



Quebec's child welfare system¹

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An overview of child welfare in Quebec

The main responsibility for the well-being of children in Canada rests with parents. It is recognized, however, that there are circumstances under which others must intervene. Child maltreatment is one such circumstance. The *Constitution Act*² grants provinces and territories the authority to operate child welfare systems to intervene, when necessary, and to set legislation to govern those systems. The purpose of provincial and territorial child welfare systems is to protect the safety and well-being of children.

In Quebec, child welfare services are provided by “youth centres” (*Centres jeunesse*) in 18 administrative regions across the province. Each youth centre is managed by a Director of Youth Protection and is mandated to provide a range of specialized services to ensure the safety and well-being of young people under the age of 18. In addition to protection services, youth centres provide family counseling, legal expertise in custody disputes, adoption referrals and birth-parent searches. An association of youth centres (*Association des Centres jeunesse du Québec*), provides information and advice to centres and over 8,000 youth protection workers in the province.

Every year, Quebec youth centres receive about 100,000 reports of suspected child maltreatment or serious behaviour problems. Of these, approximately 60,000 are retained by the Director of Youth Protection for investigation. Approximately 30,000 cases per year conclude that intervention is necessary to protect the safety or development of the child. In situations in which intervention is not required by law, youth centres refer children and families at risk to other health and social services.³

Quebec's Youth Protection Act

The *Youth Protection Act* (YPA), adopted in 1979, governs the child welfare system in Quebec. This law defines the range of situations that can be so harmful to a child's security or development that intervention is needed. The YPA also makes it clear that all citizens, and especially professionals who work with children, have a responsibility to report suspected child maltreatment to a Director of Youth Protection (DYP).

According to Quebec's *Youth Protection Act* (YPA), the security or development of a child is considered to be in danger when:

- the child's parents are not alive or do not assume responsibility for the care, maintenance, or education of the child;
- the child's mental or emotional development is threatened by neglect, isolation, or serious and continuous emotional rejection;
- the child's physical health is threatened by the lack of appropriate care;
- the person having charge of the child does not provide, or is not able to provide, the physical necessities of life;
- the home environment creates a risk of moral or physical danger for the child;
- the child is required by a parent or guardian to beg, to do inappropriate work, or to perform for the public in an unacceptable manner;
- the child has experienced sexual or physical abuse or neglect;
- the child demonstrates serious behavioural disturbances and parents are unable or unwilling to take effective action to protect the development or security of the child.⁴

Quebec's *Youth Protection Act*, unlike child welfare legislation in some other provinces, covers children and youth with serious

Proposed modifications to the *Youth Protection Act*

The *Youth Protection Act* is currently in the process of being modified by Bill 125, which was filed in the Quebec National Assembly on October 20, 2005. At the time of writing (spring of 2006), a parliamentary committee was holding public consultations on Bill 125, but it had not yet been passed into law.

The amendments to the YPA focus on achieving six major objectives:

- promoting continuity and stability for children;
- encouraging consensual approaches to youth protection;
- clarifying the criteria for the initiation of the protective measures provided for in the Act;
- reconciling youth protection with respect for privacy;
- simplifying and shortening court procedures, and
- introducing a number of other amendments, including legislative and regulatory rules governing the placement of children and youth who need their behaviour and movements closely monitored.

The most important amendments to the YPA are focused on promoting continuity and stability for children. The Bill stipulates that timely decisions must be made to ensure that the child benefits from a stable environment if he or she is taken into care. To that end, the bill introduces maximum periods of foster care, depending on the age of the child, requiring the social and judicial decision makers to act sooner to guarantee continuity of care, stable relationships and stable living conditions. Before dealing with decisions about longer-term stabilization measures, the bill stipulates that the total period of foster care placement may not exceed 12 months if the child is under two years of age; 18 months if the child is from two to five years of age; and 24 months if the child is six years of age or older.

behavioural problems, and allegations of behavioural problems form a large proportion of the reports received by child welfare workers. Behaviourally-based situations which may bring a child to the attention of youth protection authorities include:

- the child is involved in drug abuse or prostitution,
- the child demonstrates aggressive or rebellious behaviour,
- the child leaves the parental home, a foster home, or a rehabilitation facility or hospital without appropriate authorization, or
- a child is of school age and does not attend school, or is frequently absent without reason.

Although these situations alone may not be considered situations in which a child is in need of protection, the Director of Youth Protection can intervene to assess the presence of other risks.

Although the Quebec *Charter of Human Rights and Freedoms* stipulates that “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,”⁵ the YPA does not cover every situation in which a child may need help or protection, but only situations in which the security or development of the child is in danger.⁶

What happens after a youth centre is called?

Reports can be made confidentially to youth centre professionals at any time, day or night. After a report has been received by a youth centre, the call will receive a timely first response, followed by an evaluation of the situation based on criteria related to these three categories:

- Neglect, behavioural problems, or abandonment;
- Abuse; and
- Social emergencies

There is a two-step evaluation process for substantiating reported child maltreatment:

1. Allegations of maltreatment are investigated to determine the seriousness of the situation, the risk to the child, the parental capabilities, and the home environment.
2. If a substantial cause for concern is found in any of these areas, the situation is further evaluated to assess the risk to the child’s security or development.

During an investigation, decisions concerning the child’s situation are taken based on the best interests

of the child. Child welfare workers sometimes have to remove a child from the family in order to ensure the child's safety during an investigation. More than a third of substantiated allegations require removing a child from the family home and placing the child either with other family members or family friends, or in a foster home or a rehabilitation centre.

If the child's security or development is not at risk but the situation is still problematic, the family may agree to be referred to other health or social services. The child's situation is reviewed periodically to ensure that the measures chosen to protect the child and correct the situation were appropriate.⁷

In situations of child sexual and physical abuse or when the health of a child is in danger due to severe neglect, youth centres work with the police and other health and social service organizations when intervening. These agencies are required to collaborate in situations such as this under a provincial multisectoral agreement, which outlines a commitment between the organizations to work together in order to guarantee effective protection and support to child abuse or neglect victims.⁸

How does the Quebec system work for Aboriginal children?

In order to apply the YPA appropriately to Aboriginal children, youth, and families, the provincial government can enter into an agreement with Aboriginal groups in order to establish a special youth protection program for Aboriginal children whose security or development may be considered to be in danger. These agreements specify the persons or authorities who will be entrusted with exercising the responsibilities normally assigned to the Director of Youth Protection. These persons or authorities are given full authority and independence to take the necessary action to protect the child. Procedures to ensure child protection may therefore differ from those provided for in the YPA.⁹

- 1 This information sheet was reviewed by experts in the field of child welfare.
- 2 *Constitution Act*, 1982, being Schedule B of the Canada Act, 1982 (U.K.), 1982.
- 3 Ministère de la Santé et des Services sociaux. Information retrieved February 21, 2006 from http://www.msss.gouv.qc.ca/sujets/prob_sociaux/jeunesdifficulte.html
- 4 *Youth Protection Act*, 1979, Article 38, section 1 of Chapter 4.
- 5 *Quebec Charter of Human Rights and Freedoms*, R.S.Q. C-12, 1989, Article 39.
- 6 Tourigny, M., Mayer, M., Wright, J., Lavergne, C., Trocmé, N., Hélie, S., et al. (2002). *Étude sur l'incidence et les caractéristiques des situations d'abus, de négligence, d'abandon et de troubles de comportements sérieux signalés à la Direction de la protection de la jeunesse au Québec (ÉIQ)*. Montreal : Centre de liaison sur l'intervention et la prévention psychosociales (CLIPP).
- 7 Association des centres jeunesse du Québec. (2002). *Standards de pratiques en centres jeunesse, vol.3 : Standards relatifs à l'application de la Loi sur la protection de la jeunesse*. Montreal: Author.
- 8 Ministère de la Santé et des Services sociaux. (2001). *L'Entente multisectorielle relative aux enfants victimes d'abus sexuels, de mauvais traitements physiques ou d'une absence de soins menaçant leur santé physique*. Quebec, QC: Author.
- 9 *Youth Protection Act*, 1979, Article 37.5, section 3 of Chapter 3.

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