



Legal Brief*

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What is an Immediate Protective Measure?

When the Director of Youth Protection (the “DYP”) accepts a report regarding a child’s situation, he may unilaterally decide to take an immediate protective measure. In fact, the *Youth Protection Act*¹ allows him to take certain measures to ensure the safety of the child for a maximum period of 48 hours. Here are examples of measures the DYP may take:

- Entrust the child to one of the child’s parents;
- Entrust the child to a person who is important to the child;
- Entrust the child to a foster family;
- Entrust the child to a rehabilitation centre;
- Restrict contact between the child and the child’s parents;
- Prohibit contact between the child and certain persons.

The DYP may also take an immediate protective measure at any time during his intervention.

When possible, the DYP must consult the child and the parents before taking such a measure. It is important to note that the DYP does not need to obtain a prior court authorization. Moreover, the measure may be extended to the next working day if the 48-hour period ends on a weekend or a holiday.

The following are the available options following an immediate protective measure:

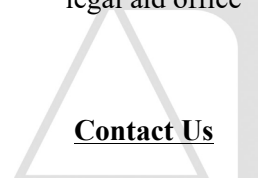
1. The situation returns to normal at the end of the 48-hour period;
2. If the parents and the child do not object to the extension of the immediate protective measure, the DYP may propose the signing of a provisional agreement until the DYP decides whether the child’s security or development is in danger;
3. The DYP may ask the court to extend the immediate protective measure for up to 5 working days;
4. The DYP may ask the court to make a provisional order if he considers that the measure is necessary for the child’s security or development or if he considers that the child remaining with or returning to the family environment would cause serious harm to the child.

At any time during the process, the parents and the child have the right to consult with a lawyer.

¹ [Youth Protection Act, CQLR, c. P-34.1, s. 46.](#)

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.