

Policy Regarding the Treatment of Children and Adolescents

In Nova Scotia the age of majority is 19. Any person under this age is considered a minor.

Consent

Children and adolescents under the age of 19 normally require written consent from both parents before they can see a psychologist, except in cases where one parent has a court order giving him or her signing authority (in this case, a copy of the Custody and Access Agreement must be provided). In some cases, adolescents can seek treatment on their own without a parent's signature. In this case, they would sign the consent form themselves. This is based on the overall maturity and decision-making competency of the client, which will be assessed by the psychologist in the first session. If the psychologist deems that the adolescent has the mental and emotional maturity to consent to treatment (generally beginning around age 14), parental consent will not be required. However, if the psychologist feels that the adolescent is not sufficiently mature to consent to treatment, parental consent will be required in order to continue. Adolescents should be aware that, if they use their parent's health benefits to pay for the session, there is a chance the parent may find out about the session(s) through the benefits provider.

Clients, including adolescents, have the right to withdraw their consent at any time if they do not wish to continue seeing the psychologist. However, children who are too young to understand the potential value of therapy, and whose parents wish them to continue with therapy, will be encouraged to continue as long as therapy appears to be having a beneficial impact.

Confidentiality

When an individual comes to see a psychologist, all information shared with the psychologist is confidential, with a few exceptions; that is, the information will not be shared with anyone without the client's consent. The exceptions to this rule are as follows:

- disclosure of information pertaining to the abuse of vulnerable individuals, including children and other vulnerable persons such as the elderly or mentally handicapped persons (for example, if the client tells the psychologist that they are being harmed or someone they know is harming a child). In this case, the psychologist will call the Department of Child Services. Further details on the types of information that must be reported by law are included at the end of this policy.
- disclosure of intent to harm a specific individual. In this case, the psychologist must notify the police and the individual who is the target of the intended harm.

- disclosure of suicidal intent (i.e., the client tells the psychologist that they intend to end their life). In this case, the psychologist may call a friend or family member or authorities in an effort to protect the client.
- the client's file is subpoenaed by a court of law; in this case, the requested file materials must be submitted to the court.

In order to ensure that child and adolescent clients feel free to discuss any issues they wish with the psychologist, parents are asked to agree that information shared by the client will be held in confidence and not shared with parents. However, if the client discloses information of a serious nature that the psychologist feels the parent(s) should know, the psychologist will discuss this with the child and the information will be shared with the parent(s). Parents are asked to trust the judgment of the psychologist with respect to what information is shared.

Information the Must be Reported in Compliance with the *Children and Family Services Act of NS*

Section 22(2) of the *Act* provides a list of circumstances in which a child is deemed to be in need of protective services. Broadly, the circumstances can be organized into four grounds:

1. Physical abuse;
2. Sexual abuse;
3. Emotional abuse;
4. Parent or guardian is unavailable.

Each circumstance triggers the general duty to report. The specific circumstances pursuant to section 22(2) are as follows:

(a) the child has suffered **physical harm**, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been **sexually abused** by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(d) there is a substantial risk that the child will be sexually abused as described in clause (c);

(e) a child **requires medical treatment** to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment;

(f) the child has suffered **emotional abuse**, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately; (g) there is substantial risk that the child will suffer emotional abuse and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the abuse;

(h) the child suffers from a **mental, emotional or developmental condition** that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to cooperate with the provision of, services or treatment to remedy or alleviate the condition;

(i) the child has been exposed to, or has been made aware of, **violence** by or towards

a parent or guardian, or

another person residing with the child,

and the parent or guardian fails or refuses to obtain services or treatment, or to take other measures, to remedy or alleviate the violence;

(j) the child is experiencing **neglect** by a parent or guardian of the child;

(k) there is a substantial risk that the child will experience neglect by a parent or guardian of the child, and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the harm;

(ka) the child's only parent or guardian has died or is **unavailable to exercise custodial rights over the child** and has not made adequate provision for the child's care and custody;

(kb) the child is in the care of an agency or another person and the parent or guardian of the child refuses or is **unable or unwilling to resume the child's care** and custody;

(l) the child is under twelve years of age and has **killed or seriously injured another person or caused serious damage to another person's property**, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion **injured another person or caused loss or damage to another person's property**, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately.

Pursuant to section 22(1) of *CFSA*, substantial risk means a real chance of danger that is apparent on the evidence.

The definition of a child in need of protective services is purposely broad - in order to allow child protection to intervene at an earlier stage when problems are smaller and more likely to be remedied.