

From: webmaster@assembly.ab.ca
To: [CYAA Review](#)
Subject: Children and Youth Advocate Act - RESPONSE September 7, 2016 2:42 PM
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PART A: Submitter Contact Information

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 Age 18 or Over? Yes
 Confidential Submission?: No

PART B:

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1. AGE LIMITS

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The age limits should not be based on a calendar. There are legal definitions for age that need to be respected, but calling an individual 26 years old a youth is not appropriate. There should be a means test developed that assesses an individual's need and this test reviewed on a regular basis. I worked in the Corrections system for 35 years and found that there are many individuals that scam the system based on non means test criteria. If there is a court challenge on something resulting from a decision, based on past court decisions, there will a means test with criteria recommended.

It is dishonest to represent an individual at 22 as a child. Would an individual who meets this act definition still be able to held criminally responsible on a federal charge?

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2. DESIGNATED SERVICES

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This is again an area that needs some care in development. There will likely be many that are not in receipt of government assistance due to religious reasons. Designation of legal representation should only be a recommendation or the costs to the taxpayer will be astronomical. Legal aid should not be compartmentalized but under one responsible authority.

An advocate that undertakes research could be seen as trying to influence an agenda to a political perspective. Participation and collaboration are appropriate, as well as making recommendations from investigation results. Those who are in control of a program and those who monitor the program are not in my mind the best at determining research. Perhaps educational facilities can have it added to funding to coordinate with the department to undertake recommended research?

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3. ROLE AND FUNCTIONS

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The delegation of some of the powers will need some restrictions. Delegation of investigations should not be widely permitted except in absence with a designate having the power.

The office needs autonomy to perform its function, but also some accountability. Where is the report to the legislative assembly a requirement. It should not just be only an annual report, but quarterly updates on research

results, and investigations. Reports not to the government, but the legislative assembly.

Immunity to be forced to testify is necessary, as well as a responsibility to report immediate harm. Even a person advising a psychiatrist they are going to kill someone has a responsibility to report and privilege of privacy is restricted.

The investigations should be specified to no overlap other authorities like the coroner or interfere with a criminal investigation ongoing. We can expect reason, but need to have the public as a priority.

4. POWERS

Gathering of information seems to be the most important. Compelling testimony of involved parties is a need. The provision of sworn testimony should only be on publicly open investigations. Privacy considerations and closed investigations must be a factor, but as this is a public issue, there may need to be a layered approach to investigations as well.

5. INFORMATION PROTECTION

As above, information provided by a child needs to be protected, but if they state they want to kill someone and have the means it needs a reporting method. We are talking about preventing future issues for the child as well as protecting the public at large. The information provided must also have a means test to reliability as well as ensuring that there is no outside coaching of answers.

If there is a crime discovered during an process, unknown crime or one under investigation, there must be a process in place to protect the individual but provide the same respect to the victim of any crime. Perhaps a requirement for police agencies involved in the investigation to have senior officer provided Confidential information that protects the source but permits appropriate investigation.

It could also happen, that during an interview, other victims are discovered. How are they to be dealt with? The investigator has a need to follow up on information to determine reliability and mitigate further harm.

6. INVESTIGATIONS

The investigator should coordinate efforts with other agencies that are involved. There are different reasons for the investigation but similar motives. If a child dies due to a farm accident and there is also suspected child abuse, there will be multiple agencies with authority. The act needs to compel cooperation and at the same time not permit duplication and complications. It is the assessment of the information that is needed, not the act of the investigation. Similar issues have arisen in safety investigations. Criminal investigators do not ask the same questions, but do ask many of the needed ones. The purpose is also different. Safety looks at so it does not happen again, and criminal investigation to bring justice to the victim and society. Working together is the only solution.

7. REPORTING

I have compiled reports that remove identifiers. It significantly takes away from the report. I believe the report should be full in nature but held by the advocate and a summary of reports quarterly should be presented to the legislative. Reports should not be available as access to information from the advocate, only the public documents held by the legislative assembly. There should also be a method to be able to present names. If the victim permits, and is of the age of majority or deemed able, it should be possible to provide details. These are cases where individual assessment is needed not just a blanket statement.

Having been an investigator in federal matters, there is a clause referred to as section 13 where if, a report has a negative comment or information about an individual that information is to be shared with the individual prior to the report and an opportunity to rebut the possible submission prior to it becoming official. This protects the individual and is a second level of checks and balances for the process. There is no speculation, just facts that should be included in a report with reasonable assumptions the only exceptions.

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8. OTHER

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There is a need to represent the children in the system and protect them from falling through system deficiencies. There are also, unfortunately, opportunists and abusers in any system. If it is found that there is an abuse of the system or an attempt to manipulate an investigation or put those involved in the system or investigation under undue distress there must be an accountability for such actions.

Abuse of a child is one of the worst cases a person can deal with. It should be included in the act that training on critical incidents and other employee assistance programs be included in the appropriate to disclose information to as part of dealing with the stresses.

The advocate should not and can not be expected to represent the viewpoints of a child. This is inappropriate. It would be speculation and possibly subject to cultural misrepresentation. We can represent what is right, but not a viewpoint.

There will be some needed changes to information banks and access to information processes. Access to advocate files should be exempt.

Time frames were not included in the document and there will be some need to ensure that the regulations are not the only time frames.

It is not always possible to have interviews in person, and this is one act that possibly could include video interviews and video evidence recommended for the use of other Alberta departments video conferencing capabilities in a way to promote cooperation.

PART C: HOW DID YOU HEAR ABOUT THIS REVIEW?

- Newspaper
- AMMSA website
- CFWE Radio
- Facebook
- Twitter
- Instagram
- Other: News release email