

aah chishtipistihch awaash-uschiniichisiu sikischaayimuwiniyiu

Cree Youth Protection Commission

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maamiinupitihtaau



How does youth protection work currently?



What does Youth Protection do?

Youth Protection is a legal system governed by Québec's Youth Protection Act. The purpose of this law is:

- To protect children whose security or development is in danger or could be in danger;
- To put an end to situations in which the security or development of the child is in danger and to prevent these situations from happening again.

The Youth Protection Act also sets out provisions specific to Indigenous people, taking into account historical, social and cultural factors that are specific to them. With respect to Indigenous people, the law aims to foster:

- A holistic (or "all-around") approach;
- · Cultural continuity;
- The responsibility of each community in respect of its children and families;
- The priority intervention of health and social services providers to prevent the situation of an Indigenous child from being taken in charge by the director;
- The relationships of the child with multiple persons who are important to them.



Who does the Law apply to?

The Youth Protection Act applies to children in situations that endanger or may endanger their security or development. It applies to children in great difficulty and in need of protection.

Under the Youth Protection Act, a child is defined as a person under the age of 18. Therefore, teenagers are also covered by this law.

This law supplements the provisions in the Québec Civil Code on the adoption of a child (which is not discussed here).



Who is in charge of enforcing the Youth Protection Act?

The Director of Youth Protection (DYP) is responsible for implementing the Youth Protection Act. However, the DYP does not act alone but with a team of caseworkers who carry out a number of duties, including receiving reports on a child who may be in danger, determining if a child's situation should be assessed further, determining and enforcing measures to ensure the child's safety, and reviewing the child's situation.

The DYP must work with a child and their parents to end the situation that is endangering the child's security or development, and prevent the situation from happening again, in the best interest of the child and according to their rights.

There is a DYP in each region of Québec. The DYP in Eeyou Istchee is appointed by the Board of Directors within the Cree Board of Health and Social Services of James Bay.





When must the Director of Youth Protection intervene?

Although parents have the primary responsibility for ensuring their child's protection, they may be having certain difficulties that prevent them from taking their responsibilities.

The Youth Protection Act provides that the security or development of a child is in danger in the following situations:



- · The child's parents are deceased;
- The parents are not looking after the child (not providing for the child's care, maintenance or education) and no one else has taken on these responsibilities;
- The child has no permanent address;
- The child says they were kicked out of their house.

The child has suffered or is likely to suffer from physical, health-related or educational neglect. FOR EXAMPLE:

- · The child does not have enough to eat;
- The child's living environment is unhealthy;
- The child has very bad hygiene or untreated illness or injuries;
- The child does not have any supervision or support from the parents or other caregivers;
- The child does not go to school.

The child has suffered or is likely to suffer from physical harm or injury. (Section E from article 38) FOR EXAMPLE:

- The child's body has marks from being hit, injuries, unexplained bruises;
- The child has unexplained broken bones or repeated injuries;
- The child is afraid to go home, and prefers to stay at school or daycare;
- The child cringes when approached quickly, as if expecting to be hit;
- · The child refuses to undergo a medical exam;
- The parents try to hide the child's injuries.
- The child has suffered from emotional maltreatment, including exposure to intimate partner violence or family violence. (Section C from article 38)

 FOR EXAMPLE:
 - The child says they are not allowed to have friends, appears socially isolated;
 - The child says they feel rejected by parents;
 - The child is constantly worried about how their parents will react or says they are afraid of a parent or someone living with them;
 - The child is often exposed to family violence (verbal, physical, or psychological violence);
 - The child sees criminal activities at home.







When must the Director of Youth Protection intervene? (continued)

The child has suffered or is likely to suffer from sexual abuse, including sexual exploitation. (Section D from article 38)

FOR EXAMPLE:

- The child says they have been subjected to sexual acts;
- · The child complains of genital pain;
- The child suffers from a sexually transmitted infection (STI);
- The child suffers from incontinence (involuntary urination or defecation), stomach aches, frequent vomiting, nightmares, insomnia;
- · An adult exhibits an unusual interest in the child.

Moreover, the law stipulates that the security or development of a child MAY be in danger if the child:

- Runs away;
- Has been abandoned by their parents after being placed in foster care (under a different law from the Youth Protection Act).

The child has behavioural problems and the parents have not taken steps to correct the situation, or the child is 14 years old or over and objects to these steps.

FOR EXAMPLE:

- The child is often aggressive and violent, he is unable to control himself;
- The child abuses drugs or alcohol or has compulsive gambling problems;
- The child engages in self-harm;
- The child has eating behaviour problems, such as anorexia or bulimia;
- The child exhibits inappropriate or risky sexual behaviours;
- · The child runs away repeatedly;
- The child repeatedly engages in bullying or intimidation;
- · The parents have given up on their child's behaviour.

These two situations are addressed differently because it is not automatically clear that the child's security or development is in danger or that the child needs protection. However, depending on the circumstances, these situations could require the DYP's intervention.



The Youth Protection Intervention Process

CONNECTING

- Someone contacts the DYP to report a situation where a child's security or development may be in danger (also called a "signalement").
- A youth protection intake worker does a preliminary assessment of the child's situation. They may contact the child or their parents, or others who may have information concerning the child's situation, such as the child's school or daycare.
- If the report is accepted, the child's case is assigned to a youth protection worker in the child's community for further assessment.

UNDERSTANDING

The DYP determines whether the security and/or development of the child has been compromised, considering the following factors:

- The nature, gravity, persistence, and frequency of the facts reported;
- The child's age and personal characteristics;
- The capacity and willingness of the parents to put an end to the situation in which the security or development of the child is in danger;
- The community resources available to help the child and the child's parents.

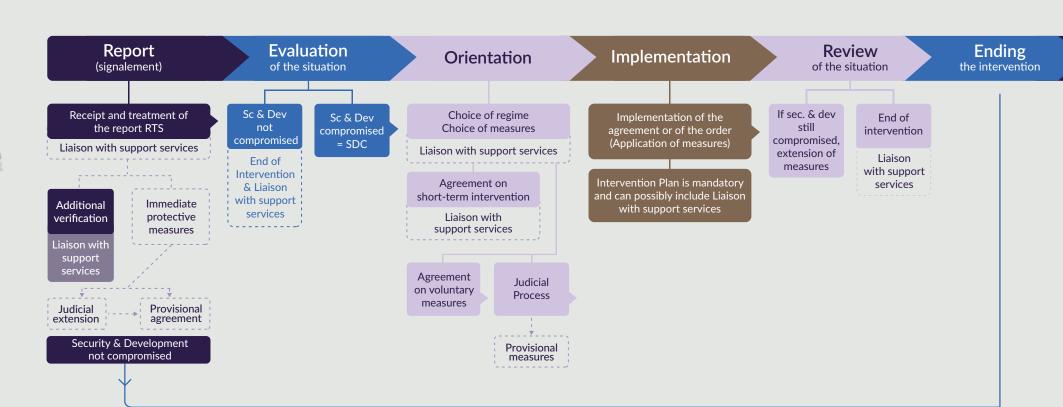
TREATMENT

The DYP may take action to protect the child, including:

- Taking immediate action to protect the child;
- Making an agreement with the child's parents on measures to protect the child (voluntary measures);
- Going to court to request permission to take certain actions to protect the child;
- Establishing a care plan;
- Referral to community resources;
- Following up/monitoring/ reviewing the situation.

Referring

to other resources



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What happens if the report is accepted?

The DYP must evaluate the child's situation and living conditions and decide whether their security or development is in danger.

This evaluation can have two possible decisions:

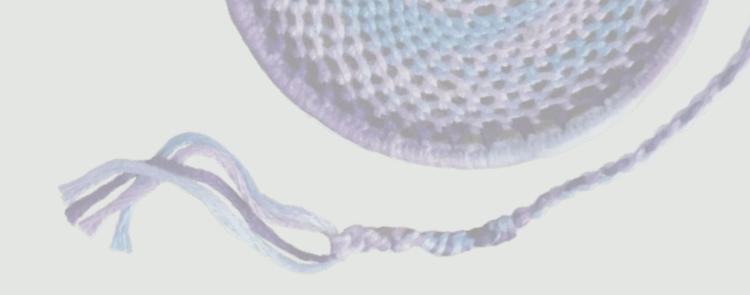
- 1. The security or development of the child is not in danger.
- 2. The security or development of the child is in danger.

When the security or development of the child is not in danger, the DYP's intervention ends. The DYP must notify you, the child, and their parents of the decision. The information gathered will be kept for a period of five years or until the child has reached 18 years of age, whichever comes first.

When the security or development of the child is in danger, the DYP takes charge of the child's situation and must determine the measures to implement to ensure the child's protection and help the parents to correct the situation.

The DYP must notify the person who reported the situation, the child, and their parents of the decision.

If you reported a child's situation as a professional who works with children, an employee of an institution in the health and social services network, a teacher, a person working in a daycare, or a police officer, the DYP must inform you that the child's situation is being addressed."





What happens if the report is not accepted?

This means that, based on the above mentioned factors, the situation reported does not require DYP intervention. In this case, the DYP's intervention ends. The DYP must notify the person who reported the situation of the decision that there were not enough facts under YPA article 38. The information provided is important and will be kept for a period of two years or until the child has reached 18 years of age, whichever comes first.

However, if new information raises concerns about the child's security or development, any person can report a child's situation to the DYP at any time. If the report is not accepted or if the security or development of the child is not in danger, it is possible that the child or their parents may still need help. In this case, the DYP must provide the child and their parents with information on the resources available in their region (Local Community Miyupimaatisiuun Center [CMC], community organizations, etc.) and how to access them. In addition, with the parents' and child's consent, the DYP must make a personalized referral to these resources.



How to make a report to the DYP

"Reporting" means communicating directly with the Youth Protection services (in Cree or in English) about a situation where there are concerns regarding the safety or development of a child aged 0 to 17.

This communication is confidential and is done by phone

1-800-409-6884

The service is available 24 hours a day, 7 days a week, 365 days a year.



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Cree Youth Protection Commission

Our future is determined by how we protect, provide, care for and nurture our children.

This is a shared responsibility!



If you suspect the security or development of a child is compromised, call:

1-800-409-6884

Confidential. 24 hours a day. 7 days a week. 365 days a year.

CreeYouthProtectionCommission.ca

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In collaboration with:











