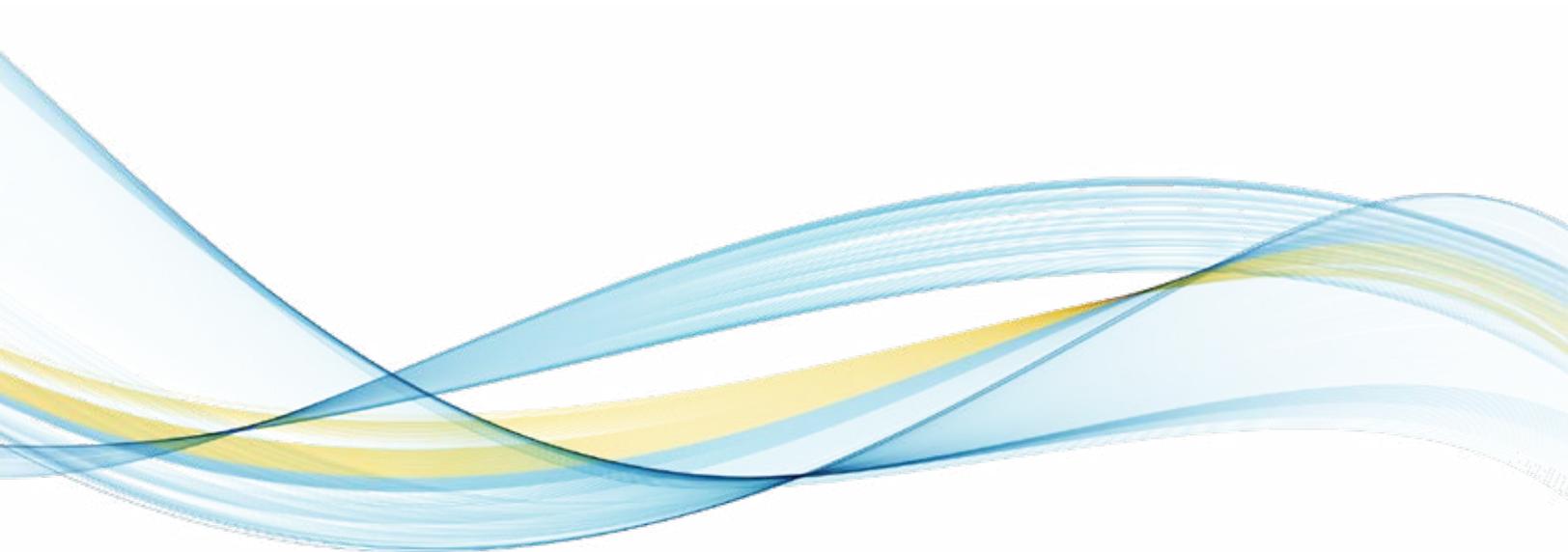


July 30, 2021

2021

# *Child Protection Act* Review

Advisory Committee Report



Submission to the Minister of Social Development of Housing

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# MESSAGE FROM THE MINISTER OF SOCIAL DEVELOPMENT AND HOUSING

Welcome to the 2021 *Child Protection Act* Review.

The *Child Protection Act* Review is a comprehensive document that is meant to represent the voices and experiences of Prince Edward Island residents regarding the current *Child Protection Act* as well as the current supports and programs offered within child protection services.

The feedback provided in this review is critical in informing Child and Family Services on current issues and experiences that directly impact the safety and wellbeing of Island children. The *Child Protection Act* review process and associated recommendations are extremely valuable in continuing to inform government on what is working well and what areas require new or revised programs, policies or legislation to continue to improve the delivery of child protection services to best support our Island children, youth and families.

Thank you to members of the Child Protection Review Advisory Committee and all who provided input and feedback in order to complete this review.

Respectfully,



Hon. Brad Trivers

Minister of Social Development and Housing



# OVERVIEW OF THE 2021 *CHILD PROTECTION ACT* REVIEW ADVISORY COMMITTEE

In January 2021, the Minister of Social Development and Housing (Honourable Ernie Hudson) appointed the 2021 *Child Protection Act* Review Advisory Committee (“the Advisory Committee”). The Advisory Committee was appointed pursuant to section 58 of the *Child Protection Act* and in accordance with section 15 of the *Child Protection Act* Regulations.

The members of the Advisory Committee are:

- **Kelly Peck** (Director of Child Protection; appointed in accordance with 15(1)(a)(i) of the Regulations);
- **Hailey Arsenault** (Policy Analyst for Child and Family Services; appointed in accordance with 15(1)(a)(ii) of the Regulations);
- **Gerard Gould** (Designated Representative from Abegweit First Nation; appointed in accordance with 15(1)(a)(iii) of the Regulations);
- **Tammy Arsenault** (Designated Representative from Lennox Island First Nation; appointed in accordance with 15(1)(a)(iii) of the Regulations);
- **Jade Ward** (appointed in accordance with 15(1)(a)(iv) of the Regulations);
- **Savannah Callaghan** (appointed in accordance with 15(1)(a)(iv) of the Regulations);
- **Alanna Taylor** (Lawyer with Cox and Palmer; appointed in accordance with 15(1)(a)(v) of the Regulations);
- **Mitchell O’Shea** (Departmental Solicitor with Justice and Public Safety; appointed in accordance with 15(1)(b) of the Regulations); and
- **Leslie Collins** (Lawyer with Legal Aid; appointed in accordance with 15(1)(b) of the Regulations).

The Advisory Committee first met on February 1, 2021. This report is a culmination of the work that the Advisory Committee undertook in their review of the *Child Protection Act* and services performed pursuant to the *Child Protection Act*. The purpose of this report is to provide recommendations to the Minister of Social Development and Housing regarding the operation and administration of the *Child Protection Act* and whether the purposes and principles of the *Child Protection Act* are being achieved.

The Advisory Committee would like to thank the consulting firm VOLUME 18 for all of their efforts in collecting and analyzing the data provided, and for assisting in drafting this report. The Advisory Committee would also like to recognize the contributions to the Review process by the following individuals: Lalana Paul, Paige McQuaid, Shaylee Bjornson and Beverly McQuillan.

# EXECUTIVE SUMMARY

In January 2021, the Minister of Social Development and Housing appointed an Advisory Committee to review the current administration and function of the *Child Protection Act*. This Advisory Committee was responsible for reporting the findings from the review of the *Child Protection Act* and subsequent recommendations into a Report, and submitting this Report to the Minister.

To ensure the *Child Protection Act* Review was comprehensive and represented the voices and experiences of Prince Edward Island residents, the Advisory Committee created a thorough engagement process to ensure that stakeholders and the public could provide their feedback.

In February 2021, the Advisory Committee began identifying key stakeholders that should be engaged, and these stakeholders were then contacted by email or phone to notify them of the *Child Protection Act* Review process and how their feedback could be submitted.

In March 2021, virtual and in-person engagement sessions for stakeholders and the public began. VOLUME 18, a consulting firm located in Charlottetown, Prince Edward Island, led these sessions. In addition, a Question and Answer (Q&A) was posted on the Prince Edward Island government website, which allowed anyone to provide their feedback about the *Child Protection Act* and relevant programs and services by email, mail, or webform.

Feedback was accepted until April 14, 2021. At the end of the engagement period, there were 206 participants across 31 engagement sessions, and an additional 52 submissions made by webform, email and mail.

All feedback was collected and de-identified by VOLUME 18, who then used the collected information to provide a thematic analysis to the Advisory Committee. The Advisory Committee then took this thematic analysis and created recommendations to enhance the functions and administration of the *Child Protection Act*. The Advisory Committee has formed 99 recommendations that span across a multitude of areas, including legislation, policy and procedures, staffing, operations, service delivery, resources, training and education, partnerships, and other Child and Family Services reviews.

The Advisory Committee is confident that these recommendations will enhance Child and Family Services, and will improve the experiences of parents, children, youth, staff, care providers and service providers who are involved with Child and Family Services.

# INTRODUCTION

The stories included here are examples of why Child Protection Services are needed in Prince Edward Island. Child Protection Services, which falls under the Child and Family Services Division of the Department of Social Development and Housing, aims to contribute to the wellbeing of individuals, families and communities by working collaboratively, in an innovative manner, to promote the development of healthy, self-reliant individuals.

Child Protection Services (CPS) may be provided to residents of Prince Edward Island ("Islanders") through the *Child Protection Act*. The *Child Protection Act* ("Act") is a piece of legislation that provides broad directions or rules about what can be done regarding Child Protection in Prince Edward Island. The purpose of the *Act* is to protect children from parental harm due to abuse and neglect, while considering the best interests of the child. Given its importance, oversight of how the *Act* functions and how services are administered to Islanders is crucial. To ensure this oversight occurs, the *Act* has a clause (s.58)<sup>1</sup> which, in summary, states that the Minister of Social Development and Housing ("Minister") must appoint an Advisory Committee<sup>2</sup> to review the *Act* and the services performed under the *Act* every five years. The Advisory Committee must look at the requirements outlined in the *Act*, the services provided under the *Act*, and determine what is working well and what could be improved. As a result, this 2021 *Child Protection Act* Review was created by the Advisory Committee to identify these strengths and limitations. This Review provides Islanders with an understanding of the current state of Child Protection, how information was gathered and stakeholders were engaged with, what was heard throughout the engagement process, and recommendations for changes to enhance the *Act* and related service delivery.

*"As a young girl, I always wanted to be with my family, even whenever things weren't healthy or safe for me ...as all kids would want to. As my life started to get worse with the mental and physical abuse, Child and Family Services stepped in and I thought everything was going to go even more downhill for me because of it. However, as I got more comfortable with asking questions and taking the time to realize why I was removed from my family, it was really an eye opener. Child and Family Services doesn't take kids away from the "perfect families": they just care about the health and well-being of children...they want to help everyone and always have good intentions. Being a youth in care has saved my life. If it was not for these people who really care, my life wouldn't be as it is today. I don't think I would be here right now telling you my story. Child and Family Services has saved many children and youth from life and death situations."*

- Submitted by a current youth in care

*"As someone who grew up in homes that were not safe, with people who sought out to hurt me, child protection is very meaningful to me. As children we have a right to be happy and healthy and live freely, and that is difficult to do if we grow up in a situation where the adults around us do not want the same thing, or may want the same thing but cannot provide it for us. I personally am happy that I had the chance to grow and flourish thanks to Child Protection Services. I am thankful that I had the chance to have a happier childhood. Child Protection Services not only got me out of a horrible situation, but also helped me grow and discover the person I could become."*

- Submitted by a former youth in care

<sup>1</sup> Section 58(1) of the *Child Protection Act* (2021) reads: "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."

<sup>2</sup> Additional information about the 2021 *Child Protection Act* Review Advisory Committee can be found on page 4.

# BACKGROUND

## **Changes to Child Protection Since 2016**

Since the 2016 *Child Protection Act* Review Advisory Committee Report<sup>3</sup> was released, there have been several key changes to Child Protection practices and service delivery.

### **Amendments to the Act and Regulations**

In 2017, there was a change to Section 34(3) of the *Act* to address evidence of the child in a court proceeding. This change provided the Court with more flexibility to accept evidence of the child outside the traditional court procedures respecting evidence.

In 2017, there was also an additional clause added to the *Act* (Section 35(3)) to address hearsay evidence in a court proceeding. This amendment allowed the Court to have greater flexibility in allowing hearsay evidence that they considered reliable and relevant, or which formed part of the evidence in a previous court proceeding to which the individuals involved were a party.

In 2019, there was a change made to the *Act* to reference the creation of the Office of the Children's Lawyer, and their ability to request that an assessment of the circumstances of a child be conducted.

In 2020, there was also an addition to the *Act* under Section 7(2)(g.1), which identified that the Director of Child Protection may disclose information contained in record to the Child and Youth Advocate, for the purpose of a review or an investigation.

In 2021, there was a change to the *Child Protection Act* Regulations ("Regulations") regarding the composition of the *Child Protection Act* Review Advisory Committee. This change allowed for a smaller number of individuals to be appointed to the Advisory Committee, with less mandated representation from the Department of Social Development and Housing. This change aligns with other processes that are currently used in other Canadian jurisdictions.

### **Enhancements to Indigenous Service Delivery**

In 2019, the final report and calls for justice for the Missing and Murdered Indigenous Women and Girls (MMIWG) was released<sup>4</sup>. The Commissioners' call for a world "within which First Nations, Inuit, and Métis families can raise their children with the same safety, security, and human rights that non-Indigenous families do, along with full respect for the Indigenous and human rights of First Nations, Inuit, and Métis families." The Division of Child and Family Services shares this vision.

Child Protection Services must be provided to all Indigenous children and families living both on-reserve and off-reserve, as per the *Act*. The Director of Child Protection is required to provide notifications to the Designated Representative of the Band on PEI, or contact the child's band if located outside of the province. The Director of Child Protection develops a plan of care for the child in collaboration with the Designated Representative. This plan of care must align with the principles outlined in *An Act respecting First Nations, Inuit and Métis children, youth and families*.

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<sup>3</sup> The 2016 *Child Protection Act* Review Advisory Committee Report included a detailed history of Child Protection Services in Prince Edward Island. This section can be found in Appendix A.

<sup>4</sup> The MMIWG final report can be found at <https://www.mmiwg-ffada.ca/final-report/>.

Within Child and Family Services, Child Protection Services works in partnership with Lennox Island First Nation and Abegweit First Nation to offer services and programs to Indigenous children and families that are involved with Child Protection. Child and Family Services has also hired an Indigenous Program Analyst to work collaboratively with Lennox Island First Nation and Abegweit First Nation, and other service providers who work with Indigenous peoples. The Division has also hired two Child Protection Social Workers whose roles will be to provide child protection services to Indigenous children and families.

The Division also works with Lennox Island First Nation and Abegweit First Nation to deliver training to staff within Child Protection, and this training has been integrated into the regular core training for staff. Child and Family Services is also actively trying to recruit more Indigenous foster parents.

### **Creation of the Transitional Home**

In the summer of 2020, a new 20-bed transitional home was opened for survivors of family violence and for children aging out of care of the Director of Child Protection. For children aging out of care (18-21 years old), the focus is on providing the child with a safe housing option, life skills programming and other individualized supports to help them transition successfully into adulthood.

### **COVID-19 Initiatives**

The Coronavirus (COVID-19) pandemic was a significant hurdle to Child and Family Services, in that it changed the way that these essential services could be delivered. To help provide guidance to staff to navigate some of the issues, staff were provided with a detailed practice guidance to help provide updates and guide day-to-day operations. Child and Family Services management and policy staff were on standby for the first several months of the pandemic to address questions and concerns, and to update the practice guidance document(s) accordingly. In addition, Smith Lodge was opened as a temporary housing option for children in the custody and guardianship of the Director of Child Protection.

### **Progress on the 2016 *Child Protection Act* Review Advisory Committee Report**

There has been significant progress on the 66 recommendations that were put forward in the 2016 *Child Protection Act* Review Advisory Committee Report. Overall, 38% of the recommendations are complete, 50% are in progress with many nearing completion, and only 12% of the recommendations need to be actioned. The recommendations that are still outstanding include recommendations 3, 17, 18, 29, 34, 56, 58 and 64 (these outstanding recommendations are fully written out in Appendix B for reference).

### **The Current *Child Protection Act* and its Administration**

The primary purpose of the current *Act* is to protect children, under the age of 18, from parental harm and neglect. Child and Family Services staff typically carry out these actions, with the understanding that prevention of abuse and neglect is a shared responsibility. For example, communities have a responsibility to report if a child is known or suspected to be in need of protection from parental abuse or neglect. This is also known as “mandatory reporting”, which is explained within the *Act* (section 10).

Child Protection Services has the responsibility and authority to assess situations and, where necessary, investigate reports of children believed to be in need of protection. Section 9 of the *Act* outlines factors that could result in a child being found in need of protection. Some examples from the *Act* include (but are not limited to) the following:

- When a child has been or is at substantial risk of being physical harmed by a parent (9a, 9b);
- When a child is at substantial risk of suffering harm caused by the neglect of a parent (9d(i));
- When a child has suffered, or is at substantial risk of suffering emotional harm by a parent (9k, 9l); or
- When a child is in the custody of the Director of Child Protection or another person, and the parent of the child refuses or is unable to resume custody of the child (9r).

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. Child Protection services must be delivered in ways that ensure the best interests of the child (section 2(2) of the *Act*), and follow the least intrusive approach to service delivery when possible.

The best interests of the child focuses on ensuring that the child is safe and protected from parental harm, but also focuses on many other aspects of the child that relate to healthy development. For example, Child Protection Services aims to provide all services in a timely and age appropriate manner and to engage with children and consider their views where appropriate. Child Protection Services also considers the cultural, racial, linguistic, and religious heritage of the child, as well as their physical, mental and emotional needs.

The *Act* is administered to children, parents and the community in a variety of ways. Some examples of Child Protection services and programs that the *Act* allows for includes, but is not limited to:

- Screening and assessment of reports;
- Investigation of reports;
- Focused Intervention services to parents;
- Child in Care services (e.g. Foster Care, Residential Services);
- Disclosure requests;
- Alternative Care Provider Program; and
- Extended Services (for youth aged 18-21 who were in the permanent care of the Director of Child Protection).

As part of the administration of the *Act*, foundational Child Protection statistics are kept and made available by Child and Family Services. These statistics are depicted in Table 1:

Table 1: Child Protection Statistics

CHILD PROTECTION STATISTICS <sup>5</sup>					
	2016/17	2017/18	2018/19	2019/20	2020/21
Child Protection Reports Received <sup>6</sup>	2497	3227	3801	3763	3861
Child Protection Investigations Opened <sup>7</sup>	2028	1811	1969	1993	2143
Children who Received Child Protection Services in Their Own Homes <sup>8</sup>	696	675	631	612	704
Number of Children in the ACP <sup>9</sup>	N/A <sup>10</sup>	100	200	222	211 <sup>11</sup>
Number of Care Providers in the ACP	N/A	80	167	168	166 <sup>12</sup>
Children in Care <sup>13</sup>	193	192	177	176	176
Focused Intervention Services to Parents <sup>14</sup>	608	615	579	592	636
Extended Service <sup>15</sup>	13	15	14	13	13

The total budget for the past fiscal year (April 1, 2021 to March 31, 2021) was \$24,437,700. Additionally in the past fiscal year, there were:

- 3861 Child Protection reports received, with 2143 of these reports being investigated.
- 704 children who received Child Protection Services in their own homes.
- 211 children and 166 care providers in the Alternative Care Provider Program (ACP).
- 176 children in the legal custody and guardianship of the Director of Child Protection (over the past year).
- 636 parents who received Focused Intervention services from Child Protection Services.
- 13 individuals over the age of 18 who received Extended Services.
- 77 active foster homes in PEI.
- Five group homes operating in the Province under the Department of Social Development and Housing. There is one group home for children ages 4-9 years (5 beds), one group home for children ages 9 to 12 years (6 beds), and three group homes for children ages 12 to 17 years (18 beds).

As described in the introduction, the Advisory Committee's role is to review the current administration of *the Child Protection Act*, and determine what is working well and what could be improved. To accomplish this, the Advisory Committee implemented an intensive stakeholder and public engagement process, which is described in further detail in the "Methodology" section of the Review.

<sup>5</sup> These statistics are based on the fiscal year (ending March 31<sup>st</sup>).

<sup>6</sup> This refers to the number of calls that are made to Child Protection each year.

<sup>7</sup> This refers to any call that was made that was screened as needing a Child Protection investigatory response.

<sup>8</sup> This refers to the cases in which an investigatory response occurred and a finding was made that the child was in need of protection.

<sup>9</sup> The ACP stands for the Alternative Care Provider Program. This program was created in late 2017, and is meant to be a short-term, least intrusive option in which parents identify an appropriate care provider with whom their child has a pre-existing relationship with.

<sup>10</sup> There are no statistics for the ACP for 2016/2017 because the program was not created until 2017.

<sup>11</sup> This number is current to February 1, 2021 (not March 31, 2021).

<sup>12</sup> This number is current to February 1, 2021 (not March 31, 2021).

<sup>13</sup> This refers to the number of children that were in the legal custody and guardianship of the Director of Child Protection over the specific year. This would include children who reside in foster homes and Residential Services group homes.

<sup>14</sup> Focused Intervention Service provides services to children and their families where the child has been found in need of protection or may require services to prevent the child from becoming in need in protection. The service is designed to mitigate the protection concerns and strengthen the family unit through a case plan developed by the social worker and client together that may involve referrals to outside agencies and internal supports.

<sup>15</sup> This refers to the number of youth, aged 18-21, who were previously in the legal custody and guardianship of the Director of Child Protection, who are receiving support services through Child and Family Services.

# METHODOLOGY

In January 2021, the Minister of Social Development and Housing appointed the members of the 2021 *Child Protection Act* Review Advisory Committee (“the Advisory Committee”). The Advisory Committee developed a charter, terms of reference, and overall project timeline to complete the Review work.

Throughout February 2021, the Advisory Committee identified stakeholders to engage with<sup>16</sup>, created and customized questions and presentations for specific stakeholder groups, and continued refining the engagement plan. During this time, the Advisory Committee also hired VOLUME 18, a communications firm based in Charlottetown PE, to lead the administration of the in-person and virtual stakeholder engagement sessions as an independent third party to capture evidence provided by the public, identified stakeholders and interest groups.

In March 2021, virtual and in-person engagement sessions began for identified stakeholders. In-person public engagement sessions were held to ensure that the public had the same opportunities to provide feedback as identified stakeholders. The dates and locations of these engagement sessions were as follows:

- Tuesday March 30, 2021: Charlottetown, PE
- Thursday, April 1, 2021: Mill River, PE
- Wednesday, April 7, 2021: Abegweit First Nation, PE
- Thursday, April 8, 2021: Georgetown, PE
- Monday, April 12, 2021: Lennox Island First Nation, PE<sup>17</sup>

The Advisory Committee also developed a Question and Answer (Q+A) document about the 2021 *Child Protection Act* Review for stakeholders and the public (see Appendix D), which was posted to the PEI government website. The Advisory Committee also created an online submission form so that anyone could submit feedback electronically, and provided contact details for members of the public or stakeholders to submit responses.

Feedback for the 2021 *CPA* Review was accepted until April 14, 2021. At the end of the engagement period, there were:

- 206 participants in the engagement sessions (176 in person, 30 virtual)
- 31 engagement sessions (27 stakeholder and 4 public)
- 52 additional submissions made (33 by online form, 14 by email, 5 by mail)

The feedback that was collected during the engagement period was gathered and analyzed by VOLUME 18 to identify common themes. These themes are explained in the “What We Heard (Thematic Analysis)” section of this report.

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<sup>16</sup> The list of identified stakeholder groups can be found in Appendix C.

<sup>17</sup> Please note that a separate invitation for a public engagement session was also extended to Abegweit First Nation, but due to unforeseen circumstances, this engagement session was merged into one session for providers and the public. Additionally, engagement with the Native Council of PEI (NCPEI) and Abegweit First Nation service providers also occurred. An invitation was also provided to the Mi’kmaq Confederacy of PEI (MCPEI) to have a one-on-one session, but MCPEI opted to provide their feedback through other feedback mechanisms.

# WHAT WE HEARD (THEMATIC ANALYSIS)

The themes discussed in this report represent the collective responses of the online form, written submission and virtual/in-person engagement sessions held in March and April 2021. The feedback is delivered in themes to ensure that all stakeholders and stakeholder groups remain anonymous to provide a transparent recording of the concerns expressed for the 2021 Review of the Act.

## **Theme 1: Legislation**

### **Need for Preventative Model of Care**

The predominant theme from the legislative feedback was that the model of care should be changed from one of solely child protection to child welfare. In particular, stakeholders identified that there has been a shift from prevention<sup>18</sup> that should be incorporated back into child protection practice. This would include expanding the scope of the Act to include prevention by providing education and support services to the family and community prior to a child being found in need of protection. As part of these changes, it was recommended that the name of the legislation, department and staff should also be changed to reflect the new preventative model.

### **Model of Care**

Many stakeholders also noted that the state of support provided to children taken into care currently exposes them to additional trauma and harm. Whether through legislation or service delivery mechanisms, stakeholders identified that children and youth should be provided additional social work supports and home-like care options to lessen the trauma of being temporarily or permanently in the care of the Director of Child Protection.

### **Modernizing the Act**

Many stakeholders identified that the language the Act needs to be modernized to align with current service delivery and best practices. For example, one suggestion included shifting language from the paternalistic focus of protection to the provision of services, such as by including consideration to the rights of children under the United Nations Conventions on the Rights of the Child.

The Act also needs to be modernized based on Indigenous-based legislation and reports. Most notably, stakeholders identified *An Act respecting First Nations, Inuit and Métis children, youth and families*, stating that it should be reviewed and elements of this federal legislation should be incorporated into the Act. One example of this could be changing the term "least intrusive" to "least disruptive".

### **Clarifying the Act**

Many stakeholders identified that the Act is challenging to understand and use in practice. Examples of areas in which clarification is required include definitions (e.g. emotional abuse), information sharing and communication to non-biological parents and parent(s) who are not involved with Child Protection Services, and supporting 16 to 18 year olds who refuse supports (who are independent of their parents).

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<sup>18</sup> See Appendix A: Context of the Development of the Child Protection Act 2003

There is also inconsistent application and adherence to the timelines outlined in the *Act*. The feedback indicated that children under six are waiting over two years due to a variety of issues (such as voluntary agreements with parents and the Court process), and therefore this leads to children being in the care of the Director of Child Protection for too long. Stakeholders identified that these delays are not in the best interest of the child, and that these timelines and related processes should be changed in order to decrease the length of stay in care and to promote permanency.

In addition to the delays that can occur within the Court process, feedback from stakeholders also included the following issues that should be addressed from a legal perspective:

- Additional clarity on hearsay evidence is needed;
- Additional clarity on burden of proof is needed; and
- Increased adherence to timelines, so that children can receive permanency faster.

There was also additional feedback relating to apprehension, stating that the Screening Unit should have the ability to make additional inquiries (e.g. calling the child's school) to get more information before deciding whether an investigation is necessary. Some respondents felt that many reports were being screened in for investigation, as additional assessment was not possible in the initial screening and/or assessment phase.

There were also questions about reporting in general, such as confidentiality of report sources, who determines if a report is malicious, or if there is a limit to how many reports one person can make.

## **The Rights of the Child**

Feedback was received that identified the importance of the rights, participation and the voice of children and youth throughout the Child Protection process. As part of this feedback, it was suggested that the Advisory Committee review several documents and consider incorporating these reports and tools into Child and Family Services legislation, policy and service delivery. These documents included:

- The United Nations Conventions on the Rights of the Child;
- The UNICEF Canada document, prepared by The Office of the Provincial Advocate for Children and Youth, Ontario, and UNICEF Canada, entitled *Recommendations for Canada from the UN Committee on the Rights of the Child* in youth-friendly language;
- Ontario's *Family Law Act* and assessment tool; and
- The Child Rights Impact Assessment (CRIA) tools.

## **Regulations**

At present, there is no mechanism in the *Act* or Regulations for focused intervention workers, and their role after an investigation if the child(ren) is/are not apprehended or returned home without the parent's consent.

Additionally, outside of guardians and parents, there were questions about unlicensed childcare homes and whose jurisdiction it belongs to, ensure the safety of children. Additionally, there is a need to clarify jurisdiction if a child needs protection from themselves.

There was also feedback that suggested that the complaints section of the Regulations be amended to clarify the process of the review of a Director's decision. Those who brought up the complaint process identified that the overall process was not clear, and that there should be consideration to how a child or youth has the ability to participate and receive support to participate in the complaint process. This review of the complaint process should also identify how the complaint process to review a Director's decision is different from the general complaint process.

Additionally, the *Act* (section 16) and the Regulations (section 14) identify the possibility for the Director of Child Protection to engage in alternative approaches to develop a care plan for the child, but stakeholders felt this was rarely used. There needs to be clarity provided on the scope of these alternative options, and how they can be used in the Child Protection court process.

## **Theme 2: Policy, Procedures and Operations**

### **Policy, Procedure and Guideline Development**

There were many Child and Family Services policies, procedures, and guidelines that stakeholders felt could be developed or enhanced. It was suggested that these changes be based on evidence and/or alignment with best practices in other jurisdictions. Examples of areas to consider developing guidance include:

- Implementation of a Child and Family Services process for reviewing serious injury or child death;
- Respecting and acknowledging gender identity, and how to access care and support for clients;
- Standards for auditing Child and Family Services files, to ensure appropriate documentation and case management standards;
- Clarity on assessments used, and for what level of care they are required. Relatedly, there needs to be more resources in place to ensure that assessments that promote permanency (e.g. foster care and adoption) are completed thoroughly and in a timely manner;
- Care planning for children and youth in the care of the Director of Child Protection. This would include cultural connection planning for Indigenous children and youth;
- Guidelines on support for children coming into care (e.g. budget, belongings, access and visitation, etc.);
- Guidelines for foster parents to provide clarity as to how to work with biological parents (e.g. supporting the child together, communication, attending appointments together, photos, etc.) and
- Access and visitation. Respondents indicated that visitation has always been challenging and needs to be scheduled and organized more effectively. Child and Family Services should set the consistency of visitation, not lawyers or the Court. Relatedly, respondents felt that there needs to be better access and priority made to other familial relationships (e.g. siblings, grandparents) and that there should be less restrictions in place to allow children to have a typical childhood (e.g. approvals for sleepovers).

Respondents also indicated that removing birth alerts has been a positive step, but there has been no additional direction or services put in place to address concerns relating to expecting mothers or unborn babies. One suggestion was that there could be a parent/infant home created for specific situations like these.

## **CFS Staffing and Teams**

The overarching theme was that Child and Family Services staff are committed and are doing their best to provide quality care to children and youth. The concerns relating to staff focused heavily on the limitations set by the *Act* and the lack of resources. There were significant concerns about the division of Child and Family Services being understaffed, and therefore staff being stretched too thin. The feedback indicated that there is a high turnover and burnout rate for Child and Family Services staff. Staff also felt that communication and transparency has improved overall since the last *Child Protection Act Review*, but that improvements could still be made.

Staff and other stakeholders indicated that having no official orientation training, limited mentoring availability, and having little to no support for new social workers were contributing to the inability to recruit and retain staff members. Additionally, there was an expressed concern that workers within the Division who have specific training and capabilities are underutilized. One example brought forward was that those trained in Triple P could provide those services more regularly.

## **Theme 3: Service Delivery and Resources**

### **Group Home Model**

Stakeholders felt that removing the leveled group home system in 2003 has been detrimental to children and youth in care. The overall model of Residential Services group homes (e.g. location, layout, staffing, care model), exposes children to more traumatic experiences and isolates them from their family, friends and community.

Having no capacity in foster homes, and having only a small number of group homes results in children and youth of all ages being placed together, with little to no way to protect them from being exposed to everything happening in the home.

Additionally, staff and children and youth in care indicated that the limited technology (e.g. cellular reception, Wi-Fi connection) in these homes can make it more challenging to engage with others virtually and to complete schoolwork.

### **Supports and Resources for Children, Families and the Public**

The complexity of children's needs has increased greatly, and having children grouped in foster homes or Residential Services can create damaging situations for the children. Furthermore, staff cannot meet all the children's needs with the limited resources available.

Further, some caregivers cannot access respite care due to high needs and limited resources. Parenting self-care has its limits without respite. There was a call amongst stakeholders to develop a more formalized respite program for care providers and for parents of children with complex needs. Relatedly, there were indications that there is very little access to assistance outside of office hours. Parenting and/or care giving is a responsibility that does not stop, and therefore both crisis and non-crisis supports should be available outside of the typical office hours.

In addition, stakeholders argued that receiving supports outside of Child and Family Services is challenging. They felt that more access to addiction services, transition units, mental health support in and out of the

hospital, and family counselling services are required. Without having access to these types of supports, it makes it difficult for parents to meet the requirements of their case plans and leads to children coming into care or being in care for longer periods.

Stakeholders identified that the Transition home for children aging out of care has been a positive addition to the Child and Family Services care home model, and that this should be further developed in other areas of Prince Edward Island. However, additional policy development is required, and some stakeholders felt that there should be consideration to extenuating circumstances to allow residents who may not fit the typical eligibility criteria (for example, a youth in care who has given birth and is caring for a biological child of their own).

Stakeholders also felt that the implementation of the on-reserve Indigenous Services team was a positive step in providing culturally appropriate services. With this in mind, there is a gap for those individuals who are Indigenous and reside off-reserve that should be addressed.

The Youth in Care Network was identified as a great place for youth to feel understood and supported. It may also be beneficial to have a program for shorter-term connections without necessarily needing an ongoing commitment (e.g. spending a weekend with a child).

### **Alternative Care Provider Program (ACP)**

While the Alternative Care Provider Program (ACP) was identified as a least intrusive for the child, it was suggested that the caregiver and child still receive the same support as a child in the care of the Director of Child Protection.<sup>19</sup> It was also identified that this program needs clearer policy and procedures, with explicit guidelines on eligibility, contact standards, and ways to promote permanency for the child.

Grandparents, care providers, and other stakeholders identified that there needs to be thought put into a program model that promotes permanency. At present, ACP do not have the legal authority to make major decisions relating to the child's healthcare, and are unable to provide consent that is not related to the day-to-day care of the child. This makes it difficult to provide appropriate care to the child.

### **Case Planning**

There was a consistent message that case planning needs to be a priority in the work of Child and Family Services. There needs to be involvement with the child, worker(s), parents and/or foster parents where applicable, and others as needed. There also needs to be realistic goals associated with the plan, which should aim for family reunification when appropriate.

Staff and the Department need to move away from reporting the progress of a case plan through emails or word-of-mouth and, instead, provide written documentation of progress made. Progress on how parents achieve their goals outlined in the case plan should be tracked and reported consistently.

Stakeholders expressed their concern that children are entering care at the age of three and not being discharged until their teens. Many cited that, as families keep coming back into the system, more supportive services should be available after the file is closed. This support could be parenting support, housing, transportation, funding, and childcare.

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<sup>19</sup> The Alternative Care Provider Program is meant to be a short-term, least intrusive option in which parents identify an appropriate care provider with whom their child has a pre-existing relationship with.

## **Recruitment Campaigns**

With the reduced number of foster parents, there should be a targeted campaign to recruit care providers across the province. Any campaigns that are implemented should have specific consideration to recruitment in Indigenous communities, and for care providers for youth.

## **Theme 4: Training and Education**

### **CFS Staff and Foster Parents**

Stakeholders identified that there needs to be more professional development, education, and training opportunities for Child and Family Services staff and care providers. Some of the examples that were identified included:

- Introductory (orientation) training;
- Enhanced CORE training;
- Training in mental health and crisis situations;
- Indigenous-related training (e.g. core concepts, the federal legislation and reports, cultural connections planning);
- Triple P Parenting;
- Early childhood development (including attachment, and “ages and stages”);
- Gender and pronouns;
- Childhood trauma and trauma-informed approaches;
- Domestic violence; and
- Behaviour management.

### **Children in Care**

#### *Voice of the Child*

Children in care are forced to leave their homes and, often, their community and school. Given the traumatic nature of being removed from their environments, children’s voices should be heard throughout the process to provide individualized, quality care to them.

Stakeholders indicated that communication surrounding care plans has been lacking. Some service providers stated that sometimes they do not receive any information beyond the child's age when coming into care. There needs to be improved standards, communication, and documentation of children’s care plans, and these plans should incorporate the child’s best interests and likes and dislikes. As part of this, it was suggested that training specific to ensuring the voice of the child is heard is provided to staff, care providers and legal professionals.

## *Leaving Care and Extended Services*

There was significant discussion about the lack of a formal discharge plan for children leaving care.

Extended Services are services and housing provided to youth aged 18 to 21 who were in the permanent care of the Director of Child Protection.<sup>20</sup> Stakeholders identified that youth receiving Extended Services seem to do better with transitioning into adulthood. However, Extended Services are not provided for youth in the temporary care of the Director of Child Protection, which is a gap in service delivery. Stakeholders also identified that the maximum age of 21 was not sufficient, as many youth may not finish college or university until 23 or 24.

As part of the discussion regarding leaving care and transitioning into adulthood, stakeholders felt that there needs to be better training, education and supports offered to children and youth while they are in care. For example, children and youth in care should receive education opportunities that are tailored to their future, such as budgeting and the importance of education.

### **Service Providers and the Public**

Stakeholders felt that Child and Family Services were responsible for providing additional education and communication about their programs and practices to service providers and the public. At present, specifically for the public, there is a lack of clear and consistent communication regarding services that are available and Child and Family Services processes (e.g. investigations, apprehension, etc.). In addition, stakeholders felt that Child and Family Services could offer and/or organize presentations regarding harm to children, domestic violence and its impact on children, trauma-informed approaches, and parenting strategies.

## **Theme 5: Partnerships**

### **Education Related**

Stakeholders identified the importance of schooling, and see school as a positive support for children; thus, children should not be removed from their community and taken from their school unless necessary for the child's safety and best interests.

There is little communication with teachers: often, teachers are not aware of when a child is in care or when a major event relating to child protection occurs (e.g. court). This makes it difficult for educators to provide the support that the child may require. Stakeholders also felt that more children (including children in care) are missing school, due to lack of transportation or the willingness of the child to go. Additionally, there were also concerns about unverifiable homeschooling, and how/if that could play a role in low attendance.

### **Health and Well-Being**

It was identified that Child and Family Services needs to enhance the working relationship with Health PEI and other health-related entities, to ensure that there is immediate access to health professionals for children who require them. This would include not only doctors or nurse practitioners, but also access to mental health supports and other supports as required. Stakeholders put forward the idea of contracting with specific health professionals so that children in care were priority patients, and also identified that dedicated healthcare professionals could be hired as Child and Family Services staff to help support these children.

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<sup>20</sup> Section 46 of Child Protection Act, RSPEI 1988, c C-5.1

Some of the feedback also indicated that there is a limited understanding of the roles and functions of Child and Family Services and Health PEI. Stakeholders also identified that there are gaps in service delivery, especially for children who require mental health and behavioral supports. One example that was included was that it seems like there is a miscommunication regarding the capacity of group homes, and what level of care they are able to provide. There are situations in which children should be provided in-patient help, not sent to Residential Services. This shows the need for clarifying roles and responsibilities in cases such as these, to ensure the services are working together and not against one another. Related feedback also indicated that there was a need for enhanced service delivery for parents, such as those with mental health and/or Addiction's concerns.

### *COVID-19*

During COVID-19 public health measures, staff should have more direct contact with the Chief Public Health Office. In the beginning of the pandemic, Child and Family Services was not listed as an essential service, leaving staff concerned about whether people would report suspected child protection concerns. Child and Family Services staff were also not listed as essential workers, despite providing services in the community throughout the pandemic.

Logistically, there were also issues, such as if a child in care were required to self-isolate, it would have been challenging to isolate them from the other children. It was also difficult to look up COVID test results online for children in care, as many do not have a Health Card.

These concerns around the pandemic pointed to the need for increased awareness to service providers about the roles and responsibilities of Child and Family Services, as well as the need to be better prepared for emergencies.

### **Indigenous**

Recognition should be given to the deep-rooted cultural trauma that Indigenous communities have endured. Intruding in First Nations communities is re-traumatizing. Therefore, there is a high need in the community for kinship care before, during and after with any dealings with CPS. Indigenous children cannot go into care if there is a possibility of making another plan to keep them in their community as stated under *An Act respecting First Nations, Inuit and Métis children, youth and families*. This also points to the need to ensure that services are provided in a culturally appropriate way, for those both on and off reserve.

Additionally, cultural care plans need to be individualized, and elders should be part of the care planning if the parent(s) and/or child(ren) request this.

### **Legal**

Some stakeholders felt the court system needs to be more considerate of the timelines put forward in the *Act*, and consider the best interests of the child when creating orders.

Some stakeholders also felt that social workers were not adequately prepared for going to Court, and that staff should have appropriate training to feel prepared. Staff also feel that the relationship with Legal Counsel could be improved, as staff identified that they feel lawyers do not take them seriously.

The engagement sessions also identified the gap in legal supports for children and youth in the province. Stakeholders identified that there should be a Children's Lawyer trained in, and designated for, child

protection matters.<sup>21</sup> This linked back to the voice of the child, and ensuring that children and youth of all ages have someone who can advocate for their best interests and wishes.

### *Police*

Staff felt that there were situations in which education with Police Services and RCMP would be beneficial. For example, situations can occur with youth that are not reported to Child Protection Services, which could impede evidence gathering for investigations and overall case planning.

### **Other Provincial Government Divisions and Departments**

Some respondents felt that Child and Family Services should communicate better with other Departments, especially in situations where there are needs for the family (e.g. housing, financial, schooling). This could reduce the impact on the child, and promote more wrap-around supports for families.

### **Theme 6. Other Reports**

Stakeholders identified the extensive work that was completed during the *Child Protection Act* Review process in 2016 and suggested that all recommendations are still valid and should be implemented. Stakeholders also brought forward the work that was conducted on the 2019 Foster Care Review, and identified that the recommendations from this Review should be implemented as well.

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<sup>21</sup> Children's Lawyer appointed under section 33.1 of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1

# ADVISORY COMMITTEE RECOMMENDATIONS

Based on what was heard during the engagement process, the Advisory Committee has put forward 99 recommendations to enhance the *Child Protection Act* and Child and Family Services service delivery. These recommendations are outlined below. Please note that some recommendations may appear in different themes than the “What We Heard (Thematic Analysis)” section.

## **Recommendations to Enhance the *Child Protection Act* Legislation (Theme 1)**

1. The Advisory Committee recommends that amendments to the *Child Protection Act* be made to allow for early intervention and/or voluntary services. This would include providing services to expecting parents and parents who need help (and have children who are not deemed in need of protection). This will allow the Department of Social Development and Housing to invest in a model of prevention.
2. The Advisory Committee recommends that legislative amendments to the *Child Protection Act* be considered to ensure that the definitions within the *Act* align with other federal and provincial legislation and reports. Some examples of legislation and reports to review include the *Act respecting First Nations, Inuit and Metis children, youth and families*, the *Indian Act*, The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Truth and Reconciliation Commission Report(s), United Nations Declaration on the Rights of Indigenous Peoples, the *Divorce Act*, and the *Children's Law Act*.
3. The Advisory Committee recommends that legislative amendments be considered to recognize the importance of the development of a cultural plan of care for Indigenous children and families each time a significant decision is made.
4. The Advisory Committee recommends that a full review of the timelines be conducted, using the lens of the best interest of the child.
5. The Advisory Committee recommends that legislative amendments be considered that will close loopholes that keep children in the custody and guardianship of the Director of Child Protection beyond the mandated timelines.
6. The Advisory Committee recommends that legislative amendments be considered to allow the Court more flexibility in combining protection and disposition hearings.
7. The Advisory Committee recommends that legislative amendments be considered to clearly identify the standard of proof required to be met at the prima facie hearing.
8. The Advisory Committee recommends that legislative amendments be considered to allow the Court to grant permanent custody to someone other than a parent or the Director of Child Protection. This will allow children access to a least disruptive placement, while also promoting permanency for the child.
9. The Advisory Committee recommends that legislative amendments be considered to allow the Court to grant temporary custody to someone other than a parent or the Director of Child Protection. This will allow children access to a least disruptive placement, while adhering to the timelines of the *Child Protection Act*.

10. The Advisory Committee recommends that legislative amendments be considered to remove the term “preponderance of evidence” in section 40 of the *Child Protection Act* and replace with “a balance of probabilities”.
11. The Advisory Committee recommends that legislative amendments be considered to provide more clarity regarding what terms a supervision order may include.
12. The Advisory Committee recommends that a review of, and potential legislative amendments be made to, the “best interests of the child” section to ensure consistency with the *Divorce Act* and *Children’s Law Act, and an Act Respecting First Nations, Inuit and Metis children, youth and families*, to determine if additional relevant considerations should be added (e.g. sexual orientation, identity, cultural and ethnic identity).
13. The Advisory Committee recommends that legislative amendments be considered to explicitly state the rights of children in care.
14. The Advisory Committee recommends that legislative amendments be considered to provide for Extended Services to those aging out of the temporary care of the Director of Child Protection.
15. The Advisory Committee recommends that legislative amendments be considered for increased information sharing amongst Child and Family Services, other government departments and external service partners.
16. The Advisory Committee recommends that legislative amendments be considered to change the term “least intrusive” to the term “least disruptive”.
17. The Advisory Committee recommends that legislative amendments be considered to remove the current age requirement of 12 years and over to have a lawyer appointed for a child in a child protection matter.
18. The Advisory Committee recommends that legislative amendments be considered to section 12(3) to allow additional information gathering by the Assessment Unit without the consent of the individual.
19. The Advisory Committee recommends that legislative amendments be considered with regards to exceptional circumstances for renewing orders for temporary custody and guardianship of a child under section 41(3). This will help to provide clarity on what types of exceptional circumstances allow for renewing a temporary custody and guardianship order for additional time, and therefore also aids in adhering to the timelines in the *Child Protection Act*.
20. The Advisory Committee recommends that a legislative amendment be considered to section 9(s)(ii) of the *Child Protection Act* to state “...poses a serious danger to *themselves* or another person”.
21. The Advisory Committee recommends that legislative amendments be considered to regarding the confidentiality of child protection report sources.
22. The Advisory Committee recommends that legislative amendments be considered regarding the review of complaints of a decision of the Director section in the Regulations.

## **Recommendations to Enhance Policy, Procedure and Operations (Theme 2)**

### **Policy and Procedure Development**

23. The Advisory Committee recommends that a Child and Family Services develop a policy regarding access and visitation. This policy should not only address access and visitations with parents, but also siblings and other close contacts as appropriate. The policy should also include how terms of access or visitation is communicated to the parties involved.
24. The Advisory Committee recommends that Child and Family Services develop a division-wide policy regarding care planning for children. This policy should identify who is involved in care planning, timelines for creation and review, and ways to ensure the best interests, likes and dislikes of the child, and the voice of the child are considered.
25. The Advisory Committee recommends that Child and Family Services develop a division-wide policy regarding case planning for parents involved with Child Protection. This policy should identify who is involved in case planning, timelines for creation and review. This will help ensure that case plans are realistic and achievable.
26. The Advisory Committee recommends that Child and Family Services develop clear policies for the Alternative Care Provider Program to provide clarity relating to eligibility, assessment, timelines and other program standards as required.
27. The Advisory Committee recommends that Child and Family Services develop a division-wide policy regarding gender identity and sexual orientation (2SLGBTQ1A+) and how to access care and support for children and youth in care.
28. The Advisory Committee recommends that Child and Family Services develop procedures for family reunification, transition planning, and discharge planning from Child Protection Services.
29. The Advisory Committee recommends that Child and Family Services enhance policies and procedures regarding communication and documentation for biological parents from foster parents (e.g. attending appointments together, receiving report cards, photos, etc.).
30. The Advisory Committee recommends that Child and Family Services develop a Child Death and Serious Injury Review policy.
31. The Advisory Committee recommends that policy be developed for the Transition Home to include consideration of extenuating circumstances.
32. The Advisory Committee recommends that Child and Family Services develop a policy regarding auditing files. This should include standards for reviewing children in care files to determine length of stays, and reviewing children in care files to identify geographical locations (i.e. where the child is from and where they are residing while in care).
33. The Advisory Committee recommends that a Child Protection specific process for Court proceedings, which considers the value of alternative dispute resolution, be developed.
34. The Advisory Committee recommends that Child and Family Services, Legal Services and Legal Aid work with the Court to develop and implement a practice note regarding hearsay evidence in a child protection hearing.
35. The Advisory Committee recommends that Child and Family Services develop a policy for the cultural connections plan.

## **Research and Analysis**

36. The Advisory Committee recommends that Child and Family Services conducts a jurisdictional scan regarding representation available to children involved in Child Protection matters.
37. The Advisory Committee recommends that Child and Family Services conducts a jurisdictional scan to see if there are any national standards regarding child protection caseloads. This information may be helpful in reviewing the caseloads of current Child and Family Services employees, and relates to the feedback provided by staff regarding recruitment, retention and burnout.
38. The Advisory Committee recommends that Child and Family Services perform a cost – benefit analysis to determine the economic impact of providing extended services beyond the current age of 21 years old.
39. The Advisory Committee recommends that Child and Family Services consider implementing the Child Rights Impact Assessment (CRIA) tool. This would be used on significant policy and practice changes to determine what, if any, effect the changes will have on the rights of the child.

## **Strategic Planning and Operations**

40. The Advisory Committee recommends that Child and Family Services develop a formal emergency preparedness plan. This emergency preparedness plan should include stakeholder input, and lessons learned from the COVID-19 pandemic. Examples of what might be included in the plan would be PPE availability and how to use it, list of essential resources that would still be open/available, and ways to ensure that the best interests of the child are still a paramount consideration (e.g. access). This emergency preparedness plan should be developed within one year of the release of this report.
41. The Advisory Committee recommends that the Minister of Social Development and Housing advocate for Child and Family Services staff to be considered essential workers, and that Child and Family Services work be considered an essential service in emergency situations (e.g. COVID-19 pandemic).
42. The Advisory Committee recommends that Child and Family Services leadership provide clarity as to what assessments are required for each level of care provided.

## **Child and Family Services Staffing**

The Advisory Committee believes that staff need to be supported and heard. There needs to be an increase in awareness and availability of supports for Child and Family Services staff. The Advisory Committee feels that this will aid in the recruitment and retention of staff, leading to a full complement of staff and reduced turnover in workers for families and for children coming out of their homes.

43. The Advisory Committee recommends that Child and Family Services research and implement strategies to focus on the recruitment and retention of Child and Family Services staff.
44. The Advisory Committee recommends that Child and Family Services implements feedback mechanisms to provide a closer connection between Child and Family Services senior management and staff, to ensure that concerns and experiences from staff are heard. This could include, but not be limited to, implementing standardized communication tools or holding more “all staff” meetings.
45. The Advisory Committee recommends that a review of the roles, authority, responsibilities and functions of all Child and Family Services staff be conducted to provide additional clarity and to define their roles within Child and Family Services.

46. The Advisory Committee recommends that Child and Family Services explore the potential of implementing an off-reserve Indigenous Services team, and the enhancement of the on-reserve Indigenous Services team.
47. The Advisory Committee recommends that Child and Family Services explores the addition of increased resources to complete and assess home assessments (e.g. ACP, foster care, adoption).

### **Recommendations to Enhance Service Delivery and Resources (Theme 3)**

#### **Care and Housing Models**

48. The Advisory Committee recommends that Child and Family Services conduct a full Group Home model review. This Review should include looking at group home locations (geographic, physical locations), the group home model of care, policy and practice.
49. The Advisory Committee recommends that Child and Family Services conduct a review of respite supports to children in care and children with complex needs who are in the care of their parent(s).
50. The Advisory Committee recommends that Child and Family Services review its transportation needs, and identify models of transportation that could be used for children in care.
51. The Advisory Committee recommends that the Department of Social Development and Housing explore the expansion of the Transition Home model for youth aging out of care in additional geographical locations in Prince Edward Island.

#### **Child and Family Services Supports**

52. The Advisory Committee recommends that Child and Family Services conduct a review of the ability to provide updated technology capabilities in Foster Homes and Group Homes.
53. The Advisory Committee recommends that Child and Family Services conduct a review regarding increasing financial and social work supports for the Youth in Care Network.
54. The Advisory Committee recommends that Child and Family Services conduct a review of supports available in short-term placement options. This would allow safe and potentially least disruptive care options for children and youth while case plans are completed and permanency placement options are explored.
55. The Advisory Committee recommends that Child and Family Services work with the Department of Justice and Public Safety and the Attorney General to create a position within the Office of the Children's Lawyer to represent children in child protection matters.
56. The Advisory Committee recommends that Child and Family Services conduct a review of the implementation of a simplified assessment tool and specific policy for approving family member or close contact visits, within the best interests of the child.

## **Resources for Children, Families and the Public**

57. The Advisory Committee recommends that Child and Family Services update the government website to provide more information about the Child and Family Services Division. This could include external resources, information about services that are available, statistics, forms, and/or policies.
58. The Advisory Committee recommends that Child and Family Services conduct a review of available non-crisis supports and services during afterhours.
59. The Advisory Committee recommends that Child and Family Services work with the Legal Services Division of the Department of Justice and Public Safety and Attorney General to create a position to represent the Director of Child Protection and have that be the sole portfolio of that position.
60. The Advisory Committee recommends that Child and Family Services conduct a review available Alternative Dispute Resolution (ADR) resources and services to those involved with Child Protection Services.

## **Recruitment Campaigns**

61. The Advisory Committee recommends that Child and Family Services implement a recruitment campaign for adoptive parents, to increase permanency placement options for children and youth who are in the care of the Director of Child Protection. This campaign should aim to recruit adoptive parents who are willing to adopt children and youth with varying needs and backgrounds.
62. The Advisory Committee recommends that Child and Family Services implement a recruitment campaign to recruit new foster parents. This will help reduce the number of children who reside in group home settings. This campaign should aim to recruit foster parents who can care for children and youth with varying needs and backgrounds.

## **Recommendations to Enhance Training and Education**

For all of the recommendations in the “training and education” theme, the Advisory Committee recommends that opportunities to include others from other Departments or disciplines be explored. The Advisory Committee believes that multi-disciplinary training will be beneficial to overall service delivery and working relationships.

## **Child and Family Services Staff and Care Providers**

63. The Advisory Committee recommends that Child and Family Services create and provide formalized, enhanced and timely introductory training and mentoring for staff.
64. The Advisory Committee recommends that Child and Family Services create and provide training surrounding increased needs and childhood trauma to Child and Family Services staff and foster parents.
65. The Advisory Committee recommends that Child and Family Services provide yearly training to Child and Family Services staff on historical cultural trauma. This training should be provided by Indigenous presenters.
66. The Advisory Committee recommends that Child and Family Services provide training to Emergency Duty staff that is specific to Indigenous concepts and protocols.

67. The Advisory Committee recommends that Child and Family Services, in partnership with Lennox Island First Nation and Abegweit First Nation, create and provide Child and Family Services staff with training on the *Act respecting First Nations, Inuit and Métis children, youth and families*.
68. The Advisory Committee recommends that Child and Family Services, in partnership with Lennox Island First Nation and Abegweit First Nation, provide create and provide training to Child and Family Services staff and care providers on the cultural connections plan that Child and Family Services uses.
69. The Advisory Committee recommends that Child and Family Services create and provide training to help staff prepare for Court.
70. The Advisory Committee recommends that Child and Family Services create and provide training to staff on domestic violence and its impact on children.
71. The Advisory Committee recommends that Child and Family Services create and provide training to Child and Family Services staff on the importance of accurate, factual, and proper documentation, and writing in plain language.
72. The Advisory Committee recommends that Child and Family Services create and provide training to Child and Family Services staff and foster parents on sexual orientation and gender identity (2SLGBTQ1A+ children and youth).

### **Children in Care**

73. The Advisory Committee recommends that Child and Family Services provide ongoing messaging to children in care regarding the importance of future schooling and post-secondary education.

### **Service Providers**

74. The Advisory Committee recommends that Child and Family Services create and provide ongoing education sessions to service providers, professionals and other Government Departments about the *Child Protection Act*.
75. The Advisory Committee recommends that Child and Family Services create and provide an evidence based presentation to the Court on harm to children.
76. The Advisory Committee recommends that Child and Family Services create and provide a presentation to the Judges to explain the pre-court Child Protection process.
77. The Advisory Committee recommends that Child and Family Services create and provide Police Services and RCMP with specific Child Protection Services training and education on processes and intersections in police and child welfare work.
78. The Advisory Committee recommends that Child and Family Services create and provide additional training for identified law-based stakeholders (such as lawyers, police forces, and the Courts) on domestic violence and its impacts on children.
79. The Advisory Committee recommends that Child and Family Services and the Department of Justice and Public Safety create voice-of-the-child training, and provide this training to the Office of the Children's Lawyer and to other lawyers who work with children and youth.

## **Public**

80. The Advisory Committee recommends that Child and Family Services provide additional information to the public on different stages of Child Protection (such as investigations, apprehension, and returning the child).

## **Recommendations to Enhance Partnerships**

The Advisory Committee recognizes the importance of maintaining and enhancing the partnerships that Child and Family Services has with service providers and other Government Departments. The Advisory Committee recommends that Child and Family Services will continue to explore ways to improve communication and collaboration within its partnerships, to improve overall service delivery and working relationships.

## **Education-Based Partnerships**

81. The Advisory Committee recommends that Child and Family Services engages with the Department of Education and Lifelong Learning and education authorities to support children attending school and identify alternative education options and supports.
82. The Advisory Committee recommends that Child and Family Services engage with post-secondary institutions in Prince Edward Island to provide educational opportunities to children who were previously or currently in the care of the Director of Child Protection.
83. The Advisory Committee recommends that Child and Family Services engages with the University of Prince Edward Island to explore the potential of creating and offering a Social Work degree program. This would potentially improve the recruitment and retention of Child and Family Services Social Worker positions.
84. The Advisory Committee recommends that Child and Family Services create a communication process to update schools on major changes occurring with students who are involved with Child Protection.

## **Health-Based Partnerships**

85. The Advisory Committee recommends that Child and Family Services engage with other Government Departments and service providers to identify available health and well-being related services for all children.
86. The Advisory Committee recommends that Child and Family Services explore contracting with public health professionals to provide care to children in care and parents involved with Child Protection Services in a timely manner.
87. The Advisory Committee recommends that Child and Family Services engage with the College of Physicians and Surgeons to develop a process for assessing abuse.
88. The Advisory Committee recommends that Child and Family Services engage with other programs for adult clients regarding transportation supports.
89. The Advisory Committee recommends that Child and Family Services engage with the Insights Program with respect to creating a residential treatment option.
90. The Advisory Committee recommends that Child and Family Services engage with service providers and other Government Departments with the aim of creating a mental health residential program that may be accessible to parents involved with Child Protection Services.

91. The Advisory Committee recommends that Child and Family Services engages with stakeholders more regularly with an aim to provide a more direct referral path for children and parents needing emotional and psychological support services.

### **Indigenous-Based Partnerships**

92. The Advisory Committee recommends that Child and Family Services engage with Abegweit First Nation and Lennox Island First Nation to identify ways to enhance communication and collaboration.
93. The Advisory Committee recommends that Child and Family Services engage with other service providers to provide services to the off-reserve Indigenous population.

### **Legal-Based Partnerships**

94. The Advisory Committee recommends that Child and Family Services engage with Legal Services Division of the Department of Justice and Public Safety to review practices and procedures to identify inefficiencies and best practices.
95. The Advisory Committee recommends that Child and Family Service engage with external experts in order to provide expert opinion to the Court in child protection related matters. This would provide the opportunity for engagement with other stakeholders, who are subject matter experts on areas outside of social work.
96. The Advisory Committee recommends that Child and Family Services engage with RCMP and Police Services to identify ways to enhance communication and collaboration.

### **Other Government Divisions and Departments**

97. The Advisory Committee recommends that Child and Family Services engages with the other divisions of the Department of Social Development and Housing to explore financial aid and housing options for those involved with Child and Family Services.

### **Recommendations from Child and Family Services Reviews**

The Advisory Committee recognizes the importance of the 2019 Foster Care Review, and the 2016 *Child Protection Act* Review Advisory Committee Report. The Advisory Committee has endorsed specific recommendations from the two Reviews that relate to the feedback received during the 2021 *Child Protection Act* Review process, which is included in the two recommendations below.

98. The Advisory Committee endorses the implementation of the following recommendations<sup>22</sup> from the 2019 Foster Care Review: 1, 2, 3, 5, 7, 9, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32. The Advisory Committee also recommends that the Foster Care Action Committee provide an update on the status of the recommendations to the public by December 31, 2021.
99. The Advisory Committee endorses the implementation of the following recommendations<sup>23</sup> that have not been actioned from the 2016 *Child Protection Act* Review Advisory Committee Report: 17, 18, 34 and 56. The Advisory Committee also recommends that the Department of Social Development and Housing provide an update on the status of the 66 recommendations from the 2016 Review to the public by December 31, 2021.

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<sup>22</sup> The endorsed recommendations from the 2019 Foster Care Review are fully written out in Appendix E.

<sup>23</sup> The endorsed recommendations from the 2016 *Child Protection Act* Review Advisory Committee Report are fully written out in Appendix B.

# CONCLUSION

The Advisory Committee, with the support of the consulting firm VOLUME 18, heard from and met with many Islanders that have had diverse experiences with the *Child Protection Act* and related services and programs. The feedback that was received during the public and stakeholder engagement process (March and April 2021) provided the Advisory Committee with the opportunity to thoroughly review the functions and administration of the *Child Protection Act*.

From this feedback, 99 recommendations have been made by the Advisory Committee to create significant enhancements to areas such as legislation, policy, research, staffing, operations, service delivery, resources, training, and partnerships. The Advisory Committee is confident that these recommendations will significantly enhance the Child and Family Services Division as a whole, and most importantly, will improve the experiences of parents, children, youth, staff, care providers and service providers who are involved with Child and Family Services.

The Advisory Committee recommends that the Department of Social Development and Housing endorse all 99 of these recommendations, and that all of these recommendations are actioned within the next two fiscal years (April 2023). The Advisory Committee also recommends that the Department of Social Development and Housing provide annual updates to the public for the next five years (December 2021 to December 2026) on the status of the recommendations of this Review.

# APPENDIX A

## HISTORICAL BACKGROUND FROM THE 2016 *CHILD PROTECTION ACT* REVIEW

### 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.

# APPENDIX B

## RECOMMENDATIONS FROM THE 2016 *CHILD PROTECTION ACT* REVIEW ADVISORY COMMITTEE REPORT THAT HAVE NOT BEEN ACTIONED

#	Recommendation that has not been actioned
3	The Advisory Committee recommends that part of the annual performance review of Deputy Ministers be evidence of enhanced collaboration across departments and with community.
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.
29	<p>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.</p> <p><i>Rec 26: review of sources of delays that impact adherence to timelines for Court decisions involving children in the care of the Director.</i></p>
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).
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.
58a	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.
58b	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.
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.

# APPENDIX C

## LIST OF IDENTIFIED STAKEHOLDER GROUPS

The following list of stakeholder groups are who were engaged with (virtually or in person) in March or April 2021 as part of the 2021 *Child Protection Act* Review engagement process.

Please note that additional invitations were sent to other identified stakeholder groups, but these invitations were either not responded to or declined for a variety of reasons (and therefore they are not reflected in the list below).

- Child and Family Services staff
- Children and Youth involved with Child Protection Services
- Foster Parents
- Grandparents (who are raising their grandchildren)
- Youth in Care Network
- Public Schools Branch
- Early Childhood Educators
- Community Mental Health
- Victim Services
- Family Violence Services
- Native Council of PEI (NCPEI)
- Mi'kmaq Confederacy of PEI (MCPEI)
- Abegweit First Nation
- Lennox Island First Nation
- Judiciary
- Legal Aid
- Lawyers working with children and youth
- Police Services/RCMP
- Child and Youth Advocate's Office
- PEI Children and Youth Table

# APPENDIX D

## QUESTION AND ANSWER (Q+A) FOR THE 2021 *CHILD PROTECTION ACT* REVIEW

The *Child Protection Act (CPA)* is a piece of legislation that provides broad direction or rules about what can be done regarding Child Protection in Prince Edward Island. The *CPA* Regulations further guide how the *Act* is applied in practice. For example, the *CPA* provides broad direction that the *Act* is to be reviewed every five years by an Advisory Committee, while the *CPA* Regulations provide additional information as to who may be considered for the Committee.

The current *CPA* can be found here (<https://www.princeedwardisland.ca/sites/default/files/legislation/C-05-1-Child%20Protection%20Act.pdf>), and the current *CPA* Regulations can be found here ([https://www.princeedwardisland.ca/sites/default/files/legislation/c05-1g-child\\_protection\\_act\\_regulations.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/c05-1g-child_protection_act_regulations.pdf)).

### **What services and/or programs are provided under the *CPA*?**

There are many programs and/or services that the *CPA* allows Child Protection Services to provide. Examples of these programs and/or services include but are not limited to:

- Screening and Assessment
- Investigation
- Focused Intervention
- Child in Care team (e.g. Foster Care, Residential Services)
- Disclosure Requests
- Extended Services
- Alternative Care Provider Program

If you have any questions regarding services or programs that are provided under the *CPA*, please email [cpactreview@ihis.org](mailto:cpactreview@ihis.org) or call 1-844-444-7771.

### **What is the purpose of the *CPA* Review?**

The purpose of the *CPA* Review project is to review the requirements of the *Act* and the services provided under the *Act*, and to determine what is working well and what could be improved. This is explained in more detail in Section 58 of the *CPA*.

The previous *CPA* Review can be found here ([https://www.princeedwardisland.ca/sites/default/files/publications/2016\\_child\\_protection\\_act\\_review\\_advisory\\_committee\\_report\\_.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/2016_child_protection_act_review_advisory_committee_report_.pdf)).

### **Why is the *CPA* Review being completed?**

A review of the *CPA* must be completed every five years. The last *CPA* Review Advisory Committee was formed in 2015, so a new Advisory Committee was formed in order to complete a new review in 2021.

## **Can anyone provide feedback for the CPA Review project?**

Yes, any Islander can provide feedback for the CPA Review project. We especially encourage Islanders who have experience with our Act, services and/or programs to participate.

It is beneficial that Islanders provide their feedback to the CPA Review so that we can ensure the Review reflects the wishes and needs of Islanders, in relation to the CPA and Child Protection services and programs.

## **How can feedback for the CPA Review be submitted?**

Given COVID-19, we are asking that feedback be submitted electronically. You can submit your feedback by completing the fillable form at the bottom of the page (by clicking the “submit your comments” button).

You may also submit your feedback by email ([cpactreview@ihis.org](mailto:cpactreview@ihis.org)) or by mail to:

CPA Review  
Department of Social Development and Housing  
Jones Building  
11 Kent Street,  
Charlottetown PE, C1A 7N8

Feedback that is provided in this manner will not be opened, and will be directly forwarded to the third party facilitator. If you prefer to provide your feedback by email or mail, please click [here\(???\)](#) to see the guiding questions that you should consider responding to.

If you require another way to provide your feedback (e.g. 1 on 1 phone call, 1 on 1 video call, French translation) please email [cpactreview@ihis.org](mailto:cpactreview@ihis.org) or call 1-844-444-7771 to arrange an alternative option.

## **Is there a deadline to submit my feedback?**

Yes, all feedback is required by the end of the day (5pm) on April 14, 2021.

## **Will there be any in person engagement sessions that I can attend to provide my feedback for the CPA Review?**

Yes, there are in-person engagement sessions scheduled to allow Islanders to provide their feedback in person. These sessions will be delivered across the province, and include:

- Tuesday, March 30th from 6:00pm to 7:30pm at the Delta Hotel in Charlottetown
- Thursday, April 1st from 6:00pm to 7:30pm at Mill River Resort in Mill River
- Thursday, April 8th from 6:00pm to 7:30pm at King's Playhouse in Georgetown

With public health restrictions in place (e.g. social distancing, mask wearing, contact tracing), each venue holds approximately 40 people.

For anyone planning to attend an in-person engagement session, it is requested that you confirm your attendance at least 24 hours prior to the session. You can RSVP by emailing [cpactreview@ihis.org](mailto:cpactreview@ihis.org) or calling [1-844-444-7771](tel:1-844-444-7771).

### **What kind of questions will be asked as part of the CPA Review?**

You will be asked generic questions about what works well and areas of improvement related to the CPA and its related programs and services.

There will also be an opportunity to identify how the CPA can better align with the *Act respecting First Nations, Inuit, and Métis children, youth and families*. A summary of this *Federal Act* can be found here (<https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851?wbdisable=true#:~:text=About%20the%20act&text=affirms%20the%20rights%20of%20First,cultural%20continuity%20and%20substantive%20equality>), and a link to the full Act can be found here (<https://laws.justice.gc.ca/PDF/F-11.73.pdf>).

### **Are the responses that are provided anonymous?**

Yes, your responses will remain anonymous to the CPA Review Advisory Committee. If you choose to provide it, your identifying information (such as your name or address) will be collected by a third party facilitator, and they will remove it from your feedback prior to being reviewed by the CPA Review Advisory Committee.

### **What will my responses be used for?**

The responses that you provide will be used to form recommendations for changes to the CPA and/or related services, and will be included in a 2021 CPA Review Report. The recommendations that are included in the 2021 CPA Review Report will be used in the future to help update the CPA.

### **When will the final CPA Review be published?**

It is expected that the CPA Review will be made available by July 15, 2021.

# APPENDIX E

## RECOMMENDATIONS FROM THE 2019 FOSTER CARE REVIEW THAT ARE ENDORSED

Rec #	FOSTER CARE REVIEW RECOMMENDATION
1	The Committee recommends that a new mentorship program be developed by CFS in partnership with the Federation in order to support and encourage new foster parents and to keep experienced foster parents engaged and active.
2	The Committee recommends that CFS adopt and provide Parent Resources for Information, Development and Education (PRIDE) training to prepare foster parents to work with other team members to ensure a child's safety, wellbeing, and permanency for each child in the foster care system.
3	The Committee recommends that CFS and the Federation partner to develop a Handbook that provides a framework for foster parenting. This will help ensure that foster parents have access to the most recent and up-to-date information with respect to the policies and procedures of the Program.
5	The Committee recommends that CFS reevaluate the compensation model of the Program and in particular evaluate age categories of children in relation to maintenance fees and special expense categories.
7	The Committee recommends that CFS reevaluate the scope and role of foster parents, given the changing needs of children coming into care. The Committee recommends that specific focus be placed on role clarity and the scope of foster parents and involve foster parents in the decision making process in relation to foster children in their care.
9	The Committee recommends that CFS explore providing additional afterhours support to foster families, who may need assistance and advice outside of office hours. The Committee notes that creating a mentoring system outlined in recommendation 1 above, may address this recommendation.
11	The Committee recommends that compensation rates for respite care be reviewed based on practices in other Canadian provinces/territories and further recommends that compensation for respite be increased.
13	The Committee recommends that Government start collecting, tracking and analyzing data in relation to the number of times a child is transitioned while in care (including placement times), in order to monitor the number of times a child is moved while in care and to develop case plans that try to minimize the total number of times a child is moved while in care.
14	The Committee recommends that partnerships should be strengthened between child protection staff, foster parents and residential services, with specific focus on establishing a formal process between CFS and the Federation to discuss, at the earliest opportunity, a plan for children who are able to be placed in a foster home, rather than continue to reside in a group home.

<b>16</b>	The Committee recommends that CFS conduct research into establishing a new program (as outlined in recommendation 12) to help provide transportation supports to foster children to ensure that they are able to attend extracurricular activities and cultural events that promote linkages with their ethnic/cultural background (for example Powwows).
<b>17</b>	The Committee recommends that the Program continue and expand upon the Program's child centered approach by ascertaining children's wishes and feelings by communicating appropriately in terms of age, language, ethnicity and ability and ensuring that children maintain a connection with their birth family, if it is in the child's best interests.
<b>18</b>	The Committee recommends that CFS institute proactive care plans for children in collaboration with foster parents in order to determine what supports the foster family could help provide to a child in order to ensure that the child is able to help transition back into their natural home environment smoothly.
<b>19</b>	The Committee recommends that CFS explore innovative ways to provide supports to children, such as Residential Services staff assisting in the provision of 1-1 support to a foster child with complex needs, by providing respite services or individualized coaching and intervention services.
<b>20</b>	The Committee recommends that CFS and the Federation implement a process for the effective participation of children in care planning and their participation and development of programs and services created for children, in order to ensure that children's voices are heard and respected.
<b>21</b>	The Committee recommends that CFS ensure that all children coming into care have the opportunity to have a period of introduction with prospective foster parents wherever possible, where the child has an opportunity to share their interests with the proposed foster parents. CFS should endeavor to collect information about a child's needs, likes and dislikes, as expressed by the child directly, and provide them to foster parents before a placement commences.
<b>22</b>	The Committee recommends that CFS explore providing additional supports to foster parents to allow children to remain with their foster parents beyond the age of 18 even though they may not be attending postsecondary education, as many children in care are unable to live independently once they reach the age of 18. The Committee further recommends CFS and the Federation collaborate to identify training and life skills coaching that would support children in care as they transition to adulthood.
<b>23</b>	The Committee recommends that CFS assess the uptake of the new transitional housing planned for construction in Charlottetown, and explore whether there is a need to establish transitional housing in other regions of Prince Edward Island.
<b>24</b>	The Committee recommends that policies and procedures be adopted as well as information materials for foster parents and children that serve as a guide and resource inventory for the various support programs that children aging out of care may access.

<b>25</b>	The Committee recommends that CFS explore the provision of prevention and early intervention services by providing appropriate, targeted and child specific resources to support children in care.
<b>26</b>	The Committee recommends that the <i>Child Protection Act</i> be researched and potential amendments introduced that grant wider latitude to CFS in offering services to children and their families who might be experiencing hardship but do not fit the requirements of <i>the Act</i> for a child to be found in need of protection, with a specific focus on prevention, early intervention and extended services.
<b>27</b>	The Committee recommends that CFS ensure that regular planning meetings are occurring between CFS, foster parents and where appropriate, other professionals who provide services to children in care.
<b>29</b>	The Committee recommends that CFS modernize and update program policies by, including the annual operating contract between CFS and the Federation. The Committee further recommends that CFS explore hiring a dedicated resource to lead the development and renewal of the policies and procedures related to the Program and that a process be established for a joint program review to be conducted every five years by the Federation and CFS, with the review being submitted to the Minister.
<b>30</b>	The Committee recommends that the working group explore identifying and organizing trainings that would best support foster parents providing care to children with varying and specific needs. This could be facilitated by CFS collecting data from children in care to identify the needs of its children and then facilitating training that meets identified needs, as well as foster parents identifying trainings that they believe would assist them in providing care to foster children. The 10 Committee believes that this could assist foster parents in obtaining supports that would allow them to accept placements of children with varying and complex needs. The Committee notes that where possible and relevant, foster parents and CFS staff (including staff of Residential Services) should take trainings together.
<b>31</b>	The Committee recommends that CFS research and adopt support models centered on helping foster parents cope and navigate an allegation of neglect, physical, sexual and emotional abuse made against them, for example the Caregiver Allegations Support Team (CAST) model used in Alberta.
<b>32</b>	The Committee recommends a continued and expanded collaborative partnership with the Indigenous community (including Elders) and foster parents. Indigenous children in care have their unique identities respected and promoted, with a focus on establishing a formal partnership on placements for Indigenous children including mandatory cultural plans and assessment models for foster care that are based on an Indigenous worldview and ensuring that more programming and cultural resources for foster parents are developed.



**2021 CHILD PROTECTION ACT REVIEW  
ADVISORY COMMITTEE REPORT**

July 30, 2021

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