

**The CSDEPJ makes public its final report entitled
*Bringing about a caring society for our children and our youth***

Montréal, - May 3, 2021 – After two years of intense work, the Special Commission on the Rights of the Child and Youth Protection (CSDEPJ) unveils its final report to the public. In the wake of the tragic death of a young girl in Granby in April 2019, the government mandated the Commission to review children's rights and youth protection measures in the various relevant intervention networks, to identify issues and obstacles, and make recommendations for improvements.

“The originality of our report lies in proposing to Quebecers a social project that forms a coherent whole, in which every chapter and each recommendation are interdependent. Our recommendations must be implemented as a continuum so that, from now on, no child or young person should go through the DPJ unless their situation compromises their development or their safety,” said the commission's president, Régine Laurent.

A caring society

All children must be able to grow and develop fully in conditions favourable to their well-being. Beyond the challenges and issues of the youth protection system, we believe it is necessary to invite the population of Québec collectively to make a commitment to participating in the creation of a caring society. A society that is able to surround children and young people with a circle of goodwill, a society capable of putting children at the centre of its choices.

“Every citizen has a role to play in ensuring children's well-being. A caring society calls for collective responsibility and for the efforts of the public, institutions and government to be combined to meet the needs of families. For many children and parents in difficulty, being able to live in a society characterized by inclusiveness and solidarity, being able to count on an extended family, a friend, a neighbour, a teacher, coach, can make the crucial difference,” added Ms. Laurent.

Children's rights

In a society governed by the rule of law, caring is manifested in strong, lasting legislation to protect children. Such a society must strive not only to uphold rights, but to promote the well-being of all its children. Consequently, a child's interest must prevail in all decisions concerning them. Certain children whose rights are often not respected need stronger defence of their rights, particularly indigenous youth, children with disabilities, children in ethnocultural communities and those subject to an authority intervention by the State.

Respect for their rights means that children or young persons must participate in decisions that concern them, on both the individual and public levels. Though still a child, a young person is a fully fledged citizen whom we must prepare for a contributing role in our society. To achieve this goal, informing, supporting and listening to children are concrete ways of initiating them into democratic life and developing their citizenship. We must also uphold their right to access services that meet their needs. In this respect, special attention must be paid to English-speaking children and those from ethnocultural communities.

For all these reasons, we have made a series of recommendations for priority action aimed at ensuring children's well-being and guaranteeing that their rights are respected:

- Adopt a Children's Rights Charter
- Create a position of Commissioner for Children's Well-Being and Rights
- Create a position of Assistant Commissioner for indigenous children
- Clearly reassert the rights of children under youth protection
- Set up a watch to monitor services for English-speaking children
- Introduce strategies to ensure that services are adapted for and accessible to ethnocultural communities.

Indigenous children

The requirement to preserve indigenous children's cultural identity must be asserted in the Children's Rights Charter.

In addition, we recognize that First Nations and Inuit are best placed to determine and meet the needs of their children. The implementation of self-determination in youth protection cannot be dissociated from the well-being of indigenous children in Québec. These children are overrepresented in youth protection services. When application of the *Youth Protection Act* fails to respect the child's culture, discriminatory effects ensue.

"A number of commissions have already examined indigenous issues, and the solutions are known. It is time to take action for the children of indigenous peoples," said Régine Laurent.

Prevention services — From pregnancy to adulthood

To create a truly caring society, families must be adequately supported and children adequately protected. This calls for effective preventive services, from pregnancy to adulthood. Services must be organized to meet the needs of all families and to support the development of all children, and must include strategies and programs that are adapted in such a way as to reach the most vulnerable families and provide them with real help. To achieve this end, services must be available in families' living environments (in the community, at the daycare, at school) and offered resolutely for as long as they are needed. Services must adapt to families, and not the reverse!

Children and families need to be supported and helped very early on, at the right time, with the right services, before serious difficulties appear. Relying on directors of youth protection to eliminate children's suffering and distress on their own is an error and leads to an impasse. History tells us this. On the other hand, when their intervention is truly required, we must be able to fully count on their diligence, expertise and the quality of their intervention.

“We are convinced that a shift towards prevention is vital. We must act as early as possible in children’s lives to support their development and make sure that those who have the greatest needs receive services in a timely manner. We must also act on all factors that increase the risks of maltreatment and negligence. Because its consequences on children are severe and lasting, abuse is unquestionably a public health matter that requires systematic attention,” said Ms. Laurent.

Parental distress has very major effects on children's development, and these difficulties must be taken into account so that an appropriate response can be provided to the needs of every member of the family. These parents have difficulty obtaining the services they need, for example to treat mental health disorders or addiction, or to get help in families afflicted by conjugal violence. Support for parents is paramount, the cornerstone of prevention.

The service offering as currently deployed does not succeed in reaching, mobilizing and adequately supporting families in great difficulty with the intensity necessary to avoid recourse to youth protection. But the service offering must also be capable of supporting families after a child has gone through youth protection in order to avoid a recurrence of abuse.

For all these reasons, we have made a series of recommendations aimed at strengthening, improving and extending a panoply of proximity services for families:

- In the perinatal period and early childhood
- By providing educational childcare services for children that can most benefit from them
- By strengthening the support provided to youth and parents in CLSCs
- By increasing psychosocial support in schools to foster children's well-being and success
- By completing the implementation of tried and tested programs to meet the chronic needs of certain families, in order to avoid, as far as possible, recourse to youth protection
- By funding community organizations so that they can fulfil their mission repeatedly and over the long term.

We firmly believe that effective intersectoral action will give families in difficulty better support and weave a safety net around children to protect their harmonious development and well-being. The efforts of all players must be combined and services must be well coordinated so that they make sense to parents and children. Social workers must have the time to provide real support

and to adjust the service offering to suit the needs of families. Lastly, in order to ensure real collaboration, necessary information must be communicated in the interest of the child.

A series of recommendations are aimed at improving collective, concerted work around families. They involve strategies to improve interdisciplinary work and lessen obstacles to concertation, such as the confidentiality of information about a child's situation.

Youth protection

Youth protection represents, in a manner of speaking, the social services intensive care unit. It requires the setting up of specialized services to meet the needs of children and young people.

It is an exceptional intervention designed to protect children and must not serve as the entrance door for obtaining support services. Children, youth and parents must participate if an intervention is to succeed, and the child's interest must be central to all decisions taken by the Direction de la protection de la jeunesse (DPJ).

We have therefore formulated recommendations aimed at:

- Calling for a greater contribution from significant social workers, regardless of their affiliation, who are already involved with the child and family, at all stages of the youth protection intervention process
- Paying special attention to children that are reported repeatedly, by going to check on the situation directly in their living environment before taking the decision as to whether to follow up on the report
- Raising the level of training of social workers who deal with reports to the DPJ, as well as the guidance and support provided to them
- Strengthening the rigour with which situations are assessed, by placing greater weight on social workers' clinical judgement, which must be reflected in the quality of the reports that they write
- Improving collaboration and consultation practices between the DPJ, police forces and the Directeur des poursuites criminelles et pénales (DPCP) concerning children that are victims of sexual abuse, physical abuse and serious negligence.

Judicial proceedings

Recourse to judicial proceedings should be restricted to situations in which it is impossible to reach agreement with families. To avoid resorting to judicial proceedings, mediation must be favoured at every stage of the youth protection process, including the judicial component, with the participation, mobilization and collaboration of all parties.

To this end, we have proposed recommendations aimed at:

- Promoting increased use of mediation and concertation approaches, both in social and judicial intervention
- Favouing reconciliation approaches when a situation goes to court
- Adapting judicial proceedings to the reality of families under youth protection

A family for life

“Every child has the right to live in a caring family that allows them to grow and develop in a healthy way. The notion of permanence must be at the heart of the legal framework and of clinical and legal practices. A child’s biological family must be guided and supported to help and provide this framework and this permanence. If the biological family is unable to meet the child’s needs at the right time, the child must be able to flourish in a family that is ready to commit to them for life. Families must be supported if this is to be achieved,” stressed Ms. Laurent.

In this respect, our recommendations are aimed at:

- Making it mandatory to take into account what the child expresses about their future living arrangement
- Planning an alternative living arrangement for the child earlier and better, as soon as it is established that there is a risk involved in keeping the child in, or returning them to, the family
- Ensuring that, in every case, the child's interest is the criterion that dictates all decisions concerning their future
- Ensuring that maximum spells of foster care are respected, and that when the end of foster care is reached, both social and judicial decisions must ensure stable, permanent bonds for the child in a family for life
- Facilitating recourse to adoption and tutorship for children at the end of maximum foster care spells, when this is in their interest
- Introducing a new form of adoption, adoption without breaking the bonds with the biological family, particularly for older children, for whom their parents remain significant
- Providing better support for foster families willing to commit to children, by improving collaboration with them, by giving them more support to ensure children’s healthy development and by providing better training for them.

Rehabilitation centres

Placement in a rehabilitation centre is a fact of life for some young persons. Centres are frequently attended by children and young people who have undergone trauma and present substantial difficulties, often in every sphere of their development.

Our concern is that rehabilitation services be organized in such a way as to foster children’s power to act, to meet their individual and family needs, to take into

account the trauma they have experienced, to meet their needs regarding their development, and to prepare them for the transition to adult life.

Among our recommendations is that the government should rapidly set up a review of the service offering and clinical practices in rehabilitation centres, so that they guarantee full participation of children and parents and ensure that their rights are respected.

Transition to adult life

The human and social costs of a lack of support during the transition to adult life are huge and lead to lasting serious consequences. A caring society will ensure that every young person has access to a set of measures to support them in this important transition in their lives.

To foster a better transition to adult life, we recommend:

- Creating a post-placement support program until the age of 25 for young people transitioning to independence, with various measures to cover accommodation, education and vocational qualification, income, social and community support, and access to health services and social services
- Allowing young people to remain in their foster family until the age of 21, provided that this is the young person's choice
- Conserve the files of children who have been monitored by youth protection in accordance with the usual rules of conservation for health and social services

Social workers' conditions of practice

In our vision of a caring society, social workers who work on a daily basis with children, particularly those in vulnerable situations, must have the time and latitude necessary to respond adequately to their needs. Their work is misunderstood and underappreciated, and even frequently disparaged. Their conditions of practice are difficult.

For youth service social workers, we recommend:

- Reviewing their workload in order to ensure the quality of service
- Providing for their physical and psychological safety
- Giving them better support and better training
- Improving their initial training and their professional development
- Recognizing their specialized practice as youth protection workers by requiring certain specific skills and by harmonizing bonuses and other benefits at every stage of youth protection intervention.

“Social workers that work with children and families are suffering; they feel that their conditions of practice do not allow them to provide quality services. It is important that they are better trained, supported and supervised, and that their safety be guaranteed and their workload lessened so that they can look after children and families adequately,” Ms. Laurent said in conclusion.

Leadership

Network reforms, including the 2015 reform, have undermined the governance and leadership of the psychosocial sector by removing important structures supporting clinical development. The current model of network governance is poorly adapted to the reality of youth services, youth protection and, generally, the psychosocial sector. It is imperative to establish strong clinical psychosocial leadership and rigorous monitoring so that children become a priority in Québec society and in order to guarantee the quality of services and clinical practices.

To this end, our recommendations are principally aimed at:

- Re-establishing national leadership for services for youth in difficulty
- Re-establishing professional psychosocial leadership in CISSSs and CIUSSSs
- Rebuilding bridges between research and clinical communities at the national level.

Funding

After a history of 40 years of youth protection in Québec, the time has come to invest in order to reduce the social and economic costs that ensue from abuse — a blatant need that cannot be denied. We will have to make intelligent choices that provide more effective protection for children, in every region of Québec:

- Investing in prevention in order to reduce the costs of providing specialized and ultra-specialized services
- Funding services sufficiently to meet the true needs of children and parents receiving youth protection services, and also concerning the specialized services they require
- Ensuring that funding remains constant through budgetary cycles.

Conclusion

“The death of Ti-Lilly, the young girl in Granby, was not a failure of our services to children, young people and their parents: it was our collective failure. We must move from indignation to dignity. We must turn our anger into action. We must move from a Québec that is ‘crazy about children’ to one that is ‘worthy of its children’, ” said Ms. Laurent in conclusion.

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