



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **CHILD, YOUTH AND FAMILY SERVICES REGULATIONS**

## PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## CHILD, YOUTH AND FAMILY SERVICES REGULATIONS

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## CHILD, YOUTH AND FAMILY SERVICES ACT

### CHAPTER C-6.01

## CHILD, YOUTH AND FAMILY SERVICES REGULATIONS

Pursuant to section 63 of the *Child, Youth and Family Services Act* R.S.P.E.I. 1988, Cap. C-6.01, Council made the following regulations:

### Interpretation

#### 1. Indigenous governing body

For greater certainty, “Indigenous governing body” may include

- (a) the Chief and Council of the Abegweit First Nation; and
- (b) the Chief and Council of the Lennox Island First Nation. (EC684/24)

### Administrative Review

#### 2. Right to request review, information

- (1) The Director shall ensure that any person who may be aggrieved by a decision listed in subsection (2) is advised of the right to request a review and that information about the review process is easily accessible.

##### Decisions subject to review

- (2) The following decisions of the Director are subject to review:
  - (a) to place a child in the care of a particular caregiver, pursuant to subsection 47(1) of the Act;
  - (b) to refuse to provide access to a record or personal information, or disclose personal information, under Part 8 of the Act;
  - (c) to refuse to correct personal information in a record, pursuant to subsection 58(4) of the Act.

##### Request for review

- (3) A request for review made pursuant to section 11 of the Act shall
  - (a) state the name and contact information of the person making the request;
  - (b) identify or describe the decision of the Director that has aggrieved the person; and

- (c) state how the decision has aggrieved the person.

**Copy to Director**

- (4) On receipt of a request for review made in accordance with subsections (2) and (3), the Minister shall promptly provide a copy of the request to the Director.

**Response of Director**

- (5) On receipt of a copy of a request for review from the Minister, the Director shall prepare and submit to the Minister, within 14 days, a written response to the request, which includes reasons for the decision and any supporting documentation or information.

**Copy to person requesting review**

- (6) On receipt of the Director's response, the Minister shall promptly provide a copy of the response to the person who requested the review and appoint a review panel.

**Appointment of review panel**

- (7) When appointing a review panel in accordance with section 11 of the Act, the Minister
  - (a) shall take into consideration
    - (i) any cultural, ethnic, linguistic, religious, or other factors relevant to the matter, and
    - (ii) any expertise or experience that could be of assistance in determining the matter; and
  - (b) shall not appoint a person with any prior involvement in the matter.

**Notice of appointment and provision of documents**

- (8) On appointing a review panel, the Minister shall
  - (a) give notice to the person who requested the review and the Director that the review panel has been appointed; and
  - (b) provide the review panel with the request for review and the response to the request.

**Dismissal or discontinuance of review**

- (9) Notwithstanding subsections (4), (5) and (6), the Minister may do any of the following, at any time before appointing a review panel:
  - (a) dismiss a request for review where the Minister determines
    - (i) the request is frivolous, vexatious or without merit,
    - (ii) the request has been made more than 30 days from the date the decision was made known to the person,
    - (iii) the request has not been made in accordance with subsections (2) and (3),
    - (iv) the matter has already been the subject of a request for review, which has been dismissed or discontinued by the Minister or a review panel or adjudicated by a review panel;
  - (b) suspend the review to allow the person who requested the review and the Director to use a collaborative approach to resolve the matter;
  - (c) discontinue a review where the request is withdrawn, or the matter is resolved to the satisfaction of the person who requested the review. (EC684/24)

**3. Procedure**

- (1) In conducting a review of a decision of the Director, a review panel may do any of the following:
- (a) hear the person who requested the review and the Director, orally or in writing;
  - (b) make inquiries orally or in writing of any person who has or may have information relevant to the review;
  - (c) encourage the person who requested the review and the Director to use a collaborative approach to resolve the matter.

**Hearing or inquiring orally**

- (2) A review panel may hear a person or make inquiries orally in person or electronically.

**Dismissal or discontinuance of review**

- (3) A review panel may do any of the following, at any time:
- (a) dismiss a request for review where the review panel determines
    - (i) the request is frivolous, vexatious or without merit,
    - (ii) the request has been made more than 30 days from the date the decision was known to the person,
    - (iii) the request has not been made in accordance with subsections 2(2) and (3), or
    - (iv) the matter has already been the subject of a request for review, which has been dismissed or discontinued by the Minister or a review panel or adjudicated by a review panel;
  - (b) suspend the review to allow the person who requested the review and the Director to use a collaborative approach to resolve the matter;
  - (c) discontinue a review where the request is withdrawn, or the matter is resolved to the satisfaction of the person who requested the review.

**Duties and powers of review panel**

- (4) Subject to clause (3)(b), a review panel shall complete a review within 30 days of its appointment and, on completion, may
- (a) confirm the decision of the Director; or
  - (b) refer the matter back to the Director, with recommendations, for further consideration.

**Notice**

- (5) The review panel shall give notice of a dismissal, suspension or discontinuance under subsection (3) or a determination under subsection (4), with reasons, to the person who requested the review, the Director and the Minister.

**No further review**

- (6) A decision of the Director confirmed under clause (4)(a) or made after further consideration pursuant to clause (4)(b) is not subject to further review under section 11 of the Act. (EC684/24)

**4. Provision of documents**

Any notice or other document required to be provided, submitted or given to a person under section 2 or 3 is considered to be sufficiently provided, submitted or given

- (a) upon a copy being personally delivered to the person to whom it is directed;
- (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or

- (c) five days after a copy is sent by mail addressed to the person to whom it is directed at the last known address for that person. (EC684/24)

## Collaborative Approach

### 5. Indigenous or other cultural practices

A collaborative approach may include

- (a) Indigenous methods of communicating traditional knowledge, ceremonies and decision-making practices; and
- (b) other cultural practices or traditions. (EC684/24)

### 6. Director may engage professional

- (1) The Director may engage a coordinator, facilitator, mediator or other collaborative professional for the purpose of a collaborative approach.

#### Cost of professional

- (2) The cost of the services of a collaborative professional shall be borne by the Director in accordance with the rates established by the Director.

#### Expenses of child, parent or care provider

- (3) The Director may pay all or a portion of the necessary expenses incurred by a child, a parent of the child, or the care provider of an Indigenous child to participate in a collaborative approach to develop a family intervention plan or a plan of care for the child, including childcare, transportation and meal expenses.

#### Definition, care provider

- (4) In this section, “**care provider**” has the same meaning as in *An Act respecting First Nations, Inuit and Métis children, youth and families* (Canada). (EC684/24)

### 7. Rules and procedures

The following rules and procedures apply to the use of a collaborative approach under the Act and these regulations:

- (a) the collaborative approach may be terminated at any time by any of the parties;
- (b) the collaborative approach shall be conducted by an impartial collaborative professional who has no decision-making power;
- (c) no person participating in a collaborative approach is compellable to give testimony or produce documents in a civil proceeding with respect to matters relating to, or documents prepared or exchanged during, a collaborative approach;
- (d) representations, statements or admissions made, and documents prepared or exchanged, during a collaborative approach are not admissible in a civil proceeding, but may be subject to disclosure where
  - (i) they give rise to the duty to report, under section 12 of the Act, that a child is or may be in need of protection,
  - (ii) there are reasonable grounds to believe that it is necessary to address a real or perceived threat to any person’s safety,
  - (iii) they contain personal information or personal health information and the person to whom the information relates consents to its disclosure,



- (iv) they contain the terms of an agreement, memorandum of understanding or plan arising from the collaborative approach. (EC684/24)

## Transitional Supports and Services

### 8. Transitional supports and services

For the purpose of section 50 of the Act, transitional supports and services may include funding for or the provision of any of the following, based on the person's identified needs, well-being and best interests:

- (a) basic needs, including housing, food, transportation, clothing, and personal care supplies;
- (b) education and training programs, including tuition, books, fees, and supplies;
- (c) counselling and rehabilitative supports;
- (d) psychological or capacity assessments;
- (e) supports and services to assist the person to connect with the person's cultural, ethnic, linguistic, religious or spiritual community and heritage;
- (f) other supports and services determined by the Minister. (EC684/24)

## Advisory Committee

### 9. Members of Advisory Committee

- (1) For the purpose of section 64 of the Act, an advisory committee appointed by the Minister
  - (a) shall consist of
    - (i) the Director,
    - (ii) one other employee of the Department of Social Development and Seniors,
    - (iii) a representative nominated by the Abegweit First Nation and a representative nominated by the Lennox Island First Nation,
    - (iv) a representative nominated by the Native Council of Prince Edward Island,
    - (v) two persons who are receiving or have received services under the Act or a predecessor Act, at least one of whom is a youth who is in the care of the Director,
    - (vi) one person who
      - (A) is knowledgeable about child and family services,
      - (B) has demonstrated an informed concern for the best interests of children, and
      - (C) is not an employee of the Government; and
  - (b) may include up to two other persons who are not employees of the Government.

#### Bilingual member

- (2) At least one of the members of an advisory committee shall be a person who is fluent in French and English.

#### Chairperson

- (3) The person appointed pursuant to subclause (1)(a)(vi) shall be the chairperson of an advisory committee.

**Term of appointment**

- (4) The term of the members of an advisory committee expires on the date the advisory committee submits its report to the Minister in accordance with clause 64(c) of the Act.

**Report within six months**

- (5) An advisory committee shall report to the Minister within six months of being appointed.  
(EC684/24)

**10. Child rights impact assessment**

In conducting a review pursuant to section 64 of the Act, an advisory committee shall conduct a child rights impact assessment. (EC684/24)

