

PARENTHOOD AND ADDICTION



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

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PARENTHOOD AND ADDICTION

■ 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....

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■ 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?

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■ 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)

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■ PESSIMISTIC PERSPECTIVE

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

■ OPTIMISTIC PERSPECTIVE

- 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.

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



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■ 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 ORIENTATION 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.

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■ CONCERNED LEGISLATIONS:

■ On custody issues:

- Divorce act
- Quebec's Civil Code

■ On security or development issues:

- Youth Protection Act

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■ 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.....

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- 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.

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- 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 foetus any rights, pretending no specific legislation recognize the foetus as an «entity» that could claim separate rights from his mother.

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- 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.

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- 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.

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- 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.

