

Protection of Sexually Exploited Children

Policy Manual

Revised August, 2014

Table of Contents

1.	Introduction	7
1.1	Overview	7
1.2	Definitions	8
1.3	Principles	9
1.4	Summary of a Director’s Responsibilities	10
1.5	Caseworker Delegations	11
1.6	Recording and File Management	11
1.7	Suicidal Child	11
1.8	Supporting Caregivers	12
1.9	Death of a Child	13
2.	Intake	14
2.1	Overview	14
2.2	Receiving Referrals	14
2.3	Procedures to Initiate an Intake – Referral	14
2.4	Procedures to Complete an Intake – Assessment	15
2.5	Recording an Intake	16
2.6	Aboriginal Child	17
3.	Apprehension Decisions	18
3.1	Overview	18
3.2	Considerations for a Decision to Apprehend	18
3.3	Apprehension Order	19
3.4	Enter Premises by Force	20
3.5	Director’s Decision	20
3.6	Provision of Intervention Services under CYFEA	22
4.	Apprehension Procedures	23
4.1	Overview	23
4.2	Applying In Person	23
4.3	Applying By Telecommunication	23
4.4	Executing an Order	24
4.5	Emergency Apprehension	25
4.6	Conveying the Child	25
4.7	Show Cause for Confinement under Emergency Apprehension	25
4.8	Recording	27

Table of Contents

5.	Confinement for 1 – 5 Days	28
5.1	Overview	28
5.2	Criteria for Confining	28
5.3	Notice to a Guardian	29
5.4	Review of Confinement Decision	29
5.5	Medical Care	30
5.6	Confinement	30
5.7	Visitors	31
5.8	Away Without Leave	31
6.	Assessment During Confinement	32
6.1	Overview	32
6.2	Assessment Components	33
6.3	Assessment Report - Recording	34
6.4	Assessment Outcome Case Conference	34
6.5	Disposition Options at the end of the 5-day Confinement	35
7.	Confinement Order for up to 21 Days	37
7.1	Overview	37
7.2	Application for 21 day Confinement Order	37
7.3	Adjournment	38
7.4	Confinement Order	38
7.5	Review of Confinement Order	39
7.6	Service	39
7.7	Appeal of a 21 day order	40
7.8	Appeal Procedures	40
7.9	Disposition of the Appeal	41
7.10	Case Conference	41
7.11	Recording	42
8.	Extension of Confinement Order for up to 21 Days	43
8.1	Overview	43
8.2	Application for 21 day Extension of Confinement	43
8.3	Adjournment	44
8.4	Confinement Order	44
8.5	Review of Confinement Order	44
8.6	Service	45
8.7	Appeal of a 21 day Order	46

Table of Contents

8.8	Appeal Procedures	46
8.9	Disposition of the Appeal	46
8.10	Case Conference	47
8.11	Recording	48
9.	Protective Safe House	49
9.1	Overview	49
9.2	Objectives	49
9.3	Structure	49
9.4	Staffing	50
10.	Protection of the Rights of the Child	51
10.1	Overview	51
10.2	Legal Representation for a Child or Youth	51
10.3	Administrative Review	52
10.4	Review of a Confinement Order	52
10.5	Habeas Corpus Application	52
10.6	Appeal of a Court Order	53
10.7	Child and Youth Advocate	53
11.	Court Procedures	55
11.1	Preparation for a Court Hearing	55
11.2	Service	56
11.3	Evidence	56
11.4	Confidential Evidence	57
11.5	Exclusion from a Hearing	58
11.6	Ban on Publication	58
12.	Community Support Programs	59
12.1	Overview	59
12.2	Support Programs	59
12.3	Eligibility	59
13.	Voluntary Service Agreements	61
13.1	Voluntary Service Agreement	61
13.2	Post 18 Voluntary Service Agreement	62
13.2.1	Signing a Post 18 Voluntary Service Agreement	63
13.2.2	Re-opening a Post 18 Voluntary Service Agreement	64
13.2.3	Accessing Residential Services Post 18	65
13.3	Review of Voluntary Service Agreements	65
13.4	The Transition to Independence Plan	66

Table of Contents

13.5	Safety Plan under a Voluntary Service Agreement _____	67
13.6	Recording _____	68
13.7	Case Closure _____	68
14.	Restraining Order _____	70
15.	Offence _____	71
16.	Police Involvement _____	72

1. Introduction

1. Introduction

1.1 Overview

The *Protection of Sexually Exploited Children Act* (PSECA) is legislation that provides protection and specialized services to children who are sexually exploited through their involvement in prostitution. The legislation recognizes that a child involved in prostitution is sexually exploited and a victim of sexual abuse, who requires services and protection.

PSECA services include prevention programs across Alberta to reduce the incidence of children and youth being involved in prostitution. PSECA programs also address awareness of child sexual exploitation and the forms that this exploitation can take, including prostitution.

The PSECA legislation allows for the provision of voluntary community services that can be provided to children to end their involvement in sexual exploitation.

Voluntary Services are community based programs that are residential or non-residential in nature and are designed to assist a youth with their successful exit from sexual exploitation.

- Sixteen and seventeen-year old youth can access support services without their guardian's permission.
- Youth who are engaged in Voluntary Services immediately prior to their 18th birthday can continue to access support services up to age 24, to ensure a healthy transition to adulthood.

Police and caseworkers may apprehend sexually exploited children under PSECA, with or without a court order, to ensure their safety and well-being when a youth is unwilling to engage in Voluntary Services and/or the Voluntary Services will not meet the safety needs of the child.

An apprehended child may be placed in a protective safe house for up to 5 days.

During this period, the child is assessed for protection needs, medical needs, drug and alcohol use and other risks related to his/her involvement in prostitution.

If the assessment determines the need for continued protection, a director may apply for up to two additional periods of up to 21 days of confinement in a protective safe house.

1. Introduction

Under PSECA, those who enable the sexual exploitation of children and youth, can be charged and fined up to \$25,000, jailed for up to two years, or both.

1.2 Definitions

Under s.1(1) of PSECA:

- A **child** is a person under the age of 18 years.
- A **director** means a director under the *Child, Youth and Family Enhancement Act* (CYFEA).

NOTE: CFSA/ DFNA caseworkers delegated under CYFEA are also delegated under PSECA.

- The **Minister** means the minister designated with responsibility for CYFEA.
- A **program** means a program established under s.7 of PSECA.
- A **protective safe house** is a premises prescribed by the Minister and identified in the regulations as a protective safe house.

S.1(2) of PSECA defines a child in need of protective services:

“For the purposes of this Act, a child is in need of protection if the child is sexually exploited because the child is engaging in prostitution or attempting to engage in prostitution.”

Consider the following when determining if a child is in need of protective services:

Is the child “engaging in prostitution”? Meaning the exchange of any goods or services (which could include financial payment, accommodation, food, drugs, cigarettes or transportation, etc.) for sex, in the following ways:

- inside prostitution, such as bawdy houses, massage parlours, trick pads and escort services,
- outside prostitution, such as street activities, and/or
- the use of the Internet or phone chat lines for prostitution purposes.

1. Introduction

Would the child be considered to be at risk of involvement in prostitution or “attempting to engage in prostitution”? Meaning the association with other people involved in prostitution, including:

- standing with, or being with known prostitutes in areas considered to have prostitution-related activities,
- spotting behaviour such as writing down license plate numbers when a person enters a vehicle to engage in prostitution related activities,
- being groomed for prostitution activities,
- frequenting known areas of prostitution, and/or
- actively attempting to attract johns through behaviours or physical appearance.

Is the child engaged in any activities that would subject a child to sexual exploitation and place them in need of protection such as:

- sexual involvement with a person in exchange for accommodation or other necessities of life,
- involving a child in the communication or recording of sexual materials such as photographs or audio/video materials, and/or
- involving a child in any other activity of a sexual nature in exchange for payment or other goods.

1.3 Principles

Providing protection services to children involved in prostitution is based on the following principles:

- Children involved in prostitution are victims of sexual abuse and exploitation and require support and protection, not punishment.
- Children have a right to be safe from sexual abuse and protected from sexual exploitation.
- Children have a right to physical and emotional safety, security and well-being.
- The social support network for children has a responsibility to ensure children involved in prostitution are safe, and that families and caregivers are active participants in the process.
- Children involved in prostitution, and their families and caregivers, do not require status under CYFEA to receive services.

1. Introduction

- Adult perpetrators, those who live off the avails (pimps) or those availing themselves of children involved in prostitution (johns), are perpetrators of child sexual abuse, and must be held legally accountable for their actions. For the purposes of this policy, pimps and johns are considered to be perpetrators of child sexual abuse.

1.4 Summary of a Director's Responsibilities

The responsibilities of a director/delegated caseworker are described throughout this policy, but the primary responsibilities are to:

- receive information from any reporting source, including the police, about a child that may require protection under PSECA,
- interview a child in need of protection under PSECA,
- make decisions about a child to determine if:
 - the child will be returned to the guardian or previous approved placement,
 - provided with community support services, or
 - apprehended and placed in a protective safe house,
- provide community programs that are residential or non-residential to support a child or youth involved in prostitution,
- make appropriate applications to the court for apprehension and confinement orders,
- advise a child of his/her rights under PSECA,
- advise the guardian of an apprehended child, about the apprehension and follow-up plans,
- ensure the assessment of a child or youth in a protective safe house,
- complete an assessment of a child or youth receiving services under a Voluntary Service Agreement, and
- conduct the initial 30 day review and a review every 90 days thereafter on a child or youth receiving services under a Voluntary Service Agreement.

Under s.5, a director has the exclusive custody and is responsible for the child's care, maintenance and well-being while the child is confined in a protective safe house.

1. Introduction

1.5 Caseworker Delegations

Caseworkers who are delegated under CYFEA also have delegated responsibilities and may make determinations about a child under PSECA legislation.

1.6 Recording and File Management

PSECA recording is kept on a separate PSECA file regardless of whether the child has CYFEA status. The file consists of six sections, entitled:

- Section 1 - face sheet [CSE 0013], pictures, on/off reserve forms,
- Section 2 - contact notes, incident reports, police reports, AWOL reports, duty reports,
- Section 3 - Intake-Referral [CSE 0008A], Intake-Assessment [CSE 0008B], Voluntary Service Plan [CSE 0019], Transition to Independence Plan [CS 3476], VSA Assessment; PSECA Only Status [CSE 0021] or PSECA Dual Status [CSE 0023], Confinement Assessments [CSE 0009],
- Section 4 - assessment reports, Alberta Health Care, medical information, treatment services, letters,
- Section 5 - legal information, court reports, and
- Section 6 - financial information – bills paid, vouchers issued, fax requests and confirmations.

In instances where a child also has CYFEA involvement, copies of relevant information, such as intake, PSECA status, placement and assessment information must also be placed on the CYFEA file.

File information is also recorded in the electronic information system.

1.7 Suicidal Child

When a child displays suicidal tendencies, or warning signs and triggering events are observed, that lead to a belief that a child is at risk of suicide, caseworkers must immediately take the necessary steps to ensure services are provided to alleviate the risk and ensure the child's safety until a basic suicide risk assessment interview is completed and a suicide safety plan is negotiated

Caseworkers are to ensure the following:

- Provide constant supervision while the risk is immediate.
- Consult with a supervisor in determining:

1. Introduction

- what action to take,
- what resource to use,
- whom to notify,
- whether to discuss the child at a case conference, and
- whether to consult a multi-discipline team.

Follow regional protocols for obtaining immediate assistance with local mental health resources.

If you believe that the child is not at immediate risk consult with a casework supervisor in determining:

- potential for suicide,
- whether to arrange a psychological or psychiatric assessment,
- provision of appropriate treatment,
- monitoring of the child's behaviour and emotional stability,
- whether to discuss the child at a case conference, and
- whether to consult a multi-discipline team.

Summarize the decisions and actions on contact notes and/or in the electronic information system.

Notify all significant persons.

See: 7.2.3 Suicidal Child (Enhancement Policy Manual – Intervention).

1.8 Supporting Caregivers

Provide the caregiver with sufficient information on the child at placement or as the information becomes available including child's family history; behavioural and developmental needs; significant relationships and connections to enable the caregiver to meet the child's needs. The caseworker will document information sharing on contact notes and/or in the electronic information system.

If the child or youth has a Voluntary Service Agreement provide a copy of, and review, the Voluntary Service Plan [CSE 0019] or Transition to Independence Plan [CS 3476] with the caregivers and clarify the goals and tasks for each involved person.

1. Introduction

Involve the caregivers in the case conference when formulating or reviewing the Voluntary Service Plan [CSE 0019], Transition to Independence Plan [CS 3476], or Confinement Assessment [CSE 0009]. Notify the caregiver of the purpose, time and place of every case conference and invite the caregiver to attend.

1.9 Death of a Child

The Statutory Director must be notified immediately of the death of a child under the guardianship or custody of the director or receiving services under CYFEA or PSECA.

Immediately notify the CFSA CEO/DFNA Director or designate upon hearing of a child's death if the child was receiving services under PSECA.

The CFSA CEO/DFNA Director or designate must immediately contact the Statutory Director.

The CFSA CEO/DFNA Director or designate must immediately submit a Report of Death [CS 2901b]. Additional information must be submitted as updates on the Report of Death form.

See: 7.2.2 Death of a Child (Enhancement Policy Manual – Intervention).

2. Intake

2. Intake

2.1 Overview

CFSA and DFNA must ensure there is the capacity to receive and respond to referrals from the community regarding a child who may require services under PSECA on a 24-hour a day basis 365 days per year. Regions have a responsibility to ensure that the community knows where and how referrals can be made.

2.2 Receiving Referrals

Referrals to the PSECA Program may be made by any person or referral source including the police, and may include the following:

- A police officer may make an emergency apprehension and convey the child to a Children and Youth Services office or a protective safe house.
- Information may be reported by a community member or a community service provider who is concerned that a child is sexually exploited by engaging or attempting to engage in prostitution.
- A child or guardian may make a request for PSECA protection services to be provided.
- CYFEA caseworkers may identify a youth and take action under PSECA or, in regions with designated PSECA workers, refer directly to that PSECA office.

2.3 Procedures to Initiate an Intake – Referral

Complete the following to initiate a referral:

- Obtain information from the referring source about the grounds and circumstances for believing that the child is involved or at risk of involvement in prostitution, and all other relevant information. If the referral source has not had direct contact with the child, contact with the child or someone who has contact with the child must occur within three working days.
- Check the electronic information system and other records to determine if the child has prior or current involvement under CYFEA or PSECA.

2. Intake

- Obtain information from current or previous CYFEA or PSECA caseworkers.
- Consult with a casework supervisor in regards to the referral, document whether the referral is a report of a child in need of protection on the Intake Referral [CSE 0008A], and determine the appropriate action:
 - Closure of the intake if the report is unsubstantiated and no further action is required.
 - Closure of the intake with a referral to community resources if appropriate.
 - Complete the Intake-Referral and indicate in the Referral-Disposition that personal contact is required.
- Determine if an immediate response is required, based on the immediacy of the risk to the child.
 - If an immediate response is not required, and the child is receiving services under CYFEA, complete the Intake Referral [CSE 0008A] and forward it to the child's caseworker.
 - If an immediate response is not required, and the child is not receiving intervention services under CYFEA, complete the Intake Referral [CSE 0008A] and forward the intake to the appropriate caseworker within three working days.
 - If an immediate response is required, the Intake Referral must be assigned to a caseworker within one hour of receiving the report.

2.4 Procedures to Complete an Intake – Assessment

Assess the risk to the child and assess the child's reception to support services, in order to determine the appropriate action to take. Assessment of risk is completed through collateral contacts, face-to-face contact with the child or youth, interviews with the siblings, parents/ guardians and/or caregivers, service providers, professionals, and support persons that are aware of and can provide information in regards to the child or youth.

If an emergency response was indicated in the Intake Referral the Intake Assessment must have been assigned within one hour and the assigned casework must immediately begin the assessment process. Consult with a casework supervisor in regards to the assessment. Document whether the child is in need of protection, the outcome of the assessment on the Intake Assessment [CSE 0008B] and determine the appropriate action:

2. Intake

- return the child home if the guardian is willing and able to protect the child,
- place or maintain the child in a residential community resource – this may only be done if the child is 16 years of age or older, or for a younger child, if the guardian provides consent for the child to be placed in a community resource through a voluntary service agreement, or
- apprehend and confine the child in a protective safe house.

If the child is willing and able to engage with voluntary services and this will meet the safety needs of the child enter into a Voluntary Service Agreement.

See: Section 13 Voluntary Service Agreements

If the child is not willing to engage with voluntary services and/ or voluntary services will not adequately protect the child, respond and follow “Apprehension Procedures”.

See: Section 3 Apprehension Decisions

See: Section 4 Apprehension Procedures

If the child has been apprehended by police and conveyed to the caseworker’s office or protective safe house, follow procedures in “Director’s Decision”.

See: Section 3.5 Director’s Decision

If the child has been apprehended and requires confinement in a protective safe house, contact a casework supervisor for approval and follow procedures in “Confinement for 1 – 5 days”.

See: Section 5 Confinement for 1 – 5 Days

2.5 Recording an Intake

Recording an Intake – Referral

Complete the Intake – Referral [CSE 0008A] in the electronic information system:

- record intake information,
- complete the Narrative Summary, and
- complete the Referral Disposition.

2. Intake

The Referral Disposition must be determined and recorded within three days of receiving the referral.

Recording an Intake - Assessment

Complete the Intake – Assessment [CSE 0008B] upon assessing the child's need for protection and determining the PSECA disposition:

- complete the Assessment [CSE 0008B] to illustrate the child's need for protection, and include all assessment activities including face-to-face contact with the child or youth,
- complete the Disposition, and
- update the electronic information system regarding placement and legal status within 5 working days.

Intake-Assessment must be determined and recorded within 10 days of receiving the Intake-Referral.

2.6 Aboriginal Child

If the child is Aboriginal:

- explore access to, and involvement of Aboriginal services,
- consider resources within the child's extended family and home community, and
- obtain the child's consent before involving the child's community resources or Band Council, if he/she is First Nations.

3. Apprehension Decisions

3. Apprehension Decisions

3.1 Overview

The PSECA legislation gives the police and a director the authority to apprehend a child who is being sexually exploited by engaging or attempting to engage in prostitution.

An Apprehension Order may be sought by police or by a director.

If the police obtain and execute an Apprehension Order, they will immediately report the circumstances and their involvement to a director, and provide him/her with the Apprehension Order as well as written and verbal information relating to the grounds and circumstance surrounding the apprehension.

If the director obtains an Apprehension Order the order will authorize apprehension and confinement of the child in a protective safe house or return to a guardian or responsible adult.

Apprehension may also occur by way of an Emergency Apprehension, without an order, when there are reasonable and probable grounds to believe that a “child’s life or safety is imminently endangered because of the child’s involvement in prostitution”. When an Emergency Apprehension occurs, the child is immediately brought to a service delivery office or a protective safe house.

3.2 Considerations for a Decision to Apprehend

The criteria for apprehending a child are provided in s.1(2) of PSECA, which states:

“For the purposes of this Act, a child is in need of protection if the child is sexually exploited because the child is engaging in prostitution or attempting to engage in prostitution.”

Consider the following in making a decision to apprehend:

- Can the child be returned to the guardian or to a responsible adult?
- Can community support programs which can be residential or non-residential in nature, through a Voluntary Services Agreement adequately protect the child?

3. Apprehension Decisions

- Is the child unable or unwilling to access community support programs through a Voluntary Services Agreement?
- Does the child need to be confined in a protective safe house?
- Are there other considerations that would suggest that it would be more appropriate to apprehend the child under CYFEA?
- Will forced entry to premises be required?

Any decision to apprehend a child or make an application for an order to apprehend a child must take into account the above considerations and have the approval of a casework supervisor.

3.3 Apprehension Order

An application for an Apprehension Order is made under s.2(1)(a) of PSECA. The application may be made by a police officer or a director if there are reasonable and probable grounds to believe that a child is in need of protection as defined in s.1(2).

Under s.2(1)(a) and (b), the court may grant an order:

- authorizing the police officer or director to apprehend and convey the child to the child's guardian or to an adult who in the opinion of the police officer or director is a responsible adult who has care and control of the child, or
- authorizing the police officer or director to apprehend and convey the child to a protective safe house and authorizing a director to confine the child for up to 5 days to ensure the safety of the child and to assess the child.

Generally the police will request that a director apply for an Apprehension Order.

Police have the authority to apprehend and convey a child to a protective safe house, but it requires a director's authority to confine a child for a five-day period to ensure the safety of the child and to conduct an assessment.

To apply for an Apprehension Order, either in person or via telecommunications, follow the procedures in "Apprehension Procedures" and "Court Procedures".

See: Section 4 Apprehension Procedures

See: Section 11 Court Procedures

3. Apprehension Decisions

3.4 Enter Premises by Force

S.2(1) of PSECA also enables a judge, if satisfied that the child may be found in a place or premises, to grant an order to authorize the police officer or a director to enter, by force if necessary, that place or premises to search for and apprehend the child. If forced entry into premises is required, follow procedures for involving police.

See: Section 16 Police Involvement

3.5 Director's Decision

S.3(1) of PSECA requires a director to make decisions in regard to a child apprehended under s.2. A casework supervisor's approval is required for these decisions which are:

i) Return a Child to a Guardian or other Adult

S.2(1)(a) and s.3(1)(b)(i) enable a director to return an apprehended child to the child's guardian or other adult who, in the opinion of a director, has the care and control of the child.

Consider the following when making a decision to return a child to a guardian or other adult:

- Is the guardian or responsible adult willing, able and available to protect the child, and involve the child in community support programs through a Voluntary Service Agreement?
- Have the child's opinions and needs been considered regarding the return to the guardian or other adult?
- Is the child willing and able to address the issues related to being involved in prostitution, consenting to return to the guardian or responsible adult and to enter into community support programs through a Voluntary Service Agreement?
- Will the child be safeguarded from previous influences such as perpetrators and associates with ties to prostitution?

ii) Release of a Child

S.3(1)(b)(ii) enables a director to release an apprehended child if the child is at least 16 years old and, in the opinion of a director, the child is capable of providing for his/her own needs and safety.

3. Apprehension Decisions

Consider the following when making a decision to release a child:

- Is the child at least 16 years old?
- Is the child in need of intervention services under CYFEA?
- Is the child consenting to enter into community support programs either residential or non residential in nature through a Voluntary Service Agreement?
- Is the child's guardian, if involved, supportive of the decision?
- Is the child able to demonstrate alternative means to meet basic needs and safety needs?
- Is the child able to demonstrate realistic alternatives such as school attendance, job training and employment opportunities?
- Is the child connected to and involved in a community support program?

iii) Confine a Child in a Protective Safe House

S.2(1)(b) and s.3(1)(b)(iii) authorize a director to confine an apprehended child in a protective safe house for up to 5 days to ensure the safety of the child and to assess him/her.

Consider the following risk factors when making a decision to confine a child:

- Is confinement necessary to ensure the safety of the child? Would releasing the child from a protective safe house present a risk to the life or safety of the child because he/she is unable or unwilling to stop engaging in or attempting to engage in prostitution.
- Would community resources adequately protect the child? Are less intrusive measures such as a Voluntary Service Agreement adequate to reduce the risk? Is it in the best interests of the child to be confined for the purpose of making programs and other services available to the child in a safe and secure environment?
- Is an assessment of the child's needs necessary?
- Is the child medically stable?

Any decision to confine a child must take into account the above considerations and have a casework supervisor's approval.

3. Apprehension Decisions

3.6 Provision of Intervention Services under CYFEA

If a child is in need of intervention as defined in s.1(2) of CYFEA, make a referral for intervention services.

A child may have status, and receive services, under both CYFEA and PSECA.

4. Apprehension Procedures

4. Apprehension Procedures

4.1 Overview

When a police officer or director determines that a child needs to be apprehended, the officer or director must choose the appropriate procedures to apprehend.

- If possible, apply in person for an Apprehension Order under PSECA.
- If it is impracticable to appear in person, apply by telecommunication for an Apprehension Order.
- If the child is in immediate danger, an Emergency Apprehension may be conducted.

When making a decision to apprehend a child, a caseworker must consult with a casework supervisor.

4.2 Applying In Person

An application to a court for an order to apprehend a child is made under s.2(1) of PSECA.

To apply in person:

- Complete and file with the court the Application for an Apprehension Order [CSE 0005]. Include whether an order for forced entry is required.
- Follow procedures for “Court Procedures”.

See: Section 11 Court Procedures

If an Apprehension Order is granted, obtain a copy.

4.3 Applying By Telecommunication

An application for an order by telephone is made under s.2(2) and (7) of PSECA when it is impracticable to apply in person.

To apply by telephone:

- Complete the Application for an Apprehension Order [CSE 0005]. If possible, fax the application to the nearest court.

4. Apprehension Procedures

- Phone the court administrator in the nearest court and ask to make an application. If it is outside of business hours, phone the on-call justice of the peace/judge at 1-800-661-1907.
- An oath will be administered and the discussion is recorded verbatim. The administrator files the transcript with the court as soon as possible.
- Be prepared to provide the following information:
 - a statement of the circumstances that make it impracticable to appear personally before a judge of the court,
 - the identity of the child, if known,
 - a statement setting out your grounds for believing that the person is a child and is in need of protection under PSECA,
 - a statement regarding your knowledge of any prior application for an order under this section, or any history of apprehension applications, in respect to the same child,
 - whether an order for forced entry is required, and
 - whether the child will be confined or returned to a guardian.

If an Apprehension Order is issued, obtain a faxed copy or complete a PSECA Facsimile of Apprehension Order [CSE 0004].

4.4 Executing an Order

Once an order is obtained:

- Execute the order as soon as possible. If you are executing an order to enter by force, follow the procedures for “Police Involvement”.

See: Section 16 Police Involvement

- Notify the CYFEA caseworker if the child has an open intervention file.
- If only a police officer executes the order, he/she must notify the local director.
- Make every effort to immediately notify the guardian and advise:
 - why the child was apprehended, and
 - whether you intend to confine the child or return the child to the guardian.

4. Apprehension Procedures

4.5 Emergency Apprehension

A director or police officer may apprehend a child without an order, if the child's life or safety is seriously and imminently endangered under s.2(9).

If the time it would take to obtain an Apprehension Order would place the child at undue risk, apprehend the child immediately by Emergency Apprehension.

S.2(11) makes provision for a police officer or director to enter the place where the child is, by force, if necessary. Follow the procedures for "Police Involvement" to gain assistance with forced entry into a premise.

See: Section 16 Police Involvement

4.6 Conveying the Child

The police must notify a director upon executing an Emergency Apprehension of a child prior to conveying the child to a protective safe house. A director, after contact with the child and consultation with a casework supervisor, will make a decision to:

- return the child to the guardian or other responsible adult,
- release the child (if the child is at least 16) if a director believes the child is capable of providing for his/her needs and safety, or
- confine the child to a protective safe house for up to 5 days for safety and assessment.

Where the guardian is involved and there is no need for protective services, if the child is returned to the guardian, the guardian can assist in making the arrangements to return the child to his or her care.

If the guardian resides in another province or territory, follow the Interprovincial/ Territorial Protocol on Children Moving between Provinces/Territories.

See: Chapter 10: Interjurisdictional (Enhancement Policy Manual – Intervention)

4.7 Show Cause for Confinement under Emergency Apprehension

S.2(12) requires a director to appear before the court within three working days following an Emergency Apprehension if the child is confined to show cause why the confinement was necessary.

4. Apprehension Procedures

NOTE: To calculate the 3-day period, note that this is a court procedure so weekends and holidays are not counted. The day the child arrives at the safe house (day zero) is also not counted. The day of the hearing is counted.

The Appearance to Show Cause for Confinement [CSE 0003] must be completed at the time the decision is made to confine the child by the individual who made the decision to confine the child.

Serve the child with Notice to Child [CSE 0018] and a copy of the Show Cause for Confinement [CSE 0003] upon confining a child following an emergency apprehension. Inform the child orally and in writing about the hearing including:

- the reason for, and length of, the confinement,
- the time and place of the Show Cause hearing,
- their right to request that the Court review the director's decision to confine, and
- their right to contact a lawyer or have the caseworker contact a lawyer on their behalf.

See: 8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)

Complete an Affidavit of Service on the child for presentation to the court.

Distribute other copies of the Show Cause for Confinement [CSE 0003] as follows:

- provide a copy to the protective safe house,
- provide a copy to the guardian,
- provide a copy to the CYFEA caseworker – if the child has intervention status,
- place a copy for the PSECA file, and
- file a copy with the court prior to the third working day after the confinement occurred.

The caseworker shall advise the guardian of the circumstances and grounds for confinement. The guardian will be advised of the Show Cause hearing and must be provided with a copy of the Show Cause notice.

The caseworker must attend the Show Cause hearing unless directed otherwise by a court coordinator or by the court.

4. Apprehension Procedures

4.8 Recording

Record all activities on file and update the electronic information system within 5 working days.

5. Confinement for 1 – 5 Days

5. Confinement for 1 – 5 Days

5.1 Overview

S.3(1)(a)(iii) of PSECA provides authority to confine an apprehended child in a protective safe house for up to 5 days. The decision to confine a child must be made by a director; police cannot make the decision to confine. The confinement must be for the purposes of ensuring “the safety of the child and to assess the child”.

The caseworker must have face-to-face contact with the child during the initial 5 day confinement period or immediately prior to confinement during the Intake Assessment if the child was apprehended and confined immediately upon intake.

5.2 Criteria for Confining

A child may be confined for up to 5 days following an apprehension if the child cannot be returned to the guardian or released on his/her own. When considering whether to confine a child to a protective safe house:

- a director must believe that confinement is necessary in order to ensure the safety of the child and to assess the child, and
- the decision must be made in consultation with a casework supervisor, taking into consideration the child’s opinion.

The following considerations will help make the determination:

- The child is not willing or able to engage in community support programs through a Voluntary Service Agreement, or the community support programs are not adequate to protect the child.
- The child requires safety from an exploitive influence.
- A police officer, a director and, if possible, the guardian and child have determined that the child should be placed in a protective safe house.
- The child can not immediately return to the guardian.
- The child is not willing to immediately return to the guardian.

The child may remain in the protective safe house for the full 5 days. However, the child may be released earlier if the assessment is complete and the child is not at risk.

5. Confinement for 1 – 5 Days

NOTE: To calculate the number of days, exclude the day the child is apprehended and conveyed to the protective safe house this is not counted in the confinement period. The first of the 5 days starts on the next day. Day 5 is the release day. Weekends and holidays are counted.

5.3 Notice to a Guardian

S.4(1) requires that the guardian must be notified at once when a child has been apprehended and conveyed to a protective safe house. Any method of communication, oral or written, may be used. If it is not possible with reasonable effort to notify the guardian, court proceedings are not affected.

Document on a contact note and/or in the contact log the date, method of notification used and the guardian's response. Where the caseworker is unable to contact the guardian, document attempts and methods used.

5.4 Review of Confinement Decision

Upon being placed in a protective safe house inform the child of their right to request a review of their confinement and provide the child with a Notice to Child to Request Review of Confinement [CSE 0018] per s.2.1(1) of PSECA.

Provide the child and the guardian, if available, an Application and Request for Review of Confinement [CSE 0015] and ensure the child understands:

- the reason for, and length of, the confinement,
- their right to request a review of the confinement, and
- their right to contact a lawyer or have the caseworker contact a lawyer on their behalf.

See: *8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)*

If the child requests a review, the caseworker or the protective safe house staff may need to help the child contact Legal Representation for Children and Youth if the child does not have a lawyer.

The child may need assistance to complete the Application and Request for Review of Confinement [CSE 0015] and file it with the court.

Keep a “filed copy” on file to show that the director has been served. The Application and Request for Review of Confinement [CSE 0015] must be

5. Confinement for 1 – 5 Days

filed the day the child requests the review, if possible, or by the next day the court is open.

The guardian may also request a review. When the application is filed, it must be served on the director as soon as possible.

If either the child or guardian requests a review, the caseworker must inform the casework supervisor.

Under s.2.1(6), upon hearing the review, the court may make an order confirming, varying or terminating a director's decision to confine.

Under s.2.1(7), the court cannot extend the period of confinement set by a director under section 3(1)(b)(iii).

5.5 Medical Care

A child must be medically stable prior to confinement in a protective safe house. If the caseworker finds that the child is intoxicated, under the influence of drugs or ill to a degree that places the child at medical risk, medical treatment must occur prior to placement. If the child requires medical attention, the child or guardian must consent to the examination or treatment.

If the child or guardian is not able or willing to provide consent, the child must be apprehended under CYFEA in order to obtain medical care. The PSECA legislation has no provision for involuntary medical treatment.

***See: 5.3.1 Apprehensions and 5.3.6 Treatment Orders
(Enhancement Policy Manual – Intervention)***

If the child receives the necessary medical treatment and if confinement in a protective safe house is deemed to be appropriate, the CYFEA activity may be terminated and the child may be apprehended under PSECA.

5.6 Confinement

Upon confinement, the protective safe house must be provided a Delegation of Powers and Duties to Child Care Giver [CSE 0010].

Under s.5, a director has exclusive custody of the child and is responsible for the child's care, maintenance and well-being during the 5 day confinement period, and any further confinements.

The child's guardian retains guardianship responsibilities.

5. Confinement for 1 – 5 Days

5.7 Visitors

It is the responsibility of the caseworker to assess requests for visitors, to approve or deny any and all requests and to determine the nature of the contact (whether the visit is to be supervised or not).

5.8 Away Without Leave

Under s.3(6), if the child leaves the protective safe house without authorization of a director, a director or police may apprehend and convey the child back to the protective safe house.

6. Assessment During Confinement

6. Assessment During Confinement

6.1 Overview

Every child placed in a protective safe house must undergo an assessment. The assessment, required by legislation, has two purposes:

- to gather information about the child's situation so that programming can be implemented to assist the sexually exploited child to stop engaging in prostitution, and
- to determine whether the child meets the criteria for further confinement.

The caseworker is responsible for ensuring that an assessment of the child is completed. The result of the assessment determines whether to:

- make application for a Confinement Order if ongoing confinement is warranted,
- enter into a Voluntary Service Agreement [CSE 0007] if the child is to be released,
- make referral for provision of child intervention services under CYFEA or,
- return the child to the guardian or release the child on his/her own.

The initial assessment is completed during the 5 day confinement period and is updated during the 21 day confinement and 21 day extension of confinement periods. This assessment forms the basis of the decisions that are made in regards to case planning for further protection services. The caseworker is responsible for completing the assessment; however staff at the Protective Safe House will likely provide the majority of the information in regards to the child or youth, particularly in the initial 5 day assessment period.

The caseworker must have face-to-face contact with the child during the initial 5 day confinement period or immediately prior to confinement during the Intake Assessment if the child was apprehended and confined immediately upon intake. Additional face-to-face must occur during the 21 day confinement and the 21 day extension of confinement, which can include face-to-face contact at the case conference.

6. Assessment During Confinement

6.2 Assessment Components

To determine what would best protect and keep a child safe, the assessment during the 5 day confinement focuses on the safety, security and stabilization of the child.

The following assessment components are set by the Protection of Sexually Exploited Children Regulation. The assessment must include but is not restricted to:

- An assessment of the child's physical and emotional well-being (physical status including testing for sexually transmitted infections, HIV, hepatitis and pregnancy).
- An assessment of the child's use of alcohol, drugs and other intoxicants.
- An assessment of the child's risk of self-harm and of engaging in or attempting to engage in prostitution.
- An assessment of the level of family involvement and potential re-involvement of family and significant others.
- An assessment of whether the child is in need of intervention services under CYFEA.

The assessment must also consider the:

- child's situation: involvement under CYFEA, any pre-existing disability which contributes to risk and vulnerability (such as FASD or developmental disability), status with guardian and guardian's ability to provide financial support,
- suicide risk assessment,
- basic food and clothing needs,
- legal situation and police report,
- need for life skills training,
- need for education and training (career planning, skills acquisition and learning opportunities),
- recreational needs,
- spiritual needs,
- cultural needs,
- safety support network, and
- potential for re-connecting to the community.

6. Assessment During Confinement

6.3 Assessment Report - Recording

The caseworker is responsible for completing the assessment and making recommendations regarding the disposition which are documented in the Confinement Assessment [CSE 0009].

If the child is to be discharged or transferred, the assessment report can be used as a discharge summary.

If an application is to be made for further confinement, the assessment report can be used for Court Report purposes.

6.4 Assessment Outcome Case Conference

The assessment outcome must be established prior to the end of the 5 day confinement period, to support the action taken following the confinement period.

A case conference must be called to determine the assessment outcome prior to the end of the 5 day confinement period. Case conference activities must include:

- A meeting involving all of the participants to the assessment including:
 - protective safe house staff involved in the assessment,
 - the child's caseworker,
 - the child,
 - the guardian, if possible,
 - the Child and Youth advocate, if involved, and
 - other service providers or resources for the child.
- Where a face-to-face meeting is not possible, telephone or electronic communications may be used to report on the assessment and the case plan progress.
- Opportunity for the child to express his/her wishes regarding the assessment disposition.

Attempt to gain the child's agreement for the disposition and ensure that the child's guardian is advised of all decisions.

Upon the review of assessment information and hearing the views of all participants, determine the assessment disposition and programming recommendations for the child.

6. Assessment During Confinement

Record details of the assessment meeting and place on the PSECA file and update the electronic information system with the Confinement Assessment [CSE 0009], case plan, legal authority, and placement information within 5 working days.

6.5 Disposition Options at the end of the 5-day Confinement

A case conference must be held prior to the end of the confinement period to review the assessment information and develop further plans for the child.

The disposition options available at the end of the 5 day confinement include:

- Return the child to his/her guardian or other responsible adult, and if appropriate provide community based PSECA services or supports through a Voluntary Service Agreement.
- Release the child on his/her own, if 16 years of age or older, and if required provide community based PSECA services or supports through a Voluntary Service Agreement.
- Provide a referral to intervention services under the CYFEA.
- If the child is assessed as in need of intervention services under CYFEA, follow procedures in the Enhancement Policy Manual.

NOTE: A child may have status, and receive services, under both PSECA and CYFEA simultaneously.

See: *Chapter 3: Casework Practice (Enhancement Policy Manual – Intervention)*

- Placement in community based PSECA services or supports with a Voluntary Service Agreement.
- Apply for a Confinement Order of up to 21 days:
- An application for a confinement order may be made if the assessment indicates the need for further confinement.

See: *Section 7 Confinement Order for up to 21 Days*

- The confinement assessment developed during the initial 5 days of confinement will be built upon for any additional confinement periods as a basis for informed decision making, service provision and case planning.

If the decision is made to release the child and enter into a Voluntary Service Agreement the case plan must be completed and services agreed to prior to release.

6. Assessment During Confinement

- Complete the Voluntary Service Plan [CSE 0019] identifying the services agreed to for a child under the age of 16.
- Complete a Transition to Independence Plan [CS 3476] if the youth is 16 years of age or older. If the child has an existing Transition to Independence Plan due to involvement with intervention services, review and update the plan to include services and goals under PSECA to assist the child in ending their sexual exploitation.

See: 4.2.4 Transition to Independence Plan (Enhancement Policy Manual – Intervention)

7. Confinement Order for up to 21 Days

7. Confinement Order for up to 21 Days

7.1 Overview

If, after assessing the child during a 5 day confinement, a director is of the opinion that the child would benefit from ongoing confinement, a director may apply to the court for an order to confine the child in a protective safe house for up to 21 days. Face-to-face contact with the child must occur during the 21 day confinement, which can include face-to-face contact at the case conference.

7.2 Application for 21 day Confinement Order

Following a 5 day confinement period, s.3(4) enables the court to grant further confinement of up to 21 days if the court is satisfied that:

- the release of the child from a protective safe house presents a risk to the life or safety of the child because the child is unable or unwilling to stop engaging in, or attempting to engage in prostitution,
- less intrusive measures are inadequate to reduce the risk, and
- it is in the best interests of the child to have a period of further confinement, for the purposes of making programs and other services available to the child in a safe and secure environment.

NOTE: The 21-day confinement period begins on the day of the court order and day 21 is 20 days after.

A director must file a Notice and Application for a Confinement Order [CSE 0016] with the court, and serve the child before the end of the 5 day confinement period. Complete an Affidavit of Service [CS 0508].

A director shall inform the guardian, if possible, either orally or in writing, of the nature, time and place of the application. Caseworkers must document, on a contact note, the date and method of notification used and the guardian's response. Where the caseworker is unable to contact the guardian, indicate attempts and methods used.

The purpose of the confinement is to address the needs of the child by providing programs and services to assist the child to stop engaging in, or attempting to engage in, prostitution.

7. Confinement Order for up to 21 Days

A director must ensure that programming related to the results of an assessment is implemented.

7.3 Adjournment

A director or the child's lawyer may ask the court for an adjournment of a hearing for an application for confinement, in order to gather further evidence or assessment information.

Under s.3.1(1), the court may adjourn the hearing for an application to extend the period of confinement for not more than 7 days. The review date will be set by the court. The adjournment may occur:

- with the consent of the child and a director, or
- if the court is satisfied that the adjournment is necessary to obtain evidence to assist the court in determining whether an order to extend the period of confinement should be made.

Under s.3.1(2), the court must extend the period of confinement during the adjournment, unless the court is satisfied that it is in the best interest of the child to order otherwise. A director should be prepared to give evidence as to why it is not in the child's best interest to be released.

If the child is confined during the adjournment period, the number of days of adjournment is included in the calculation of the number of days of the subsequently ordered confinement period.

7.4 Confinement Order

The child must be served with the Confinement Order. The Confinement Order includes the reason for confinement and time period of the confinement. It also includes a notice to the child that he/she may request a review of his/her confinement, may be represented by a lawyer and be provided with the contact information or assisted to request legal representation.

See: 8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)

Ensure the child understands the notice at the bottom of the Confinement Order, and provide the child with an Application and Request for Review of Confinement [CSE 0015].

7. Confinement Order for up to 21 Days

7.5 Review of Confinement Order

Under s.3.2(1), when the court has granted an order to extend the period of confinement of the child to a protective safe house for up to 21 days, the child, guardian or director may request a review of the Confinement Order.

A director may request a review of the Confinement Order at any time during the period of the order and is not limited in the number of reviews that can be requested. This might be to shorten the period of confinement if a director believes that the child no longer needs the support of the protective safe house. A director can also request a review to alter court-ordered services, if this is deemed necessary.

Inform the child of his/her right to request a review once during the period of confinement. A director must also attempt to inform the guardian. If a review is requested by the child or guardian, the caseworker must inform the casework supervisor immediately.

S.3.2(3) requires that the review must be heard not more than 5 days after the notice is filed with the court, or within any further period the court directs.

Under s 3.2(4) and s.3.3(2), the court may make an order to confirm, vary or terminate the order. The court may not extend the period of the order at a review hearing.

7.6 Service

S.3.3(1) requires that the applicant (child, guardian or director) must serve notice orally or in writing, no less than 2 days before the review date, regarding the nature, date, time and place of the hearing. Any notices served on the child should be done orally as well as in writing, to ensure the child understands the notice.

NOTE: This is a court procedure, so the notice must be served at least 2 working days before the review date. Weekends and holidays are not counted.

If the applicant is the child, the child or his/her lawyer serves notice on a director.

If the applicant is the guardian, the guardian serves notice on the child and a director.

7. Confinement Order for up to 21 Days

If the applicant is a director, the director serves notice on the child and guardian. A director must also file an Affidavit of Service [CS 0508] with the court and in the child's file.

Under s.3.3(2), the court may:

- approve service in a manner it considers appropriate,
- approve a shortened period of service, and/or
- dispense with service on any person except a director.

7.7 Appeal of a 21 day order

Under s.3.4(1), a Confinement Order under s.3(4) or (5) (a 21 day order or an extension of a 21 day order), may be appealed to the Court of Queen's Bench not more than 15 days after the order was made. The refusal to grant an order or an extension of an order can also be appealed.

An appeal can be launched by:

- a director,
- a guardian on behalf of the child who was the subject of an order, or
- the child who is the subject of an order to confine.

7.8 Appeal Procedures

A caseworker must consult with a supervisor before initiating an appeal, and seek the assistance of the appropriate Social Enhancement Legal Team office to carry out the appeal.

S.3.5(1) requires the applicant to file a notice of appeal, setting out the grounds for appeal, with the Court of Queen's Bench. A filed copy then goes to the clerk of the provincial court.

Upon the appeal being filed, the clerk of the court will forward a record of all evidence and other material to the Court of Queen's Bench and a hearing date will be set.

Under s.3.5(5), the hearing must be held at the first sitting of the Court of Queen's Bench to be held after filing, unless the Court directs otherwise. The Court of Queen's Bench must notify the parties of the time and place of the hearing.

A director must be prepared to provide evidence and make recommendations to the Court.

7. Confinement Order for up to 21 Days

7.9 Disposition of the Appeal

Under s.3.6(1) and (2), the Court, upon hearing material forwarded from provincial court and any further evidence, may:

- confirm the order or refusal,
- revoke or vary the order made, or
- make an order that the court could have made in the hearing before it.

7.10 Case Conference

A case conference must be held prior to the expiration of the Confinement Order to further determine and assess the child's need for ongoing confinement or to develop a case plan for the child's upcoming release.

A case conference must be called to determine the assessment outcome and conduct discharge planning for the child. Case conference activities must include:

- A meeting involving all of the participants to the assessment including:
 - protective safe house staff involved in the assessment,
 - the child's caseworker,
 - the child,
 - the guardian, if possible,
 - the Child and Youth Advocate, if involved, and
 - other service providers or resources for the child.
- Where a face-to-face meeting is not possible, telephone or electronic communications may be used to report on the assessment and the case plan progress.
- An examination and analysis of the assessment information.
- An opportunity for the child to express his/her wishes regarding the assessment.

Attempt to gain the child's agreement for the disposition and ensure that the child's guardian is advised of all decisions.

7. Confinement Order for up to 21 Days

- Upon the review of assessment information and hearing the views of all participants, the service team must develop a child-focused, inter-disciplinary, community-based case plan that:
 - responds to the issues identified in the assessment,
 - meets the needs of the child to end his/her involvement in sexual exploitation through prostitution,
 - identifies goals and the tasks necessary to meet the goals, and coordinates programs and services to support the plan.

The signatures of the participants on the plan, represents each individual's commitment to the goals and tasks identified to support the child in ending their involvement in sexual exploitation through prostitution.

All decisions must be made with a supervisor's approval.

If the decision is made to release the child and enter into a Voluntary Service Agreement the case plan must be completed and services agreed to prior to release:

- Complete the Voluntary Service Plan [CSE 0019] identifying the services agreed to for a child under the age of 16.
- Complete a Transition to Independence Plan [CS 3476] if the youth is 16 years of age or older. If the child has an existing Transition to Independence Plan due to involvement with intervention services, review and update the plan to include services and goals under PSECA to assist the child in ending their sexual exploitation.

See: 4.2.4 Transition to Independence Plan (Enhancement Policy Manual – Intervention)

7.11 Recording

Update the Confinement Assessment [CSE 0009], case plan, legal authority, and placement on the electronic information system within 5 working days and record the details on the file.

8. Extension of Confinement Order for up to 21 Days

8. Extension of Confinement Order for up to 21 Days

8.1 Overview

If after assessing the child during the 21 day confinement period, a director is of the opinion that the child would benefit from ongoing confinement, an application may be made to the court for an extension of confinement for up to 21 days.

An extension of confinement for 21 days enables a director to confine a child for a total of 47 days (5 days under apprehension, plus a 21 day confinement, plus a 21 day extension of confinement).

Face-to-face contact with the child must occur during the 21 day confinement extension, which can include face-to-face contact at the case conference.

8.2 Application for 21 day Extension of Confinement

S.3(5) enables a director to make an application for an extension of confinement for up to 21 days, if the grounds for confinement under s.3(4) continue to exist.

A case conference must be held before the end of the initial 21 day confinement to assess whether further confinement is required.

A director must file a Notice and Application for a Confinement Order [CSE 0016] with the court, and serve the child before the end of the initial 21 day confinement period. Complete an Affidavit of Service [CS 0508].

The guardian must also be notified, if possible, either orally or in writing, of the nature, time and place of the application. Caseworkers must document, on a contact note, the date and method of notification used and the guardian's response. Where the caseworker is unable to contact the guardian, indicate attempts and methods used.

The court hears the application to extend the period of confinement. A director should be prepared to provide the results of the assessment, progress review and recommendations from the case conference as evidence to support the extension of the confinement period.

8. Extension of Confinement Order for up to 21 Days

8.3 Adjournment

A director or the child's lawyer may ask the court for an adjournment of a hearing for an application to extend the confinement, in order to gather further evidence or assessment information.

Under s.3.1(1), the court may adjourn the hearing for an application to extend the period of confinement for not more than 7 days. The review date will be set by the court. The adjournment may occur:

- with the consent of the child and a director, or
- if the court is satisfied that the adjournment is necessary to obtain evidence to assist the court in determining whether an order to extend the period of confinement should be made.

Under s.3.1(2), the court must extend the period of confinement during the adjournment, unless the court is satisfied that it is in the best interest of the child to order otherwise. A director should be prepared to give evidence as to why it is not in the child's best interest to be released.

If the child is confined during the adjournment period, the number of days of adjournment is included in the calculation of the number of days of the subsequently ordered extension of confinement period.

8.4 Confinement Order

The child must be served with the Confinement Order. The Confinement Order includes the reason for confinement and time period of the confinement. It also includes a notice to the child that he/she may request a review of his/her confinement, may be represented by a lawyer and be provided with the contact information or assisted to request legal representation.

See: 8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)

Ensure the child understands the notice at the bottom of the Confinement Order, and provide the child with an Application and Request for Review of Confinement [CSE 0015].

8.5 Review of Confinement Order

Under s.3.2(1), when the court has granted an order to extend the period of confinement of the child to a protective safe house for up to 21 days, the child, guardian or director may request a review of the Confinement Order.

8. Extension of Confinement Order for up to 21 Days

A director may request a review of the Confinement Order at any time during the period of the order and is not limited in the number of reviews that can be requested. This might be to shorten the period of confinement if a director believes that the child no longer needs the support of the protective safe house. A director can also request a review to alter court-ordered services, if this is deemed necessary.

Inform the child of his/her right to request a review once during the period of confinement. A director must also attempt to inform the guardian. If a review is requested by the child or guardian, the caseworker must inform the casework supervisor immediately.

S.3.2(3) requires that the review must be heard not more than 5 days after the notice is filed with the court, or within any further period the court directs.

Under s.3.2(4) and s.3.3(2), the court may make an order to confirm, vary or terminate the order. The court may not extend the period of the order at a review hearing.

8.6 Service

S.3.3(1) requires that the applicant (child, guardian or director) must serve notice orally or in writing, no less than 2 days before the review date, regarding the nature, date, time and place of the hearing. Any notices served on the child should be done orally as well as in writing, to ensure the child understands the notice.

NOTE: This is a court procedure, so the notice must be served at least 2 working days before the review date. Weekends and holidays are not counted.

If the applicant is the child, the child or his/her lawyer serves notice on a director.

If the applicant is the guardian, the guardian serves notice on the child and a director.

If the applicant is a director, the director serves notice on the child and guardian. A director must also file an Affidavit of Service [CS 0508] with the court and in the child's file.

Under s.3.3(2), the court may:

- approve service in a manner it considers appropriate,
- approve a shortened period of service, and/or

8. Extension of Confinement Order for up to 21 Days

- dispense with service on any person except the director.

8.7 Appeal of a 21 day Order

Under s.3.4(1), a Confinement Order under s.3(4) or (5) (a 21 day order or an extension of a 21 day order), may be appealed to the Court of Queen's Bench not more than 15 days after the order was made. The refusal to grant an order or an extension of an order can also be appealed.

An appeal can be launched by:

- a director,
- a guardian on behalf of the child who was the subject of an order, or
- the child who is the subject of an order to confine.

8.8 Appeal Procedures

A caseworker must consult with a supervisor before initiating an appeal and seek the assistance of the appropriate Social Enhancement Legal Team office to carry out the appeal.

S.3.5(1) requires the applicant to file a notice of appeal, setting out the grounds for appeal, with the Court of Queen's Bench. A filed copy then goes to the clerk of the provincial court.

Upon the appeal being filed, the clerk of the court will forward a record of all evidence and other material to the Court of Queen's Bench and a hearing date will be set.

Under s.3.5(5), the hearing must be held at the first sitting of the Court of Queen's Bench to be held after filing, unless the Court directs otherwise. The Court of Queen's Bench must notify the parties of the time and place of the hearing.

A director must be prepared to provide evidence and make recommendations to the Court.

8.9 Disposition of the Appeal

Under s.3.6(1) and (2), the Court, upon hearing material forwarded from provincial court and any further evidence, may:

- confirm the order or refusal,
- revoke or vary the order made, or

8. Extension of Confinement Order for up to 21 Days

- make an order that the court could have made in the hearing before it.

8.10 Case Conference

A case conference must be held prior to the expiration of the Extension of Confinement Order to further determine and assess the child's need for ongoing supports, and to develop a case plan for the child's upcoming release.

A case conference must be called to determine the assessment outcome and conduct discharge planning for the child. Case conference activities must include:

- A meeting involving all of the participants to the assessment including:
 - protective safe house staff involved in the assessment,
 - the child's caseworker,
 - the child,
 - the guardian, if possible,
 - the Child and Youth Advocate, if involved, and
 - other service providers or resources for the child.
- Where a face-to-face meeting is not possible, telephone or electronic communications may be used to report on the assessment and the case plan progress.
- An examination and analysis of the assessment information.
- An opportunity for the child to express his/her wishes regarding the assessment.

Attempt to gain the child's agreement for the disposition and ensure that the child's guardian is advised of all decisions.

Upon the review of assessment information and hearing the views of all participants, the service team must develop a child-focused, inter-disciplinary, community-based case plan that:

- responds to the issues identified in the assessment,
- meets the needs of the child to end his/her involvement in sexual exploitation through prostitution,
- identifies goals and the tasks necessary to meet the goals, and
- coordinates programs and services to support the plan.

8. Extension of Confinement Order for up to 21 Days

The signatures of the participants on the plan, represents each individual's commitment to the goals and tasks identified to support the child in ending their involvement in sexual exploitation through prostitution.

All decisions must be made with a supervisor's approval.

If the decision is made to release the child and enter into a Voluntary Service Agreement the case plan must be completed and services agreed to prior to release:

- Complete the Voluntary Service Plan [CSE 0019] identifying the services agreed to for a child under the age of 16.
- Complete a Transition to Independence Plan [CS 3476] if the youth is 16 years of age or older. If the child has an existing Transition to Independence Plan due to involvement with intervention services, review and update the plan to include services and goals under PSECA to assist the child in ending their sexual exploitation.

See: 4.2.4 Transition to Independence Plan (Enhancement Policy Manual – Intervention)

8.11 Recording

Update the Confinement Assessment [CSE 0009], case plan, legal authority and placement on the electronic information system within 5 working days and record the details on the file.

9. Protective Safe House

9.1 Overview

The Protection of Sexually Exploited Children Regulation identifies the designated protective safe houses for the purposes of PSECA.

A protective safe house is a facility where a child may be confined under apprehension or a confinement order for the purpose of ensuring the safety of the child and to assess the child.

The following describes the objectives, structure and staffing of a protective safe house.

9.2 Objectives

The objectives of the protective safe house are to:

- protect and keep the child safe for the child's period of confinement,
- provide emergency care and stabilization for the child during the initial 5 day confinement,
- provide assessment information to the caseworker to assist in completing the Confinement Assessment [CSE 0009] , and
- provide stabilization and programming for the child during the 21 day confinement and during an extension of a 21 day confinement and provide information to update the assessment completed during the initial 5 days.

9.3 Structure

The protective safe house is a safe, secure, confined facility that:

- is secured from the outside for the child's safety,
- has restricted access and seclusion,
- is structured to ensure that children, visitors and staff in the facility are not placed at risk,
- supports and promotes family or caregiver contact, access to the child and active involvement in assessment and planning,
- has 24-hour staff who are awake at all times,

9. Protective Safe House

- is able to receive clients at any time, reflecting the hours and lifestyles of children involved in sexual exploitation through prostitution,
- is not a police holding cell, police cell or Young Offender facility, and
- has been designated by the Minister in the Protection of Sexually Exploited Children Regulation.

9.4 Staffing

Staff at a protective safe house must include child care counsellors who have knowledge and skills in assessment and intervention with children who are sexually exploited through prostitution.

Staff at a protective safe house may include medical professionals such as doctors, nurses, addictions counsellors and mental health professionals.

10. Protection of the Rights of the Child

10. Protection of the Rights of the Child

10.1 Overview

It is the responsibility of a director to ensure that a child is aware of his/her procedural and legal rights at all times when services are being provided.

The caseworker must ensure that procedural rights are discussed with a child in a manner that reflects his/her age and development level. If a child is being placed in a protective safe house, the child must be advised of his/her rights immediately at the time of placement including their right to legal representation.

If the case involves a court hearing, the child must be advised of his/her rights prior to the hearing.

The following rights of protection are available to a child receiving services.

10.2 Legal Representation for a Child or Youth

All children and youth, regardless of age or where they reside in the province of Alberta, may be eligible for legal representation through LRCY if they are receiving services under PSECA. LRCY screens requests for legal representation to ensure that the eligibility requirements are met.

A request for legal representation of a child or youth can be made by:

- the caseworker making a direct referral,
- the child or youth making a direct request to caseworker, who in turn makes a referral,
- the child or youth making a self-referral, or
- the placement provider, advocate, or significant other person in the child or youth's life making a referral.

Process for Referring to LRCY

- call LRCY at 780-644-6951 or toll free at 1-888-890-2020 , or
- fax a completed Request for a Lawyer form [CS 3849], available on the LRCY website, to LRCY at 780-644-7227.

10. Protection of the Rights of the Child

Address for LRCY:

Legal Representation for Children and Youth
Office of the Child and Youth Advocate
802 Peace Hills Trust Tower
10011-109 Street Edmonton, Alberta T5J 3S8

When making a telephone referral to LRCY, document the referral on a contact note and/or in the electronic information system.

File the contact note and a copy of the LRCY referral form in the legal section of the PSECA file.

See: 8.1.2 Legal Representation for Children and Youth (Enhancement Policy Manual – Intervention)

10.3 Administrative Review

The child or guardian has the right to request an administrative review of any decision of a director, including the decision to confine the child in a protective safe house. An administrative review cannot alter a court order, but it can alter a director's decision. This is a Ministerial procedure, not a Court procedure.

See: 1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

10.4 Review of a Confinement Order

A child has the right to request a court review of a Confinement Decision or Order. A lawyer is required.

See: Section 5.4 Review of Confinement Decision

See: Section 7.5, 8.5 Review of Confinement Order

10.5 Habeas Corpus Application

A child has the right to challenge any decision to confine, at any time, through a habeas corpus application to the Court of Queen's Bench. A lawyer is required.

Habeas corpus is a writ directed to the person detaining another, commanding him/her to produce the person detained – the purpose of which is to test the legality of the detention (not whether the person is guilty or innocent). The primary function of the writ is release from unlawful detention or imprisonment. A habeas corpus is not an appeal.

10. Protection of the Rights of the Child

10.6 Appeal of a Court Order

A child has the right to appeal a court order to confine for up to 5 days under PSECA. A child, a child's guardian or a director has the right to appeal a court order for confinement and further extension of confinement under PSECA. Ensure that the child is advised about available legal services.

See: *8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)*

10.7 Child and Youth Advocate

The Child and Youth Advocate is appointed by the Lieutenant Governor in Council under s.2(1) of the *Child and Youth Advocate Act* (CYAA). Bound by the statutory mandate identified in the Child and Youth Advocate Act, the Child and Youth Advocate has autonomy in carrying out the Advocate's responsibilities on behalf of young persons receiving a designated service including services under PSECA.

The Child and Youth Advocate has a number of responsibilities, which include:

- represent the rights, interest and viewpoints of children who receive services under PSECA, and
- conduct investigations per S.9(2)(d) of CYAA

See: *1.3 Office of Child and Youth Advocate (Enhancement Policy Manual – Intervention)*

A Mandatory Notification to the Office of the Child and Youth Advocate [CS 0010]

- must be sent to the OCYA when:
 - a child disagrees with a significant decision that pertains to them,
 - the needs of a child are not being met,
 - significant persons in the child's life have competing perspectives that are not focused on the child, or
 - an allegation of abuse or neglect of a child in care is made.

10. Protection of the Rights of the Child

Notify the child, if age and developmentally appropriate, that a mandatory notification has been submitted to the OCYA on their behalf. Provide the young person with the OCYA phone number.

See: 1.3.1 Mandatory Notifications (Enhancement Policy Manual – Intervention)

11. Court Procedures

11.1 Preparation for a Court Hearing

To prepare for a court hearing under PSECA:

- Arrange for a time and place for the hearing at the appropriate court (family court or Court of Queen's Bench).
- Choose the location most convenient for the child. If a child is confined in a protective safe house outside the region in which he/she was apprehended, and a court application needs to be made, the application may be made to the nearest courthouse.
- If the application is for a review of a Confinement Order, made in a different region, make sure a copy of the order is attached to the application.
- Set a date within the timeline for the particular application.
- Complete the notice and application appropriate to the hearing.
- File the application with the court.
- Serve the notice to the child and ensure the child understands the notice.
- Do not serve a notice before filing as the court may dismiss the application.
- Complete the Affidavit of Service [CS 0508] for each notice served.
- Prepare proof of any alternate service authorized by the court.
- Assemble all other documentary evidence you will need.
- Prepare evidence and arrange for any needed witnesses.
- If needed, retain a lawyer for a director or the child.

See: 8.1 Legal Representation in a CYFEA or PSECA Matter (Enhancement Policy Manual – Intervention)

To prepare the child:

- Discuss the information on the notice with the child.
- Discuss the proposed plans and the recommendations that will be presented in court.

11. Court Procedures

- Describe the purpose, nature and possible results of the hearing.
- Advise the child about his/her right to have legal counsel, and provide information with respect to gaining legal representation

See: *8.1.2 Legal Representation for Children and Youth (Enhancement Policy Manual – Intervention)*

- If the child requires an interpreter but cannot supply one, as far before the hearing as possible, request that the clerk of the court arrange for an interpreter.

At the hearing:

- If needed, prepare to request an adjournment and to recommend interim confinement.
- Be prepared to present evidence and make a recommendation to the court.

11.2 Service

S.3.3(1) requires that a director must, not less than 2 days before the date of a hearing, serve notice of the nature, date, time and place of a hearing to the child and guardian by any method, orally or in writing.

Service on the child shall be in writing and include a discussion with the child to ensure the child understands the notice. The caseworker must provide a Notice to Child [CSE 0018].

Notice to guardians may be completed in writing or orally. The caseworker must provide evidence of notice or other attempts to provide notice to the guardian.

11.3 Evidence

S.6.4 enables the court in proceedings under PSECA to:

- compel the attendance of any person and require the person to give evidence under oath,
- require the production of documents or exhibits from any person, and
- exercise the powers that are conferred for those purposes on a justice of the peace under Part XXII of the Criminal Justice Code of Canada.

11. Court Procedures

Under s.6.4(2)(3)(4), admissible evidence under PSECA includes:

- evidence given at any other hearing, any documents and exhibits received in evidence at any other hearing and a court order,
- evidence of a witness provided under oath, and
- evidence by affidavit or hearsay evidence, if the court is satisfied that no better form of evidence is readily available.

11.4 Confidential Evidence

Under s.6.5(1), the court may issue a subpoena requiring the production of documents, records or other information possessed or controlled by:

- the Commission, or designate, under the *Alcohol and Drug Abuse Act*,
- a Board, or designate, under the *Hospitals Act*,
- a Board, or designate, under the *Mental Health Act*, or
- the Chief Medical Officer, or designate, under the *Public Health Act*.

Under s.6.5(2), the person named in the subpoena, or that person's designate, must attend at the time and place stated in the subpoena, with any documents, records, or other information that might relate to the proceedings before the court, and must remain in attendance throughout the proceedings unless the person is excused by the court.

Under s.6.5(3), if the documents, records, or other information requested are considered confidential by the *Alcohol and Drug Abuse Act*, the *Hospitals Act*, the *Mental Health Act*, or the *Public Health Act*, the PSECA legislation supersedes these Acts.

Under s.6.5(4), the person named in the subpoena, or designate, must permit a director, a child or the lawyer representing either, to examine the documents, records or other information, before the time stated in the subpoena.

Under s.5(5), a director or child may apply to the court at the time stated in the subpoena, or at any other time during the proceedings, to have all or part of the documents, records or other information admitted into evidence.

11. Court Procedures

11.5 Exclusion from a Hearing

Under s.6.2(1), a director may request that the court exclude any person, including a guardian of a child or the child, for all or part of the proceedings, if the court considers that person's presence to be unnecessary to the conduct of the proceedings, and:

- the evidence presented in court might be seriously injurious or seriously prejudicial to the child who is the subject of a hearing under the PSECA, or to a child who is a witness at a hearing under PSECA, or
- it would be in the interests of public morals, the maintenance of order or the proper administration of justice, to exclude any or all members of the public from the courtroom.

Under s.6.2, the court may not exclude a director or the child's lawyer.

11.6 Ban on Publication

S.6.3(1) requires that, except with the consent of the court or the director, no person shall publish any information serving to identify a child, or child's guardian who has come to the attention of the Minister or director under the PSECA legislation.

Under s.6.3(2), any person who identifies the child or guardian, is guilty of an offence and liable to a fine of not more than \$10, 000.00 and, in default of payment, to imprisonment for a term of not more than 6 months.

12. Community Support Programs

12. Community Support Programs

12.1 Overview

S.7 of PSECA provides for the establishment of programs that the Minister believes are necessary to assist children and youth in ending their involvement in sexual exploitation through prostitution. A director will involve an eligible child or youth in these services through a Voluntary Service Agreement where this will meet the safety needs of a child or youth.

Community Support programs can be residential or non-residential in nature and should be considered for any child or youth who is sexually exploited through their involvement in prostitution.

More intrusive measures, such as confinement, is to be used only when Community Support Programs are not able to ensure the safety of the child or youth under the age of 18, or where a child/ youth refuses to engage in Voluntary Services and the child/ youth is deemed to be in need of protective services.

12.2 Support Programs

Community support programs:

- may be residential or non-residential,
- are planned with the child, youth and the guardian, if possible,
- are flexible and appropriate to the child, youth, family or caregiver and able to accommodate occasional setbacks, and
- provide a comprehensive range of programs and services to support the individual needs of the child, and are based on the recommendations of the assessment.

12.3 Eligibility

A child, youth, guardian or caregiver may access community support programs through a Voluntary Service Agreement to end a child or youth's involvement in sexual exploitation through prostitution. In providing community support programs, the caseworker must ensure that the child is adequately protected and willing to participate in the program.

12. Community Support Programs

Encourage guardian and caregiver involvement in community programs to support the child. To access programs, a Voluntary Service Agreement [CSE 0007] must be completed.

A child receiving services under CYFEA may also access PSECA community services. To do so a Voluntary Service Agreement [CSE 0007] must be completed and entered on the electronic information system.

13. Voluntary Service Agreements

13. Voluntary Service Agreements

13.1 Voluntary Service Agreement

S.7.1(1) enables a director to enter into a Voluntary Service Agreement [CSE 0007] with:

- a child, a director and the child's guardian, if other than the director, or
- a child 16 years of age or older.

S.7.1(2) requires that the agreement must include:

- a description of the programs or services to be made available by attaching the Voluntary Service Plan [CSE 0019] or Transition to Independence Plan [CS 3476],
- the contributions, financial or otherwise, to be made by the guardian,
- the duration of the agreement, and
- how the agreement may be amended or terminated.

S.7.1(3) indicates that the duration of the agreement may not exceed 6 months, but it may be renewed.

A caseworker must have a casework supervisor's approval to complete a Voluntary Service Agreement [CSE 0007], and the child's assessment must indicate the child could benefit from the community services program.

The Voluntary Service Plan [CSE 0019] for children under the age of 16, or the Transition to Independence Plan [CS 3476] for youth 16 years of age or older, must outline the service providers, programs and services planned, overall outcomes, goals and signs of achievement.

If the child has an existing Transition to Independence Plan due to involvement with intervention services, review and update the plan to include services and goals under PSECA to assist the child in ending their involvement in sexual exploitation.

See: 4.2.4 Transition to Independence Plan (Enhancement Policy Manual – Intervention)

13. Voluntary Service Agreements

The appropriate plan must be completed at the onset of the Voluntary Service Agreement being signed, and attached to the agreement. The child, the child's guardian's where appropriate, caregivers, or others who have a close relationship with the child should be active participants to the development of the case plan. Plans must be reviewed initially at 30 days, and every 90 days thereafter.

The case plan is to be reviewed at the case conference held with all of the appropriate individuals including the child, guardian where appropriate, director, and service providers to discuss the Voluntary Service Agreement Assessment outcomes and the effectiveness or appropriateness of services being made available. Update the case plan if services need to be changed or if services need to be extended.

The Voluntary Service Agreement Assessment is completed by the caseworker to provide an assessment of the child, the child's guardian, the child's environment and how these factors relate to the child's involvement in sexual exploitation. To reduce the duplication of material and the need to gather information, the assessment form was created in two formats dependant on the child's status:

- Where the child or youth has status under PSECA only, the caseworker is responsible to complete the Voluntary Service Agreement Assessment – PSECA Only Status (CSE 0021). The descriptors for this assessment are located in the PSECA Scale Descriptors for PSECA Only Status Assessment (CSE 0022)
- Where the child or youth also has status under the CYFEA the PSECA caseworker is responsible to complete the Voluntary Service Agreement Assessment – Dual Status (CSE 0023). The descriptors for this assessment are located in the PSECA Scale Descriptors for PSECA Dual Status Assessment (CSE 0024)

Caseworkers should have ongoing and regular contact with the child and the child's guardian, where appropriate and the child's caregiver. At a minimum face-to-face contact will occur within the initial 30 days of signing a Voluntary Service Agreement and every 90 days thereafter.

13.2 Post 18 Voluntary Service Agreement

S.7.2(1) allows for services to be extended to youth beyond the age of 18, provided the child had an agreement under section 7.1 immediately prior to their 18th birthday:

- for the periods and the purposes, and
- on the conditions

provided for in the regulations.

13. Voluntary Service Agreements

S.7.2(2) indicates that the agreement must include:

- a description of the services to be made available,
- the duration of the agreement, and
- how the agreement may be amended or terminated.

S.7.3(3) indicates that the duration of the agreement may not exceed 6 months, but it may be renewed.

For the purposes of assisting a young person under the age of 24 to be free of sexual exploitation according to the Protection of Sexually Exploited Children Regulation a caseworker may provide:

- living accommodations
- support and assistance related to the necessities of life, and
- any other services as required.

Additionally, up to the age of 20 a youth can be provided:

- health benefits,
- residential services, and
- financial assistance for training.

13.2.1 Signing a Post 18 Voluntary Service Agreement

Some youth who turn 18 while receiving PSECA Voluntary Services may still require those services past their 18th birthday. In order to continue necessary supports to youth past age 18, the youth must be in need of support services to complete programs already in place prior to their 18th birthday.

- Access to PSECA services from ages 18 to 24 years is limited to Voluntary Services and does not include confinement in a Protective Safe House.
 - A caseworker must have a supervisor's approval to complete a Post 18 Voluntary Service Agreement [CSE 0020], and the youth's assessment must indicate that the youth could benefit from continued supports through community support services.
- A youth over the age of 18 receiving services under CYFEA through a SFAA may also access PSECA community services.

13. Voluntary Service Agreements

- To do so, a Post 18 Voluntary Service Agreement [CSE 0020] must be completed and entered in the electronic information system. For youth with PSECA status only, an agreement may be entered into where an agreement existed immediately prior to the youth's 18th birthday.
- A youth accessing Post 18 support services must have a Transition to Independence Plan [CS 3476] that outlines the services planned, overall outcomes, goals and signs of achievement.
 - If the youth has an existing Transition to Independence Plan due to involvement with intervention services, review and update the plan to include services and goals under PSECA to assist the child in ending their sexual exploitation.
- Young adults from ages 18 to 24 years who meet the criteria above may access any or all non-residential PSECA services, as required, to assist them in achieving independence.

Caseworkers should have ongoing and regular contact with the youth and the caregiver, where appropriate. At a minimum face to face contact will occur within the initial 30 days of signing a Post 18 Voluntary Service Agreement and every 90 days thereafter.

13.2.2 Re-opening a Post 18 Voluntary Service Agreement

When a young person who terminates, or has had their Post 18 Voluntary Service Agreement terminated, requests that their file be re-opened, the caseworker must assess the:

- young person's motivation for requesting the file be re-opened,
- support services that are available to the young person and their ability to assist the young person to live free of sexual exploitation, and
- availability and appropriateness of community services to meet the young person's needs.

Supervisory consultation and approval are required to re-open a Post 18 Voluntary Service Agreement.

If the decision is made to re-open the file, a Voluntary Service Agreement Assessment must be completed within 30 days of signing the Post 18 Voluntary Service Agreement and updated/ reviewed every 90 days. Face-to-face contact with the youth must occur at a minimum within the initial 30 days of signing the agreement and every 90 days thereafter.

13. Voluntary Service Agreements

13.2.3 Accessing Residential Services Post 18

Access to PSECA residential services should be limited to youth who were accessing specific placements prior to their 18th birthday, and will remain at that facility for a limited time period beyond age 18, in order to complete a service or treatment plan. Youth must not remain in a residential PSECA program beyond age 20.

Caseworkers must consider the following when deciding whether a young adult over the age of 18 should be eligible to access a residential PSECA service:

- Is there an appropriate program for adults in the community which would meet the young person's needs?
- Are the young person's service needs compatible with the service needs of youth under age 18 at the same facility?

A clear articulation of the rationale must be made if services are being extended past age 18 for a youth to stay in a residential program and included in the youth's Transition to Independence Plan [CS 3476]. The reasoning must include:

- why the residential program is the best option for that youth,
- why other options available to that youth (if other options are available) are not as good as the extension of the residential program,
- that the youth agrees to act in accordance with the programming if it is extended and the youth understands that his/her extension may be terminated if he/she does not act in accordance with the programming, and
- how the residential program will help the youth transition into adulthood.

Youth with PSECA status are entitled to apply for the "Advancing Futures" Bursary for Youth if they meet the eligibility requirements.

See: 9.4.6 Advancing Futures Bursary (Enhancement Policy Manual – Intervention)

13.3 Review of Voluntary Service Agreements

Review Voluntary Service Agreements and associated case plans as follows:

- The Voluntary Service Agreement [CSE 0007] and associated case plan must be reviewed initially within 30 days and be

13. Voluntary Service Agreements

updated every 90 days thereafter to ensure that case plan goals and signs of achievement are being met.

- A Post 18 Voluntary Service Agreement [CSE 0020] and associated case plan must be reviewed every 90 days to ensure that goals and signs of achievement are being met.

Caseworkers should have ongoing and regular contact with the child, the child's guardian and caregiver, where appropriate. At a minimum face-to-face contact will occur within the initial 30 days of signing a Voluntary Service Agreement and every 90 days thereafter.

The appropriate Voluntary Service Agreement Assessment **must** be initially completed with the first 30 days of signing the Voluntary Service Agreement. This is a "living document" and is updated during each review period to include all new/additional information that is learned about the child, youth, family, and environmental factors.

The Voluntary Service Agreement Assessment and appropriate case plan are reviewed at the case conference held with all of the appropriate individuals including the child/youth, guardian where available, director, and service providers to discuss the assessment outcomes and the effectiveness or appropriateness of services being made available.

Update the appropriate case plan if services need to be changed or if services need to be extended.

Update the electronic information system with the updated appropriate Voluntary Service Agreement Assessment and case plan, legal status, and placement information within 5 working days.

13.4 The Transition to Independence Plan

Complete a Transition to Independence Plan [CS 3476]:

- prior to the youth's 16th birthday,
- at the time of signing an agreement if they are 16 years of age or older, or
- at the time of signing a Post 18 Voluntary Service Agreement with a young adult who is receiving services.

NOTE: Youth over the age of 16 and young adults under PSECA must have a transition to independence plan that addresses their needs and the services planned to assist in ending their sexual exploitation. Where a youth or young adult has dual status under both CYFEA and PSECA only one plan should be developed and reviewed.

13. Voluntary Service Agreements

See: *4.2.4 Transition to Independence Plan (Enhancement Policy Manual – Intervention)*

Review the Transition to Independence Plan [CS 3476] with the youth/young adult and support team in the initial 30 day review period and every 90 days thereafter, or more frequently if requested by the youth/young adult, especially if a critical event occurs, to ensure the plan is relevant to current circumstances. Every support team member reports on progress made toward goals and tasks.

Review the Transition to Independence Plan [CS 3476] when the youth turns 17, and establish targets for when protection services are expected to end and ensure connections and transition to adult services for ongoing, long-term supports and services.

When a youth turns 18, the Transition to Independence Plan [CS 3476] is reviewed, and revised if the young adult will receive Post 18 PSECA support services.

13.5 Safety Plan under a Voluntary Service Agreement

Planning for file closure and for safety for the child/youth throughout the term of involvement and following involvement should begin when a Voluntary Service Agreement is signed with a guardian or youth.

The Safety Plan (VSA) is intended to support the caseworker in ongoing efforts to support and locate a child or youth in the event that their whereabouts become unknown (the child is AWOL) during the course of the Voluntary Service Agreement.

Complete the Safety Plan (VSA) [CSE1133] with the child/youth and guardian at the same time as the Voluntary Service Agreement [CSE0007] is signed.

The Safety Plan (VSA) includes information about:

- where it is likely that the child can be contacted,
- where it is likely that the child is to be located,
- persons or agencies that the child is likely to have contact with,
- how the child will make contact with the caseworker, including how often,
- plans to re-engage the child in services upon return, and
- plans for services if the risk to the child increases during the course of the agreement.

13. Voluntary Service Agreements

If a child or youth is AWOL, the caseworker will

- Document all attempts to locate and reconnect with the child/youth on a regular and consistent basis,
- Ensure that there is an alert placed on the electronic information system indicating that the child/ youth is AWOL, and
- Consult with a casework supervisor regarding ongoing measures to locate and re-engage the child/youth with services and supports.

13.6 Recording

Complete the Voluntary Service Agreement [CSE 0007] and the Safety Plan (VSA) [CSE1133] with the child/youth and guardian. Document the services planned:

- In the Voluntary Service Plan [CSE 0019] for a child under the age of 16.
- In the Transition to Independence Plan [CS 3476] for a youth 16 years of age or older.

For a young adult age 18 or older, complete the Post 18 Voluntary Service Agreement [CSE 0020] and Transition to Independence Plan [CS 3476].

File a copy of the agreement and appropriate plan on the PSECA file. If the child, youth or young adult also has intervention status, provide a copy of the agreement for the intervention file.

Update the electronic information system with the legal status, appropriate Voluntary Service Agreement Assessment and case plan, and placement information within 5 working days.

To transfer the case, complete PSECA Transfer [CSE 0002] on the electronic information system.

13.7 Case Closure

Plan for case closure when there are no protection concerns for the child/youth:

- at the end of the term of the agreement (if renewal is not considered),
- at the request of the guardian (where it is a Voluntary Service Agreement with Guardian) or

13. Voluntary Service Agreements

- at the request for the youth (where it is a Voluntary Service Agreement with Youth).

When the whereabouts of the child/youth are unknown (AWOL), the caseworker will use the identified contact methods in the Safety Plan (VSA) to assist in efforts to locate and reconnect the child/youth with services and supports. Case closure in these circumstances will be considered in consultation with the casework supervisor.

To close the case,

- update the assessment,
- complete the PSECA Closure [CSE 0001] indicating the reason for closure, how the child/youth's needs have been met and any remaining concerns for the child or youth, any recommendations should the child/youth require services in the future, and
- close the ongoing case in the electronic information system.

14. Restraining Order

14. Restraining Order

If a child is confined PSECA, s.6(1) enables a director to make an application to the Court of Queen's Bench for a restraining order.

If a child is receiving voluntary services under PSECA, s.6(2) enables the child or the guardian of the child to make an application for a restraining order.

A restraining order can be sought when there are reasonable and probable grounds to believe that a person:

- has, or is likely to, physically or emotionally injure or sexually abuse a child within the meaning of CYFEA, or
- has encouraged or is likely to encourage a child to engage in prostitution.

An order may be granted by the Court of Queen's Bench restraining the person from contacting the child or associating with the child in any way. There are also provisions to prohibit a perpetrator from being in specified areas of the community.

To make an application for a restraining order, the appropriate Social Enhancement Team office to file the application with the clerk of the Court of Queen's Bench.

15. Offence

15. Offence

Under s.9, a person is guilty of an offence and liable to a fine of not more than \$25,000, or imprisonment for a period of not more than 24 months, or both a fine and imprisonment if the person:

- obstructs or interferes with, or attempts to obstruct or interfere with, a director or a police officer exercising any power or duty under the PSECA legislation.

If there is reason to believe that a person has committed an offence under this section, notify the police.

16. Police Involvement

Police officers play an important role in the administration of PSECA legislation. Police officers have the authority to:

- apprehend a child,
- convey an apprehended child to a director or to a protective safe house,
- make applications to court for apprehension orders,
- assist in the forced entry of a premises to apprehend a child, and
- assist in executing orders granted by the court.

Police officers may also have direct knowledge about prostitution activities in the community, and can act as an important source of information in the protection of children who are sexually exploited through their involvement in prostitution.

Maintaining a close working relationship with police is important to having a good understanding of each other's roles, and coordinating joint investigations. Having a liaison with local police supports better service to children and families and the community in general.

If police assistance becomes necessary to execute an apprehension order or to assist with other functions:

- consult with the supervisor to review the need for police involvement,
- confirm the necessity of police involvement, and
- contact the local police for assistance.

If police are involved in a case, continue to:

- provide protection services,
- exercise all powers and duties under PSECA,
- ensure the child's protection, and
- if the child is in the out-of-home care of a director, provide appropriate care.