

From: [Holly Godson](#)
To: [CYAA Review](#)
Subject: The Child and Youth Advocate Act Review
Date: Wednesday, October 12, 2016 2:59:32 PM
Attachments: [ReviewoftheChildandYouthAdvocateAct.pdf](#)

Attached is my feedback to the Standing Committee on Legislative Offices: Understanding the Child and Youth Advocate Act.

Part A:
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Are you 18 years of age or over? YES
Would you like your submission to remain confidential? NO

Part B:
Discussion Guide and Response (refer to attachment)

Part C:
How did you hear about this review? OTHER - Horizon School Division No. 67

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Holly Godson
Principal

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Review of the Child and Youth Advocate Act

Standing Committee on Legislative Office

General Overview:

In my response to the Child and Youth Advocate Act: Discussion Guide, I will be looking through the lens of an educator and a grandmother. Over the course of the past 6 months, I have sent several letters (Grandmother's Plea for a Better Tomorrow) to the Minister of Justice, Minister on Status of Women, Minister of Human Services, my local MLA and other agencies. I felt that this information is important to you in an effort to provide context and understanding of my perspective while reviewing this document.

After reviewing the Child and Youth Advocate Act, I found it to be nicely laid out within the four sections; however, I definitely had to research supporting articles and Acts to get a better understanding of the document.

Reference: **Protection Against Family Violence Act**

Family Violence has devastating consequences for families and communities through-out the province. In order to help end this cycle of abusive behaviour, the Alberta government continues to make preventing family violence one of its top priorities.

Reference: **The Child, Youth and Family Enhancement Act**

The Child, Youth and Family Enhancement Act is the legal authority for providing child intervention services in Alberta.

Reference: **Children and Family Services Act**

Purpose and paramount consideration

(1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children.

- *I would recommend an index of the reference articles and Acts with appropriate links for ease of access.*
- *I also founds some of the terminology vague and lacked explanation. For example: when referring to support - what kinds of supports are we actually referring to. - Children and Family Services, Legal Support...etc. Perhaps the document would benefit from a list of Supports available and referenced in the act.*

Question # 1 - **There are services provided to different age groups under the Act. Are these age limits appropriate?**

- *To be very honest, I was very surprised with the range of ages even though the document provides and defines "Child" and "Youth". I suggest in the document that you start with - Child and Youth Advocate Act defines... followed by Individual Advocacy, Legal Representation and Investigative Reviews. I definitely struggled with the idea of Child and Youth including up to 24 and 27 years of age.*
- *Question - If the OCYA is not able to appoint a lawyer for a young person who is receiving assistance via the Child, Youth and Family Enhancement Act - who will?*

Unfortunately, often children within care (ie: Child and Family Services, PGO... etc) it is even more important that their voice be heard due to their vulnerability. I am concerned about children under the age of 16... often, they are viewed as a minor and not necessarily perceived of having the ability to portray an accurate account of a situation or incident. All too often, we are reactive vs proactive in responding to and listening to the child's or youth's voice.

Question # 2 - Does the Act permit the Advocate to provide appropriate services to children and youth? Should the Advocate provide services to children and youth who are receiving government services?

- *Is there a reason that the Prevention of Family Violence Act is not sited under this Act?*
 - *Specifically related to violence that may contribute to abuse (neglect, emotional, physical, and sexual) of children.*
- *At what level / when does the Child and Youth Advocate become involved? Who is responsible for applying / accessing the OCYA? Child vs Agency?*
- *Is there a reason that Minority Populations or Children / Youth At-Risk are not addressed in this section? For example: Aboriginal, English as Second Language and Immigration Populations, LGBTQ Community... etc?*

Question # 3 - What the advocate can do is made possible by the Child and Youth Advocate Act. In your opinion, should the role of the Advocate stay the same? Is the Advocate able to do enough or should the advocate be able to do more?

Please explain your answer and provide suggestions, if possible.

- *Where does the Advocate fit into the bigger picture of other agencies related to Child and Youth Welfare? "The Advocate may communicate and visit with a child, or guardian / person who represents the child" - does that mean the Advocate may communicate with the Inter-agency Services currently working with the child or family (Human Services, Health, Education, Legal... etc)?*
- *How does a child, youth or concerned adult access the services of the Child and Youth Advocate? Is it by referral? If in that case - who?*

Question # 4 - Does the Act provide the Advocate with sufficient powers to conduct the roles and functions set out in the Act? Are other powers necessary?

- *The powers of the Child and Youth Advocate lends to investigation; however, what is the OCYA actually capable of doing beyond the investigation stage? Children disclose to an agency or advocate seeking and hoping to find someone to help improve or resolve their situation. Unfortunately, if the agency or advocate does not follow-through, whether that be by the limitations of their governance, qualified staff or funding to support the program(s)... children / youth do not feel validated and question why they put themselves further at risk... "another person, another adult, another agency has let them down".*

Question # 5 - Is the information provided by a child to an advocate sufficiently protected? Is the information provided for an investigation sufficiently protected?

- *Information provided by a child to the Advocate in confidence is “privileged” - what does that mean exactly?*
- *Does a child have the right of access to the investigation notes, inter-agency investigation notes... etc for legal proceeding or other purposes? What does it mean by “compelled”?*
- *Exactly... who does have the right to access of the information disclosed by the child / youth?*

Question # 6 - What the Advocate can investigate is made possible by the Act. Should the advocate be able to investigate the same, more, less or different issues? Please explain your answer and provide suggestions.

- *It deeply concerns me that an investigation of systemic issues takes place only in the case of serious injury or death of a child. This is reactive vs proactive? Is it possible that the OCYA is one of the “checks” for other services to ensure that children / youth needs are being met prior to a more serious event?*

Question # 7 - What the Advocate can report after an investigation is set by the Act. Do these Reports contain enough information? Should these reports contain the same, more or different information? Please explain your answer and provide suggestions.

- *Who is the Child and Youth Advocate directly responsible to? Health? Justice? Human Services? Education? As I read the document, I find myself confused by not knowing who the OCYA is accountable to. The Act directly mentions the Youth Justice System and indirectly to Human Services however after that it implies other support programs and services.*
 - *Who is the OCYA responsible to? If OCYA is involved in an investigation, who do they involve in the investigation and who outlines the recommendations? Is it a TEAM effort (members of the different pillars) or solely OCYA?*
 - *If we are discussing Child and Youth Advocate - all pillars should be involved (directly / indirectly) and how / what do those conversations look like?*
 - *Is Success in Schools (for Children in Care) one of the supports / programs... Or, are there more?*
- *“The role of Alberta’s Child and Youth Advocate is set out in the Child and Youth Advocate Act. The Child and Youth Advocate Act was created to ensure that the rights, interests and viewpoints of the **most vulnerable children and youth** in provincial government systems are considered in matters that affect them.” What exactly is the definition and / or criteria for **most vulnerable**?*

Question # 8 - Do you have any other suggestions or comments about the Child and Youth Advocate Act? Please comment on any topic related to the Act not addressed by the discussion guide.

From a personal perspective:

As I reviewed and responded to the Act... I also reflected on the fact that 'a piece of legislation is only as good as the piece of paper it is written on.' I believe that what makes the difference is the provision of adequate resources (funding, qualified people, and direction) for the 'piece of legislation' to come to life and truly make a difference. I also know that in order to make a real difference - the OCYA will require 'teeth' in order to create change. I see 'education'... I see 'investigation'... I see 'recommendations'... but, I don't see the 'bite' or the 'teeth' needed for follow-through. If we truly wish our children and/or youth to feel safe enough to disclose and bare their souls, they need to KNOW that there will be follow-through, things will change, and there is truly HOPE at the end of the journey.

Secondly, how do people find out about the supports and services that are available to them? OYAC? Legal? Human Services? Health? They are inter-connected and could benefit from cross-communication. When people are entrenched in turmoil, they have a hard enough time finding their way on a daily basis, getting past the embarrassment and social stigma of their issues... nevermind finding the supports and services available to them. This is where the coordination across the pillars is imperative - so that supports and services across boundaries are not limited! In other words, how does OCYA share their mandate and information to the everyday person?