

<i>Child Protection Act R.S.P.E.I. 1988, Cap C-5.1</i>	Program	Child Protection	
	Subject	Record Disclosure Process for Director of Child Protection Initiated Court Applications and Proceedings	Policy # 1.16
Effective Date: February 23, 2017		Authorized by: David Keedwell	
Revised Date: October 23, 2020		Deputy Minister	

1.0 PURPOSE

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

2.0 POLICY STATEMENT

- 2.1 The Director of Child Protection is responsible to keep records of all information obtained pursuant to the *Child Protection Act* and *Regulations* and to ensure full and complete disclosure of records, as required, for court applications and proceedings.
- 2.2 Information obtained in the provision of child protection services is confidential and may be shared only as authorized by the *Child Protection Act* and *Regulations* and the *Freedom of Information and Protection of Privacy Act* (FOIPP).
- 2.3 Upon request for disclosure of information contained in a record obtained pursuant to the *Child Protection Act* and *Regulations*, full and complete disclosure of the record, as required, is provided in a timely manner. The only information to be redacted is solicitor-client privilege, the identity of the report source, and any information that may lead to the identity of a report source.
- 2.4 The record includes hard copy and electronic documentation and residential/ foster care child in care log books.
- 2.5 Files related to disclosure packages will be stored and destroyed following approved an approved retention schedule to assure consistency of final disposition of these files. Disclosure packages are transitory documents and are only required to be maintained for a shorter period of time compared to the full Child Protection file.

3.0 PROCEDURE STATEMENT

- 3.1 No trial date will be set by the court until the disclosed record is completed and provided to Legal Services, unless it has been confirmed that disclosure is not required. Record disclosure is expected for all applications for a permanent order.
- 3.2 The social worker, in consultation with the supervisor, will contact the disclosure specialist directly to request a full and complete disclosure of a child protection record using a *Request for Disclosure for Court Actions* form (see attached).
- 3.3 The social worker will provide the disclosure specialist with the following information to include, but not limited to:
 - Parents' names
 - Parents' Personal Health Number (PHN)
 - Children's name
 - Children's PHN
 - Date disclosure required
 - Name of Legal Counsel to receive copy of the record
- 3.4 Upon receipt of the request, the disclosure specialist will establish a disclosure end date for all record information to be entered and completed on the file. This date will be provided to the child protection staff, the supervisor, and the Director of Child Protection by email.
- 3.5 The redacting process will not be initiated until all documentation is complete.
- 3.6 It is the responsibility of child protection staff to ensure full and complete documentation is forwarded to the disclosure specialist no later than the confirmed disclosure end date.
- 3.7 In the event the disclosure request cannot be completed within the required time line, the disclosure specialist will notify, by email, the social worker, the supervisor, and the Director of Child Protection to allow sufficient time for an alternative arrangement to be made.
- 3.8 Upon completion, the disclosure specialist will make a copy of the disclosure package, place the original in a sealed envelope with a Child Protection Disclosure Documents label (see attached), and deliver the redacted record document to legal counsel for the Director of Child Protection.
- 3.9 The Director of Child Protection will document the disclosure on the record.
- 3.10 The Administrative Support for the Director of Child Protection keeps the Child Protection file for two weeks and then returns it to its place of retrieval. The copy of the disclosure package is returned to the originating office, not to the Records Centre even if that is where the Child Protection file is being stored.

- 3.11 Two years after the Request for Disclosure for Court Actions is completed, disclosure packages (electronic, or formerly, hard copies) are prepared for destruction as per the TransitoryRS2018 Transitory Records System. The Departmental RIM Coordinator will be consulted for records management processes. Disclosure will only occur once the Court case is completed and the 30-day Appeal period has passed.

4.0 REFERENCES

Documentation Policy 1.3

Freedom of Information and Protection Privacy Act (FOIPP)

5.0 ATTACHMENTS

Request for Disclosure for Court Actions form

Child Protection Disclosure Documents label

HISTORY:

October 22, 2020 - Inclusion of specific records management information, Request for Disclosure for Court Actions, and Child Protection Disclosure Documents label.

REQUEST FOR DISCLOSURE FOR COURT ACTIONS

To the Disclosure Specialist - Teryllee Rodd

Suite 200, Sherwood Business Centre, 161 St. Peter's Road, PO Box 2000, Charlottetown, PE C1A 7N8

Via Email: trodd@gov.pe.ca Email Subject Line: "LastName/LastName - Disclosure Request"

Name - PHN - Relationship of all clients involved in the court action:

Court Date - Type of Court Action:

Departmental Lawyer assigned to the file:

Number of Defence/Child-in-Care lawyers involved at present time:

Is Disclosure required on an ongoing basis? Yes ___ No ___ If yes, Disclosure will be provided bi-monthly as a standard - if Legal Services or the Court has requested the disclosure be provided on a different schedule please detail below:

Are all ISM Assessments and ISM Client Notes by all DCP staff for each client involved in the court action complete?

Yes ___ No ___ If no, please contact all DCP staff with assessments/client notes in progress and ensure they have them completed within 7 days)

Are there any special directions from Legal Services in regards to this Court Action?

Yes ___ No ___ If yes, please advise in detail below:

From what start date is disclosure required? _____

Please forward the files involved with the Court Action to the Disclosure Specialist listed above along with a copy of this form on top.

UPDATES: Date - Update information

Your Name & Contact Information:

Signature and Date:

Date: _____

Child Protection Disclosure Document Label

CHILD PROTECTION DISCLOSURE DOCUMENTS	
Client:	
PHN: SSMIS:	Type:
Notes:	
Disclosure Time Period:	
Date Disclosed:	