

 SOME THOUGHTS ON ITS LEGAL ISSUES FROM A HEALTH CARE POINT OF VIEW (Mistissini, January 29,2009)

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#### A REALITY

■ Maria is 21 years old. She is 6 months pregnant. Because of her heroin addiction, she accepted before her pregnancy, to benefit from a methadone maintenance therapy. Recently, her boyfriend rejected her. She started using heroin again....

#### INTERROGATIONS

- What is her immediate future?
- What is her environment?
- What about the child, now and after?
- What kind of support she can expect from her community, her society?
- What kind of help she can expect from health and social services?

#### SOME FACTS

- 38% of Readaptation
  Centers for alcoholism and addictions users, are parents of children aged 17 years old or less;
- Most of the users are young woman;
- Criminality, mental
   Health, poverty, family
   disorders are in the
   background.

#### SOME FACTS

- For Montreal's Youth Center, a study reveals that when they consider security and development of a child compromised:
  - 58% are cases of negligence;
  - 45% of those cases are related to drug addiction.

(source: Centre Jeunesse de Montréal)

#### PESSIMISTICPERSPECTIVE

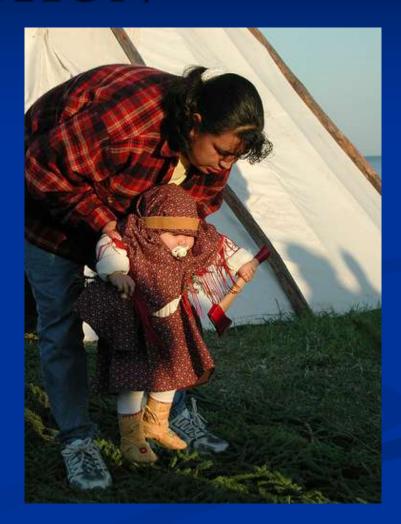
- Keep criminals in prison;
- Be satisfied with drug addicts on methadone programs;
- Continue working with limited ressources.

#### OPTIMISTICPERSPECTIVE

Proactive actions based on the conviction that people's life is a concern and can be turned around by their own efforts and the efforts of a supporting community.

#### SOME KEY ISSUES

- CHILD SAFETY,
   WELL-BEING AND
   BEST INTEREST;
- SUPPORTING THE PARENTS;
- STABILITY;
- ACCESS TO SERVICES.



- AN ATTITUDE TO BAN:
  - To believe that parents with an addiction problem are necessarily irresponsible;
  - To believe that addiction, solely, is enough to deny custody or parental authority.

- AN ORIENTATIN
  TO
  ACKNOWLEDGE:
  - Addiction is not a sufficient reason, in itself, to separate a child from his parents;
  - We must avoid being judgmental about people living with an addiction problem.

CONCERNED LEGISLATIONS:

- On custody issues:
  - Divorce act
  - Quebec's Civil Code
- On security or development issues:
  - Youth Protection Act

Towards this specific situation, tribunals will:

- Show a more tolerant and respectful attitude towards the parent's addiction problem;
- Question about the drug use in presence of the child;
- The willingness of the parent(s);
- Look at the mutual affection;
- The support of their particular environment.....

- In Youth Protection situations, when the security or development of a child is considered in danger, the tribunal will:
  - Analyse the question of addiction through the notion of «NEGLECT»;
  - Consider the addiction problem through the parents attitude and their social environment.

WHAT ABOUT THE SITUATION OF THE PREGNANT MOTHER WITH AN ADDICTION PROBLEM:

- The question was submitted to the Supreme Court of Canada in 1997 (Manitoba case);
- The Court refuse to grant the fœtus any rights, pretending no specific legislation recognize the fœtus as an «entity» that could claim separate rights from his mother.

For the Cree Board of Health and Social Services of James Bay (CBHSSJB), services to parents and children in a situation of addiction:

- Will be offered through the different missions under its responsibility:
  - The Local community centers;
  - The Hospital;
  - The Social Service Center;
  - The Reception Center.

- Some important elements to be considered by the CBHSSJB's personnel:
  - The children's safety;
  - The user's respect and dignity (parent and child);
  - The confidentiality;
  - The stigmatization syndrome;
  - Favor, as much as possible, ties between parents and child.

- Health and social services objectives:
  - Prevention and Harm reduction approach;
  - Integrated services approach;
  - Community support;
  - Offer training to the personnel to acquire better skills on this specific matter.

