



Protecting Our Children and Youth: **The PEI *Child Protection Act***

Discussion Paper

In January 2008, Honourable Doug Currie, Minister of Social Services and Seniors announced a review of Prince Edward Island's *Child Protection Act*.

The *PEI Child Protection Act* and regulations require the Minister to appoint an advisory committee to review the *Act* every three years. The aim of the review is to report on the operation and administration of the *Act* and to determine whether or not its principles and purposes are being achieved. The committee will provide a report to the Minister at the end of April 2008. This report will inform the Minister and enable government to consider the need for legislative and policy changes taking into account public input.

The advisory committee includes the following members:

- Ron Stanley, Director of Child Welfare, Department of Social Services and Seniors
- Rona Brown, Maureen MacEwen, Jim Bentley, Josette Losier and Colleen MacDonald, Child and Family Services, Department of Social Services and Seniors
- Cathy Chaisson, PEI Legal Aid lawyer, Office of the Attorney General
- Denise Doiron, solicitor, Office of the Attorney General
- Rachel MacPhee, Brittany Gilbert and Amber Joseph, youth representatives
- Dr. Sandy MacDonald / Adrian Smith, Eastern School District
- Dr Mitchell Zelman / Dr Christine MacNearney, PEI Medical Society
- Chief Darlene Bernard / Chief Brian Francis, Mi'Kmaq Confederacy
- Patsy MacLean, HRA, Chairperson

The *Child Protection Act* Review Advisory Committee will host consultations across the province in February and March 2008. Individuals or groups can also provide input to the advisory committee through a private and confidential meeting or written submission.

Please use the questions at the end of this guide to make a written submission **before March 14, 2008 to:**

Child Protection Act Review Advisory Committee
c/o HRA

1 Harbourside Drive, Charlottetown, PE C1A 8R4
Fax: (902) 626-2532 E-mail: cpareview@hra.ca

Background

The *Child Protection Act* was proclaimed in 2003, replacing the *Family and Child Services Act*. This followed a complete review of the former *Act* and aimed to improve service to children in need of protection in Prince Edward Island and their families.

Children must be protected from abuse and neglect in our society. The purpose of the *Child Protection Act* is to see that this protection is carried out. Although the actions under the *Act* are generally carried out by staff of the Department of Social Services and Seniors, it is understood that prevention of abuse and neglect of children is a shared responsibility amongst family, community and the province.

One community responsibility is mandatory reporting when a child is known or suspected to be in need of protection. This *Act* provides protection to children from birth to their 18th birthday. There are a number of situations in which children are defined as being in need of protection, such as when a child has been or is at significant risk of being physically, sexually or emotionally harmed by a parent, or where the child experienced such harm and the parent did not prevent it, or where a child requires treatment and the parent does not seek this treatment.

Child Protection Services has the responsibility to assess situations and, where necessary, investigate reports of children believed to be in need of protection. For those children found in need of protection, a range of child welfare services is offered that aim to protect and care for a child and provide support to a family.

The *Child Protection Act* (2003) was created using a child development-sensitive approach and was designed to improve its legal capacity to protect children. Children have the same basic rights and freedoms as other citizens, but require special attention to maintain those rights and freedoms.

Services are to be delivered in an age-appropriate manner. Children develop quickly, especially younger children. Also, they experience time differently than they will as adults. Therefore, we must act quickly if child protection services are required, to ensure safety and security of children and minimize harm to their development. The cultural,

Background *(continued)*

racial, linguistic and religious heritage of a child is important to healthy development, and must be taken into account while providing child welfare services.

Parents have the right and responsibility for the care and supervision of their children, and consideration to remove children from that care and supervision should only take place when other measures have failed or are inappropriate. Intervention into families must only take place through appropriate legal means. Child welfare services must be delivered in ways that ensure the best interests of the child.

- ▶ As of March 31, 2007, there were approximately 280 children in the care of the Director of Child Welfare, PEI Department of Social Services and Seniors.
- ▶ As of March 31, 2007, there were 87 foster families in PEI.
- ▶ The Department of Social Services and Seniors operates six residential facilities for youth.
- ▶ The 2007/08 budget for Child Protection services is \$16,397,200.
- ▶ The Director of Child Welfare has 58 delegated agents (social workers within Child Protection who have authority under the *Child Protection Act*).

Guiding Discussion Questions

Mandatory Intervention

- 1) What is your understanding of the purpose of the *Child Protection Act*?
- 2) What is your understanding of child welfare services available in your community?
- 3) Does the *Child Protection Act* provide an appropriate balance between privacy and the protection of children? If not, what if any, suggestions do you have?
- 4) What is working, not working, with the *Child Protection Act*?

Children, Youth & Families

- 5) What are the needs of children receiving protection services under the *Child Protection Act* (e.g. investigation, alternate arrangements, temporary care)?
- 6) Are there children and youth the *Child Protection Act* is not protecting? If so, tell us about them.
- 7) What do families need to care for and protect their children and youth?
- 8) What can we as a community do?

Prince Edward Island Child Protection Act Review

For more information or to book a private consultation, call Wendy Hughes at (902) 368-5294 or 1-866-5940588 or visit the website www.gov.pe.ca/go/cpareview.