

<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	Program	Children in Care	
	Subject	Consent Forms	Policy # 2.1
Effective Date: July 5, 2010		Authorized by: Carol Anne Duffy	
Revised Date: July 18, 2013		Deputy Minister	

1.0 PURPOSE

1.1 The Director of Child Protection, as the legal guardian for children in care, has the authority to provide authorization or parental / legal guardian signature on behalf of the child. The Director may delegate to any person the authority to provide authorization or legal / guardian signature on behalf of the child but retains ultimate responsibility for all actions taken on behalf of the Director of Child Protection.

2.0 POLICY STATEMENT

2.1 All children in the care of the Director of Child Protection will be encouraged and supported to participate in age appropriate recreational, educational and social activities while balancing the need for safety and due diligence.

2.2 The Director of Child Protection will not knowingly potentially restrict the rights of the child or legally encumber the Province of Prince Edward Island by providing a release and/or indemnification to any other person, organization, or agency.

2.3 The Director of Child Protection cannot release any person, agency, or organization or its officers, staff, Board of Directors, or volunteers from claims or law suits for any injuries, death, property damage or theft, losses or any other liability of any kind arising directly or indirectly out of participation in services or activities.

2.4 The Director of Child Protection will make every effort to ensure all children in care have opportunities to participate in age appropriate recreational, social and educational services or activities by advocating for the removal of all indemnification / waiver restrictions to allow for participation.

2.5 The Director of Child Protection will provide sufficient information about the developmental, behavioural, medical and any other special needs of the child along with contact information, to ensure continuity of care for children participating in services or activities.

- 2.6 In life-threatening situations, where consent to medical treatment / procedure is necessary to preserve the life of the child and consent cannot readily be obtained from the delegated agent for the Director of Child Protection, due diligence must be exercised to ensure immediate access and receipt of the required medical treatment / procedure. The delegated agent for the Director of Child Protection will be notified as soon as reasonably possible.
- 2.7 Only the Director of Child Protection and delegated agents of the Director of Child Protection have the legal authority to sign documents as a parent / legal guardian for the child. This includes all permission forms, consents, report cards, letters, legal documents, etc.
- 2.8 The identity of a child in the care of the Director of Child Protection must be protected. All requests for the child's image and/or identity to be used in photo, video, print, internet, or any other medium for any purpose, must be reviewed by the Director of Child Protection.
- 2.9 The Child Protection Social Worker, in consultation with the Child Protection Supervisor, will review all forms received on behalf of a child in care that require authorization or parental / legal guardian signature. If it is determined that:
- the form does not contain a waiver or indemnification restriction;
 - the form does not contain a request for the child's image and/or identity to be used in photos, video, print, internet, or any other medium for any purpose;
 - participation is appropriate and in the best interests of the child;
 - the information contained in the form received is accurate and complete (e.g. report cards, school detention, referrals, etc.);
 - the information requested on the form is accurately completed by the Child Protection Social Worker;
 - the financial cost has been approved; then,
- delegated Child Protection Social Workers may provide authorization/consent by signing on behalf of the parent / legal guardian. If the Child Protection Social Worker is not delegated, the Child Protection Supervisor may provide the authorization/consent.
- 2.10 The Child Protection Social Worker will discuss the request with the parent(s) of a child in the temporary custody and guardianship of the Director of Child Protection. If appropriate, the Child Protection Social Worker may discuss the request with the parent(s) of a child in the permanent custody and guardianship of the Director of Child Protection.

- 2.11 The Child Protection Social Worker will provide, in writing, sufficient information about the developmental, behavioural, medical and any other special needs of the child along with the Child Protection Services Contact Information Form, to ensure continuity of care for children participating in activities. The Child Protection Social Worker must identify as a delegated agent of the Director of Child Protection on the signature line of the form.
- 2.12 The Child Protection Social Worker will return the authorized form to the person / organization indicated on the form and a copy will be placed on the child's file.
- 2.13 Upon consultation with the Child Protection Supervisor, if it is determined that the form contains a waiver / indemnification restriction, the Child Protection Supervisor will make contact with the person, agency, or organization to advocate for the removal of all indemnification / waiver restrictions to allow for the child's participation. If this effort is unsuccessful, the Child Protection Social Worker in consultation with the Child Protection Supervisor and the Provincial Coordinator of Child Protection Services, will make a request for the Director of Child Protection to review the form.
- 2.14 Upon consultation with the Child Protection Supervisor, if it is determined that the form contains a request for the child's image and/or identity to be used in photos, video, print, internet, or any other medium for any purpose, the Child Protection Social Worker in consultation with the Child Protection Supervisor and the Provincial Coordinator of Child Protection Services, will make a request for the Director of Child Protection to review the form.
- 2.15 In both of the aforementioned situations, the Director of Child Protection will review the form to determine the child's participation and advise the Provincial Coordinator of Child Protection Services, Child Protection Supervisor, and Child Protection Social Worker of the decision. If the Director of Child Protection approves the child's participation, the authorized form, indicating any restrictions in participation, will be returned to the Child Protection Social Worker for completion and forwarding to the person, agency, or organization indicated and a copy included on the child's file.

After Hours Emergency Child Protection Services

- 2.16__ For After Hours Emergency Child Protection Services, signing consent forms should only occur if the decision is required immediately / prior to the next business day. If the decision requires immediate response prior to the next business day, the Child Protection Social Worker may provide authorization / consent by signing as legal guardian. The form will be provided to the person, agency or organization and a copy to the child's worker for inclusion on the child's file. The Child Protection Social Worker will contact the Director of Child Protection if:

- the consent form is for a medical procedure;
- the consent form contains a waiver / indemnification; and/or
- there is a request for the child's image and/or identity to be used in photos, video, print, internet, or any other medium for any other purpose.

2.17 If the Director of Child Protection approves the child's participation, the Child Protection Social Worker will provide authorization / consent as legal guardian and detail any restrictions. The form will be provided to the person, agency or organization and a copy to the child's worker for inclusion on the child's file.

3.0 REFERENCES

After Hours Emergency Child Protection Services 1.11

HISTORY:

February 1, 2013 - Editorial and format changes

July 18, 2013 - Editorial and format changes