



February 20, 2026

Hon. Barb Ramsay
Department of Social Development and Seniors
P.O. Box 2000
Charlottetown, PE C1A 7N1

Re: Recommendation to the Department of Social Development and Seniors to amend s. 3 of the *Child, Youth and Family Services Act*

Dear Minister Ramsay,

The PEI Office of the Child and Youth Advocate is an independent statutory office of the PEI Legislative Assembly. Our Office raises awareness of and upholds the rights of children and youth that are expressed under the United Nations Convention on the Rights of the Child. Our Vision is "A province where every child and youth experiences the realization of all their human rights and has every opportunity to reach their full potential."

As you know, my Office has released its *Position Statement of the PEI Child and Youth Advocate in Response to Commissioner Jenkins' Report regarding Student Safety in Island Schools - Handling of Complaints and Incidents of Staff Sexual Misconduct, Report to the Minister of Education and Early Years*. Within this *Position Statement*, I have formally issued the following time-sensitive recommendation to the Department of Social Development and Seniors:

That the Department of Social Development and Seniors introduce legislation for enactment in the 2026 Spring Session of the Legislature to amend the definition of "child in need of protection" in section 3 of the *PEI Child, Youth and Family Services Act* by substituting the phrase "the person having care, custody, control or charge of the child" for the existing language of 'a parent'

This recommendation has been advanced pursuant to section 12(2)(h) and 12(1)(d) of the *Child and Youth Advocate Act*, which read as follows:

12(2)(h) "The Advocate may ... advise or make recommendations to any public body or community organization responsible for providing reviewable services to children and youth on any matter relating to the rights, interests and well-being of children and youth."

12(1)(d) "The Advocate is responsible for... monitoring implementation of and compliance with recommendations included in reports made under this Act."

This recommendation seeks to address the abounding confusion surrounding the duty to report child protection concerns to Child Protection Services. Specifically, this recommendation seeks to remedy the confusion contained within the Jenkins Report that child protection concerns are only reportable to Child Protection Services when the perpetrator of harm is the child's parent, which is contradictory to the "when in doubt, report" messaging advanced by Child Protection Services. An amendment to the language of s. 3 of the *Child, Youth and Family Services Act* would align with the language of child protection legislation in Ontario, Manitoba and New Brunswick, and would serve to clarify that the statutory duty to report applies to every person with the knowledge or reasonable grounds to suspect that a child's safety or well-being is endangered by any person trusted with the care, custody, control or charge of that child.

As indicated in the recommendation, our Office emphasizes the urgency of amending s. 3 of the *Child, Youth and Family Services Act* during the Spring 2026 Sitting of the Prince Edward Island Legislature. As such, I request that your Department provide my Office with details of whether you accept the recommendation as advanced no later than end of business hours on Friday, February 27th, 2026. Should the Department reject this recommendation, I request that you notify our Office of your reasons, and proposed alternative steps, if any, by this same day and time, end of business hours on Friday February 27th, 2026.

Recommendations made by the Office of the Child and Youth Advocate are made through a child-rights lens, under the authority of the *Child and Youth Advocate Act*. The goal of monitoring recommendations is to improve the effectiveness and responsiveness of those reviewable services provided to children and youth.

I look forward to learning of, and publicly recognizing, your Department's commitment to implementing this recommendation. As always, I thank you in advance for your continued efforts to enhance services and to make necessary improvements for the advancement of the rights and well-being of children and youth in Prince Edward Island.

Respectfully,



Marvin M. Bernstein, B.A., J.D., LL.M. (ADR)
Child and Youth Advocate

cc: Doriann MacMillan, Deputy Minister, Social Development and Seniors

Recommendation Monitoring Implementation Scale

In accordance with this responsibility, the PEI Office of the Child and Youth Advocate has developed an implementation scale to assess progress regarding recommendations made to reviewable services based on an analysis of international, national, and provincial monitoring schemes with the purpose to monitor actions taken to implement the recommendations of the Child and Youth Advocate to protect the rights, interests and viewpoints of children and youth.

All recommendations will be monitored and implementation progress reported publicly to ensure fairness, public transparency and government accountability.

Recommendations are categorized into four levels of implementation.



