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INVESTIGATION REPORT ON YOUTH PROTECTION SERVICES IN ABITIBI-TÉMISCAMINGUE

Conclusions and recommendations

October 2001

When the Commission began its investigation, it had reason to believe there was problems with regard to the services offered to children requiring protection and their families by the Centre jeunesse Abitibi-Témiscamingue.

Throughout the investigation, the examination of files selected for the sample, the numerous testimonies and the exchanges with the judiciary have revealed not only that there is a problem of access to protection services but also of quality of services.

In fact, for the duration of the investigation, the Commission was seized, by Youth Division judges, of several orders in which the same judges declared that the rights of children had been encroached upon and noted breaches by the DYP of his duties and obligations.

Briefly, but not restrictively, the Commission noted:

- ❑ that in several (30) files referred to it by Youth Division judges between the months of September 1999 and March 2000, the orders are not being complied with for the following reasons: non-existent services, refusal of the parents, the child or both child and the parents to comply therewith, no review of the situation in light of new facts, or non-existent or haphazard follow-up;
- ❑ that in 42 of the 57 files examined during the investigation, the services are not being rendered, regardless of the choice of plan;
- ❑ that in the files submitted to it during the investigation, upon referral of the case workers and the judiciary, this situation was also observed.

RECOMMENDATIONS TO THE MINISTER OF HEALTH AND SOCIAL SERVICES

Whereas signalements are acted upon randomly (necessity of several signalements or difficult situations), which results in maintaining certain children in a situation of danger;

Whereas there are unofficial quotas at the reception / traitement / signalements stage, limiting accessibility to services;

Whereas there are undue delays at the evaluation / orientation stage;

Whereas risk management was introduced by the Director of Youth Protection to decrease the waiting list;

Whereas there are long delays before cases are taken in charge;

Whereas there are no intervention plans in 54% of the files examined;

Whereas several files do not contain the information required to continue services;

Whereas in 50% of cases intervention has not been intensive enough at key times;

Whereas 65% of psychological follow-ups have not been updated;

Whereas there is an absence of follow-up or discontinuous follow-up associated with high personnel turnover and lack of replaced absences;

Whereas the workload of case workers is excessive;

Whereas there has been flagrant inaction on the part of the Director of Youth Protection in certain situations (record n° 27);

Whereas there are cases of placement in inappropriate locations (fiche # 86);

Whereas the Youth Centre has breached the obligation conferred thereon by section 82 of the *Act respecting health and social services* which sets out that such institutions “shall ensure that the needs of the persons who require such services are assessed [...] offered to them either directly or through the centres [...] or persons best suited to assist them”;

Whereas the personnel of the Director of Youth Protection have poor understanding of the *Youth Protection Act*;

Whereas there has been no continuing training for case workers since 1995;

Whereas supervision is deficient;

Whereas there are heterogeneous review mechanisms from one region to another;

Whereas the Commission has previously conducted general investigations at the Youth Centre and has drawn conclusions therefrom and has conducted numerous individual investigations and has drawn conclusions therefrom;

Whereas recurrent rights violations and persistent problems have been identified by the Commission in past investigations;

Whereas the Director of Youth Protection has abandoned his responsibilities toward the Clair Foyer Rehabilitation Centre for the Mentally Impaired (early closing of protection file);

Whereas there is no services agreement with the Normand Addiction Rehabilitation Centre, which forces young Natives to go to Gaspé to receive care;

Whereas the agreement with Minokin Social Services regarding the application of the *Youth Protection Act* is ineffective, in particular with respect to the lack of manpower equipped to intervene in the Native communities (poor understanding of the culture, young employees and over-work), delays in the assignment of files and follow-up, early closings, discontinuation of services, lack of training and information, poor understanding of the YPA, diagnosis wars, as well as deficient and virtually non-existent addiction services.

Whereas the Commission reported certain findings in a previous investigation on the situation of 102 young Amerindians and currently has observed persistent breaches and even deterioration in the social services provided to young Natives pursuant to the agreement with Minokin Social Services;

Whereas decisions made concerning children must take into consideration the characteristics of Native communities, as set out in paragraph 2.4(5)(c) of the *Youth Protection Act*;

Whereas there has been a lack of vision on the part of the executive director regarding the measures to be taken to provide services to young Natives and remedy the situation;

Whereas there is a persistent absence of services agreements for psychosocial services;

Whereas the Youth Centre is in a state of disorganization;

Whereas the personnel have repudiated the management of the Youth Centre;

Whereas the recourse to external consultants initiated by the Centre jeunesse Abitibi-Témiscamingue has by no means resolved the situation;

Whereas there have been numerous testimonies to the effect that the Youth Centre has not succeeded in resolving the situation on its own;

Whereas the Board of Directors of the Centre jeunesse Abitibi-Témiscamingue, by means of a resolution dated July 6, 2001, has asked that resource persons intervene to make urgent and necessary changes;

Whereas the Board of Directors of the Centre jeunesse Abitibi-Témiscamingue has asked that external persons intervene with the same powers as a tutor;

Whereas previous attempts to remedy the situation have not given the results expected,

the Commission concludes that by reason of the recurrent breaches and the seriousness thereof, corporate powerlessness and objections to cooperation promoting accessibility to services, the situation is such that it falls into the category of the exception set out in section 490 of the *Act respecting health services and social services* .

RECOMMENDATION 1

The Commission des droits de la personne et des droits de la jeunesse recommends to the Minister of Health and Social Services that it exercise the supervisory power set out in the *Act respecting health services and social services* by assuming provisional administration of the Centre jeunesse Abitibi-Témiscamingue.

Moreover, in light of the facts revealed by the investigation, pertaining to the organization and planning of health services and social services in the Abitibi-Témiscamingue region and:

Whereas the children and families that must be cared for by youth protection are encountering serious problems, including suicide (50%), addiction (42%) and multiple problems (60%);

Whereas the region is under-financed, taking into account the index of health and social services requirements (2nd poorest region);

Whereas the regional board has seriously breached its duty to implement measures aimed at the social protection of youth;

Whereas the regional board has not prepared a regional service organization plan and has breached, *inter alia*, its duty to coordinate personnel development activities;

Whereas there has been a persistent absence of written services agreements for specialized services (addiction, child psychiatry, etc.);

Whereas there is an absence of consultation among the network's institutions despite the existence of numerous so-called consultation tables – approximately 40 according to the regional board and the executive director of the Centre jeunesse Abitibi-Témiscamingue;

Whereas the regional board has seriously breached its duty to determine the terms and conditions of access to the various services offered by the institutions and to foster the implementation of any mechanism of access to services considered necessary to ensure a prompt and adequate response to the users' needs.(s. 354 AHSSS);

Whereas the institutions quarrel about intervention philosophies and their impact on clientele;

Whereas specialized services are inaccessible in 47% of cases requiring such services;

Whereas there are virtually no psychiatric services for youth clientele;

Whereas there are chronic waiting lists for specialized psychological and psychiatric services;

Whereas it is difficult to recruit and keep professionals and specialists in the regions;

Whereas in the region there is no addiction rehabilitation resource with the logistical and stationary organization required to treat young drug addicts taken in charge by the DYP;

Whereas there is no services agreement with the Normand Addiction Rehabilitation Centre, which forces young Natives to go to Gaspé to receive care;

Whereas the Youth Centre has voluntarily asked the regional board to be placed under tutorship, the Commission has observed that the board has not performed its supervisory role concerning the management of the institutions, according to the terms and conditions and at the intervals it determines (s. 384 AHSSS);

Whereas in consideration of the facts set out herein-above,

the Commission ,

although it takes cognizance of the new provisions of the *Act to amend the Act respecting health services and social services*, and after an attentive analysis of such new provisions,

notes that,taking into account,

- ❑ the recurrent problems,
- ❑ the fact that the institutions are preserving the autonomy devolved on them up to now,
- ❑ and the existence of different, even divergent, schools of thought in the institutions, which creates confrontations in the provision of services to users,

the new provisions set out in the *Act to amend the Act respecting health services and social services* do not constitute a means of resolving the situation faced by the Régie régionale Abitibi-Témiscamingue, in particular concerning network dialogue and the integration of services.

Accordingly, the Commission des droits de la personne et des droits de la jeunesse concludes that the Régie régionale Abitibi-Témiscamingue is unable to discharge its obligations.

RECOMMENDATION 2

The Commission des droits de la personne et des droits de la jeunesse recommends that the Minister exercise the supervisory power set out in the *Act respecting health services and social services* by assuming provisional administration of the Régie régionale Abitibi-Témiscamingue.

Whereas the region is under-financed, taking into account the index of health and social services requirements (2nd poorest region),

RECOMMENDATION 3

The Commission des droits de la personne et des droits de la jeunesse recommends that the Minister ensure by any appropriate means that the financial and human resources required are granted to the Abitibi-Témiscamingue region in order that children requiring protection and their families receive the services they require in all institutions, in accordance with the law.

Whereas there are virtually no psychiatric services for youth clientele;

Whereas there are chronic waiting lists for specialized psychological and psychiatric services;

Where it is difficult to recruit and keep professionals and specialists in the regions;

RECOMMENDATION 4

The Commission des droits de la personne et des droits de la jeunesse recommends that the Minister continue the work begun with the regional board, the Régie de l'assurance-maladie du Québec and the professional corporations concerned to ensure that the regional boards have the required specialized resources (doctors, psychiatrists, child psychiatrists and other specialists) whose services are required for youth in the remote regions.

RECOMMENDATION TO THE GOVERNMENT OF QUÉBEC

Whereas the agreement with Minokin Social Services regarding the application of the *Youth Protection Act* is ineffective, in particular with respect to the lack of manpower equipped to intervene in the Native communities (poor understanding of the culture, young employees and over-work), delays in the assignment of files and follow-up, early closings, discontinuation of services, lack of training and information, poor understanding of the YPA, diagnosis wars, as well as deficient and virtually non-existent addiction services;

Whereas decisions made concerning children must take into consideration the characteristics of Native communities, as set out in paragraph 2.4(5)(c) of the *Youth Protection Act*;

RECOMMENDATION 5

The Commission des droits de la personne et des droits de la jeunesse recommends that the government ensure that it is familiar with the situation of young Natives and the current state of the services provided to them before signing any agreement to delegate responsibilities of the Director of Youth Protection with a Native nation or community.

Taking into account the situation prevailing in Abitibi-Témiscamingue, the Commission des droits de la personne et des droits de la jeunesse wishes to be continuously informed of the follow-up measures taken to all of these recommendations. In this manner, the Commission will be able to monitor developments in the situation and be assured that the rights of children in the Abitibi-Témiscamingue region – rights that are conferred on them by the *Charter of Rights and Freedoms* and the *Youth Protection Act* – are upheld.

SPECIFIC SUGGESTIONS TO THE MINISTER

Within the Scope of His Supervisory Power Although it is not among the Commission's prerogatives to intervene in the performance of provisional administration mandates, the Commission nonetheless allows itself to point out the urgent requirements it identified during the investigation and the remedial measures that must be taken:

❑ Concerning the Abitibi-Témiscamingue Centre

- That, in accordance with the provisions of section 37 of the *Youth Protection Act*, an internal by-law respecting youth protection and the implementation of the *Youth Protection Act* be established;
- That measures be initiated to ensure implementation of the regional service organization plan in respect of youth within the least possible time;
- That the measures proposed in the administrative and clinical plan, as approved by regional board authorities, be applied and followed;
- That clinical-organization standards and practices (programs, workload, problems) be reviewed to ensure a cohesive intervention;
- That written agreements be entered into with specialized institutions (mental health, intellectual impairment, addiction) and the CLSCs to increase the range of resources and improve accessibility;
- That the current organization of terms and conditions for professional monitoring and supervision be tightened up;
- That the supervision, information and rules (contract) that govern relations with foster families be examined and be the subject of clear policy in order to fill existing gaps and meet requirements;
- That foster families receive continuing training and contribute to the definition of their training needs;

❑ Concerning the Director of Youth Protection

- That the Director of Youth Protection (DYP) direct to the Commission, in accordance with the administrative and clinical remedial plan submitted to the Commission, all operating programs and methods he intends to implement to ensure diligent, continuous and fair treat-

ment of applications for child protection, in a manner that respects the rights granted to youth by the *Youth Protection Act*;

- That quality control mechanisms in respect of clientele services be implemented;
- That measures be taken to permanently eliminate waiting lists at the various stages of the YPA process;
- That the exercise of the DYP 's exclusive duties pursuant to the provisions of sections 32 and 33 of the *Youth Protection Act* be clearly defined;
- That the roles and responsibilities of the coordinators and supervisors be reviewed in order to standardize practices for all services points from an administrative as well as a clinical view-point;
- That case workers be regularly supervised;
- That reception / traitement, evaluation / orientation, prise-en-charge and review services be efficiently coordinated to ensure service continuity;
- That file follow-up mechanisms be established to ensure compliance with measures ordered and to seize the tribunal, if necessary;
- That life plans be prepared for all children taken in charge up to the age of majority and that the adoption procedure be considered, if need be;
- That effective referral mechanisms that are accessible at all times be established with the health and social services institutions to meet all youth-clientele requirements, in a spirit of consultation between the director and the network partners;
- That a floating team of case workers be formed to take over at peak times and fill in for absent staff;
- That the policy and regulations associated with record keeping (preparation of intervention plan and individualized-services plan and reports concerning the child 's social history)be reviewed within the least possible time;
- That an information system be established to alleviate the administrative responsibilities of case workers.

❑ **Concerning the Regional Board**

- That the youth issue be dealt with on a priority basis and that the regional service organization plan be prepared and implemented;
- That the youth transformation plan and consolidation plan be reviewed on the basis of the needs study regarding youth in difficulty;
- In accordance with the action priorities identified by the body in its document entitled "Programme jeunesse Abitibi-Témiscamingue, "the Commission believes that these priorities

must be met as soon as possible. For such purpose, the Commission asks that it be provided with regular and assiduous follow-up, that vigilance be exercised at all stages of plan implementation and that the plan timetable be transmitted to it promptly;

- That agreements be signed between the institutions for the provision of specialized services not available in the regions and that a program-evaluation mechanism be acquired with regard to the quality of services offered by the institutions, in particular for mental health, psychiatry, intellectual impairment, and addiction services;
- That multidisciplinary and inter-institutional clinical teams be formed in each of the RCMs to facilitate updating of intervention plans and individualized service plans adapted to youth requirements;
- That the organization of specialized services be reviewed and the gaps filled by the addition of professionals, if required;
- That it be ensured that services agreements are entered into between the institutions;
- That following such agreements, the institutions concerned receive the budgets required to provide services to youth and their families;
- That the work begun with CJs, CLSC-CSs, CHSPATs and CHs be continued in order to agree on youth-services referral and access mechanisms and specialized services (mental health, alcoholism and addiction);
- That the terms and conditions of access to the services required in crisis or emergency situations be specified;
- That a youth-suicide intervention protocol be established by referring to the protocol developed by the Association des centres jeunesse du Québec (ACJQ);
- That the various coordination, decisional and supervisory roles as set out in sections 340, 352, 357 and 358 of the *Act respecting health services and social services* be exercised in the region and that the Commission be informed of the means to be used to meet the objectives identified.

❑ **Concerning the Social Services Provided to Natives**

- That the agreement concerning the provision of services in Native communities be reviewed;
- That the Director of Youth Protection assume the responsibilities set out in sections 32 and 33 of the *Youth Protection Act* until a new agreement is signed;
- That a systematic review of all protection files entrusted to Native social services be performed within the least possible time;
- That measures be taken and continued, in particular concerning the reality of the needs of young Natives, in order that they may have access to adequate services that take into consideration their culture, in accordance with paragraph 2.4.5(c) of the *Youth Protection Act*.

❑ **Concerning Staff Training**

- That meetings be scheduled with staff to ensure a common understanding of the respective roles and duties of coordinators and supervisors;
- That case workers receive a continuing training program adapted to the various problems encountered;
- That regular times within which to transmit information concerning the *Youth Protection Act* to case workers be provided;
- That a continuing training and sponsorship program be established to promote recruitment and stabilize working groups;
- That new case workers may receive adequate training before performing their activities.

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