



**YOUR CHILD'S
SITUATION HAS
BEEN REPORTED
TO THE DYP**

What do you need to know now?

YOUTH PROTECTION ACT

This brochure was created by Direction générale adjointe des services à la famille, à l'enfance et à la jeunesse at Ministère de la Santé et des Services sociaux and is an updated version of the 2008 brochure in partnership with:

- Association des centres jeunesse du Québec
- Éducaloi
- The users' committee of Centre jeunesse de Québec – Institut universitaire

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Masculine pronouns are used generically in this document.

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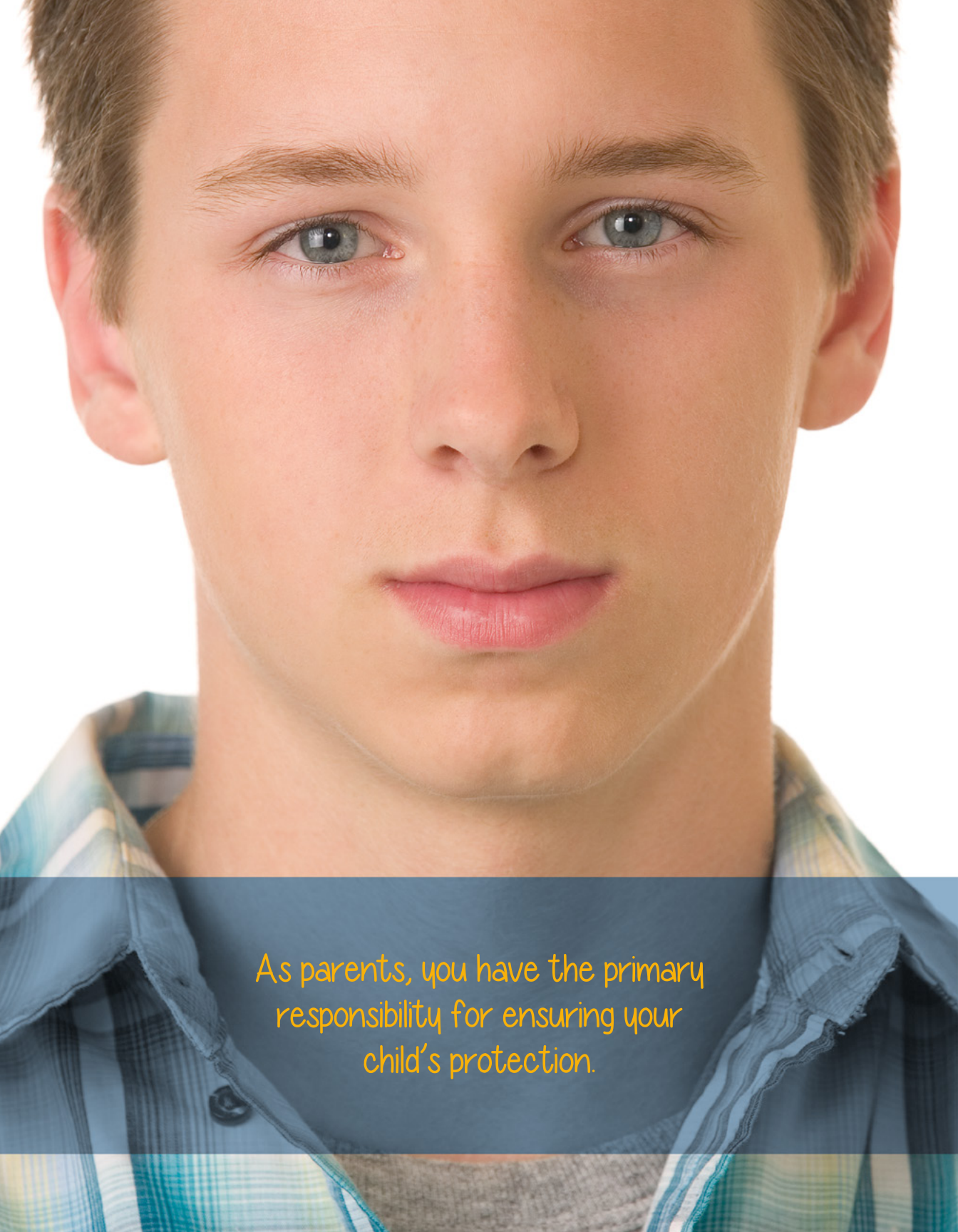
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You may have questions or concerns regarding the Director of Youth Protection's (DYP) involvement with your family. This is completely normal.

This brochure goes over each step in the DYP intervention process and discusses your rights and those of your child.

The DYP and the DYP caseworkers are there to guide you and answer all your questions.

This brochure also explains certain provisions in the *Youth Protection Act* about maintaining a Native child's cultural identity and how the child's community can get involved.



As parents, you have the primary
responsibility for ensuring your
child's protection.

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Who is the director of youth protection (DYP)?

The Director of Youth Protection, or “DYP,” is responsible for applying the *Youth Protection Act*. There is a DYP in each region of Québec.

The DYP:

- Receives all reports regarding children who may need protection
- Is assisted by a team of workers who help assess the situation of children and help decide on how to protect them
- Makes decisions in the best interest of the child and in accordance with the child’s rights
- Works in an integrated centre* offering youth protection services and rehabilitation services for youth with adjustment problems, in collaboration with all resources in the region

To safeguard a Native child’s rights and best interests, all decisions made under the YPA must take the preservation of their cultural identity into account.

Under Section 37.5 of the YPA, the government can enter into an agreement with a First nation, a community, or a group of Native communities and create a special youth protection program to better adapt the application of the YPA to the realities of Native life.

For example, in February 2018, the Québec government and the Council of the Atikamekw Nation entered into such an agreement and developed a youth protection program for Atikamekw youth and children in the Manawan and Wemotaci communities. The Atikamekw Director of Social Protection performs the role of the DYP. This special youth protection program is called the SIAA (Système d’intervention d’autorité atikamekw).

For more information, visit the Council of the Atikamekw Nation website at www.atikamekwsipi.com/fr/services/service-social-atikamekw-onikam/services/systeme-dintervention-dautorite-atikamekw-siaa.

The Québec government could enter into similar agreements in the future with First nations to develop youth protection programs.

* The term “integrated centres” includes both integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS).

When can the DYP intervene?

The DYP must intervene in certain situations in order to protect a child, such as when the child's security or development is compromised. These situations are called "compromising situations."

The term "child" designates a person under the age of 18. Teenagers are therefore also covered by the *Youth Protection Act*.

The DYP intervenes mainly in situations where a child:

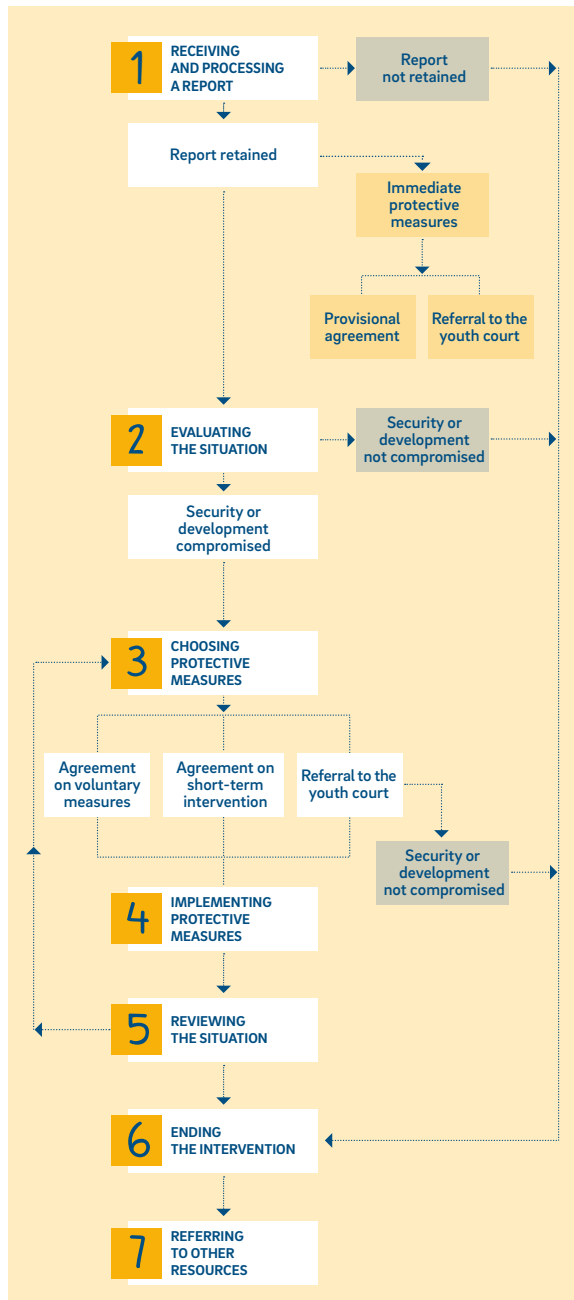
- Is abandoned
- Is neglected
- Is psychologically abused
- Is sexually abused, including sexual exploitation
- Is physically abused
- Presents serious behavioral problems
- Is at serious risk of being neglected or sexually or physically abused

The DYP may also intervene when a child has:

- Run away
- Been abandoned by their parents after being placed in foster family under the *Act respecting health services and social services*

The YPA specifies that no ideological or other consideration, including considerations based on a concept of honour, can justify a situation that compromises or could compromise a child's security or development.

A step-by-step guide to how the DYP intervenes



You and your child:

- Must be told how the DYP will intervene, step by step, and must be informed of your rights
- Must be consulted at each step
- Have the right to express your opinion and take an active role in decisions that concern you
- Can be helped and supported by a person of your choice and have the right to assistance from a lawyer

Children 14 or over may accept or reject measures that concern them, and the DYP must take this into consideration.

Children under the age of 14 are consulted regarding measures that concern them, but it is you as parents who must make decisions for your child.

It is important to encourage your child to take part in decisions concerning them.

1

Receiving and processing a report

Your child's situation was reported to the DYP by a person who has reason to believe your child's security or development is compromised. Most of the time, the DYP receives reports by telephone. Without a report, the DYP cannot conduct an investigation.

As soon as the DYP receives a report, a brief assessment of the situation is made. If necessary, the DYP can conduct additional checks, for example, by contacting your child's school or daycare. In certain circumstances the DYP might meet with you or your child. Based on the information available at that time, the DYP decides whether to accept or reject the report.

Report not accepted for evaluation

The DYP may consider from the start that there is no reason to accept a report for investigation, such as when the DYP cannot intervene with respect to the events reported. Yet you or your child may still need help.

Report accepted for evaluation

If the report is accepted, the DYP conducts a more in-depth evaluation of your child's situation. Sometimes, immediate protective measures are necessary, in which case the DYP takes immediate action.

Need help? See page 19 regarding what the DYP must do for you.

The identity of the person who reported a child's situation to the DYP is confidential and may not be disclosed.

What happens when immediate protective measures are necessary?

Your child may need urgent protection. If this is the case, the DYP must take immediate protective measures for a **maximum period of 48 hours**. Whenever possible, you and your child will be consulted on which measures will be taken.

Depending on the situation, the DYP may decide, for example:

- To remove your child from their family environment
- To place your child with a member of your family, a foster family, or a rehabilitation centre
- To limit your child's contact with you or others

If immediate protective measures are still necessary at the end of the 48-hour period, the DYP may suggest extending them and work with you to reach a provisional agreement covering 30 days. If the situation warrants and with your consent, the agreement can be extended for a further 30 days without referring the matter to the court.

When you or your child (if they are 14 or over) do not agree with the proposed provisional agreement, the DYP must submit the matter to the Youth Court. The Youth Court will then decide if it is necessary to extend the immediate protective measures.

If necessary, immediate protective measures may be applied at any time during the DYP's intervention.

2

Evaluating the child's situation

The DYP's evaluation takes into account:

- The nature, gravity, persistence, and frequency of the reported events
- The age and personal characteristics of your child
- Your ability and will to remedy the situation
- The resources in your community that can help you

If the DYP is stepping in because your child is the victim of neglect related to their education or the requirement to attend school, the following will also be taken into account:

- The consequences for your child of skipping school or absenteeism
- Your child's level of development based on their age and their personal characteristics
- What you are doing to make sure your child receives a proper education, in particular, supervising their school work and partnering with local resources, including school resources
- The ability of local resources to support you and help your child succeed at school

After going over this information, the DYP determines whether your child's security or development is in danger.

Security or development not compromised

The DYP may decide that your child's security or development is not compromised. In this case, the intervention ends. However, you or your child may still need help.

Need help? See page 19 regarding what the DYP must do for you.

Security or development compromised

The DYP may decide that your child's security or development is compromised. The DYP must then intervene to ensure your child's protection.

3

Choosing protective measures

When the DYP decides that your child's security or development is compromised, the DYP must determine the measures to be taken to protect your child, help you remedy the situation, and make sure it doesn't happen again. You and your child (if they are 14 or over) will be encouraged to take part in decisions that affect you.

At this step, there are three possible options: an agreement on short-term intervention, an agreement on voluntary measures, or referral to the court. The DYP will tell you what your rights and obligations are for each scenario.

Agreement on short-term intervention

The DYP can give you the help you need to protect your child without referring the matter to the court if you and your child (if they are 14 or over) consent to a short-term intervention agreement. For this to be an option, the DYP must believe that with the appropriate help, you will be able to put an end to the compromising situation within 60 days.

You can make such an agreement if you and your child (if they are 14 or over) agree with:

- The DYP's decision that your child's security or development is in danger
- The DYP's proposed measures to remedy the situation

The agreement includes:

- A written commitment by the parents, the DYP caseworker, and the child (if they are 14 or over)
- A description of the situation
- A commitment to work together
- The measures to be taken to correct the situation within no more than 60 days. However, your child cannot be placed in an alternative living environment

You can receive assistance from the integrated centre or other organization.

Native people can also receive support and assistance from primary care social services for children and families and from any other organization.

Once the short-term intervention agreement has been signed, you will meet regularly with your caseworker. They will help you with what you need to do to correct the situation within the 60-day deadline. The agreement cannot be renewed.

If your child's security or development is deemed to be no longer at risk when the agreement expires, the DYP's involvement ends.

If your child's security or development is still at risk when the agreement expires, the DYP must continue to be involved. At that time the DYP will suggest you and your child (if they are 14 or over) make an agreement on voluntary measures or refer the matter to the court.

Before withdrawing from the case or deciding on a different direction, the DYP will meet with you and your child again.

Agreement on voluntary measures

The DYP can suggest an agreement on voluntary measures to give you the help you need to protect your child without referring the matter to the court. You can make such an agreement if you and your child (age 14 or over) agree with:

- The DYP's decision that your child's security or development is compromised
- The DYP's proposed measures to remedy the situation

The agreement includes:

- A written commitment by the parents, the DYP caseworker, and the child (if they are 14 or over)
- A description of the situation
- A commitment to work together
- The measures to be taken to correct the situation

The agreement on voluntary measures can last up to 12 months. At the end of the agreement, the DYP reviews the situation. In certain cases, the agreement may be renewed or amended.

If the parents, the DYP, and the child respect the agreement, the Youth Court's involvement is not necessary.

Referral to the youth court

Your child's situation must be submitted to the Youth Court:

- If the DYP concludes that an agreement on voluntary measures or a short-term intervention agreement is not appropriate
- If you or your child (if they are 14 or over) do not agree with the DYP's decision

For example:

- You believe that neither the security nor the development of your child is in danger
- You do not agree on the proposed measures to remedy the situation

In these cases, the Youth Court decides whether or not your child's security or development is compromised after hearing all concerned parties.

If your child is placed with someone else or a foster family, the DYP must tell them about any court hearings on your child's situation and invite them to attend and testify or share their observations with the court.

If your child is an Native person, the DYP will tell the person in charge of youth protection services in your child's community or, if such a person doesn't exist, someone who provides youth and family services in the community, about any hearings on your child's situation so they can come to court to testify or share their observations. They can also offer to help you.

If the Youth Court believes that the security or development of your child is compromised, it must also:

- Decide which measures are needed to remedy your child's situation and make sure it doesn't happen again
- Determine the duration of these measures

This decision is called a "court order."

4

Implementing protective measures

Once there is an agreement on voluntary measures or following the court order, you will meet regularly with a caseworker who will help you implement the protective measures needed to remedy the situation.

Intervention plan

To implement the protective measures, your caseworker will develop an intervention plan (IP) with you and your child.

This plan sets out:

- Your needs and those of your child
- The objectives to be attained
- The methods to be used
- The duration of services that the integrated centre offering protection and rehabilitation services must provide

Individualized service plan

In addition to the IP, an individualized service plan (ISP) may also be drawn up if the collaboration of other resources, such as your child's school, is needed.

In preparing the ISP, the necessary resources will work with you and your child to identify the objectives and services required.

As parents:

- You have the primary responsibility for your child, even if their situation is being monitored by the DYP
- Your opinion is important in determining the measures necessary to remedy the situation, and your involvement is crucial

You must be given a copy of the IP and the ISP, if there is an ISP.

What happens when your child is placed in an alternative living environment?

An alternative living environment is somewhere other than the home of either of the child's parents and where the child is placed in accordance with the YPA.

Options for an alternative living environment

When the DYP or Youth Court decides to apply protective measures, the primary aim is to keep your child in their family environment.

However, the DYP or the Youth Court may decide it is necessary for your child to temporarily live in another environment.

In this case, the DYP or court examines the feasibility of placing your child with people who are significant in their life such as grandparents or other family members. The willingness and ability of these people to care for your child will be taken into account.

If it is impossible or inappropriate to place your child with a significant person, another placement is chosen based on your child's needs. You and your child (if they are 14 or over) will be consulted on the choice of placement.

If your child is a Native person, the priority it is to keep them with their own family. If the DYP or the court decides that your child needs to live temporarily in a different environment, the new placement must be somewhere that allows them to maintain their cultural identity, ideally with a member of their extended family, their community, or their nation.

What's more, if the DYP decides a Native child must be removed from the family home, the person in charge of youth protection services in the child's community needs to be notified. If such a person doesn't exist, the person who provides services for children and families in the child's community must be told. The DYP will then ask this person to help maintain your child's cultural identity and, whenever possible, make sure your child is placed with a member of their extended family, their community, or their nation.

You and your child (if they are 14 or over) will be consulted on the choice of placement.

Maximum placement period

When your child is placed in an alternative living environment, **the decision of whether or not to return your child to their family environment must be made within a certain time limit.**

This period is set in order to meet your child's need for stability and differs according to age:

Child's age	Under 2 years	2 to 5 years	6 years or over
Maximum placement period	12 months	18 months	24 months

During your child's placement, you must receive the help you need and take appropriate means to remedy the situation within the maximum placement period.

If, when the maximum placement period has expired, your child's security or development is still compromised, the Youth Court must consider your child's situation and collect input from everyone involved before deciding on measures to ensure your child's long-term stability. The Youth Court may then decide that your child will not return to their family environment.

The Youth Court may extend the maximum placement period for the following reasons:

- Your child's return to the family environment is anticipated in the short term.
- It is in your child's best interest.
- For serious reasons, for example the services set out in the intervention plan were not provided.

In certain cases, before the end of the maximum placement period, the Youth Court may decide it is not possible to return your child to their family environment.



When your child is placed
in an alternative living environment,
the primary aim is for them
to return to their family environment.

5

Reviewing the situation

Whether or not your child is placed in an alternative living environment, the DYP must periodically review your child's situation. Depending on the findings, the DYP may decide to:

- End its intervention if your child's security or development is no longer compromised
- Propose a new agreement on voluntary measures or submit the matter to the Youth Court
- Reconsider the protective measures chosen

6

Ending the intervention

The DYP's intervention ends when:

- The report is not accepted for evaluation
- Your child's security or development is deemed not compromised or no longer compromised
- Your child turns 18

7

Referring to other resources

When the DYP ends its intervention, you or your child may still need help.

When you need help, the DYP must:

- Provide information on resources available in your region (these may include a CLSC, a community organization, or any other service provider)
- With your consent, advise you and personally direct you to resources by making initial contact and arranging the terms of access with the service provider, including delay to access to the service
- With your consent, transmit relevant information on the situation to the resource to which you are being referred

When your child needs help:

- If your child is under 14 years old, the DYP will tell you or one of you about available resources.
- If your child is 14 or over, the DYP must tell them about resources that can help. If your child agrees, the DYP will tell you or one of you about available services and resources. If your child doesn't agree that the information can be shared with you, the DYP will direct your child to the resources and go with them to a meeting with the person who will provide the help they need.

If you and your child are Native people, the DYP can, if you agree, put you in touch with primary care services for families and children in your community, with a different resource, or with another Native organization.

Information in the child's record

→ If the report was not accepted:

The DYP keeps the information in the child's file for two years or until the child turns 18, whichever comes first

→ If the report was accepted and the DYP's involvement ends after the assessment:

The DYP keeps the information about the child's situation for five years or until the child turns 18, whichever comes first

→ When the court decides that neither the security nor the development of the child is at risk after the DYP's assessment:

The DYP keeps the information in the child's file for five years after the decision or until the child turns 18, whichever comes first

→ When the DYP or the court decide that the child's safety or development is at risk:

The DYP keeps the information in the child's file while intervention is ongoing and until the child turns 19

→ When the DYP or the court decide that the child's safety or development is no longer at risk:

The DYP keeps the information in the child's file for five years or until they turn 19, whichever comes first

When asked to do so, the court can keep information in a child's file beyond the age of 18 or 19 for specific reasons, such as to retain evidence as part of an investigation or judicial procedure or to give the child access to the information in their file.

Your rights as parents and those of your child

Throughout the DYP's intervention, you and your child have rights. Here are the main ones:

→ Right to be consulted

You and your child have the right to be consulted at each step of the process and give your opinion on potential solutions.

→ Right to be informed

You and your child have the right to be informed by the DYP of each step in the process and the protective measures chosen to remedy the situation.

→ Right to be heard

You and your child have the right to present your point of view to the DYP and to the Youth Court.

→ Right of refusal

You and your child have the right to refuse certain DYP decisions. In this case, the matter may be referred to the Youth Court.

→ Right to the services of a lawyer

You and your child each have the right to consult a lawyer and be assisted and represented by them.

→ Right to adequate services

You and your child have the right to adequate health and social services. Your child also has the right to adequate educational services.

→ Right to guidance

You and your child have the right to guidance and assistance from a person of your choice when you wish to obtain information or meet with the DYP.

→ Right of access to the child's record

You and your child (if they are 14 or over) may consult your child's record, except in specific cases.

For more information on your rights and to obtain advice

You can contact the users' committee of your integrated centre at any time. Made up of young people and parents who receive services from the integrated centre offering protection services and rehabilitation services for youth with adjustment problems, this committee seeks to defend, protect, and ensure compliance with user rights.

To file a complaint

If you are not satisfied with the services provided, you can contact the local service quality and complaints commissioner of the integrated centre that is handling your situation.

You can contact Commission des droits de la personne et des droits de la jeunesse if you feel your rights or those of your child have not been respected.

Do you have questions?

Feel free to contact the caseworkers at the integrated centre offering protection services and rehabilitation services for youth with adjustment problems that is handling your situation for additional information.

Name of caseworker conducting the evaluation: _____

Telephone: _____

Name of caseworker responsible for applying protective measures regarding your child: _____

Telephone: _____

Other caseworkers: _____

Telephone: _____

Users' committee: _____

Telephone: _____

Service quality and complaints commissioner: _____

Telephone: _____

Notes: _____

You and your child have
the right to express
your opinion and take an
active role in decisions
that concern you.

Who do you call?

Protection services and rehabilitation services for youth with adjustment problems:

Bas-Saint-Laurent

1 800 463-9009
418 723-1255

Saguenay– Lac-Saint-Jean

1 800 463-9188
418 543-3006

Capitale-Nationale

1 800 463-4834
418 661-6951

Mauricie– Centre-du-Québec

1 800 567-8520
819 378-5481

Estrie

1 800 463-1029
819 566-4121

Montréal

French-speaking
514 896-3100

English-speaking (Batshaw)
514 935-6196
514 989-1885

Outaouais

1 800 567-6810
819 771-6060

Abitibi-Témiscamingue

1 800 567-6405
819 825-0002

Côte-Nord

1 800 463-8547
418 589-9927

Nord-du-Québec

Eastern portion, Chapais
and Chibougameau
See Saguenay–Lac-Saint-Jean

Western portion
See Abitibi-Témiscamingue

Gaspésie–Îles-de-la- Madeleine

1 800 463-0629
418 368-1803

Chaudière-Appalaches

1 800 461-9331

Laval

1 888 975-4884
450 975-4150
450 975-4000

Lanaudière

1 800 665-1414
450 756-4555

Laurentides

1 800 361-8665
450 431-6885

Montréal

1 800 361-5310
514 721-1811

Nunavik

Baie d'Ungava
819 964-2905

Baie d'Hudson
1 877 535-2345
819 988-2191 (day)
819 988-2957 (night)

Terres-Cries-de- la-Baie-James

Chisasibi
1 800 409-6884
819 855-2844 (day)

Waswanipi
1 800 409-6884
819 753-2324 (day)

Conseil de la Nation
Atikamekw
1 866 477-3933

For more information:
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