one voice from the perspective of a consumer of services. Further, given the centrality of a population health perspective for this work, the importance of corporate consistency and the need for sustainability, that the senior leadership group be co-chaired for its duration by the Chief Public Health Officer and co-chaired for one-year terms by rotating members of the group. The responsibility for the work of the senior leadership group does not rest with the Chief Public Health Officer but is collaboratively shared among the members.*
- 3. The Advisory Committee recommends that part of annual performance review of Deputy Ministers be evidence of enhanced collaboration across government departments and with community.*

The Advisory Committee is optimistic that strong leadership and partnerships at the government and community level and a planned course of action for the implementation of the comprehensive recommendations outlined herein will serve to protect children from parental harm, support family strengthening, and promote healthy child and family development and

well-being in PEI. The recommendations require a comprehensive and consistent commitment from government leaders and community partners. The Advisory Committee has established aggressive, yet realistic timelines for a number of the recommendations to ensure action is taken and momentum is achieved and sustained.

History has shown us in our child protection systems, our mental health and addictions systems and our justice systems; and participants within this review process have frequently reminded us that “it is better to build strong children than it is to fix broken adults”. Child protection is everyone’s responsibility, “let us reweave the fabric of family and community.”⁵

⁵ <http://today.law.harvard.edu/it-is-easier-to-build-strong-children-than-fix-broken-men-at-hls-summit-edelman-says-we-must-move-from-punishment-to-justice-video/> Quote by Dr. Marian Wright Edelman

SUMMARY OF RECOMMENDATIONS

1. *The Advisory Committee recommends that government adopt a social policy framework recognizing that: (i) protection of children, and promotion of healthy child and family development and well-being, is everyone's responsibility; (ii) this shared responsibility requires meaningful collaboration, across government and with communities and families; (iii) promotion of healthy child and family development and well-being is to be informed by an ecological model, recognizing individual, relationship, community, and societal levels of influence, and is to be guided by a population health perspective, through which the needs of all Island children and families are addressed at an appropriate level of intervention and support, and (iv) that this social policy framework will inform legislative amendments, policy decisions, core processes, programming selection and implementation, and day-to-day practice.*

The social policy framework shall be inclusive of Indigenous children and families and aimed at the collective responsibility to protect children and promote healthy child and family development and well-being and shall align with other initiatives of the Government of PEI including the Poverty Reduction Strategy, the Wellness Strategy, Early Learning and Child Care Framework and the Mental Health and Addictions Strategy.

2. *The Advisory Committee recommends that the social policy framework be supported through the development of a three-year plan of action overseen by a senior leadership group constituted by 31 January 2017, and reporting to Executive Council annually. The recommended senior leadership group composition is the Deputy Minister of Family and Human Services, the Director of Child and Family Services, the Deputy Minister of Education, Early Learning and Culture, the Director of the Public Schools Branch within the Department of Education or the Director of Student Services and the Director of the French Language School Board, the Deputy Minister Responsible for Aboriginal Affairs and the Director of Aboriginal Affairs, the Deputy Minister of Justice and Public Safety, the Director of Justice Policy; the Deputy Minister of Health and Wellness, the Chief Public Health Officer, and three community members, including one voice from the perspective of a consumer of services. Further, given the centrality of a population health perspective for this work, the importance of corporate consistency and the need for sustainability, that the senior leadership group be co-chaired for its duration by the Chief Public Health Officer and co-chaired for one-year terms by rotating members of the group. The responsibility for the work of the senior leadership group does not rest with the Chief Public Health Officer but is collaboratively shared among the members.*

3. *The Advisory Committee recommends that part of annual performance review of Deputy Ministers be evidence of enhanced collaboration across departments and with community.*
4. *The Advisory Committee recommends that Government commit to implementing a comprehensive poverty reduction strategy to include multiple social policy departments through public engagement while working with the Federal Government to determine the best means of income and program support for our Island population to include exploring mechanisms for ending child and family poverty in PEI, including the benefits and costs of PEI serving as a pilot site for implementation of a Basic Income Guarantee.*
5. *The Advisory Committee recommends that the province adopt a population approach to mental health and addictions that recognizes the importance of and provides resources for promotion and prevention, early identification, timely and appropriate intervention, and ongoing support, and that the presence of children in a family be taken into account when prioritizing access to services.*
6. *The Advisory Committee recommends that the province continue with widespread implementation of the Triple P Positive Parenting Program, the Positive Parenting From Two Homes Program and the Period of Purple Crying Program.*
7. *The Advisory Committee recommends that existing and proposed interventions be subject to analysis regarding available evidence for effectiveness, and that evidence for effectiveness be a key criterion in programme maintenance and adoption.*
8. *The Advisory Committee recommends that government investigate adoption of the Structured Decision Making® (SDM) Model, considering its potential benefits in protecting children from harm and neglect, in facilitating family strengthening, in ensuring that decisions made about children and families are consistent, fair, evidence-based, and defensible, and in supporting a challenged child protection work force; considering its costs; considering alternative mechanisms to meet its benefits if it were not to be adopted; and reporting by 31 January 2017.*
9. *The Advisory Committee recommends that an independent audit of case files, to include assessments, investigations, focused intervention, and children in care, to identify what information is recorded, consistency in recording practices across files, and to inform recommendations regarding enhancements to recording practices be initiated by 31 January 2017.*

10. *The Advisory Committee recommends that government develop an electronic data collection system capturing information from each report made to Child Protection (3,443 in 2015-16), such that easily retrievable and analysable data are available regarding, minimally the:*
- a. Number of different families about which reports are made*
 - b. Number of different children about which reports are made*
 - c. Frequency of reports regarding the same child and incident*
 - d. Frequency of reports regarding the same child and different incidents*
 - e. The nature of the concern (e.g., emotional abuse, physical abuse, sexual abuse, exposure to domestic violence, neglect, lack of supervision)*
 - f. Ages and genders of children involved*
 - g. Source of report (e.g., parent, other family member, neighbour, professional)*
 - h. Number of reports where it is determined no further action is required, and reasons why*
 - i. Number of reports assessed to require (i) immediate investigation, (ii) investigation within 1 business day, (iii) investigation within 3 business days, and (iv) investigation within 7 business days and the reasons for such assessments*
 - j. Determinations of investigations, including the number of cases in which a concern about child abuse or neglect is founded, the number of cases in which referral to community resources takes place, the number of cases in which apprehension of the child takes place, the number of cases in which the parent makes an alternate safety plan for the child, the number of cases in which a Voluntary Agreement for Temporary Custody and Guardianship of the child takes place, and the reasons for such determinations.*
11. *The Advisory Committee Recommends that a Working Group, from within Child and Family Services and with an opportunity for input from others with a concern for children’s wellbeing from within and beyond government, be established to recommend the specific measures to be utilized in the data system regarding child protection reports, and report by 31 January 2017.*
12. *The Advisory Committee recommends that government develop an electronic data collection system capturing information regarding outcomes for children receiving child protection services and children in the care of the Director of Child Protection minimally including data for each of the indicators identified in the National Child Welfare Outcomes Indicator Matrix, namely:*
- a. Safety*

15. *The Advisory Committee recommends that government establish effective mechanisms to ensure that the basic rights and freedoms of children are maintained, that they are afforded the opportunity to participate in matters that affect them, and that their voices are heard by a neutral third party not connected to government services. The functions to be carried out include:*
- a. Policy oversight that holds government accountable to a social policy framework adopted to protect children and promote healthy child and family development and wellness;*
 - b. Systems oversight that holds government departments responsible for collaborative and integrated programming which operates horizontally across departments and effectively engages families and community;*
 - c. Authority to conduct a third party independent case review (separate from a judicial review or coroner's inquest);*
 - d. Legal representation of children's interests in civil custody and access matters, child protection matters, or other matters where children's rights and interests are at issue;*
 - e. Public awareness and education function with respect to the rights of children.*
16. *The Advisory Committee recommends that the Deputy Ministers of Social Policy explore effective options at a systems level and at an operational level to ensure that children are afforded the opportunity to authentically participate in matters that affect them with the support of an objective third party.*
17. *The Advisory Committee recommends that the senior leadership group referenced in recommendation two (2) develop a plan for a broader child welfare system promoting healthy child and family development and addressing "children in need" and "high needs children and youth" and that includes (i) allocating substantial additional resources to Child and Family Services; or (ii) allocating substantial additional resources to other governmental and community services; or (iii) such combination of (i) and (ii) as would be most effective and efficient.*
18. *The Advisory Committee recommends that the province establish a Child Death and Serious Injury Review process and a Domestic Homicide Review process, each to be operational by 30 June 2017.*
19. *The Advisory Committee recommends that a working group be established by 31 January 2017, to review the provisions of the Child Protection Act specific to information sharing and propose solutions to inform policy and procedures for information sharing. The*

working group will include the Director of Child Protection and representatives of Legal Services, Legal Aid, Child Protection Services, police services, Health PEI, education, Justice, and community partners providing services to children. The working group will gather information from other Canadian jurisdictions delivering child protection services to include, but not limited to, legislative provisions, protocols, practices and procedures to determine if legislative amendments to the Child Protection Act are required and provide a report by 30 April 2017.

- 20. The Advisory Committee recommends that Child Protection Services develop and implement information sharing protocols with other service providers, foster parents and community partners providing services to children.*
- 21. The Advisory Committee recommends that Child Protection Services develop and implement protocols for when it is deemed necessary to share information with the other parent to ensure that the child is protected from harm.*
- 22. The Advisory Committee recommends that Child Protection Services develop policies and procedures for information sharing with Police Services.*
- 23. The Advisory Committee recommends that a collaborative case conferencing and case management approach to protecting children, to include shared responsibility and information sharing, in high risk families be implemented and include participation of parents, service providers and community partners.*
- 24. The Advisory Committee recommends that the Act be amended to more clearly direct those interpreting the Act about the requirements, while respecting parental rights, to ensure that parental rights and desire for family preservation do not trump the best interests of the child, and to recognize that the best interests of the child include timely decisions about permanency placement.*
- 25. The Advisory Committee recommends that Child Protection Services conduct a jurisdictional scan regarding utilization of alternative dispute resolution (ADR) in child protection matters and, in consultation with appropriate government and community partners, establish policies and procedures regarding utilization of ADR in this province.*
- 26. The Advisory Committee recommends that a working group consisting of the Director of Child Protection, representatives of Legal Services, representatives of Legal Aid, Court personnel, and Health PEI be established by 31 January 2017 to conduct an in-depth review of sources for delays that may be impacting adherence to timelines for Court decisions involving children in the care of the Director of Child Protection. The Advisory*

Committee recommends that the working group provide proposed solutions by 31 May 2017.

- 27. The Advisory Committee recommends that consideration be given to providing discretion to the Court to waive consent of one party/parties for the purposes of combining protection and disposition hearings.*
- 28. The Advisory Committee recommends that a jurisdictional scan of child protection legislation be conducted to assess how hearsay evidence is addressed across Canada and, if necessary, make recommendations for consideration of legislative amendments to the PEI Child Protection Act.*
- 29. The Advisory Committee recommends that a working group consisting of representation from the Law Foundation of PEI, Law Society of PEI, Family Law Centre, Legal Services, Legal Aid and the Community Legal Information Association, review legal supports available to grandparents and other persons who may be acting as care givers in least intrusive arrangements. Alternative Dispute Resolution policies and procedures from recommendation #26 should be part of this review.*
- 30. The Advisory Committee recommends that the Senior Leadership Group strike a working group to conduct a jurisdictional scan to review existing models of courts and court services to address child protection matters and to suggest an appropriate model for PEI.*
- 31. The Advisory Committee recommends that a jurisdictional scan be completed to determine how least intrusive arrangements are supported across Canada, including appropriate timelines and time limits for such arrangements.*
- 32. The Advisory Committee recommends that appropriate resources be developed to support individuals caring for children when a least intrusive plan is made by a parent for the safety of the child to include financial, child care, medical, dental, optical and respite support.*
- 33. The Advisory Committee recommends that policies and procedures for least intrusive child safety plans be developed for Child Protection Services. The policies and procedures should provide clear direction to include: criteria for assessment of a parent's ability to make an appropriate safety plan for his/her child; criteria for information to be shared between Child Protection Services and the least intrusive careprovider; information on parental legal rights, responsibilities and obligations for the child when placed in a least intrusive safety plan; clarification that when a parent makes a least intrusive child safety plan, the child is not in the legal custody and guardianship of*

the Director of Child Protection; government/community programs and resources available to support least intrusive careproviders; and focus on best interest of the child in planning for long term safety plans for children.

- 34. The Advisory Committee recommends that Child Protection Services partner with the Community Legal Information Association and Legal Aid to produce a pamphlet to aid in informing parents and possible alternative care providers of the purpose of the least intrusive arrangement, and the obligations and responsibilities of the persons involved (Child Protection Services, parents and alternative care providers).*
- 35. The Advisory Committee recommends that Child Protection Services expedite the timelines to complete Kinship Foster Parent assessments with priority to the best interests of the child to be placed with someone known to the child.*
- 36. The Advisory Committee recommends that Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, develop and implement accountability measures to improve communication and respectful relationship between Child Protection Staff and Foster Parents. As a first step, it is further recommended that a cluster-like system, which is co-lead/co-chaired by a Foster Parent with a Child Protection Social Worker, be implemented in order to build a collaborative approach in meetings and interactions between foster parents and Child Protection Services.*
- 37. The Advisory Committee recommends that Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, implement a collaborative approach to developing plans of care for children in the care of the Director of Child Protection placed in a foster home to include the presence and participation of foster parents and that respects confidentiality of parental information.*
- 38. The Advisory Committee recommends that, subsequent to the development of information sharing protocols, Child Protection Services, in partnership with the Prince Edward Island Federation of Foster Families, develop and implement accountability measures to improve communication and respectful relationships between Child Protection staff and Foster Parents.*
- 39. The Advisory Committee recommends that Child Protection Services develop partnerships with physicians and the Medical Society of PEI for an enhanced collaborative response to the medical needs of children in the care of the Director of Child Protection.*

40. *The Advisory Committee recommends that Child Protection Services work collaboratively with Prince Edward Island Federation of Foster Families to discuss improvements to supports for foster parents.*
41. *The Advisory Committee recommends that Child Protection Services provide foster parents with meeting space for self-directed cluster meetings.*
42. *The Advisory Committee recommends that foster parents be provided with emergency backpacks with supplies for children of various ages who may need an emergency placement.*
43. *The Advisory Committee recommends that a trauma informed approach to group care be implemented in all Child & Family Services group homes.*
44. *The Advisory Committee recommends that clear, concise and consistent group home rules and responsibilities be established for the five group homes in the province and that these rules be provided, in an age appropriate and provincially consistent format, to each child and his/her parent upon the child's placement in the home.*
45. *The Advisory Committee recommends that a provincially consistent life skills program be developed in consultation with children in care and reviewed annually.*
46. *The Advisory Committee recommends that a jurisdictional scan be completed to explore models across Canada wherein a parent is removed from the home when a child is found in need of protection from parental harm, thus, allowing the child to stay in his/her familiar surroundings and be cared for by an alternative care provider.*
47. *The Advisory Committee recommends that a jurisdictional scan be conducted to review child welfare legislation across Canada for consideration of proposed legislative amendments to the PEI Child Protection Act to raise the age for extended services beyond twenty-one (21) years.*
48. *The Advisory Committee recommends that Government designate capital and operational resources for the development and maintenance of transitional housing options to support children exiting the child protection system.*
49. *The Advisory Committee recommends that a jurisdictional scan be conducted to review child welfare legislation across Canada for consideration of proposed legislative amendments to include definitions of "best interests of the child", "child in need of protection", "neglect", "parent", "emotional harm", "substantial risk of harm"; confidentiality limitations specific to professionals who report information pursuant to*

mandatory reporting provisions and clarification of required procedural protocols; clarification on “plan of care” and “caseplan”; alternative approaches to developing safety plans for children; and, provisions to place a child with someone with whom the child has an established relationship to include a parent or grandparent, or in accordance with an alternate placement option presented by the parents of a child.

- 50. The Advisory Committee recommends that Child Protection Services develop policies and procedures for the delivery of child protection services to children between the ages of sixteen (16) and eighteen (18) years of age and an abandoned child.*
- 51. The Advisory Committee recommends that Child Protection Services amend the Voluntary Agreement for Temporary Custody and Guardianship form to state that the Director of Child Protection determines the child to be in need of protection without requiring the parent to acknowledge same and revise policies and procedures to clarify criteria for voluntary agreements.*
- 52. The Advisory Committee recommends that Child Protection Service staff, and staff with such other services as might be identified by the Senior Leadership Group, undergo periodic training regarding family violence and its impacts upon children, such training to be comprised of interventions with demonstrated evidence for enhancing participants' knowledge, attitudes, and/or skills.*
- 53. The Advisory Committee recommends that consideration be given to amending the Child Protection Act such that hearings are open to the public in accordance with the principles of access to justice and open courts.*
- 54. The Advisory Committee recommends that the senior leadership group referenced in recommendation two (2) appoint a working group including members from Child Protection Services, the Newcomers Association of PEI, La Société Saint-Thomas-d'Aquin and such other governmental and community partners as appropriate to create a plan for enhancing cultural sensitivity within services for children and families, and for communicating with newcomers about expectations around the Child Protection Act and the wellbeing of children in Prince Edward Island.*
- 55. The Advisory Committee recommends that whenever the Director of Child Protection brings before the Courts a case involving a child who is of Aboriginal heritage, the Director shall ensure that the Courts are informed so that this is considered in decision making.*

56. *The Advisory Committee recommends that the Senior Leadership Group seek advice from Risk Management and Legal Services regarding the appropriateness of current policies and practices followed by Child Protection Services with respect to enabling foster parents and group home staff to provide permission for children's activities including extra-curricular activities, school trips and overnight visits in the future.*
57. *The Advisory Committee recommends that the Public Service Commission work closely with the Senior Leadership Group to conduct an analysis on recruitment and retention indicators within Child Protection Services and identify factors that may be impacting recruitment and retention and implement recommendations for improvement.*
58. (a) *The Advisory Committee recommends that the role of child protection social workers and supervisors and the role of legal counsel be further clarified and differentiated when making decisions on the legal status of a child involved with Child Protection Services within the existing context of the Director of Child Protection and those acting on the delegated authority of the Director.*
- (b) *The Advisory Council recommends that opportunities be created for Child Protection staff to receive supplementary training on the application of rules of evidence which may aid in facilitating improved understanding of the rationale for legal counsel's advice and improved communication between Child Protection staff and legal counsel.*
59. *The Advisory Committee recommends that Child Protection Services explore options to promote regular and consistent contact between front line child protection social workers and children in the legal and custody and guardianship of the Director of Child Protection. Child protection social workers attribute their current caseloads as an impediment to established relationships between themselves and children in the legal custody and guardianship of the Director of Child Protection.*
60. *The Advisory Committee recommends that child protection social workers arrange to meet a child, with the exception of an investigation, outside of school hours unless the child expresses a preference to do so. It is recommended that the child's preference for meeting time and location be discussed with the child and respected by the child protection social worker unless otherwise not practicable.*
61. *The Advisory Committee recommends that, unless it is viewed by the Director of Child Protection as contrary to the child's best interests, children who are in the care of the Director, and who want to maintain contact with their family members, be supported in doing so.*

62. *The Advisory Committee recommends that court applications pursuant to the Victims of Family Violence Act be served on the Director of Child Protection in the same manner as stipulated in the Rules of Civil Procedure for all other custody and access claims.*
63. *The Advisory Committee recommends a working group be established to include a member of the Judiciary, the Director of Child Protection, Legal Services, Legal Aid, and the Law Society of PEI to address the following concerns:*
- i) how to include the Director of Child Protection into Victims of Family Violence Act cases without slowing the court process;*
 - ii) to clarify the role of the Director of Child Protection after the Director has intervened and filed a Report to the Court; and*
 - iii) to determine if a representative of the Director of Child Protection should be present at Pre Motion Conferences when the Director of Child Protection indicates they are intervening.*
64. *The Advisory Committee recommends that Child Protection Services partner with the Community Legal Information Association to produce an information pamphlet to clarify their role in civil custody matters.*
65. *The Advisory Committee recommends that Child Protection Services, in consultation with such other government and community services as appropriate: (1) review its policies and procedures to minimize risk of unfair bias regarding the roles and expectations for fathers and mothers, alone or as couples, and for same-sex couples; and (2) develop and implement appropriate staff professional development designed to minimize such risk.*
66. *(a) The Advisory Committee recommends that, for the purposes of creating a process to formally review themes identified throughout the Advisory Committee's engagement with Aboriginal People of PEI and to support the establishment of an appropriate forum for the development of specific recommendations to address such themes, Provincial Government representatives including the Deputy Minister responsible for Aboriginal Affairs and Director of Aboriginal Affairs convene an initial meeting to be held on or before 31 January 2017 with First Nation and Aboriginal leaders in PEI; including, Chief of the Lennox Island First Nation, Chief Matilda Ramjattan, Chief of the Abegweit First Nation, Chief Brian Francis, Executive Director, Legal / Band Government Advisor and Director of Intergovernmental Affairs of the Mi'kmaq Confederacy, Don MacKenzie, President of the Native Council of PEI, President Lisa Cooper, Executive Director of Aboriginal Women's Association of PEI, Judith Clark.*

(b) The Advisory Committee recommends that the Child Welfare Recommendations of the Truth and Reconciliation Commission of Canada 2015, developed to redress the legacy of residential schools, and enumerated 1 through 5, be used to underpin specific recommendations referenced in Recommendation 66, herein⁶.

⁶ http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

Appendices



Family and
Human Services

Services à la famille
et à la personne



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

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

Appendix 1

12 November 2015

Ms. Patsy MacLean
HR Atlantic
1 Harbourside
Brecken Building
Charlottetown, PE C1A 8R4

Dear Ms. MacLean:

In accordance with Section 58(1) of the *Child Protection Act* and Section 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. Patsy MacLean of HR Atlantic will chair the committee; the first meeting has been scheduled for **Tuesday, November 17th, 2:00 p.m. to 4:30 p.m.** and will be held in the Boardroom, 5th floor Jones Building, 11 Kent Street. Please contact Wendy Hughes at wahughes@gov.pe.ca or at 902-368-5294 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

c. Teresa Hennebery

Appendix 2

CHILD PROTECTION ACT REVIEW ADVISORY COMMITTEE

TERMS OF REFERENCE

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 five 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 may not exceed six months from the time the Advisory Committee is appointed

The Honourable Doug Currie, Minister of Family and Human Services, appointed members to the Advisory Committee by letter on November 13th, 2015.

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 Protection or an employee of the Department nominated by the Director;
- (b) five employees of the Department who are knowledgeable about child protection 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 protection services;
- (f) two persons who have demonstrated an informed concern for the best interests 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. The Advisory Committee shall also make an effort to assess the effectiveness of the Child Protection Act in meeting its objectives.

ACTIVITIES:

1. Conduct a documentary review of recent relevant changes in 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. Gather relevant data and information regarding programs and service delivery.
5. Consolidate findings arising from the consultations and key contact meetings and draft a written report.

6. Present the Report of the Child Protection Act Review Advisory Committee to the Honourable Doug Currie, Minister of Family and Human Services.

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 Family and Human Services.

Resource Persons:

Administrative Support:

The Advisory Committee shall identify an employee from the Department of Family and Human Services 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 Family and Human Services 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 Family and Human Services 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 time frame. Meeting dates will be set in advance and can be changed by consensus in consultation with committee members.

Appendix 3

January 25, 2016 - News Release

Province seeks input as part of Child Protection Act review

The newly-appointed Child Protection Act Review Advisory Committee will begin consultations later this month, says Minister of Family and Human Services Tina Mundy.

“This review of the *Child Protection Act* provides an opportunity for public engagement and conversation on the important issue of child protection,” said Minister Mundy. “I am confident that the individuals selected to do this important work have the best interest of Island children and families in mind and will do an excellent job of listening to the viewpoints of Islanders.”

In November 2015, pursuant to the *Child Protection Act and Regulations*, the following individuals were appointed to the Advisory Committee:

- Patsy MacLean (Chair) – HR Atlantic;
- Tammy Arsenault – Aboriginal representative;
- Leslie Collins – Legal Aid lawyer;
- David Larter – Legal Counsel to the Director of Child Protection;
- Rona Smith, Maureen MacEwen, Sally Ripley, Katrina Anderson, and Joyce Robertson – employees of Department of Family and Human Services;
- Wendy McCourt, Director of Child Protection;
- Dr. Heather Morrison – Chief Public Health Officer;
- Dr. Philip Smith – University of Prince Edward Island; and
- Victoria Pineau, Taylor Wilson, and Danny Phalen – youth representatives

The intent of the review is to seek public input and report on the administration of the *Act* and ensure that its principles and purpose are being achieved. The committee will provide a report to the Minister of Family and Human Services within six months. This report will enable government to consider the need for legislative and policy changes.

“Our government wants to continue to learn how we can help protect children from parental harm,” said the Minister. “Islanders have a great history of caring and citizen engagement and we are committed to working closely with individuals and groups across the province to provide the best services possible to meet the needs of Island children and families.”

The public will have a number of opportunities to provide input. The Advisory Committee will be accepting written submissions by mail or email and will host a number of public meetings across the province. The first public meeting will take place on Wednesday, February 3, at Hernewood Intermediate School in Bloomfield. The full schedule of public meetings is available in the attached backgrounder and at www.gov.pe.ca/sss/childprotectionact

BACKGROUNDER

Child Protection Act Review

As defined in the *Child Protection Act & Regulations* the Minister of Family and Human Services is required to appoint an advisory committee to review the *Act*. The purpose of the review is to report on the operation and administration of the *Act* and to determine if the principles and purposes of the *Act* are being achieved.

The *Child Protection Act* was proclaimed in 2003 and replaced the *Family and Child Services Act*. The *Child Protection Act* was first reviewed in 2007. A final report from the 2007 review entitled, “*What We Heard: A Report of the Child Protection Act Review Advisory Committee*”, is available at: www.gov.pe.ca/photos/original/cpa_Report2008.pdf

Ms. MacLean will again chair the Advisory Committee for the 2016 review. Individuals and groups are invited to provide input to the Child Protection Act Advisory Committee through a variety of methods including:

- attending a public consultation;
- participating in targeted consultations for employees of Child & Family Services, foster parents, professional services providers and Aboriginal communities;
- forwarding a written submission using mail or email;
- requesting a specific group meeting with Advisory Committee representatives; or,
- requesting a private and confidential meeting with a member of the Advisory Committee.

Public sessions will be hosted by the committee in a number of island communities as follows:

Date and Location

February 3, 2016 7pm – 9pm **Hernewood Intermediate School, Bloomfield** (February 4, 2016 - Storm date)

February 10, 2016 7pm – 9pm **Athena Consolidated School, Summerside** (Bilingual French/English consultation) (February 11, 2016 - Storm date)

February 17, 2016 7pm – 9pm **Spring Park School, Charlottetown** (February 22, 2016 - Storm date)

February 24, 2016 7pm – 9pm **Montague High School, Montague** (February 25, 2016 - Storm date)

March 2, 2016 7pm – 9pm **Souris Regional School, Souris** (March 3, 2016 - Storm date)

Appendix 4

Protecting Children from Parental Harm: *Child Protection Act* Review

Backgrounder

The *Child Protection Act* was proclaimed in 2003 to replace the *Family & Child Services Act*. The intent of the substantive legislative changes were to improve service to children in need of protection from parental harm. The *Child Protection Act* also introduced a new provision requiring that the Minister appoint an advisory committee to review the *Act*. The purpose of the review is to report on the operation and administration of the *Act* to determine that the principles and purposes of the *Act* are being achieved.

In 2008, the first *Child Protection Act* Review Advisory Committee was appointed and a report entitled *What We Heard: A Report of the Child Protection Act Review Advisory Committee* is available at www.gov.pe.ca/photos/original/cpa_Report2008.pdf

In 2010, the *Child Protection Act* was amended to include:

- definition of a child to be every person under the age of 18;
- change title of Director of Child Welfare to Director of Child Protection;
- notification of Band Council Designate for Aboriginal children at each phase of the child protection service delivery process;
- inclusion of child pornography as a criteria to find a child in need of protection;
- sequential ordering of the *Act* to reflect practice;
- clarification on length of time and number of times children can be in care with focus on permanency and best interests of the child;
- clarification of service to 16-18 year olds;
- mandatory review of the *Act* be changed to every 5 years;
- ability for the Director of Child Protection to provide access to Child Protection records for evaluation and monitoring purposes;
- change child welfare language to child protection services language throughout the *Act*;
- clarification of duties of Minister and Director of Child Protection Services;
- ability to notify report source if a child protection report does not meet the eligibility criteria for investigation under the *Act*, and
- clarify language for voluntary care agreements to include custody and guardianship.

In 2013, a subsequent amendment was made to the *Child Protection Act* to provide authority for the Director of Child Protection to disclose information required for an investigation or inquest under the *Coroner's Act*.

Backgrounder

In November 2015, the Minister appointed the following individuals to the second *Child Protection Act* Review Advisory Committee:

- Patsy MacLean (Chair)- HR Atlantic
- Tammy Arsenault - Aboriginal representative
- Leslie Collins - Legal Aid Lawyer
- David Larter - Legal Counsel to the Director of Child Protection
- Wendy McCourt - Director of Child Protection
- Rona Smith, Maureen MacEwen, Sally Ripley, Katrina Anderson, Joyce Robertson - Child & Family Services employees
- Dr Heather Morrison - Chief Public Health Officer
- Dr Philip Smith - University of Prince Edward Island
- Victoria Pineau, Taylor Wilson, Danny Phalen - Youth representatives

The intent of the review is to seek public input and report on the administration of the Act and ensure that its principles and purposes are being achieved. The committee will provide a report to the Minister of Family & Human Services within six months. This report will enable government to consider the need for legislative and policy changes.

The *Child Protection Act* Review Advisory Committee will host public consultations across the province in February and March 2016. Individuals or groups can also provide input to the review through a private and confidential meeting or written submission.

Please use the enclosed guiding questions to make a written submission before March 31, 2016 to:

Child Protection Act Review Advisory Committee
c/o HR Atlantic
Brecken Building
1 Harbourside Drive,
Charlottetown, PE
C1A 8R4
email: cpareview@hratlantic.ca

Backgrounder

All children are entitled to safety and protection from parental harm, to be nurtured throughout their dependent years and to have their physical, emotional, social and safety needs met. The primary responsibility for meeting the needs, protecting the rights and ensuring the safety of children, rests with parents and families.

Notwithstanding the rights and responsibilities of parents, every adult has a responsibility to protect children from parental harm. The *Child Protection Act* provides protection for children from birth to eighteen. Through the mandatory reporting provisions of the *Child Protection Act*, every person is required by law to report when a child is known or suspected to be in need of protection from parental harm.

The *Child Protection Act* defines the criteria of when a child is in need of protection from parental harm. There are a number of situations in which children may be in need of protection, which include but are not limited to: physical, sexual, emotional harm by a parent; exposure to domestic violence by or towards a parent; neglect by a parent to adequately supervise or protect a child, provide the basic needs for a child to include shelter, food, clothing, medical care; parental refusal and/or failure to obtain required medical care for a child; parental abandonment of a child; exposure to or involved in the production of child pornography and the parent has failed or been unable to protect the child; etc.

Through the delivery of mandated Child Protection Services, the Director of Child Protection is responsible to assess all child protection reports and determine if the report meets the *Child Protection Act* criteria that a child may be in need of protection from parental harm. When Child Protection Services are provided, the best interests of the child are paramount.

When a report has been assessed to meet the *Child Protection Act* criteria, then a Child Protection Social Worker will begin an investigation. There are always two or more sides to every situation and the role of the Child Protection Social Worker is to gather the facts to determine if the child is in need of protection from parental harm. During the investigation, the Child Protection Social Worker will talk to the child, talk to the parent, gather information from other people such as police, doctors, schools, community resources, etc. At the end of the investigation, the Child Protection Social Worker will determine whether or not the child has been found to be in need of protection from parental harm. In situations where the child has been found to be in need of protection from parental harm, the Child Protection Social Worker will help the parents find a way to get help and change their behaviors that have caused harm to the child.

Sometimes, to ensure the child is safe while the parent gets help, the child may have to go and live somewhere else. This is called a least intrusive plan. This is when the parent asks a family member or friend to take the child and care for the child. When the parent makes a least intrusive plan to keep their child safe, the child is not in the legal custody and guardianship of the Director of Child Protection and Child Protection Services does not have the authority to provide financial compensation to help the family member or friend care for the child. This remains the responsibility of the parent.

Sometimes, to ensure the child is safe while the parent gets help and the parent is unable or unwilling to make a safety plan for the child, the child comes into the legal custody and guardianship of the Director of Child Protection. This is when a child is in care and placed in either an approved foster home or a group home for children. This can happen either voluntarily when the parent chooses to temporarily transfer custody and guardianship of the child to the Director of Child Protection, or the Child Protection Social Worker takes the child into the legal custody and guardianship of the Director of Child Protection without the consent of the parent and this is called an apprehension.

When children are found in need of protection from parental harm, the goal of Child Protection Services is always to work with the parent, either with the child in the home or when the child must live outside the home in order to be safe, to help the parent get the help the parent needs to change the behavior that caused harm to their child. Most Child Protection Services are provided to children and parents with the child remaining in the home.

Child Protection Services Statistics

	2012/13	2013/14	2014/15
Child Protection Reports Received	3,326	3,766	3,368
Child Protection Investigations Opened	1,786	1,926	1,838
Children who received Child Protection			
Services in their own homes	512	690	720
Children who received Child Protection Services in the legal custody and guardianship of the Director of Child Protection	224	230	225
Child Protection Services to Parents	529	632	659

Backgrounder

Guiding Questions:

- 1) What is your understanding of the purpose of the *Child Protection Act*?
 - a) What is working with the *Child Protection Act*?
 - b) What is not working with the *Child Protection Act*?
- 2) In your opinion, does the *Child Protection Act* provide an appropriate balance between privacy and confidentiality to protect children from parental harm. Please explain. Is there a need for improved sharing of information to protect children from parental harm? Please explain.
- 3) What do you believe are the needs of children who require protection from parental harm?
- 4) Do you believe there are children the *Child Protection Act* is not protecting? If so, tell us about them.
- 5) What do you believe families need to ensure children are protected from parental harm?
 - a) What can you do as an individual?
 - b) What can we do as a community?
 - c) What can government do?
- 6) What are your suggestions for improvement to the *Child Protection Act*?
- 7) Please identify one key recommendation for improvement to the *Child Protection Act*.
- 8) Any other comments?

Thank you!

Prince Edward Island Child Protection Act Review

For more information or to book a private consultation, please call Wendy Hughes at 902-368-5294 or visit the website at www.gov.pe.ca/sss/childprotectionact

Child Protection Act Review 2016

Presentation of the
Child Protection Act Review
Advisory Committee
2016



Examen de la *Child Protection Act* 2016

Présentation du
Comité consultatif sur la *Child Protection Act*
2016



Protecting Children is Everyone's
Responsibility



Protéger les enfants est notre
devoir à tous



Together we can

- Strengthen our civic responsibility to protect children
- Engage families and communities to protect children
- Become more informed about child abuse and neglect and what we can do to help
- Promote social policies on healthy child development
- Participate in making our communities safe for everyone
- Move forward with respect for each other

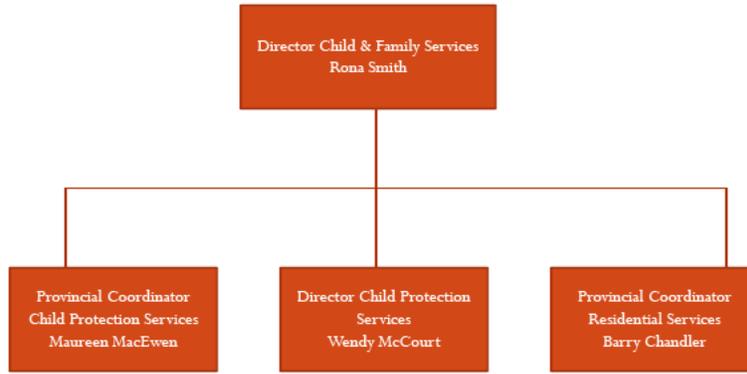


Ensemble, nous pouvons :

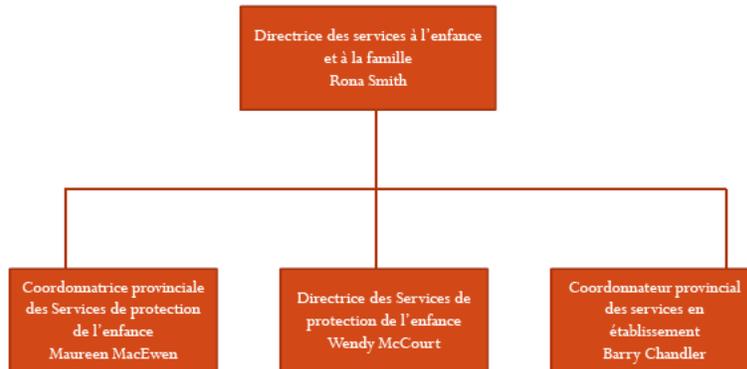
- renforcer notre devoir civique de protéger les enfants
- sensibiliser les familles et la collectivité à la protection des enfants
- en apprendre davantage sur la violence et la négligence à l'égard des enfants et sur les façons d'aider
- promouvoir les politiques sociales touchant le développement des enfants en santé
- faire notre part pour rendre nos collectivités plus sécuritaires pour tous
- aller de l'avant en nous respectant les uns les autres



Child Protection Services Who we are.....



Les Services de protection de l'enfance Qui nous sommes



Child Protection Services

- Child Protection Services are delivered from :
 - O’Leary Access Center
 - Summerside Concorde Building
 - Sherwood Business Center
 - Montague Access Center
 - Souris Access Center
- There are 12 Child Protection Teams across the province to include:
 - Provincial Screening Unit - Child Protection reports assessed
 - Investigation teams – Child Protection reports investigated
 - Focused Intervention Teams – Child Protection services to parents and children assessed to be in need of protection from parental harm
 - Resource Teams – Foster Parents and Adoption assessments and support to approved Foster Parents
 - Permanent Ward Team – support services to children in the permanent care of the Director of Child Protection to include Extended Service

Services de protection de l’enfance

- Les Services de protection de l’enfance sont assurés à partir des endroits suivants :
 - Centre d’Accès Î.-P.-É. d’O’Leary
 - Édifice Concorde, à Summerside
 - Centre d’affaires de Sherwood
 - Centre d’Accès Î.-P.-É. de Montague
 - Centre d’Accès Î.-P.-É. de Souris
- On compte 12 équipes de protection de l’enfance réparties dans toute la province :
 - Unité d’évaluation initiale – Évaluation des signalements à la protection de l’enfance
 - Équipes d’enquête – Enquête sur les signalements à la protection de l’enfance
 - Équipes d’intervention ciblée – Services de protection de l’enfance offerts aux parents et aux enfants ayant besoin de protection contre les mauvais traitements
 - Équipes ressources – Évaluation des parents d’accueil et des parents d’adoption et soutien aux parents d’accueil accrédités
 - Équipe de tutelle permanente – Services de soutien aux enfants sous la tutelle permanente du directeur de la protection de l’enfance, y compris le Service de soutien prolongé.

Child Protection Services – Group Homes

Residential Services

There are 5 group homes that provide 24/7 care for children deemed in need of protection from parental harm and requiring out of home care for the child to be safe. All children living in our group homes are in the legal custody and guardianship of the Director of Child Protection.

- **Red Road Homes (Tracadie)**

Cedar Group Home – 6 beds for children ages 6 – 12 years old

Maple Group Home - 6 beds for children ages 12 -18 years old

Oak Group Home – 9 beds for children ages 12 – 18 years old

- **Beech Group Home (Charlottetown)**

6 beds for children ages 12 – 18 years old

- **Tyne Valley Group Home (Tyne Valley)**

9 beds for children in care ages 12 – 18 years old

Services de protection de l'enfance – Foyers de groupe

Services en établissement

On compte cinq foyers de groupe qui offrent des services 24 heures sur 24, 7 jours sur 7, aux enfants à qui l'on reconnaît un besoin de protection contre les mauvais traitements. Les foyers de groupe accueillent les enfants qui sont retirés de leur milieu afin d'assurer leur sécurité. Tous les enfants qui vivent dans nos foyers de groupe sont sous la garde et la tutelle légales du directeur de la protection de l'enfance.

- **Foyers Red Road (Tracadie)**

Foyer de groupe Cedar – 6 lits pour les enfants de 6 à 12 ans

Foyer de groupe Maple – 6 lits pour les enfants de 12 à 18 ans

Foyer de groupe Oak – 9 lits pour les enfants de 12 à 18 ans

- **Foyer de groupe Beech (Charlottetown)**

6 lits pour les enfants de 12 à 18 ans

- **Foyer de groupe Tyne Valley (Tyne Valley)**

9 lits pour les enfants de 12 à 18 ans

Child Protection Services

- Responsible to help protect children from parental abuse and neglect.
- Child abuse happens when a parent physically, mentally, emotionally or sexually harms a child. It is considered parental harm if a child is exposed to domestic violence, regardless of whether the child was present at the time of the incident.
- Child neglect happens when a parent does not meet the basic needs of the child. This includes housing, clothing, health care, affection, education and supervision. It is also neglect if a parent abandons a child.
- Most child protection reports received on Prince Edward Island concern:
 - Neglect
 - Lack of supervision
 - Domestic violence
 - Physical abuse

Services de protection de l'enfance

- Les Services de protection de l'enfance ont la responsabilité de protéger les enfants contre les mauvais traitements et la négligence de la part de leurs parents.
- Il y a maltraitance lorsqu'un parent inflige des mauvais traitements à un enfant, qu'il s'agisse de violence physique, psychologique, affective ou sexuelle. L'exposition d'un enfant à la violence familiale est également considérée comme un mauvais traitement, que l'enfant ait été présent ou non au moment de l'incident.
- Il y a négligence lorsqu'un parent ne comble pas les besoins fondamentaux de l'enfant en matière de logement, d'habillement, de soins de santé, d'affection, d'éducation et de supervision. Il y a aussi négligence lorsqu'un parent abandonne un enfant.
- La majorité des signalements reçus par les Services de protection de l'enfance de l'Île-du-Prince-Édouard concernent des situations de :
 - négligence;
 - manque de supervision;
 - violence familiale;
 - violence physique.

Child Protection Statistics				
Type of Service	2011/12	2012/13	2013/14	2014/15
Child Protection Reports Received	3,461	3,326	3,766	3,368
Child Protection Investigations Opened	2,105	1,786	1,926	1,838
Children Who Received Child Protection Services in Their Own Homes	575	512	690	720
Children in Care	264	224	230	225
Focused Intervention Services to Parents	601	529	632	659
Extended Service	7	9	12	10

Statistiques – Services de protection de l'enfance				
Type de service	2011-2012	2012-2013	2013-2014	2014-2015
Signalement à la protection de l'enfance	3 461	3 326	3 766	3 368
Enquête par la protection de l'enfance	2 105	1 786	1 926	1 838
Services de protection à la maison	575	512	690	720
Prise en charge	264	224	230	225
Services d'intervention ciblée aux parents	601	529	632	659
Services de soutien prolongé	7	9	12	10

Child Protection Act

- Best interests of the child paramount
- Parent as first protector of the child – least intrusive
- Mandatory reporting to include After Hours Emergency Child Protection Service 24/7 x 365
- Evidence based risk of harm or substantial risk of harm to child by parent
- Defines child as a person under the age of 18 years
- Defines legal mandate of the Director of Child Protection
- Defines criteria to find a child in need of protection



Child Protection Act

- Les intérêts supérieurs de l'enfant sont d'une importance capitale.
- Le parent est le premier protecteur de l'enfant – moins intrusif.
- Étant donné l'obligation de signaler les cas de mauvais traitements, des services de protection d'urgence doivent être offerts à toute heure, tous les jours, même en dehors des heures normales de travail.
- Risques de mauvais traitement fondés sur des preuves ou risques importants de mauvais traitements infligés à un enfant par un parent.
- L'enfant est défini comme une personne âgée de moins de 18 ans.
- Définition du mandat juridique du directeur de la protection de l'enfance.
- Définition des critères permettant d'établir qu'un enfant a besoin de protection.



What Happens Upon Receipt of a Child Protection Report



- Report is assessed by a Child Protection Social Worker
- Child Protection Social Worker will ask for particulars regarding the family to include family members, place of residence, etc.
- Child Protection Social Worker will ask for explanation of facts as known to reporter to include, what was seen, heard, etc, to cause concern, what the risk is determined to be and reason for calling now
- Child Protection Social Worker will ask for reporter's contact information in case further clarification is required - this information remains confidential

Ce qui se passe lorsqu'un signalement est fait à la protection de l'enfance



- Le signalement est évalué par un travailleur social de la protection de l'enfance.
- Le travailleur social de la protection de l'enfance demande à l'auteur du signalement de lui fournir des renseignements sur la famille, notamment des détails concernant les membres de la famille, le lieu de résidence et ainsi de suite.
- Le travailleur social de la protection de l'enfance demande une description des faits connus de l'auteur du signalement, y compris ce qu'il a vu et entendu et qui est préoccupant, ce qui constitue un risque et la raison pour laquelle il appelle à ce moment précis.
- Le travailleur social de la protection de l'enfance demande à la personne de lui fournir ses coordonnées au cas où des explications supplémentaires seraient nécessaires. Ces renseignements demeurent confidentiels.

Assessment of Child Protection Reports

All Child Protection reports are assessed to determine if a child protection investigation is required (*CPA, sec. 11*).

The assessment outcome will be:

- No further action required (report source may be advised if not being investigated)
- Investigation is required
- Referral to community resources
- Apprehension of the child is necessary
- Court application required (sec 29)

Response time when assessed for investigation:

- Immediate
- 24 hours
- 7 days



Évaluation des signalements à la protection de l'enfance

Tous les signalements à la protection de l'enfance doivent être évalués afin de déterminer si une enquête visant la protection de l'enfant est nécessaire (*Child Protection Act, article 11*).

Les conclusions de l'évaluation peuvent être les suivantes :

- Aucune démarche supplémentaire n'est requise (l'auteur du signalement peut être informé lorsque le cas soumis ne nécessite pas d'enquête plus poussée).
- Une enquête est requise.
- Il doit y avoir aiguillage vers des ressources communautaires.
- L'apprehension de l'enfant est nécessaire.
- Une demande doit être présentée à la Cour (article 29).

Délai d'intervention pour l'évaluation visant à déterminer si une enquête est nécessaire :

- Immédiat
- 24 heures
- 7 jours



Safety Assessment

Factors to consider in determining response time:

- History of protection concerns, previous domestic violence reports, criminal activity
- Age of child
- Alleged offender's contact with child
- Time frame of incident
- Vulnerability of child
- Availability of evidence e.g. bruising
- Child disclosure of harm by parent
- Request by other professionals for assistance for investigation re police, doctors, etc.
- Current location of child and where was child during incident
- Reliability of the referral source



Évaluation de la sécurité

Facteurs pris en considération pour déterminer le délai d'intervention :

- Préoccupations passées concernant la protection de l'enfant, signalements antérieurs concernant des allégations de violence familiale, et participation à des activités criminelles
- Âge de l'enfant
- Contact de l'enfant avec l'auteur présumé des mauvais traitements
- Moment de l'incident
- Vulnérabilité de l'enfant
- Disponibilité des preuves, p. ex. ecchymoses
- Enfant révélant lui-même les mauvais traitements infligés par le parent
- Demandes d'aide présentées par d'autres professionnels dans le cadre d'une enquête, p. ex. policiers ou médecins
- Endroit où se trouve actuellement l'enfant et endroit où il se trouvait au moment de l'incident
- Fiabilité de la source du signalement



Investigation of Child Protection Reports

For Child Protection reports assessed to require investigation, the Director of Child Protection has the authority to, regardless of consent of any person, conduct an investigation into the circumstances and condition of a child which may include analysis of:

- Medical
- Health
- Social
- Residential
- Educational
- Emotional
- Economic
- or other factors affecting the life of t



Enquête sur les signalements à la protection de l'enfance

Dans le cas où l'évaluation d'un signalement à la protection de l'enfance révèle la nécessité d'ouvrir une enquête, le directeur de la protection de l'enfance a le pouvoir, qu'il y ait consentement ou non des personnes concernées, de mener une enquête sur les circonstances qui ont mené la personne à faire un signalement et sur la situation dans laquelle se trouve l'enfant. Cette enquête peut comprendre l'analyse des facteurs :

- médicaux;
- de santé;
- sociaux;
- résidentiels;
- scolaires;
- affectifs;
- économiques;
- ou d'autres facteurs qui touchent la vie de l'enfant (Child Protection Act, *article 12*).



Investigation of Child Protection Reports

Investigation may include:

- Visit the residence of the child or places child frequents
- Transport the child
- Interview and examine the child
- Interview the parent of the child
- Interview people who care for or observe the child
- Interview people who provide health, social, educational, or other services to the child or to the parent
- Require information from medical, health, social, educational, and other records concerning the child and parent
- Require examination of child
- Request assessment of the parent
- Require information on past parenting
- Consult other people and gather other evidence as necessary



Enquête sur les signalements à la protection de l'enfance

Les personnes chargées de l'enquête peuvent :

- visiter le domicile de l'enfant ou les endroits qu'il fréquente;
- déplacer l'enfant vers un autre lieu;
- interroger et examiner l'enfant;
- interroger le parent de l'enfant;
- interroger les personnes qui prennent soin de l'enfant ou qui ont l'occasion de l'observer;
- interroger les personnes qui offrent des services d'ordre médical, social, scolaire ou autre à l'enfant ou au parent;
- demander l'accès à des renseignements d'ordre médical, social, scolaire ou autre au dossier de l'enfant et du parent;
- demander que l'enfant soit examiné;
- demander que le parent soit évalué;
- demander des renseignements sur les pratiques parentales antérieures;
- consulter d'autres personnes ou recueillir d'autres preuves, au besoin.



What happens next....

- When an investigation finds a child in need of protection from parental harm, the Child Protection Social Worker works with the parent to make sure the child is safe while the parent gets help. This can happen with the child either staying in the home or the child moving to live somewhere else.
- Most times the child stays at home with the parent while the Child Protection Social Worker helps the parent get help.
- Sometimes the parent makes a plan for the child to live somewhere else to be safe. This is called a least intrusive plan. The parent is still the legal parent and is 100% responsible for all the financial needs of the child e.g. food, clothing, etc.
- Sometimes the child must come into the legal custody and guardianship of the Director of Child Protection to be safe. This means the child moves to live in either a foster home or a group home. This can happen voluntarily with the parent or the court will be asked to make a decision when the parent does not agree.

Ce qui se passe ensuite :

- Lorsqu'une enquête révèle qu'un enfant a besoin de protection contre des mauvais traitements infligés par un parent, le travailleur social de la protection de l'enfance travaille avec le parent afin de s'assurer que l'enfant est en sécurité pendant que le parent obtient de l'aide. Dans un tel cas, l'enfant peut soit rester chez lui, soit aller vivre ailleurs pendant un certain temps.
- La plupart du temps, l'enfant reste chez lui avec le parent pendant que le travailleur social de la protection de l'enfance aide le parent à obtenir de l'aide.
- Parfois, le parent prend des arrangements pour assurer la sécurité de son enfant en l'envoyant vivre ailleurs pendant un certain temps. C'est ce qu'on appelle une mesure moins intrusive. Le parent demeure le tuteur légal de l'enfant et est entièrement responsable de ses besoins financiers, p. ex. la nourriture et l'habillement.
- Parfois, l'enfant doit être placé sous la garde et la tutelle légales du directeur de la protection de l'enfance afin d'assurer sa sécurité, ce qui signifie que l'enfant est retiré de son milieu et va vivre dans une famille d'accueil ou un foyer de groupe. Ce placement peut résulter d'une décision volontaire de la part du parent, mais il peut aussi arriver qu'on demande à la Cour de rendre un jugement lorsque le parent n'est pas d'accord avec le placement de l'enfant.

Ongoing Child Protection Service. . . .

- When an investigation closes and a child has been found to be in need of protection from parental harm, Child Protection Services provides a service called Focused Intervention. This service continues to work with the parent on the protection issues impacting the child's safety in the home.
- The Child Protection Social Worker works with the parent to address the parent's behaviours that have caused the child to be in need of protection. Once the parent gets the help needed and the parent is able to safely care for the child, the Child Protection service is closed.
- Sometimes a parent is unable or unwilling to work with Child Protection Services to keep the child safe. When this happens, the Director of Child Protection makes an application to the Court for direction.

Services continus de protection de l'enfance :

- Lorsqu'une enquête est terminée et qu'elle a permis d'établir qu'un enfant a besoin de protection contre des mauvais traitements infligés par un parent, les Services de protection de l'enfance offrent un service d'intervention ciblée. Les responsables de ce service continuent de travailler avec le parent sur les enjeux qui ont des répercussions sur la sécurité de l'enfant à la maison.
- Le travailleur social de la protection de l'enfance travaille avec le parent afin de corriger les comportements qui ont mené au besoin de protection de l'enfant. Une fois que le parent a obtenu l'aide nécessaire et qu'il est en mesure de prendre soin de l'enfant et d'assurer sa sécurité, on met fin aux services de protection.
- Il arrive qu'un parent ne soit pas en mesure de travailler avec les Services de protection de l'enfance afin d'assurer la sécurité de l'enfant, ou qu'il ne soit pas disposé à le faire. Dans un tel cas, le directeur de la protection de l'enfance s'adresse à la Cour pour obtenir des directives.

Protecting Children

Parents

- Parenting is hard work. Know your limits. Everyone gets stressed now and then – and everyone needs a break sometimes. Arrange for someone you trust to care for your child and go for a walk.
- Parenting is hard work. It is ok to ask for help.
- Parenting is hard work. Learn about positive parenting and healthy ways to discipline children. Visit the PEI Triple P website
<http://www.triplep-parenting.net/>



Protéger les enfants

Parents

- Être parent n'est pas une tâche facile. Il est important de connaître ses limites. Tout le monde vit des situations de stress et tout le monde a besoin d'une pause à l'occasion. Demandez à quelqu'un en qui vous avez confiance de s'occuper de votre enfant et sortez marcher.
- Être parent n'est pas une tâche facile. Il n'y a rien de mal à demander de l'aide.
- Être parent n'est pas une tâche facile. Renseignez-vous sur les pratiques parentales positives et sur les stratégies pour discipliner les enfants de manière positive. Visitez le site Web du Programme Triple P de l'Île-du-Prince-Édouard :
www.triplep-parenting.net/ (en anglais seulement)



Protecting Children

Family and Friends

- Parenting is hard work. Offer to babysit or be there to support a parent who needs help.
- Offer to take a stressed parent out for coffee or a walk to talk about what is going on.
- Learn about supports in our community and share the information with a parent who is struggling. Tell the parent it is ok to ask for help and there are people who can help.
- Learn about positive parenting and healthy ways to discipline children. Visit the PEI Triple P website

<http://www.triplep-parenting.net/>



Protéger les enfants

Famille et amis

- Être parent n'est pas une tâche facile. Offrez de garder l'enfant ou soyez présent pour soutenir un parent qui a besoin d'aide.
- Offrez à un parent qui vit du stress de sortir prendre un café ou marcher pour discuter de ce qu'il vit.
- Renseignez-vous sur les ressources d'aide offertes dans la collectivité et partagez l'information avec un parent qui vit des difficultés. Dites au parent qu'il n'y a pas de mal à demander de l'aide et qu'il y a des gens qui sont là pour ça.
- Renseignez-vous sur les pratiques parentales positives et sur les stratégies pour discipliner les enfants de manière positive. Visitez le site Web du Programme Triple P de l'Île-du-Prince-Édouard : www.triplep-parenting.net/ (en anglais seulement)



Protecting Children

Everyone

- Parenting is hard work and everyone is responsible to protect children from parental harm
- Report to Child Protection Services when you have information to suspect a child may be in need of protection from parental harm
- Learn about positive parenting and healthy ways to discipline children. Visit the PEI Triple P website
<http://www.triplep-parenting.net/>
- Remember to **NEVER**:
 - Shake a baby or young child
 - Discipline a child when you are angry
 - Leave a young child alone, even for a short time



Protéger les enfants

Tous et chacun

- Être parent n'est pas une tâche facile et il est de notre devoir à tous de protéger les enfants contre les mauvais traitements infligés par un parent.
- Faites un signalement aux Services de protection de l'enfance lorsque vous soupçonnez un enfant d'avoir besoin de protection contre des mauvais traitements infligés par un parent.
- Renseignez-vous sur les pratiques parentales positives et sur les stratégies pour discipliner les enfants de manière positive. Visitez le site Web du Programme Triple P de l'Île-du-Prince-Édouard :
www.triplep-parenting.net (en anglais seulement)
- Il faut se rappeler de ne **JAMAIS** :
 - secouer un bébé ou un jeune enfant;
 - discipliner un enfant lorsque vous êtes en colère;
 - laisser un jeune enfant seul, même pour un court laps de temps.



How to Make a Child Protection Report

- **During regular business hours,**
Intake Assessment Unit
368-6657
Toll free 1-877- 341-3101
- **After hours, holidays and weekends**
368-6868
Toll free 1-800-341-6868



Pour faire un signalement aux Services de protection de l'enfance

- **Pendant les heures normales de travail,**
à l'Unité d'évaluation initiale :
902-368-6657
Sans frais : 1-877-341-3101
- **En dehors des heures normales de travail, les jours de congé et la fin de semaine :**
902-368-6868
Sans frais : 1-800-341-6868





"the small under the protection of the great,"



« les petits sous la protection du grand »

Thank you!



Merci!



Appendix 6

***Child Protection Act* Review Advisory Committee Public Consultation**

Guiding Questions

In your small groups, please consider and discuss the following guiding questions.

- 1) What is your understanding of the purpose and administration of the *Child Protection Act*? (15 mins)
 - a) What is working with the *Child Protection Act*?
 - b) What is not working with the *Child Protection Act*?
- 2) In your opinion, does the *Child Protection Act* provide an appropriate balance between privacy and confidentiality to protect children from parental harm? Is there a need for improved sharing of information to protect children from parental harm? Please explain. (10 mins)
- 3) What do you believe are the needs of children who require protection from parental harm? (10 mins)
- 4) Do you believe there are children the *Child Protection Act* is not protecting? If so, please explain. (10 mins)
- 5) What do you believe families need to ensure children are protected from parental harm? (15 mins)
 - a) What can you do as an individual?
 - b) What can we do as a community?
 - c) What can government do?
- 6) What are your suggestions for improvement to the *Child Protection Act*? (5 mins)
- 7) Please choose one key recommendation for improvement to the *Child Protection Act* to share with the larger group. (5 mins)

Appendix 7

Child Protection Act Review Child and Family Services Division Staff Consultation January 19, 2016 Guiding Discussion Questions

At your small table groups consider and discuss the following Guiding Questions. Identify a recorder for note-taking and reporting back. Use this hand-out to record your discussion points.

- 1) Given your understanding of the purpose and administration of the **Child Protection Act**:
 - a) What is working with the **Child Protection Act?** (10 min)
 - b) What is not working with the **Child Protection Act?** (10 min)
 - c) What are your suggestions for improvement to the **Child Protection Act?**(10 min)
 - d) Does the **Child Protection Act** provide an appropriate balance between privacy and confidentiality in the protection of children and the need for the sharing of information to enable collaboration amongst service providers and other partners? Please explain. (5 min)
- 2) What do you believe are the needs of children receiving protection services under the **Child Protection Act?** (15 min)
- 3) Do you believe there are children the **Child Protection Act** is not protecting? If so, tell us about them. (10 min)
- 4) What do you believe families need to care for and protect their children?
 - a) What can you do as a service provider? (10 min)
 - b) What can we do as a community? (10 min)
 - c) What can we do as a government? (10 min)
- 5) Are there specific recommendations you believe would strengthen the purpose and administration of the **Child Protection Act?** (10 min)
- 6) Choose one key recommendation for improvement to the **Child Protection Act** to share with the large group (10 min). Be prepared for a number of tables to share with large group



Family and
Human Services

Services à la famille
et à la personne



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

Appendix 8

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

February 3, 2016

Dear Foster Parents:

Re: Invitation - Child Protection Act Review Consultation

In November 2015, the Minister of the Department of Family & Human Services appointed a Child Protection Act Review Advisory Committee to review the *Child Protection Act*. The intent of the review is to seek public input and report on the administration of the *Act* to ensure the principles and purposes are being achieved. The Committee will provide a report to the Minister of Family & Human Services within six months. This report will enable government to consider the need for legislative and policy changes.

On behalf of the Child Protection Act Review Advisory Committee, I would like to take this opportunity to invite you to a consultation session specifically for Foster Parents. We will be hosting two sessions; please feel free to pick the date/location that works best for you:

- **Friday, February 12th, 2016, 9 a.m. to 12:00 noon, Murchison Centre, 17 St. Pius X Avenue** (across from St. Pius X Church and behind the Irving on St. Peter's Road), **Charlottetown.**
- **Wednesday, February 24th, 2016, 9 a.m. to 12:00 noon, Child and Family Services Office Meeting Room, 290 Water Street, Summerside.**

It is very important that the Committee obtains the views of the members of the PEI Federation of Foster Parents. Your participation in this important discussion is encouraged and appreciated. Written submissions are also welcome and may be sent by e-mail to cpareview@hratlantic.ca or by letter mail to:

Child Protection Act Review Committee
c/o HR Atlantic
1 Harbourside, Brecken Building
Charlottetown, PE C1A 8R4

If you require further information, please call (902)368-5294 or visit our website at www.gov.pe.ca/sss/childprotectionact. Thank you for your attention to this important review and I look forward to meeting with you and your colleagues.

Kind regards,


Patsy MacLean, Q.C.
Chairwoman

Appendix 9

Youth Consultation Questions

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