

Children's Lawyer Position

Date: October 31, 2016

Rationale for Children's Lawyer (Gaps)

- Providing advocacy services for children in custody and access proceedings will address the gap with respect to a legal voice for children.
- PEI does not currently offer legal representation to children in custody and access cases (children only have counsel appointed by the court in very limited child protection cases or through the Public Guardian in estate/trust matters).
- There is currently no reporting mechanism to the Court regarding what, if anything, has been accomplished to advance the interests of a child client towards a resolution or Court order.

What is a Children's Lawyer?

- Front-line worker who ensures the participation of children in court matters that will have a significant impact on them
- Services include: legal advocacy, clinical investigation and clinical advocacy.
- Family Law context - Legal representation of children in custody/access disputes helps protect the needs and interests of children. The increase in high-conflict custody/access Court disputes has led to concerns about the vulnerability of the children at centre the of these acrimonious battles.
- Other provinces with Children's Lawyer – ON (comprehensive), SK (estates/trusts only) Cost estimate for CL?

What is a Child's Advocate?

- An administrative, bureaucratic position similar to an Ombudsman
- Appointed to investigate individuals' systemic complaints against maladministration, especially that of public authorities in relation to the experiences of children "in care" or on the margins of government care.
- Main role is to provide information and advice to government, government agencies and communities about availability, effectiveness, responsiveness and relevance of services to children and youth.
- Does *not* represent or provide counsel for a child to ensure that decisions made with respect to children are in their best interests, or to ensure child's interest are protected.
- Cost for PEI - setting up a Child's Advocate Office would cost the PE Government between \$700,000 - \$1.3 million dollars annually.

Services Currently Offered on PEI

A Children's Lawyer would complement and enhance existing government services, which are:

- **Voice of the Child:** The Family Court Counsellors (FCC) are independent and provide a neutral "voice of the child function". They conduct Court-ordered home studies in custody and access cases to clinically assess what parenting plan may be in the best interests of the children, and risks to children.
- **Annual Report:** The Chief Public Health Office will write a report similar to annual reports written in other Child Advocate Offices in Canada on the health and wellbeing of children on PEI.
- **Criminal:** Criminal Legal Aid represents minors involved in criminal matters.
- **Estates/Trusts:** The Official Guardian provides independent legal representation for minors in estate and civil matters and reviews all financial court settlements on behalf of and in the best interests of a minor.
- **Child Protection:** Child Protection Services (CPS) aims to help protect children from parental abuse and neglect. CPS can apprehend children in emergency situations, and can apply to Court for temporary supervision, or temporary or permanent removal of child from the home.
- **Parent Education:** *Positive Parenting from Two Homes* is a voluntary education program for separated or divorced parents, to help parents understand their children's needs, and develop a business-like relationship with other parent.

Services in Development for PEI

- **Parenting Coordinator** - a dispute resolution officer that assists high-conflict parents to implement their parenting plan or order in a child-focused and expeditious manner to minimize parental conflict.
- **Supervised Access and Exchange Program** – provides a safe, neutral and child-focused setting in which supervised visits or exchanges may occur for a specified period of time. Helps ensure a child has contact with non-custodial parent if it is in child's best interests, or to shield the child from an exchange between parents who are in a high-conflict family situation.

Conceptual Model on PEI

- The Children's Lawyer will be a law office within the Family Law Section of the Department of Justice and Public Safety that delivers programs on behalf of children under 18 years with respect to their personal rights in custody and access disputes.
- The position will be based on the model used in Ontario.
- Upon the Children's Lawyer intervening in a custody/access matter or being appointed by the Court, the Children's Lawyer will provide legal representation to the

Child. Often the Children's Lawyer will collaborate with a clinician to gather information (by such means as conducting individual interviews and making observations of the parent/child relationship) and produce a report on what is in the interests of children

- The Children's Lawyer will be a mechanism for a child under 18 to obtain legal remedies and protection when they are the victims of or threatened by domestic violence, harassment, murder/suicide, intimidations or risk of abduction in a family situation.
- The Children's Lawyer will be given legislative authority to act by amending the *Judicature Act* and *Rules of Court*. Legislation will be tabled in Spring 2017 and a submission will be made to the Rules Committee on proposed amendments to the *Rules of Court*
- As a public law office, there is no financial cost to the child or family to have the Children's Lawyer involved in their legal matter.

Working with Troubled Youth Conference
March 8th – 9th, 2017

- On March 8 - 9, 2017 Community & Correctional Services hosted the *Working with Troubled Youth* conference featuring Dr. Gordon Neufeld.
- Dr. Neufeld is a Vancouver-based developmental psychologist with over 40 years of experience with children and youth and those responsible for them. He is a foremost authority on child development, an international speaker, a best-selling author (*Hold On to Your Kids*) and a leading interpreter of the developmental paradigm. Dr. Neufeld has a widespread reputation for making sense of complex problems and opening doors for change.
- The conference agenda included:
 - The Hidden Stories of Troubled Youth
 - A Story of Stuckness - Shifting the Focus using Developmental Insight
 - A Story of Lost feeling and of Attachment Problems
 - Implications for dealing with troubled: Strategies for Fostering Right Relationships
 - Common Syndromes of Troubled Youth
 - Bullying: Root causes and strategies to effectively address it
 - Aggression, Violence and Suicide Problems
 - Anxiety, Agitation and Adrenalin-based Problems
- The learning offered at this conference applied to a wide range of presenting problems and syndromes such as attention problems, bullying, impulsiveness, anxiety problems, learning disabilities, autism spectrum, oppositionality, drug abuse, aggression problems, alarming behavior, boredom and much more.
- The 150 conference participants included representatives from:

○ Mental Health & Addictions	○ RCMP
○ Human and Family Services	○ Catholic Family Services
○ Education	○ IWK Children's Hospital
○ John Howard Society	○ Mikmaq Family Resource Centre
○ Family Pride Program	○ Queen Street Methadone Clinic
○ Native Council	○ Serene View Ranch
○ PEI Family Violence	○ East Prince Development Centre
○ Canadian Mental Health Assoc.	○ Justice and Public Safety: Victim
○ Health PEI	Services, Clinical, Probation, Youth
○ Holland College (staff/ students)	Justice, Provincial Court Bench,
○ Summerside Police	PEI Youth Centre, Legal Aid, Adult
○ Charlottetown Police	Custody, Family Law Centre
- Feedback for the conference was extremely positive. Over 90% of participants indicated the conference met or exceeded their expectations and enhanced their knowledge of working with troubled youth.

Bridge Operations – as of March 31, 2017

- The Bridge brings key service providers together to quickly collaborate and offer programs and services to those at acutely elevated levels of risk of harm occurring soon.
- This rapid, risk-based intervention is modeled on the COR/Hub demonstrated effective in Saskatchewan, Ontario and other constituencies across Canada and internationally.
- The Bridge Situation Table began operating in September. At the Situation Table, representatives from service agencies bring forward situations involving individuals or families to determine whether there is an acutely elevated risk.
- The Situation Table is a highly structured review of the facts which respects privacy and confidentiality and enables offers of service to be made to individuals and families assessed to be at acutely elevated risk, usually within 24-48 hours.
- The members of the Situation Table are highly experienced professionals with considerable experience identifying situations of risk. They are working collectively to assess situations and encourage those at acutely elevated risk of harm occurring soon to accept an offer of support.
- All members of the Situation Table are now in place. The Situation Table meets twice weekly to collaboratively assess and respond to the needs of individuals and families assessed to be at acute elevated risk of harm occurring soon.
- Situation Table support teams involving 160 staff meet regularly to facilitate collaboration in responding to individuals and families assessed to be at acute elevated risk of harm.

Prince Edward Island Bridge is made up of three components:

- The Center of Responsibility ("COR") [not yet operational] - a multi-sector team of human service professionals who collaborate to identify and propose opportunities for systemic change, and make recommendations for actions that result in improved human service delivery, and ultimately, improved community safety and wellness outcomes.
- The Situation Table [began work in September] - is a multi-agency assessment of situations which determines whether acutely elevated risk of harm occurring soon (AER) is present in a situation. The Situation Table functions as a triage. It does not replace usual collaborative processes between agencies, nor is it a case management entity; it is a highly structured review of the facts which respects privacy and confidentiality which enables offers of service to be made those assessed to be at AER.
- The Secretariat - comprised of senior directors and leaders from Bridge participant departments and agencies, functions as a steering body for the development and mobilization of the Bridge. The Secretariat reports to Social Policy Deputy Ministers

Situation Table consists of services and agencies having front-line operations.

Partners include: Family and Human Services (Social Programs, Child Protection), Health PEI (Adult Protection, Public Health, Mental Health and Addiction Services), Justice and Public Safety (Probation Services, Victim Services), English and French education authorities represented by the Public Schools Branch, RCMP and Municipal Police Services, Mi'kmaq Confederacy of PEI, and PEI Family Violence Prevention Services.

Summary of operations as of March 31

- Six referrals were assessed in March (46 since inception) and 20 people were assisted in March (100 since inception)
- Most referrals are coming from the Charlottetown area.
- We are encouraging regional teams to consider making referrals to the situation table (ST) which will in turn result in their broader participation in the process
- Approximately 879 individuals from government, non-government and police service agencies have been introduced to the Bridge through presentations. Requests for presentations continue.
- A procedure for responding to extraordinary situations continues to be under development.
- The ST administration meetings schedule is revised to have the meeting occur before the Situation Table (ST) confers on referrals.
- ST (primaries and alternates) are planning a full day meeting to refine procedures. The full day meeting is to be followed at a later date with a half day meeting bringing together the ST (primaries and alternates) and the regional groups to discuss the findings of the full day session and plan a way forward.
- The sessions will be guided by the work plan derived from the individual meetings the Chair and Recorder had with the ST (primaries and alternates) during February and March.
- A meeting of the Secretariat focusing on the COR and an evaluation framework resulted in a agreeing on a comprehensive framework for the Bridge and a plan for the utilization of the remaining assets in the contract with Global.

Bridge Secretariat

- The Secretariat met twice in March. A meeting on March 16, 2017 focused on developing a framework for the COR, an evaluation framework for the Bridge and an approach for the utilization of the remaining assets within the contract with Global. Achieved was the following:
 - A comprehensive framework for the Bridge was drafted which included a COR component and an evaluation framework component;
 - Remnant assets within the Global contract are proposed to be directed primarily to the development of an evaluation framework for the Bridge and include consultation and support for the ST

Training

- We continue to register staff for the on-line training reflecting changes in personnel and broadening of the interest base.

Province wide awareness of Bridge

- Requests for presentations to groups regarding Bridge continue and are now routine.

**Appendix 1
Situation Table Statistics
March 31, 2017**

	September 2016	October 2016	November 2016	December 2016	January 2017	February 2017	March 2017	TOTALS To Date
# of Referrals	7	2	4	8	9	10	6	46
# of Situations Carried Forward from the Previous Month		1	1	2	3	2	3	
# of Situations Accepted	6	2	4	7	9	9	5	42
# of situations Rejected	1	0	0	1	0	1	1	4
# of Situations Closed	5	2	3	6	10	8	8	42
- Overall Risk Lowered - Connected to Services	4	2	3	6	9	8	8	40
- Other	1	0	0	0	1	0	0	2
# of Situations Open at the end of the Month	1	1	2	3	2	3	0	
# of People Supported*	7	5	8	11	24	25	20	100
Type of Situation*								
Individual	4	1	1	3	5	3	3	20
Family	1	1	2	3	5	5	5	22
Geographic Regions*								
West Prince				1				1
East Prince (Rural)			1					1
Summerside & Surrounding Area	2						1	3
Queens (Rural)				1		2		3
Charlottetown & Surrounding Area	3	2	2	4	8	6	7	32
Eastern Kings								0
Southern Kings					2			2
NFA								0
# of Situation Table Meetings (Tuesdays & Thursdays)								
# of Situation Table Meetings Held	7	6	5	5	6	5	7	41
# of Cancelled Meetings	0	2	4	3	3	3	2	17
E-Learning Training								
Situation Table Members - Completed				36/36	35/36	36/37	37/37	
Situation Table Members - Started					1/36	1/37	-	
Situation Table Members - Not Started					-	-	-	
Filter 4 Regional Representatives - Completed				65/119	72/126	73/133	78/132	
Filter 4 Regional Representatives - Started					39/126	36/133	40/132	
Filter 4 Regional Representatives - Not Started					15/126	24/133	14/132	

SITUATION TABLE

Education

Child Protection

Social Programs

Municipal Police Services

RCMP

Recorder

Chair

PRINCE EDWARD ISLAND
BRIDGE
Building Collaborative Solutions
to Help Islanders At Risk

PEI Family Violence Prevention

MCPEI

Victim Services

Mental Health & Addictions

Adult Protection

Public Health

Probation