

PRESENTATION TO CLERGY AND LAY LEADERS DAY

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YOUTH PROTECTION?

- Youth Protection is a Collaborative Responsibility
- Youth Protection within the meaning of the Youth Protection Act

WHO'S RESPONSIBLE

- Parents
- Community
- Government

Collective responsibility that belongs to all of society.

YOUTH PROTECTION ACT

- Serious and exceptional situations
- Intended to correct the situations that endanger a child's security and development

PRIMACY OF PARENTAL RESPONSIBILITY

- The right and duty of custody
- The right and duty of supervision
- The right and duty of education
- The duty to maintain their children

WHAT HAPPENS WHEN PARENTS CAN'T?

- They can receive health & social services
- If those services are not sufficient DYP may get involved with the role of providing appropriate measures and assistance to the parents.

DYP INTERVENTION

- Encourages parents and children to be active participants
- All parental rights remain with the parent unless there is a voluntary agreement or a court order to the contrary

CHILDREN'S FUNDAMENTAL NEEDS

In the Youth Protection Act (YPA) the child's needs, whether moral, intellectual or material, must be taken into account in determining what is in their best interest .

Also considered is the child's age, health, personality, family environment.

SECURITY

A child's security is in danger as a result of the parents' behaviour or the parents failure to take the appropriate steps to protect their child

Children through their own behaviours or acts endanger themselves or someone else

DEVELOPMENT

- A child's development (physical, intellectual, emotional or moral) can also be endangered or maybe endangered
- Development is negatively affected over a period of time

ARTICLE 38 OF THE YPA

A – Abandonment

ARTICLE 38 OF THE YPA

B- Neglect

1 i- Failing to provide basic physical needs

1 ii- Failing to provide child care

1-iii Failing to provide the child with appropriate supervision or support or not taking the necessary steps to provide schooling.

2 – Serious risk of the above

ARTICLE 38 OF THE YPA

C – Psychological Ill-treatment

- particular indifference, denigration, emotional rejection, isolation, threats, exploitation, exposure to conjugal violence (verbal and physical)

ARTICLE 38 OF THE YPA

D – Sexual Abuse

1. Subjected to gestures of a sexual nature
2. Serious risk of being exposed to the above

ARTICLE 38 OF THE YPA

E – Physical Abuse

- 1. Victim of bodily injury or subjected to unreasonable methods of upbringing
- 2. Serious risk of the above

ARTICLE 38 OF THE YPA

F – Serious behavioural Disturbance

Child behaves in a way as to repeatedly and seriously undermine their, or another's, physical or psychological integrity.

RIGHTS OF PARENTS AND CHILD

- Consulted at each step
- To express their opinion
- Take an active role in decisions
- Children over 14 years may accept or reject measures and DYP must take this into account
- Children 13 & under are consulted but parents make decision

HOW DYP INTERVENES

1. Receiving and Processing a Report - RTS
2. Evaluating the Child's Situation - E
3. Choosing Protective Measures - O
4. Implementing Protective Measures - AM
5. Reviewing the Situation
6. Ending the Intervention

SIGNALEMENT

1. DYP receives a signalment
2. Brief assessment made
 - Not retained – child may still need help
 - Retained for evaluation
 - Coded
 - Immediate Protective Measures possible

IMMEDIATE PROTECTIVE MEASURES

- Can occur at any time during interventions
- Maximum of 48 hours
- Typically removal from parents' care
- Provisional Agreement possible – 30 days
- If parents and/child over 14 years not in agreement Youth Court

EVALUATION

Takes into account:

- Nature, gravity, persistence and frequency
- Age & personal characteristics of child
- Parent's ability to remedy the situation
- Available community resources

SECURITY AND DEVELOPMENT

- Not Compromised (SDNC): Intervention ends but the child may still need help
- Compromised (SDC): DYP must continue to ensure child's safety

ORIENTATION

- More thorough understanding of the child and family
- Identify measures to correct the situation
- Voluntary Measures or Youth Court

VOLUNTARY MEASURES

- Agreement of DYP, parents and child if over 14
- Written Agreement
- Description of situation
- Commitment to work together
- Measures to remedy the situation
- Maximum length 12 months, renewable

YOUTH COURT

- DYP concludes VMs are not appropriate
- When parents or child do not agree
- Judge decides if SDC or SDNC
- Judge decides measures & duration
- Child assigned lawyer
- Parents have the right to a lawyer

APPLICATIONS DES MESURES

- File is transferred to AM
- Intervention Plan
 - Needs of parents and child
 - Objectives to be obtained
 - Methods
 - Timeframes
 - Reviewed every 3 – 6 months

PLACEMENT

- Keep with significant people
- Foster Care
- Reception Centre
- Primary aim is to return child to family environment

PARENTAL CONTRIBUTIONS

- Child placed for more than 30 days
- Based on family income

MAXIMUM DURATION OF PLACEMENT

Under 2 years – 12 months

2-5 years – 18 months

6 years and over – 24 months

DURING PLACEMENT

- Family receives help needed
- Youth Court makes decisions
- Maximum Duration can be extended
 - Return to family anticipated shortly
 - In the child's best interest
 - Other serious reasons

REVIEW

- Periodic Review of situation by a Reviewer
- Decisions made
 - Still SDC?
 - New measures (VMs or court)

ENDING INTERVENTION

- Child's security and development no longer compromised
- Child turns 18
- Tutorship
- Adoption

WHY MAKE A SIGNALEMENT?

Filing a report is a critical step in breaking the silence of children and their community because filing a report is already protecting a child.

WHY MAKE A SIGNALEMENT?

Every child has a right to the protection, security and attention that his parents or the persons acting in their stead are capable of providing. Every human being whose life is in peril has a right to assistance.

(Charter of Human Rights and Freedoms, sections 39 & 92)

ABANDONMENT INDICATORS

- Child no longer lives with parents and has no permanent address
- Child says he was kicked out of the house
- Parents are deceased and no one else has assumed parental responsibilities

NEGLECT INDICATORS – PHYSICAL NEEDS

- Lacking, insufficient or inadequate food
- Child seeks out food
- Continual lack of hygiene
- Inappropriate clothing for the season
- Living conditions inadequate or pose a risk of injury
- Hazardous substances or objects assessible
- Lack of family home

NEGLECT INDICATORS – HEALTH

- Severe malnutrition that could lead to health problems
- Untreated illness or wounds
- Refusal or neglect to consult healthcare professionals for the child's essential needs

NEGLECT INDICATORS – SCHOOLING

- Lack of age-appropriate stimulation
- Inappropriate choice of caregiver
- Lack of stable routine
- Education limited or inhibited by parents
- Lack of support by parents
- Insufficient supervision, based on child's needs

PSYCHOLOGICAL ILL-TREATMENT INDICATORS

Child is seriously or repeatedly subjected to behaviour that could cause harm to the child and parents fail to take steps to remedy the situation.

PSYCHOLOGICAL ILL-TREATMENT INDICATORS

- Child often says he is good for nothing
- Child says he is not allowed to have friends, appears socially isolated
- Child says he feels rejected by parents
- Child often fixates on death (words, drawings)
- Child says he is exhausted and must work at home

PSYCHOLOGICAL ILL-TREATMENT INDICATORS

- Child is afraid of parent or other in home
- Child is often exposed to conjugal or domestic violence (verbal, physical or psychological violence)
- Child regularly witnesses criminal activity at home

PSYCHOLOGICAL ILL-TREATMENT INDICATORS

- Parents frequently denigrate the child
- Parents constantly threaten to abandon or place the child with others

SEXUAL ABUSE INDICATORS

- Says they have been subjected to sexual acts
- Complains of genital pain
- Exhibits precocious sexual behavior
- Knowledge of sexual behaviour that is not age-appropriate
- Sexual transmitted infection at a young age

SEXUAL ABUSE INDICATORS

- Mentions pornographic experiences
- Afraid to go home, prefers school/daycare
- Says parents do not respect their privacy
- Refuses medical exam
- Afraid of a particular adult

SEXUAL ABUSE INDICATORS

- Abrupt changes in usual behaviour
- Suffers from incontinence, stomach aches, frequent vomiting, nightmares, insomnia
- Possession of objects or money of unknown origin
- Adult exhibits and unusual interest in child

Sexual abuse does not have to have occurred recently to be reported to the DYP. DYP will evaluate if consequences are contemporary and endanger the child's security or development.

PHYSICAL ABUSE INDICATORS

- Signs of having been struck, bodily injuries, or unexplained bruises
- Unexplained fractures or repeated injuries
- Child reports they are hit for not listening
- Child says parents hurt another child in the family

PHYSICAL ABUSE INDICATORS

- Cries unexpectedly
- Afraid to go home, prefers school/daycare
- Cringes when approached quickly, expecting to be hit
- Aggressive towards adults and peers
- Refuses to undergo medical exam

PHYSICAL ABUSE INDICATORS

- Abrupt changes in usual behaviour
- Parents use unreasonable methods to bring up or discipline child
- Parents give evasive or contradictory explanations about injuries/behaviours
- Parents hid child's injuries

SERIOUS BEHAVIOURAL DISTURBANCE INDICATORS

- Constantly isolates themselves
- Displays frequent & uncontrollable aggression and violence
- Abuses drugs or alcohol or compulsive gambling disorder
- Engages in self-harm

SERIOUS BEHAVIOURAL DISTURBANCE INDICATORS

- Demonstrates suicidal behaviour
- Develops an eating disorder
- Exhibits inappropriate or risky sexual behaviours
- Runs away repeatedly
- Child engages in bullying or persistent intimidation

SERIOUS BEHAVIOURAL DISTURBANCE INDICATORS

- Associates with those who have a bad influence & accentuate his behavioural problems
- Parents exhibit personal limitations
- Parents deny or trivialize the situation
- Parents give up on their child's behaviour

DYP MAY ALSO INTERVENE

- Runaway
- Truancy

WHAT TO DO IF A CHILD CONFIDES IN YOU

- Stay calm
- Listen openly without judging the child
- Be reassuring
- Tell the child they made the right decision by telling you

WHAT TO DO IF A CHILD CONFIDES IN YOU

- Assure them that you believe them
- Do not promise that you will keep the secret
- Do not interrogate the child.

WHO IS REQUIRED TO FILE A REPORT?

- Professionals working with children, employees of institutions in the health and social services network, teachers, people working in daycare and police officers.
- Clergy of the Diocese of Montreal

WHEN IS IT REQUIRED TO FILE A REPORT?

- Must report any situation covered by YPA they encounter on the job
- Must report any situation of physical or sexual abuse encountered outside their job **EVEN WHEN** they think parents are taking the necessary steps

WHEN IS IT REQUIRED TO FILE A REPORT?

- May report when not performing their duties, anything other than physical or sexual abuse

OTHER PEOPLE

- Must report any situation of physical or sexual abuse even if they deem the parents are taking the necessary steps
- May report other situations

OBLIGATION

The obligation to file a report applies even to people bound by professional secrecy (except lawyers) who, in the practise of their profession, receive information concern a situation that could endanger the security and development of a child.

- Identity of person filing a report is confidential
- You cannot be prosecuted for providing information in good faith

WHEN TO FILE

- You don't have to be absolutely sure
- When your observations or the words or secrets expressed by a child give you reasonable grounds to believe child's security and development is compromised
- IMMEDIATELY REPORT

HOW TO FILE A REPORT

- 24/7
- Call DYP for your region

WHAT WILL I BE ASKED?

- See fact sheet in handout
- Your name and contact info
- Any information you have to identify the child
- Information concerning the risk situation

THEN WHAT?

Takes into account:

- Nature, gravity, persistence and frequency
- Age & personal characteristics of child
- Parent's ability to remedy the situation
- Available community resources

REPORT NOT RETAINED

- Based on information given, the facts above, DYP intervention not needed.
- Information kept for 2 years or until 18th birthday

REPORT RETAINED FOR EVALUATION

- Signalement is coded
- Report is evaluation with 2 possible outcomes
 - Security and Development not in danger, file closed. File kept 5 years or until 18th birthday
 - Security and Development in danger : DYP determines measures to insure child's protection.

RESOURCES

- <http://www.batshaw.qc.ca>

QUESTIONS

