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**Advisory Council on the
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CPA Review

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Dear members of the Child Protection Act Review committee:

Thank you for the opportunity to participate in the consultations to Prince Edward Island's Child Protection Act on behalf of the PEI Advisory Council on the Status of Women.

The Prince Edward Island Advisory Council on the Status of Women (PEIACSW) is a nine-member, government-appointed arms-length government agency with a mandate to advise government and educate the public on matters that relate to the status of Prince Edward Island women. We include all women-identifying people in our understanding of "women."

The members of our Council take seriously our role and our responsibility of protecting the rights and wellbeing of children and protecting them from harm. We are pleased that this regular five-year review of the Child Protection Act is underway. While our name and mandate focus on the status of women, in the context of child protection and child health and wellbeing, we put the rights and interests of children in need ahead of perceived parental rights, and we believe supporting the rights of children and youth is central to achieving gender equality. We believe that supporting children and youth can best be accomplished by supporting the women and families who care for children and by collective action to nurture and protect children.

The Child Protection Act as it currently exists is a narrow instrument, focused on child "protection" from specific kinds of harm, specifically from violence and abuse by parents or guardians or those responsible to care for them, rather than supporting child wellbeing. Because it is narrow, the Child Protection Act needs to be part of a wider suite of legislation and policy, programs and services, that put children's safety at the centre and ensure we collectively as a society do all that we can to love and nurture children, support their rights, create conditions for their flourishing, and be good stewards of their present, their future, and their environment. Considering child wellbeing means

thinking about children's safety and protection from harm more broadly, understanding that having enough good food to eat is safety; having a safe and affordable place to live is safety; accessibility and disability supports are safety; freedom from discrimination is safety; having access to healthcare is safety; culturally appropriate and culturally sensitive services are safety. A sense of belonging is protective and a stable, equitable society is one that protects children.

Child Protection is meant to be last option but any lack in systems that support mental health, health, disability, social, or financial support to children and families too often result in Child Protection being called in. Many issues and harms to children that get reported to Child Protection could have been prevented or resolved earlier with appropriate care.

Members of our Council have been conscious during the COVID-19 pandemic and the public health measures to address the pandemic that there are fewer collective, outside-the-household, and institutional eyes on children who may be in need or may be in need of protection. We have been concerned about the social, educational, and health effects of 2020 school and early learning shutdowns on children and we have been heartened by the priority placed on keeping schools and childcare centres open in late 2020 and into 2021. We have been concerned about children whose household income and food security has been challenged by loss of employment or income, especially for mothers. We have been concerned about lack of access to parenting supports, mental health services, and community-level care for parents, families, and children. We have been concerned about increased rates of violence against women, gender-based violence, and family violence of all kinds during the pandemic, and we hold close in our thoughts Olivia, who was murdered by her mother: we hope the child serious injury and death review process for which we advocated and which now sits with the Child and Youth Advocate office will point to ways to prevent future tragedies and that their recommendations will be integrated into changes to the Child Protection Act and related services.

Our Council made substantial input into the 2016 Child Protection Act review and the members at the time followed up with a presentation regarding the recommendations that arose out of the review and we included discussion of the Act and the 2016 Review in the 2018 Equality Report Card. We were hoping that the public sessions for the current 2021 review would include a summary of steps taken since 2016 to implement the recommendations from the last review. We understand that no summary of this kind was prepared for public presentation. This is disappointing. The 2016 Review treated the Child Protection Act as part of child protection system and identified systemic changes needed: the system should be able to account publicly for how it has changed at that systemic level.

Council members who offered direct input into this submission emphasized the need for accountability, and that it should look like regular, annual updates on our progress to keep children safe and well cared for, and ongoing opportunity for input into the legislation, policy, programs, and services that support child wellbeing. As one Council member pointed out, a requirement to review legislation every five years is important, but five years in the life of a child is an enormous stretch of childhood! COVID-19 has also revealed how much the world can change in the span of five years.

Our first recommendation, then, would be as follows:

Ensure that at each year, but especially before each statutory five-year review of the Child Protection Act, there is a publicly available summary of steps taken to implement the recommendations of the previous review.

If our input includes promptings to take action on 2016 recommendations that have already been addressed, it is because a summary of actions was not available in time for us to use it to guide this submission.

Fortunately, some of the actions taken since 2016 are very visible. First, we congratulate government on successfully putting in place a Child and Youth Advocate Office, and we congratulate the Legislature on passing associated legislation and appointing PEI's first independent Child and Youth Advocate. This is a major step in protecting the rights and wellbeing of PEI children and giving children and youth a meaningful voice. Well done! Likewise, changes to family law regarding children have been addressed to better meet children's needs and interests in 2020 legislation, and this is another positive step.

Many policies, programs, and services (new and longstanding) touch the lives of children and, when they are working, can help protect them from harm from violence, trauma, ill health, and poverty. We think, for example, of income support and child care subsidy programs; programs to support housing and prevent and address homelessness; child, youth, and adult mental health and addictions supports and services; family violence prevention services, including the Premier's Action Committee on Family Violence Prevention; programs for families after parents separate, including Positive Parenting from Two Homes, supervised access and exchange, and Maintenance Enforcement; general and population-based parenting programs such as the vitally important Triple P Positive Parenting Program; and the Bridge program to identify and reach out to help people at elevated and acute risk of harm. It is important to continuously monitor and evaluate the health of these programs to make sure they continue to support children's wellbeing.

One of the major findings to come out of the 2016 Child Protection Act Review was the need for better data collection and analysis. This was of particular concern to Council members at the time, who were shocked at how little we knew from a data perspective about how many children and families were touched by Child Protection and what outcomes resulted from interactions with Child Protection Services. The 2016 Review called for more effective data collection and better measurement of outcomes. We know that there was investment in implementing Structured Decision-Making, which was advised in the 2016 Review, but without an update on progress from the 2016 Review, we do not know how data collection and analysis is progressing. That there continue to be about 3,100 reports to Child Protection a year continues to be shocking: we need to know more about that number, how many incidents it reflects, how many children are affected, and what the outcomes are for those children.

Granted, we presume some of the statistical information would have been available in a follow-up to the 2017 Children's Report produced by the Chief Public Health Office, but we understand that office has been preoccupied with other priorities! Nevertheless, we recommend the following:

Provide a public update on implementation of Structured Decision-Making, other measures for effective data collection, and recent statistics and measures of outcomes related to child protection and child health and well-being.

We continue to endorse the recommendations from the 2016 Child Protection Act Review and to support active work to implement them. Of special interest and note are recommendations related to the following:

- Information-sharing between services: for instance, we continue to hear we lack consistent, well-established communication between law enforcement and child protection. We continue to hear that Child Protection might not be notified of domestic violence incidents with children present for days or even weeks, even though the standard is supposed to be immediate notification.
- Information-sharing with families affected in child protection situations.
- An ongoing, rigorous scan and search for good ideas and good practices from other jurisdictions and a willingness to adapt and apply them here in PEI.
- Collaborative and holistic interventions, such as collaborative case management and interventions that include participation of parents, service providers, and community partners. We continue to hear, for example, that it seems difficult to coordinate plans for the best interest of a child with psychiatry and law enforcement.
- Support for families providing alternative living arrangements for children involved in child protection services, extending beyond the Alternative Caregiver Program (which is a positive development) to support families outside the program who are caring for children with a least intrusive plan and even those caring for children proactively to prevent child protection intervention, and who do not have access to the financial, childcare, medical, dental, optical, or respite support they need. Our Council members challenge systems to build ways for resources and supports to *follow the child* as much as possible.
- Continuation of existing parent education and support programs, with additional programs added. See especially the notes below about the need for specialized, evidence-based programs for abuser-parents in relationships where there is a history of abuse between parents.
- Creative ways of expanding the pool of foster parents: for example, our Council had put forward an idea about a home renovation grant to allow families that are committed and screened to be foster parents to make any renovations necessary for their homes to be eligible.

A public update on progress since the 2016 Child Protection Act review would certainly need to reckon with continuing gaps in the systems, but a progress update would not only provide a benchmark on where progress is needed: it would be an opportunity to *celebrate* steps we have taken as a province to better protect the safety and wellbeing of children.

Child Protection Interventions in Situations of Abuse

The primary thing our Council would like to discuss in this submission is the need to consider the dynamics of domestic violence as they affect children who are exposed to it. There is no question that women and children who live with abuse and violence too often remain in their traumatizing situations of abuse partly because of fears about child protection interventions.

In February, the Premier's Action Committee on Family Violence Prevention hosted training by Dr. Peter Jaffe and Maureen Reid regarding the impacts of domestic violence on children. We are grateful that this training was available to service providers in Child Protection Services, many government departments, and many community agencies. Dr. Jaffe and Ms. Reid underscored the heartbreaking long-term effects on children of exposure to domestic violence. Exposure to domestic violence is a terrible and insidious form of violence and child abuse.

Understanding the dynamics of abusive relationships is essential to protecting children from harm and trauma. Power dynamics and gender dynamics are part of the puzzle. While some women use violence and abuse in relationships, it is important to understand that women are more often victims and less often the perpetrators of violence that uses a pattern of assaultive and controlling behaviour and violence to humiliate, intimidate, frighten, and control.

Much of what Dr. Jaffe and Ms. Reid presented was relevant to child protection. Some of the points they raised from research stand out as relevant for the Child Protection Act Review. Unless otherwise noted, the notes below are hand-transcribed or summarized directly from their two-day training sessions. The original slides and reference materials from these sessions are available from the Premier's Action Committee on Family Violence Prevention and from Family Violence Prevention Services.

- In many child protection situations across Canada, there is an insufficient system focus on abusive partners' parenting, whereas there is a great deal of focus on the parenting style and choices of the victim parent.
- Child protection systems tend to impose restrictions and/or surveillance on the victim-parent's parenting.
- Many victim-parents live in fear of sending their children to an abusive partner.
- Abusers who are abusive to their partners are often abusive to their children, either in physical violence or use of coercive control on their children.
- There is insufficient examination or assessment of the patterns in abuser-parents' behaviour. Evaluation of their parenting needs to include components such as
 - The extent to which the abusive man poses a threat to the child's safety.
 - The abuser's parenting style and attitudes.
 - The abuser's psychological functioning and the implications for parenting.
- Abuser-parents' parenting requires specialized intervention, such as the "Caring Dads" program in place in Ontario, which addresses problematic behaviour and focuses on change and growth. Equally important is assessing change in abusive men who participate in programs to replace abusive behaviour with respectful attitudes and choices.

- These kinds of failures in systemic response lead to victim-parents – mostly women – remaining in abusive relationships rather than seeking help and becoming involved with Child Protection. Fear of how the system will treat women and children keeps women and children in danger.
- **“A system response that doesn’t involve men puts all the responsibility to create safety and end abuse on women.”** This can set off an “escalating spiral of demands and pressures” on women which can result in declaring a “failure to protect” children.

Given the negative effects of exposure to violence on children, protecting children from long-term negative effects includes supporting positive factors for children’s resilience, including supportive interactions with a parent, community support, positive school experiences, connectedness, community cultural factors, belonging, identity, and cultural talents and skills. The need for community-based interventions, supporting key relationships, and safety planning that assesses protective relationships are all important considerations. To quote the presentation by Ms. Reid, **“Children do better when their victim-parent does better.”**

Some additional observations that stood out for consideration to improve Child Protection Services’ responses when domestic violence is a factor among parents:

- Systems need to make better distinctions between families where there is high conflict between parents and families where there is violence and abuse, and to have different interventions and different services for families where there is violence and abuse. High conflict may be resolved by good agreements, solid court orders, and timely, intensive interventions; dynamics of abuse will not be resolved this way and the processes for getting agreements, court orders, and interventions can be used as ways to continue to assert coercive control over a victim-parent.
- Rigorous, consistent, research-based risk and danger assessment tools, applied in all systems, are essential to preventing domestic homicide, including deaths of children. Risk assessment tools should be available and used in child protection service interventions as well as by police.
- People who use coercive control in relationships are skilled in manipulation and masking their self-serving motives. They are often likeable and persuasive. They often work hard to create a positive public image of their parenting. (Conversely, victims of coercive control in relationships have been so undermined by violence and the trauma it causes that they often do not “show” well. They may seem crazy or erratic, paranoid or overly protective. The abuser systematically attacks their sense of self-worth and makes their world unstable – and then blames them for the instability.)
- There is need for careful risk management with an abuser-parent, coming from a focus of child-centred parenting. Abuser-parents’ parenting needs to be limited and monitored; victim-parents’ efforts to protect their child need to be supported.

Our Council members emphasize the need in PEI specifically for more and better interventions and services for people who use violence in their relationships. It is essential for these programs to be gender-specific and gender-sensitive. The need is great to increase support for the Turning Point

program for men who use violence against women. For abuser-parents, we urge the Province to explore establishing the “Caring Dads” program cited by Dr. Jaffe and Ms. Reid and to implement it here.

Dr. Jaffe and Ms. Reid presented a very compelling model for resolving conflict by researcher Janet Johnston, with the protection of children as the highest priority.

Johnston offers five priorities as guiding principles:

1. Protecting children
2. Protecting and supporting the wellbeing of victim-parent
3. Respecting the right of adult victims to direct their own lives
4. Holding perpetrators accountable for abusive behaviour
5. Allowing a child access to both parents

What is revolutionary in Johnston’s model is the strategy for applying these principles: “Begin with the goal of achieving all five.” BUT “Resolve conflict by abandoning the lower priority.” How revolutionary would it be if the first thing to be abandoned in situations where one parent is abusive and one is a victim were allowing a child access to both parents?

In responding to the challenge of children exposed to domestic violence, Dr. Jaffe and Ms. Reid pointed to a number of promising practices that are relevant to PEI’s review of Child Protection Services, including seconding staff across sectors and agencies, co-sponsoring group interventions, co-sponsored training opportunities, case conferencing, risk management (including outreach to men), and co-location of services.

The PEI Advisory Council on the Status of Women is grateful to have had the opportunity to learn from this government-sponsored training and is pleased that so many front-line workers had the opportunity to learn from these sessions.

We now look for a systemic response, based on best practice and research on the dynamics of domestic violence and children’s health, to the issues raised from the impact of domestic violence exposure on children.

Social Policy Framework

One of the key broad-based recommendations from the 2016 Child Protection Act Review was a call for an overarching **social policy framework** for Prince Edward Island, inclusive of Indigenous children and families and based on enhanced collaboration and communication across departments, with integrated programming across departments. This remains as important a goal today as it was five years ago. We can only imagine how helpful it would have been as a global pandemic occurred in 2020 and its effects continued to have a social policy framework in place to inform pandemic response and recovery. A social policy framework would allow changes to the Child Protection Act to be aligned, for example, with a poverty elimination strategy including elimination of child poverty and food insecurity, as mandated in provincial legislation only this week.

Conclusion

While in this submission, we have tried to be as positive about systems in place and what is working, it is clear we can do so much better for children.

The aim of the Child Protection Act and of Prince Edward Island as a society should be to build a society and environment where children are valued, where their rights are respected, and where they have every opportunity to grow, learn and develop in health and safety, and reach their full human potential. A society focused on the wellbeing of children is founded on the values of love, care, and inclusion without judgement or condition. Functionally, such a society has to enact those values and help children not only be providing services to the children themselves, but also through all those children are connected to. To care for a child means caring for parents and caregivers, for nurturers and healers, for educators; it means caring for extended families and, by extension, caring for communities and eco-systems. An inclusive, child-centred society – a society that serves *all* its children in this way – will be a society that adjusts healthily and successfully as it moves forward at a critical point in its evolution.

Thank you for the opportunity to submit the Advisory Council on the Status of Women's comments on this consultation. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Cathy Rose, Chairperson

cc: Hon. Natalie Jameson, Minister Responsible for the Status of Women
Michelle Harris-Genge, Director, PEI Interministerial Women's Secretariat
Members and staff of the PEI Advisory Council on the Status of Women