



DT9470

Beneficiary No.	
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AGREEMENT ON A SHORT-TERM INTERVENTION Youth Protection Act

Name of the institution	
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Identification of the child						
Surname	Given name	Date of birth	Year	Month	Day	Sex <input type="checkbox"/> M <input type="checkbox"/> F

We, the undersigned,

Ms./Mr. _____, parent of the child

Ms./Mr. _____, parent of the child _____ Name of child (14 years of age and over)

Ms./Mr. _____, person authorized by the Director of Youth Protection

Recognize the existence of a situation which is endangering the security or development of the child:
(Describe the situation.)

Agree to the short-term intervention of the Director of Youth Protection to end the situation and avoid its recurrence.
This short-term intervention is designed to:
(Describe in concrete terms the expected results according to the situation that compromises the safety or development of the child.)

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Beneficiary No.	
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We undertake to be involved and actively participate in the application of the following measures:
 (Identify the nature of the measures. Measures entrusting a child to an alternative living environment provided for in section 54 e), e.1), g) and j) do not apply.)

This agreement on a short-term intervention will have a duration of _____ **days** (*maximum duration of 60 days from the time of the decision that the security or development of the concerned child is considered to be in danger*) and will be in effect from _____ to _____.
 (year-month-day) (year-month-day)

We acknowledge having read the sections of the Youth Protection Act included in this form and having received a response to all our information requests concerning this agreement and the application of the measures.

We acknowledge having been informed of our right to refuse the present agreement as well as our right to consult a lawyer before accepting the agreement.

This agreement may not be renewed.

The parties may put an end to the present agreement at any time.

If one of the parents or the child 14 years of age or over, withdraws from this agreement or this agreement ends before it expires and in either of these case, the security or development of the child remains in danger, the director will have to propose an agreement on voluntary measures to the parents and child or refer the child's situation to the tribunal.

If the security or development of the child remains in danger at the expiry of this agreement, the director shall propose an agreement on voluntary measures to the parents and child or refer the child's situation to the tribunal.

If the security or development of the child is no longer in danger at the expiry of this agreement, the director shall put an end to his intervention.

Before putting an end to the intervention or deciding on a new direction for the child, the director must meet with the parents and child.

A copy of the present provisional agreement is distributed to all parties.

In witness thereof, we have signed in _____
 (city)

_____	_____	_____	_____
Parent	(year-month-day)	Child (14 years of age and over)	(year-month-day)
_____	_____	_____	_____
Parent	(year-month-day)	Person authorized by the Director	(year-month-day)

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RIGHTS OF THE CHILD AND PARENTS

Section 5. Persons having responsibilities regarding a child under this Act and persons called upon to make decisions with respect to a child under this Act must inform him and his parents as fully as possible of their rights under this Act and in particular, of the right to consult an advocate and of the rights of appeal provided for in this Act. In the case of an intervention under this Act, a child as well as his parents must obtain a description of the means and stages of protection and rehabilitation envisaged towards ending the intervention.

Section 6. The persons and courts called upon to take decisions respecting a child under this Act must give this child, his parents and every person wishing to intervene in the interest of the child an opportunity to be heard.

Section 6.1. Persons having responsibilities towards a child under this Act and persons called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity (a) of ensuring that any information or explanation that must be given to a child within the framework of this Act is given in terms that are adapted to his age and his capacity of understanding; (b) of ensuring that the parents have understood the information or explanations that must be given to them within the framework of this Act; and (c) of giving the child and the child's parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention.

Section 6.2. The child and the child's parents are entitled to be accompanied and assisted by a person of their choice when they wish to obtain information or when meeting the director or any person the director authorizes.

Section 8. The child and the parents are entitled to receive, with continuity, in a personalized manner and with the required intensity, health services and social services that are appropriate from a scientific, human and social standpoint, taking into account the legislative and regulatory provisions governing the organization and operation of the institution providing those services, as well as its human, material and financial resources.

Section 8.1. The child is entitled to receive, on the conditions prescribed in section 8, appropriate educational services from an educational body. Every educational body must ensure the continuity of those services for a child entrusted to an alternative living environment.

Section 9.2. The child and the child's parents have the right to have any information that concerns them and allows them to be identified, if collected under this Act, to be handled in a confidential manner and disclosed only in accordance with the provisions of this Act.

Section 9.3. No one may, under this Act, publish or broadcast information allowing a child or the child's parents to be identified, unless the tribunal so orders or so authorizes on the conditions it determines or unless the publication or broadcast is necessary for the purposes of this Act or a regulation made under it. Furthermore, the tribunal may, in a specific case, prohibit or restrict, on the conditions it prescribes, the publication or broadcast of information relating to a hearing of the tribunal.

PARENTAL RESPONSABILITIES

Section 11.4. Parents have not only rights in respect of their child, but also obligations towards him. An intervention made in respect of a child under this Act does not deprive his parents of the rights conferred on them and does not relieve them of their obligations under the Civil Code as the persons having parental authority, unless

a provision of this Act provides otherwise. Consequently, the parents, in particular, (a) have the rights and duties of custody, supervision and education of their children; (b) shall maintain their children; and (c) exercise parental authority together.

Section 11.5. The parents must, whenever possible, take an active part in implementing the measures designed to put an end to and prevent the recurrence of the situation in which the security or development of their child is in danger.

ASSESSING THE SITUATION AND DIRECTING THE CHILD

Section 51. Where the director is of the opinion that the security or development of a child is in danger, he shall take charge of the situation of the child and decide where to he is to be directed. For that purpose, before proposing an agreement on a short-term intervention or on voluntary measures, or referring the matter to the tribunal, the director shall favour the means that encourage the active participation of the child and the child's parents, if the circumstances are appropriate.

The director informs the person referred to in the first paragraph of section 39 who had brought the situation of the child to his attention that the situation has been taken in charge.

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Section 51.1. Where the director considers that he is able, in the short term, to put an end to an intervention with a child whose situation he has taken charge of, the director may propose an agreement on a short-term intervention to the parents and child.

Such an agreement must include the measures most conducive to putting an end to the situation endangering the security or development of the child and preventing its recurrence.

Section 51.2. The director may propose that the agreement on a short-term intervention include the measures applicable under section 54, **except those entrusting a child to an alternative living environment.**

Section 51.3. An agreement on a short-term intervention may be for a maximum period of 60 days after the director's decision to the effect that the security or development of the child is in danger.

It must be recorded in writing and may not be renewed.

Section 51.4. When proposing an agreement on a short-term intervention to the parents and child, the director must inform them that parents and a child 14 years of age or over have the right to refuse such an agreement. However, he must encourage a child under 14 years of age to adhere to the agreement if the child's parents accept it.

Section 51.5. If one of the parents or the child 14 years of age or over, parties to the agreement on a short-term intervention, withdraws from the agreement or the agreement ends before its expiry and if, in either case, the security or development of the child remains in danger, the director must propose an agreement on voluntary measures to the parents and child or refer the child's situation to the tribunal.

Section 51.6. If the security or development of the child is no longer in danger at the expiry of an agreement on a short-term intervention, the director shall put an end to his intervention. Otherwise, he shall propose an agreement on voluntary measures to the parents and child or refer the child's situation to the tribunal.

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Section 51.7. Before reaching an agreement on a short-term intervention with the parents and child, the director must inform them of his obligations in the event that they withdraw from the agreement or that the agreement ends otherwise, regardless of when, and the security or development of the child remains in danger.

Before putting an end to the intervention or deciding on a new direction for the child in accordance with sections 51.5 and 51.6, the director must meet with the parents and child.

Section 51.8. Sections 52.1 and 55 and the first paragraph of section 57.2.1 apply, with the necessary modifications, to short-term interventions.

Section 52.1. The director may reach an agreement on voluntary measures with only one of the parents where the other parent is deceased or is deprived of parental authority.

The director may also decide to reach such an agreement with only one of the parents where the other parent is unable to express his will or cannot be found despite serious efforts to locate him, or where the latter, having not, in fact, assumed responsibility for the care, maintenance and education of the child, abstains from becoming involved owing to indifference. Such a decision may only be taken by the director personally, and must be in writing and give reasons.

If, however, during the application of the agreement, the other parent comes forward, the director must allow that parent to present his views, following which the director may, with the consent of the parents and of the child, if 14 years of age or over, make certain changes to the agreement if it is in the interest of the child.

Article 54. The director may propose as voluntary measures that may be included in an agreement

(a) that the child remain with his family and that the child's parents report periodically to the director on the measures they apply in their own regard or in their child's regard to put an end to the situation in which the security or development of the child is in danger;

(b) that the child and the child's parents undertake to take an active part in the application of the measures designed to put an end to the situation in which the security or development of the child is in danger;

(c) that the parents ensure that the child not come into contact with certain persons or that certain persons not come into contact with the child;

(d) that the child undertake not to come into contact with certain persons;

(e) that the parents entrust the child to other persons;

(e.1) that the parents entrust the child to a kinship foster family chosen by the institution operating the child and youth protection centre;

(f) that a person working for an institution or body provide aid, counselling or assistance to the child and the child's family;

(g) that the parents entrust the child to an institution operating a hospital centre or a local community service centre or to another body so that he may receive the care and assistance he needs;

(h) that the child or the child's parents report in person, at regular intervals, to the director to inform him of the current situation;

(i) that the parents ensure that the child receive health services required by his situation;

(j) that the parents entrust the child for a fixed period to an institution operating a rehabilitation centre or to a foster family, chosen by the institution operating a child and youth protection centre;

(k) that the parents ensure that the child attend a school or another place of learning or participate in a program geared to developing skills and autonomy and that the child undertake to do so;

(l) that the parents undertake to ensure that the child attend a childcare establishment.

For the purposes of this section, the director must, whenever possible, call upon persons or bodies active in the community where the child lives. He must also ensure that the required services are provided to the child or to the child's parents for the implementation of the voluntary measures.

Where the director proposes that the parents entrust the child to an institution operating a rehabilitation centre or a hospital centre, he must specify whether or not foster care is required.

Section 55. Every institution and every educational body must take all available means to provide the services required for the implementation of the voluntary measures. The same applies to every person and to every other body that agrees to apply such measures.

REVIEW OF THE CHILD'S SITUATION

Section 57. On the conditions prescribed by regulation, the director shall review the case of each child whose situation he has taken in charge except the situation of a child taken in charge under an agreement on a short-term intervention. He shall ensure that every measure is taken to return the child to his parents. If it is not in the interest of the child to be returned to his parents, the director shall see that the child benefits from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

Section 57.2.1. If the director puts an end to an intervention, but is of the opinion that the child or one or both of the child's parents require assistance, the director is subject to the obligations set out in section 45.2.

The director is also subject to those obligations when a child whose security or development is in danger reaches 18 years of age.

REFERING MATTER TO COURT

Section 74.2. A child or his parents may apply to the tribunal where they disagree with

(a) the decision of the director as to whether or not the security or development of the child is in danger;

(b) the decision of the director as to the directing of the child;

(c) the decision whether or not to prolong the period of a voluntary measure entrusting the child to an alternative living environment;

(d) the decision of the director on review;

(e) the decision of the executive director, in accordance with section 9, 11.1.1 or 11.1.2.

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