



DT9472

Beneficiary No.	
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AGREEMENT ON VOLUNTARY MEASURES

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.)

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Agree to the intervention of the Director of Youth Protection to end the situation and avoid its recurrence.
The intervention is designed to:
(Describe, in concrete terms, the objective of the intervention based on the situation which is endangering the security or development of the child.)

We undertake to be involved and actively participate in the application of the following assistance, control and supervision measures:
(Identify the nature of the measures.)

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The term of this agreement shall be _____ **months** 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 also 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.

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

This agreement may be reviewed at any time at the request of one of the parties. However, if the child 14 years of age and over, or his/her parents withdraw from the agreement and the security or development of the child is still in danger, the Director of Youth Protection shall refer the child's situation to the tribunal.

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

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

_____	(year-month-day)	_____	(year-month-day)
Parent		Child (14 years of age and over)	

_____	(year-month-day)	_____	(year-month-day)
Parent		Person authorized by the Director	

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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. Any child entrusted to an alternative living environment has the right to communicate in all confidentiality with his advocate, the director who has taken charge of his situation, the Commission, and the clerks of the tribunal.

The child may also communicate in all confidentiality with his parents, brothers, sisters and any other person, unless the tribunal decides otherwise. However, in the case of a child entrusted to an institution operating a rehabilitation centre or a hospital centre, the executive director of that institution or the person the executive director authorizes in writing may prevent the child from communicating with a person other than his parents, brothers and sisters if the executive director considers it to be in the interest of the child. The decision of the executive director must give reasons, be in writing and be given to the child and, as far as possible, to the child's parents.

The child or his parents may refer any such decision of the executive director to the tribunal. Such an application is heard and decided by preference.

The tribunal shall confirm or quash the decision of the executive director. It may, in addition, order him to take certain measures relating to the right of the child to communicate in the future with the person who is the subject of the decision or with any other person.

Section 9.1. When a child is entrusted to an alternative living environment, the child's contacts with persons who are important to him must be encouraged by taking his wishes into account, provided such contacts are in the interest of the child.

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 whereto 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 52. When proposing an agreement on voluntary measures to the parents and child, the director must, before reaching an agreement with them, 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.

Any agreement on voluntary measures must contain the measures most appropriate to put an end to and prevent the recurrence of the situation in which the security or development of the child is in danger.

The director must refer the child's situation to the tribunal if no agreement is reached within 10 days and the security or development of the child remains in danger.

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.

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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.

Section 53. An agreement on voluntary measures must be recorded in writing and not exceed one year. The director may reach one or more consecutive agreements with a total term of up to three years.

However, if the last agreement containing a measure entrusting the child under subparagraph e, e.1 or j of the first paragraph of section 54 ends during a school year, the agreement may be extended until the end of the school year if a child 14 years of age or over consents to the extension; if the child is under 14 years of age, the last agreement may be extended for the same period with the consent of the parents and the director.

An institution that operates a rehabilitation centre that is designated by the director must admit the child.

Section 53.0.1. If, during the maximum period provided for in section 53, one or more agreements contain a measure entrusting the child to an alternative living environment referred to in subparagraph e, e.1 or j of the first paragraph of section 54, the total period for which the child is so entrusted may not exceed, depending on the child's age at the time the first agreement containing such a measure is entered into,

- (a) 12 months if the child is under two years of age;
- (b) 18 months if the child is two to five years of age; or
- (c) 24 months if the child is six years of age or over.

If the security or development of the child is still in danger and it is necessary for him to remain entrusted to such an alternative living environment at the expiry of the period that applies under the first paragraph, the director shall refer the matter to the tribunal.

Section 53.1. The director shall refer the matter to the tribunal where the child, if 14 years of age or over or one of his parents, if party to the agreement, withdraws from an agreement and the child's security or development remains in danger.

The director must also refer the matter to the tribunal where an agreement or a new agreement has expired and the child's security or development remains in danger.

The director must, before reaching an agreement with the child and the child's parents, inform them of the circumstances described in this section in which he is required to refer the matter to the tribunal.

Section 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.

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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