

Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Information that institutions must provide — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines which non-personal information concerning the needs for and utilization of services must be provided to the Minister of Health and Social Services by institutions that operate both a child and youth protection centre and a rehabilitation centre for young persons with adjustment problems, to enable the Minister to exercise the Minister's functions under the Act respecting health services and social services (R.S.Q., c. S-4.2).

The draft Regulation will have no impact on the public and enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Daniel Gagnon, Direction des jeunes et des familles, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 6^e étage, Québec (Québec), G1S 2M1; telephone: 418 266-8808; fax: 418 266-4595; email: daniel.gagnon@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

DOMINIQUE VIEN,
Minister for Social
Services

YVES BOLDUC,
Minister of Health
and Social Services

Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 26)

1. The Regulation respecting the information that institutions must provide to the Minister of Health and Social Services (c. S-4.2, r. 23) is amended by inserting the following after section 5.1:

“**5.2.** An institution operating both a child and youth protection centre and a rehabilitation centre for young persons with adjustment problems must provide the Minister with the information required under Schedule VI, provided that the information cannot be connected with a user of the institution.”.

2. The following is added after Schedule V:

“SCHEDULE VI

An institution referred to in section 5.2 of the Regulation must provide the following information:

(1) concerning any user:

(a) the user's sex and year of birth;

(b) an indication that the user is a Native and, if applicable, whether the user is a beneficiary under the Agreement concerning James Bay and Northern Québec or under the Northeastern Québec Agreement or whether the user lives on an Indian reserve;

(c) the code corresponding to the natural person who has *de facto* custody of the user;

(d) the sequence number assigned to the user upon receipt of a request for services concerning the user;

(e) the language used during the intervention and that used in daily activities;

(f) the sequence number assigned to the user's home address and the first three characters of the user's postal code;

(g) the code of the regional county municipality where the user's residence is located and, if the residence is located in another province, territory or country, the code of that province, territory or country;

(h) the dates on which the association, by the institution, of the home address with the user begins and ends;

(i) the code of the territory of the local community service centre that serves the area where the user's residence is located; and

(j) if the user receives services required by the user's situation under the Youth Criminal Justice Act (S.C. 2002, c. 1):

i. the user's country of birth and year of arrival in Québec if the user was born outside Canada; and

ii. an indication that the user has reoffended;

(2) concerning any request for services:

(a) the age of the user at the time of the request;

(b) the type of services concerned by the request;

(c) the means of communication used to file the request with the institution;

(d) an indication that the request was received during regular working hours;

(e) the date of receipt of the request;

(f) the date as of which the user ceases to receive the services related to the request; and

(g) the sequence number assigned to the request;

(3) concerning specifically any request for services required by the situation of a child under the Youth Protection Act (R.S.Q., c. P-34.1), and any related request for services:

(a) an indication that no other service is already being provided to the child by the institution, where applicable;

(b) the identification of other services received from the institution by the child at the time of the request for services; and

(c) the identification of the service that is most important for the child, when more than one service is provided;

(4) concerning specifically any request for services required by an adolescent under the Youth Criminal Justice Act:

(a) the code of the territorial division where the offence concerned by the request was committed;

(b) the code of the institution to which the adolescent is referred, if applicable;

(c) the sequence number assigned to the most serious offence associated with the request for services; and

(d) the reason for which the service request file was closed;

(5) concerning any request for information or consultation made to the institution:

(a) an indication of whether it is a request for information or a request for consultation;

(b) an indication that the person concerned by the request is a Native and, if applicable, whether the person is a beneficiary under the Agreement concerning James Bay and Northern Québec or under the Northeastern Québec Agreement or whether the person lives on an Indian reserve;

(c) the means of communication used to file the request with the institution;

(d) an indication that the request was received during regular working hours;

(e) the date of receipt of the request;

(f) the date on which the request ends;

(g) the age group of the person concerned by the request;

(h) the sequence number assigned to the request;

(i) the class of the person who made the request, based on the person's relationship to the person concerned by the request or the person's occupation; and

(j) the nature of the response to the request;

(6) concerning any service rendered:

(a) the institution to which the user is referred, where applicable;

(b) the date on which the service is first assigned;

(c) the date of the provider's first significant contact with the user, the user's family or an interlocutor from the living environment for the purpose of initiating the service;

- (d) the dates on which the service begins and ends;
 - (e) the age of the user when the service is provided;
 - (f) the sequence number assigned to the service;
 - (g) the date on which the service is first assigned to a provider;
 - (h) an indication of whether the service is assigned to a provider from the institution or to a third person;
 - (i) the type of responsibility assumed by the provider in regard to the service;
 - (j) the date on which a clinical activity is performed by the provider;
 - (k) the type of clinical activity performed as part of the service, the duration of the activity and an indication of whether the child, the child's mother, the child's father or any other person took part in the activity, if applicable;
 - (l) the sequence number assigned to the clinical activity; and
 - (m) the action to be taken following the end of the service;
- (7) concerning specifically any service rendered under the Youth Criminal Justice Act and the information gathered at that time:
- (a) regarding any situation of neglect, sexual abuse or physical abuse of a child within the meaning of subparagraph *b*, *d* or *e* of the second paragraph of section 38 of the Youth Protection Act, or any disclosure of that situation:
 - i. the age group of the person presumed to have neglected the child or committed the abuse and the person's sex and assigned sequence number;
 - ii. an indication of whether the person was living with the child at the time of the situation of neglect or abuse and the person's relationship to the child at that time;
 - iii. the date on which the director of youth protection decided whether or not to disclose the situation and, where applicable, the date on which the director disclosed it;
 - iv. an indication of whether the child or one of the child's parents agreed to the disclosure;
 - v. of subparagraphs *b*, *d* and *e* of the second paragraph of section 38 of the Youth Protection Act, the subparagraph that corresponds to the situation that led to the disclosure;
 - vi. the sequence number assigned to the disclosure made to the police;
 - vii. an indication that the director of youth protection decided to postpone the disclosure;
 - viii. an indication that the disclosure was made by a person other than the director of youth protection and whether the disclosure was made following the intervention of the director of youth protection;
 - ix. an indication of whether the disclosure was deemed inappropriate or unnecessary and the reasons for that decision; and
 - x. the code of the service during which the recording of information related to the disclosure began and the code of the service during which the disclosure process ended;
 - (b) regarding any report received by the institution's director of youth protection or any transfer of a child from another territory:
 - i. the final decision on whether or not to accept the report, the type of reasons that justified the decision and the date on which the decision was made;
 - ii. the level of priority of the accepted report;
 - iii. the class of the person who made the report, based on the person's relationship to the child or on the person's occupation;
 - iv. an indication of whether a provider made the verifications to obtain additional information when the information provided by the person who reported the child's situation does not allow a final decision to be made on whether or not to accept the report;
 - v. an indication of whether the child and the child's parents received information on the services and resources available in their community or were referred to the institutions, organizations or persons best suited to assist them and, where applicable, the date on which they were referred and the type of institution, organization or person to which they were referred;
 - vi. the reason why the child and the child's parents were not referred in accordance with subparagraph *v*;

vii. the code of the institution that filed an application for transfer; and

viii. the last youth protection service completed by the institution that transferred the child, if applicable;

(c) regarding any service for assessing the situation of a child following the acceptance of a report:

i. the final decision on whether the security or development of the child is in danger and the date of the decision; and

ii. the information required under subparagraphs *v* and *vi* of subparagraph *b*;

(d) the subparagraph of the second paragraph of section 38 or the subparagraph of section 38.1 of the Youth Protection Act that corresponds to the situation justifying the provision of a service and whether that subparagraph is the primary or secondary reason for providing the service;

(e) regarding any additional assessment:

i. the date of the request for an additional assessment;

ii. the type of additional assessment requested and the sequence number assigned to it;

iii. the code of the applicant;

iv. an indication of whether the additional assessment was performed by the institution or by a third person;

v. an indication of whether the additional assessment concerns the child, the child's mother, the child's father or another person; and

vi. the date of receipt of the report filed following the additional assessment;

(f) regarding any direction service following the assessment of a child;

i. the initial decision proposed by the director of youth protection regarding the implementation of voluntary measures or referral to the tribunal, and the date of the decision;

ii. the date on which the director of youth protection made the final decision to direct the child toward voluntary measures or to refer the child's situation to the tribunal;

iii. the final decision made by the competent authorities regarding the measures to be implemented and the date of the decision;

iv. the date on which a decision is made to proceed with a final intervention before the service ends, the date on which the intervention begins and the duration of the intervention; and

v. the information required under subparagraphs *v* and *vi* of subparagraph *b*;

(g) regarding the end of services provided to the child in implementing a measure and the date and type of the final decision made by the competent authorities to end the services;

(h) regarding any measure implemented under the Youth Protection Act:

i. the type of regime, based on whether it involves voluntary measures or court-ordered measures, and the sequence number assigned to it;

ii. the regime's start date, scheduled end date and actual end date;

iii. the type of measures, the start date, scheduled end date, actual end date and assigned sequence number;

iv. an indication of whether the child, the child's mother or the child's father is opposed to the regime or the measures proposed;

v. an indication that the measures must continue until the child reaches full age;

vi. an indication that the emergency measures and the immediate protective measures were taken during regular working hours; and

vii. the code of the reason provided for in the fourth paragraph of section 91.1 of the Youth Protection Act for which the tribunal disregarded the maximum total period of foster care for a child and an indication that an order provided for in the fifth paragraph of that section was issued;

(i) regarding any review of the situation of a child under section 57 of the Youth Protection Act:

i. the type of review; and

ii. the information required under subparagraphs *i* to *iii* and *v* of subparagraph *f*, adapted as required;

(j) regarding any review of the situation of a child under section 57.1 of the Youth Protection Act:

i. the institution to which the request for services was referred, if applicable; and

ii. all of the information required under subparagraph c;

(k) regarding any social assessment of a prospective tutor with a view to recommending the tutor to the tribunal:

i. the legal context that led to the request for a social assessment; and

ii. the tribunal's final decision on the recommendation of a person to act as tutor under section 70.1 of the Youth Protection Act and the date of the decision;

(l) regarding any tutorship assumed by the director of youth protection, the final decision on the tutorship and the date of the decision;

(8) concerning specifically any service rendered under the Youth Criminal Justice Act, and the information gathered at that time:

(a) regarding any service, the sequence number assigned to the most serious offence associated with the service;

(b) regarding any assessment-guidance service;

i. the initial decision proposed to the adolescent by the provincial director in regard to measures or services suited to the adolescent's situation;

ii. the date on which the provincial director decided to direct the adolescent toward measures or services;

iii. an indication of whether the provincial director proposed an agreement on extrajudicial sanctions and the adolescent's response to the proposal, where applicable; and

iv. an indication of whether the decision made by the provincial director was based on an individual interview or a group interview with the adolescent;

(c) regarding any alternative justice organization consulted at the time of the assessment-guidance service, the identification of the organization and the sequence number assigned to the consultation at the time of the adolescent's assessment-guidance;

(d) regarding any category of measures, the type of category, the sequence number assigned to it, the start date, scheduled end date and actual end date;

(e) regarding any measure applied in regard to the adolescent:

i. the dates on which the measure begins and ends and the sequence number assigned to it; and

ii. the type of measure and, where applicable, its duration or monetary value;

(f) regarding the follow-up of extrajudicial sanctions:

i. the dates on which the follow-up begins and ends;

ii. the decision on the measures to be applied following an assessment of the implementation of extrajudicial sanctions and the date of the decision; and

iii. the date on which the provincial director is informed of the result of mediation with the victim;

(g) regarding any reassessment of the agreement on extrajudicial sanctions:

i. the circumstances that warrant it; and

ii. the final decision transmitted to the adolescent by the provincial director in regard to appropriate measures or services following the reassessment, and the date of the decision;

(h) regarding any request by the court under section 35 of the Youth Criminal Justice Act, the agency's decision on whether the adolescent needs such services and the date of the decision;

(i) regarding any service rendered following the filing by the police of a request for the detention of an adolescent prior to the adolescent's appearance before the court, the decision by the provincial director to agree or refuse to authorize the detention prior to the adolescent's appearance before the court and the date of the decision;

(j) regarding any offence committed by the adolescent:

i. the offence the adolescent is alleged to have committed and the date on which it was committed;

ii. the decision of the provincial director with regard to the directing of the adolescent;

- iii. the final decision of the court, the offence for which the adolescent is found guilty and the date of the judgment; and
 - iv. the sequence number assigned to the offence;
- (k) regarding any victim:
- i. the sequence number assigned to the victim; and
 - ii. the type of harm suffered by the victim;
- (l) regarding any consultation of a victim by an alternative justice organization:
- i. the date on which the institution transmitted information on the victim to the organization;
 - ii. an indication that the organization contacted the victim, the action taken afterwards and, if applicable, the victim's response regarding the mediation process;
 - iii. the date on which the institution received the victim's response from the organization;
 - iv. the sequence number assigned to the consultation;
 - v. an indication of whether the victim wants to know the extrajudicial measures taken with respect to the adolescent; and
 - vi. the victim's reason for refusing to take part in the mediation process;
- (m) regarding the filing of a pre-sentence report:
- i. the date on which the report was requested by the court and the date on which the request was received by the institution;
 - ii. the type of report requested by the court;
 - iii. the means of communication used to file the report and the date on which it was sent to the court; and
 - iv. the final decision made following the filing of the report and the date of the decision;
- (n) regarding any follow-up prior to sentencing and any sentencing follow-up:
- i. the final decision concerning follow-up and the date of the decision; and
 - ii. the final decision concerning sentencing and the date of the decision;
- (o) concerning any review of the court judgment as part of sentencing follow-up:
 - i. the date on which the review was requested;
 - ii. the code of the applicant;
 - iii. the code indicating the legal justification for conducting a review;
 - iv. the professional opinion given by the youth worker in the progress report requested by the court as part of the review;
 - v. the means of communication used to file the progress report and the date on which the report was sent to the court; and
 - vi. the final decision of the court on changing or continuing the adolescent's sentence following the review and the date of the decision;
 - (p) regarding any partnership between the provincial director and an organization as part of the follow-up of extrajudicial sanctions or sentencing follow-up:
 - i. the date on which the institution made the partnership request to the partner organization;
 - ii. the sequence number assigned to the partnership; and
 - iii. the code of the partner organization;
 - (q) concerning any information laid regarding a breach of probation conditions, the date on which the information was laid and the sequence number assigned to the information;
 - (r) regarding any filing of an expert report:
 - i. the date on which the report was requested by the court and the date on which the request was received by the institution;
 - ii. the type of report requested by the court;
 - iii. an indication of whether the report was prepared by the institution or by a third person;
 - iv. the date on which the institution received the report and the date on which the report was sent to the court; and
 - v. the final decision made following the filing of the report and the date of the decision;

(s) regarding any absence of an adolescent who escapes or is unlawfully at large while committed to custody, the dates on which the absence begins and ends, the type of absence and the sequence number assigned to it; and

(t) regarding any sentence calculation:

i. the sequence number assigned to the sentence;

ii. the dates on which conditional supervision, suspension of conditional supervision, the issue of an arrest warrant, transfer to a correctional facility or a penitentiary, supervision in the community, suspension of supervision in the community, committal to intermittent custody, committal to secure custody or committal to open custody begins and ends, and such dates following the calculation of the sentence;

iii. the date on which the sentence is calculated;

iv. the sequence number assigned to the sentence calculation;

v. the sequence number assigned to the absence or review that leads to the sentence calculation; and

vi. the number of days to be served in custody and the number of days to be served in custody in the community, as well as the number of such days after the sentence has been calculated.”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.