

From: [Annie Brown](#)
To: [CYAA Review](#)
Cc: [info](#); [Patricia Fernandez](#); [Pamela Wynn](#); [Rosalie Krause](#); [Deb Guerette](#)
Subject: AHS input re: Review of the Child and Youth Advocate Act
Date: Thursday, October 13, 2016 5:26:28 PM
Attachments: [Health Operations Review of CYA Act OCT2016.docx](#)

Committees of the Legislative Assembly of Alberta

Re: Review of the Child and Youth Advocate Act

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Good afternoon,

Please find attached a compilation of input regarding the above review, from staff and programs who come in contact/utilize the Act. Other staff/groups submitted through the portal on your website directly.

Thank you for the opportunity to provide feedback.

Should you have any questions, please do not hesitate to contact me.

Thank you.

Annie

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**Healthy Albertans.
Healthy Communities.
Together.**

AHS Operations (province wide) and Provincial AMH Feedback Review of the Child and Youth Advocacy Act – October, 2016

Please note: This information has been collected across the province from AHS staff and groups who interact with/are impacted by the Child and Youth Advocacy Act. Alternatively some groups have supplied feedback directly through the portal.

Thank you.

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

- Suggestion that PChAD should be included. CFS status children and PSECA are covered, so it would make sense for PChAD to be included as well, given it is government legislation for youth. The advocate could help the guardian/s and youth navigate decisions made under this Act.
- It may be helpful for the advocate to be more involved in programs that support infants and toddlers. This is a critical age and stage for children and getting their needs met is key to their long term wellbeing. The biggest issue we see in working with Child and Family Services is that many of the recommendations and suggestions that we put forward don't get followed through. We then see these same kids are referred to us a year or two later and they have gotten worse as nothing was done. This would be an area where the advocate could be much more helpful to these vulnerable children.
- The age limits are mostly appropriate. It is particularly helpful that they provide individual advocacy for those less than 24 years of age which addresses needs of the high risk Young Adult Population that we serve in AMH. It might be helpful to increase the age of providing legal representation to the age of 24 as well.
- What about Transitional youth that are not receiving support/financial care or in youth justice custody, it seems they do not have access to legal representation if over 18.

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 other than what is currently indicated within the Act? Please explain your answer and provide suggestions, if possible.

- It isn't explicit as to who may initiate contact with the Child and Youth Advocate. Can parents who have children in care access this person if they have concerns? Or is contact via the Child and Family Services, or the Physicians, educators, etc.?
- There are a group of children who are missed by the wording of the act and that is the children for whom there was a screening by CFS but no services provided. If a child in that category was

to have a serious injury or death, the Advocate should be able to review the situation and initiate an investigation if warranted.

- There may be a role for the Advocate for those children heavily involved in the medical world, including some children with medical complexity. If there were access to the Advocate, the parents would not remain omnipotent in the management of this special population (sometimes non-verbal, always dependent), as parents may have to defend their choices to an independent, outside observer.
- There may be a role for the Advocate where a child is eligible for receiving services through the Family Supports for Children with Disabilities (FSCD), but are not receiving these supports because FSCD is a parent-driven model and if parents do not or cannot initiate, pursue or maintain the services, children miss out. CFS will not get involved in these cases because the child is not being abused. But the child is not getting the services they require to develop optimally.
- Broadening the scope where the Advocate can intervene can be valuable to these children and youth.
- Should health services be included as some transitional youth, homeless youth may not have GOA status but they may have contact with health services for both physical and mental health?

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.

- The problem noted is that the Advocate can make recommendation in his/her report but has no way to push for those recommendations to be followed. A mandated report back to the OYCA from Human Services after a specified period of time might help the recommendations gain some traction.
- The roles as described seem thorough, however, they apply only to children for whom Child and Family Services is actively involved. This document does not consistently denote this. Having some roles, for instance, participate in processes in which decisions are made about children could be broadened to include those for whom there is extensive involvement with the medical system. Also for those circumstances where patient's interests and parent's interests may not overlap as much as expected (i.e. there can be significant secondary gain for the parents when promoting ongoing/escalating interactions with the medical system). Having access to the Advocate could help improve outcomes for our most vulnerable patients.

- We believe that the role of the Advocate is adequate.

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?

- Yes, the Advocate has been able to reach out to all of the stakeholders involved in an investigative review. As above, these powers should be available to every child in the province.
- If the child is involved as a youth in the Addiction and Mental Health system and has experienced the support of the OCYA is there a process to explore about how the child advocate could transition support to the patient advocate in the mental health system during transition from child to adult services?

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

- The reports have adequately protected the privacy of those involved.

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.

- The Act specifies that the Advocate may investigate systemic issues that result in a serious injury or death. Suggestion that this be expanded as there may be systemic issues that have not yet resulted in injury or death but warrant investigation. For example, significant gaps or barriers to service that suggest that serious injury or death is of high risk.
- See answer to #2
- We agree with how the Act enables the Advocate to conduct investigations. Youth confined in the PChAD program who expresses concerns about their involvement with Child and Family Services are informed of their rights and the services provided by the Advocates Office. Youth are supported and encouraged to call the Advocates Office and speak to an Advocate to share their concerns.

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.

- The reports are not readily available to those who participated in the investigations, only to the receiving body. It would be better in some of these situations to read the report, to understand that the circumstances were accurately reported and that the entire context was taken into consideration. It is not clear where to get access to these reports for the public. As well, it is not clear that the responsible department/ministry in the government is being sent these reports as well. It feels like these may be generated and then not seen nor acted upon.

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 this discussion guide.

- Mainly referencing Discussion Guide submission questions #2 and #8, considering youth who don't have status with CFS, Justice or PSECA, wondering if there are sufficient services for youth in this category. In past experience working with youth who are not in receipt of formalized services, it is these youth who often don't know who to turn to in systems of help-seeking, e.g. youth who are living independently, not officially emancipated from parents/guardians, etc.
- Does the OCYA deal with intakes on a case-by-case basis, or do they/could they look at non-status children and youth? If any youth knows about the service and then accesses an intake worker - <http://www.ocya.alberta.ca/child/i-think-i-need/> ...are they directed to the "right" service, or are they simply turned away if they do not meet criteria (e.g. not involved with the services outlined in the Act).
- It is this population who are in need of a particular level of connection, as they do not easily fit within the mandates of some programs, e.g. school support / independent student status, housing, ability to get health services as a mature minor, etc. I am sure the OCYA is very busy just dealing with kids who have status with the CYA Act and the potential of dealing with populations beyond this certainly widens the net, but just being conscientious about the ones who fall through the proverbial cracks.