



Community Legal Information

Empowerment Through Knowledge



What do I Need to Know?

**A Guide to
Child Protection
for Youth**



Introduction



This booklet is for youth between 12 and 18 who are involved with a Child Protection investigation. The information in this booklet will answer some questions about what happens next, your rights and responsibilities, and where to find help. This booklet also talks about ways that Child Protection helps preserve the cultural identity and heritage of Aboriginal children.

When a social worker tells you that you cannot live with your parents, it can be scary and confusing. Being part of a Child Protection investigation can be stressful. You may feel angry and upset that other people are interfering with your family. The thought of exposing family secrets may make you feel ashamed. You may feel betrayed by the person who made the report to Child Protection. The person who contacted Child Protection cares about you and your safety. Many youth feel relieved that their family will be getting help and support. You may feel hopeful that things will get better.

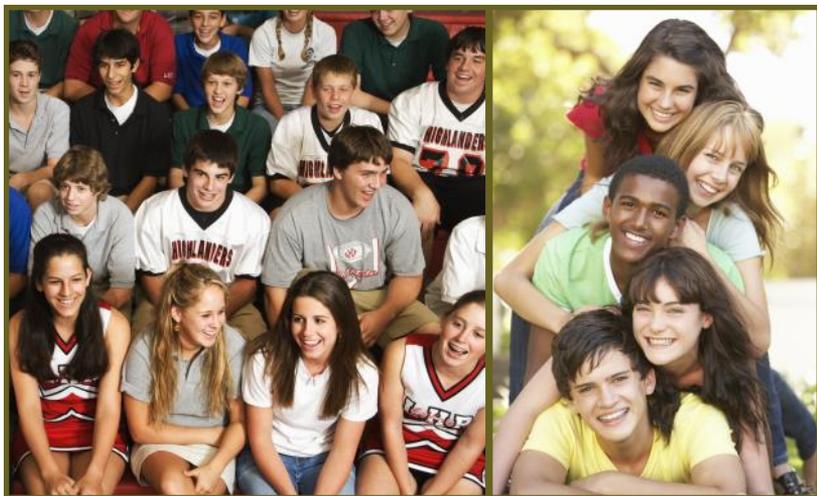
There are people who will help you through this difficult time. If you need more information, talk to your social worker or caregiver. If you need support, talk to your social worker, family, friends, teachers or someone else you trust.

You may feel responsible or blame yourself for talking to someone. It is not your fault that Child Protection is involved with your family. They are there to help make sure you are safe.

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Number to call on week days if you are being
abused: 902-368-6657 or 1-877-341-3101



What is Child Protection?

Child Protection is a section of the provincial government under the Department of Family and Human Services. Child Protection helps make sure children and youth on Prince Edward Island are safe from abuse and neglect. Child Protection works under a law called *The Child Protection Act*. This law protects everyone under the age of 18 from abuse and neglect. It also protects children and teenagers who are at risk of abuse or neglect. If you want to read the *Act*, you can find it at www.princeedwardisland.ca/en/legislation

The law says that people **must** tell Child Protection if they think someone might be harming or neglecting a person under 18 years old.

What is abuse and neglect?

Child abuse happens when parents or someone acting as a parent physically, mentally, emotionally or sexually harms a child. It is considered abuse if a child witnesses family violence within his or her family.

Child neglect happens when parents or someone acting as a parent does not meet the basic needs of their children. This includes housing, clothing, health care, affection, education, and supervision. It is also neglect if a parent abandons a child.

Why is Child Protection involved with my family?

When someone reports a concern about your well-being to Child Protection, a social worker will ask questions, gather information and decide if there should be an investigation. The police may also be involved.

What happens during the investigation?

A social worker may talk to you about your family and your life at home. They may interview your parents, family, teachers, or neighbours. The social worker will explain why Child Protection is concerned about your safety, but they cannot tell you who reported concerns about your situation.

You can ask to have someone you trust with you when you talk to the social worker.

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It is the goal of Child Protection to keep families together if it is best for the child. Children who cannot live with their parents may be able to live with other family members. If this is not possible, the child may be placed in a foster home or a group home during the investigation. This is called “being in care”.

Once the investigation is complete, the social worker will decide what should happen. If there is reason to be concerned about your safety and your parents agree to work with Child Protection, some different things can happen.

It is possible nothing will happen and you will stay with your parents.



If it is not safe for you to live at home, a social worker will find a safe place for you to stay if your parents cannot find one for you. You may stay there until the social worker working with your parents makes sure it is safe for you to live at home.

Least Intrusive Plan: Child Protection will work with your parents to make a plan for your care. This is an agreement between your parents and someone who is a support to them (extended family, friend, neighbour). Your parents agree to have you live with the person or for the person to help your family until it is safe for you to live with your parents. Your social worker must agree that this is a safe plan for you.



A Voluntary Agreement: your parents may make an agreement with Child Protection for you to be in care. Your parents and Child Protection make an agreement about what your parents must do to improve the situation at home to care for you properly. For example, your parents may need to take a course on anger management or see a counsellor. Your parents agree to have you stay in a foster home or a group home during this time. Voluntary agreements can be temporary or permanent.

Temporary care happens when your parents agree to have you stay in a foster home or group home while they get help.

Permanent Care happens sometimes when parents decide they cannot properly care for their children or Child Protection decides that the parents cannot properly care for their child. In this case, the parents may give permanent care of the child to Child Protection. This means social workers would make decisions about where

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you will live and who will provide your care. This does not happen often.

Apprehension happens when there is a reason to be concerned about your safety and your parents are unable or unwilling to make a plan for your safety. You will be taken into care immediately.

Going to Court



If my case goes to court, what will happen?

If your parents and Child Protection do not agree on how to make it safe for you to be at home, they may go to court. In this case, a judge decides what is best for you after hearing all the evidence. If you are 12 or older, the court may order a lawyer to speak on your behalf. Talk to your social worker about this.

It is unlikely you will have to attend court or testify. If you do have to go to court, your social worker will let you know. If you have a lawyer, they will help you and may speak for you in court.

Having the court make a decision about your care can take a long time. Sometimes court dates are delayed. It can take several months or even more than a year before the court process is complete.

The Judge may decide it is safe for you to go home or he or she may make a court order about your care.

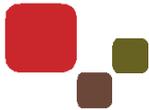


If the Judge decides an order for your care is necessary, he or she can choose an order that fits your situation. The choices are:

- **Supervision Order** – You will live at home and Child Protection will supervise your family for up to 6 months. Your family will be given certain conditions they must follow.
- **Temporary Custody & Guardianship Order** – You will live in a foster home or a group home for up to 6 months. This order may be renewed for up to 18 months. In rare cases, the court may order an additional 6 months.
- **Permanent Custody & Guardianship Order** – The court can order that you are permanently removed from your parents' care. This does not happen often. If it does happen, the Director of Child Protection will act in the place of your parents. A social worker will find an appropriate place for you to live until you are old enough to live on your own or until you are adopted by another family.

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Being in Care



Does Child Protection always take children away from their parents?

Child Protection tries to keep families together if it is safe for the child. Depending on the situation, the social worker and your parents may agree on changes that are needed in your home to make it safe for you to live there.

Why am I being taken away from my parents?

You may not be able to live with your parents because you are being harmed or neglected or there is family violence in your home.

What about my brothers and sisters?

The social worker will try to keep you together. Every family situation is different and it may not always be possible for brothers and sisters to stay together. If you are separated it may be possible for you to visit and keep in touch.

What can I take with me?

Usually, you will be able to pack a bag with your clothes and some other items. In an emergency, it may not be possible for you to bring anything from home. Your social worker will make sure you have clothes and other items



you need. He or she will try to get your belongings from your home if it is possible.

How long will I be in care?

Before you can move home, your parents must be able to care for you and your home must be safe. If it is not safe for you to return to your parents' home, you will remain in care until you are old enough to live on your own or until you are adopted.

Can I see my family and friends?

You have the right to have relationships with people who are important to you. This includes both visits and phone calls. Some family members and friends may not be allowed to contact you or they may only be able to see you with your social worker. Your social worker can explain any restrictions.

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What if I don't like where I'm living?

Your caregivers and social worker want to help you adjust to life away from your parents. Let them know if you have concerns or if you are unhappy. It may not be possible to change where you are living or to change rules you do not like.

If you do not feel safe where you are living, tell your social worker immediately or call the numbers at the top or bottom of these pages. Your safety is always the most important consideration.

Can I go to the same school and activities?

If it is possible and safe for you, your social worker will try to make plans for you to go to the same school and take part in the same activities. If you cannot go to the same school, your social worker will explain why.



What are my rights?

You have the right to:

- be safe;
- be protected from neglect, abuse and exploitation;
- live in a home that is free from family violence;
- be treated with respect and dignity;
- have nutritious food;
- have appropriate clothing;
- speak with your social worker;
- a reasonable amount of privacy (privacy while dressing, using the bathroom, time alone);
- your own bedroom with a window;
- a smoke-free, safe, clean place to live;
- health care;
- have your cultural, language and religious heritage considered in decisions;
- an education;
- choose your religion and choose whether you wish to participate in religious activities;
- speak with family and friends. Long distance calls need to be approved by your caregiver or social worker;
- have personal belongings. You can decorate your room as long as the decorations are not permanent, too difficult to remove, or unsafe. No one can destroy your belongings or take them away without a good reason;
- participate in sports and other community events;
- see your Child-In-Care record once you are 12 or older.



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I'm Aboriginal - what are my rights?

In addition to all of these rights, the *Child Protection Act* recognizes the importance of preserving your cultural identity and heritage for Aboriginal children. The *Act* also has specific provisions for Aboriginal children and youth.



If you are a registered member of a band or entitled to be registered as a member of a band, the Director of Child Protection must:

- tell the designated representative of the band that an investigation is taking place;
- tell the designated representative of the band about what was decided and whether an agreement has been made for your protection;
- tell the designated representative of the band about any court proceedings;
- work with the designated representative of the band when developing your plan of care.



What are my responsibilities as a child in care?

- Follow the rules where you are living;
- Take responsibility if you make a mistake or disobey the rules;
- Meet with your social worker.

Can I make my own decisions?

If you are under the age of 18 and someone reports a concern about abuse or neglect, Child Protection may investigate. The social worker will assess the situation and may work with your parents to make sure you are safe.

If you are 16 or older and capable of understanding an agreement, you can make an agreement about your safety and care with the social worker. However, for this to happen, one of the following must be true:

- Child Protection is unable to get consent from your parents, despite reasonable attempts;
- you no longer live with your parents;



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- involvement of your parents is not in your best interests, or
- serious difficulties exist between you and your parents and it would be impractical to try to make an agreement through your parents.

If you are 16 or older and capable of understanding an agreement, and you refuse Child Protection Services, you will not be forced to accept services unless ordered to do so by the court.

When can I leave care?

If you are in temporary care, you can leave care when a plan has been made for you and it is safe to return home.

If you are in permanent care, you will leave care if you are adopted into a new family.

If you are over the age of 16 and in temporary care, you can decide if you want to stay in care. This is a serious

decision and you should talk to your social worker. When you turn 18, you are an adult and no longer in care. If you are in permanent care and turn 18, you may ask for extended services until the age of 21.



Who can I call for help?

If you need emergency help, call 911.

If you are being abused, call Child Protection:

- 902-368-6657 or 1-877-341-3101 (office hours)
- 902-368-6868 or 1-800-341-6868 (after hours)

Write down the name and phone number of your social worker here:

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If you need support or someone to talk to you can call the Kid's Help Phone at 1-800-668-6868.
www.kidshelpphone.ca

If you need information about the law or the justice system, you can call Community Legal Information at 1-800-240-9798 or 902-892-0853. www.legalinfopei.ca ; www.facebook.com/legalinfopei ; www.twitter.com/legalinfopei

If you want help dealing with the justice system, you can call Victim Services at 902-368-4582 or 902-888-8218.
www.princeedwardisland.ca (type Victim Services in the search bar)



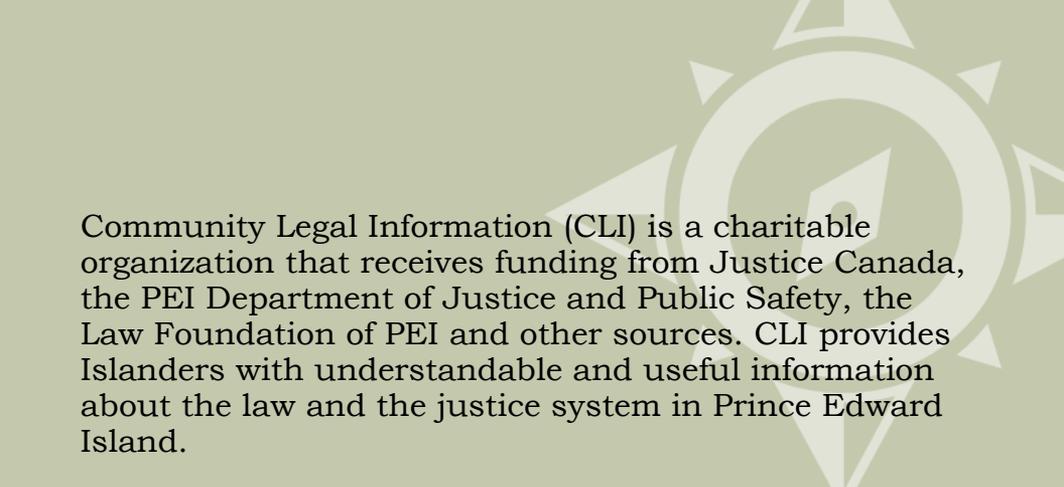
The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children.

Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

~ UN Convention on the Rights of the Child

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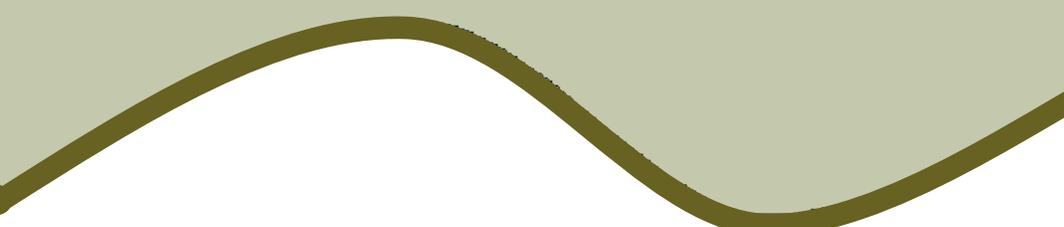
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