

# Standing Committee on Legislative Offices

## Report on the Review of the *Child* and *Youth Advocate Act*

Twenty-Ninth Legislature Third Session June 2017



Standing Committee on Legislative Offices

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#### STANDING COMMITTEE ON LEGISLATIVE OFFICES

June 2017

To the Honourable Robert E. Wanner Speaker of the Legislative Assembly of the Province of Alberta

The Standing Committee on Legislative Offices has the honour to submit its report relating to its review of the *Child and Youth Advocate Act* for consideration by the Legislative Assembly.

Sincerely,

(original signed by)

David Shepherd, MLA Chair, Standing Committee on Legislative Offices

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## MEMBERS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES 29<sup>th</sup> Legislature

David Shepherd, MLA Chair Edmonton-Centre (ND)

Brian Malkinson, MLA Deputy Chair Calgary-Currie (ND)

Nathan Cooper, MLA\* Olds-Didsbury-Three Hills (W)

borah Drever, MLA<sup>†</sup>
Calgary-Northern Hills (ND)

Jessica Littlewood, MLA

Deborah Drever, MLA<sup>†</sup> Calgary-Bow (ND)

Fort Saskatchewan-Vegreville (ND)

Mike Ellis, MLA<sup>‡</sup>
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Jason Nixon, MLA Rimbey-Rocky Mountain House-Sundre (W)

Jamie Kleinsteuber, MLA

Prab Gill, MLA§ Calgary-Greenway (PC) Angela D. Pitt, MLA<sup>††</sup>
Airdrie (W)

Trevor A.R. Horne, MLA Spruce Grove-St. Albert (ND) Glenn van Dijken, MLA Barrhead-Morinville-Westlock (W)

Debbie Jabbour, MLA\*\*
Peace River (ND)

Denise Woollard, MLA Edmonton-Mill Creek (ND)

#### **Substitutions Pursuant to Standing Order 56 (2.1-2.4):**

Lorne Dach, MLA<sup>‡‡</sup> Edmonton-McClung (ND)

Thomas Dang, MLA<sup>†††</sup> Edmonton-South West (ND)

Todd Loewen, MLA§§ Grande Prairie-Smoky (W) Nicole Goehring, MLA<sup>‡‡‡</sup> Edmonton-Castle Downs (ND)

Scott J. Cyr, MLA\*\*\*
Bonnyville-Cold Lake (W)

Ric McIver, MLA§§§ Calgary-Hays (PC)

Ronald Orr, MLA\*\*\*\* Lacombe-Ponoka (W)

<sup>\*</sup> Committee member to December 13, 2016

<sup>&</sup>lt;sup>†</sup> Committee member from December 13, 2016

<sup>&</sup>lt;sup>‡</sup> Committee member to June 1, 2017

<sup>§</sup> Committee member from June 1, 2017

<sup>\*\*</sup> Committee member to December 13, 2016

<sup>&</sup>lt;sup>††</sup> Substitute for Jason Nixon on August 16, 2016, for Nathan Cooper on November 4, 2016, and committee member from December 13, 2016

<sup>&</sup>lt;sup>‡‡</sup> Substitute for Debbie Jabbour on June 22, 2016

<sup>§§</sup> Substitute for Jason Nixon on June 22, 2016

<sup>\*\*\*</sup> Substitute for Nathan Cooper on August 16, 2016

<sup>†††</sup> Substitute for Deborah Drever on January 16, 2017

<sup>\*\*\*</sup> Substitute for Trevor Horne on January 16, 2017

<sup>§§§</sup> Substitute for Mike Ellis on May 17, 2017

Substitute for Glenn van Dijken on May 17, 2017, and for Jason Nixon on June 16, 2017

#### **Members also in Attendance:**

Nicole Goehring, MLA\* Edmonton-Castle Downs (ND)

Heather Sweet, MLA<sup>†</sup> Edmonton-Manning (ND)

Graham Sucha, MLA<sup>‡</sup> Calgary-Shaw (ND)

<sup>\*</sup> January 17, 2017 † January 17, 2017 ‡ May 17, 2017

#### 1.0 EXECUTIVE SUMMARY

During its deliberations on May 17, June 12, and June 16, 2017, the Standing Committee on Legislative Offices made the following resolutions pertaining to the *Child and Youth Advocate Act*, S.A. 2011, c. C-11.5 (the "Act").

- 1. That the Act be amended to expand the definition of "child" to include persons under the age of 24 years old in order to align the age limit with the *Child*, *Youth and Family Enhancement Act*.
- 2. That the Act be amended to provide that the Advocate can appoint lawyers to represent children and youth of all ages for matters related to the *Child, Youth and Family Enhancement Act* except for adoptions or for matters related to the *Protection of Sexually Exploited Children Act*.
- 3. That the Act be amended to clarify that the reference to health in the definition of "serious injury" include significant impairment to a child's physical or mental health.
- 4. That the Act be amended so that the Advocate can delegate the responsibility of administering the oath of confidentiality to others within the Office of the Child and Youth Advocate.
- 5. That the Act be amended to include a provision for records management requirements that would parallel that which is in place for other officers of the Legislature whereby the Standing Committee may make an order respecting records management on the recommendation of the Child and Youth Advocate.
- 6. That the Act be amended in section 15 to allow the Office of the Child and Youth Advocate to release a report with no recommendations when completing investigations.
- 7. That the Act be amended so that a committee of the Legislative Assembly conduct a comprehensive review of the Act every five years.
- 8. That within two years after the proclamation of Bill 18\* the Government consider whether amendments should be brought forward to the *Child and Youth Advocate Act* to expand the definition of "designated services" to include mental health services for children and services under the *Family Support for Children with Disabilities Act*.
- 9. That practices be developed so that each time a report is under consideration of a committee of the Assembly, participation includes but is not limited to the Office of the Child and Youth Advocate and department officials, similar to proceedings of the Standing Committee on Public Accounts, and that the relevant department provide documents in advance of each meeting.

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<sup>\*</sup> Bill 18, Child Protection and Accountability Act

#### 2.0 COMMITTEE MANDATE

On June 2, 2016, the Legislative Assembly passed Government Motion 20, which referred the *Child and Youth Advocate Act* to the Standing Committee on Legislative Offices for the purpose of conducting a comprehensive review pursuant to section 23 of that Act. In accordance with section 23 the Committee must submit its report to the Assembly within one year after beginning its review and that report is to include any amendments recommended by the Committee. Section 23 of the Act states that:

A committee of the Legislative Assembly must begin a comprehensive review of this Act by July 1, 2016, and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

The Committee began its review of the Act on June 22, 2016.

#### 3.0 INTRODUCTION

The *Child and Youth Advocate Act* establishes the role of Alberta's Child and Youth Advocate. 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.

The *Child and Youth Advocate Act* was enacted in 2011. Section 32 was proclaimed in force on December 15, 2011, and the rest of the Act was proclaimed in force on April 1, 2012.

This report is the result of the Standing Committee on Legislative Office's review of the Act, which started on June 22, 2016. It contains the recommendations that were agreed to during the Committee's deliberations.

For a complete record of the Committee's deliberations please consult the transcripts of the Committee's meetings, which are posted online at assembly.ab.ca.

#### **4.0 ACKNOWLEDGEMENTS**

The Standing Committee on Legislative Offices expresses gratitude for the useful contributions of the individuals and organizations who shared their first-hand experiences of Alberta's child welfare system. During the course of its review the Committee heard from First Nations organizations and elders as well as newcomer communities and received recommendations from front-line workers, educators, lawyers, social workers, psychologists, and health care providers, among others.

The Committee wishes to thank the individuals who serve children in the care of the Province.

The Committee also thanks the Child and Youth Advocate for participating in the review process, for sharing his expertise with the Committee, and for his work on behalf of Alberta's children.

In addition, the Committee acknowledges the work of the Ministerial Panel on Child Intervention (the "Panel") and notes the importance of the Panel's fourth and fifth recommendations, which refer to "accessible, inclusive family supports" and "culturally competent reviews." These recommendations address concerns that were raised in many written submissions and oral presentations to the Committee.

Finally, the Committee wishes to thank the technical support staff and Legislative Assembly Office support staff for their valuable assistance.

#### **Technical Support Staff**

#### Office of the Child and Youth Advocate

Mr. Del Graff, Child and Youth Advocate Mrs. Bonnie Russell, Director, Strategic Support Ms Jackie Stewart, Executive Director, Advocacy

#### Ministry of Children's Services\*

Ms Joni Brodziak, Director, Policy, Practice and Program Development, Child and Family Services

Mr. David Goodburn, Barrister and Solicitor, Legal Services

Mr. Mark Hattori, Assistant Deputy Minister, Child Intervention

#### **Legislative Assembly Office Support Staff**

Ms Shannon Dean, Law Clerk and Director of House Services

Dr. Philip Massolin, Manager of Research and Committee Services

Dr. Sarah Amato, Research Officer

Ms Jody Rempel, Committee Clerk

Mr. Aaron Roth, Committee Clerk

Ms Karen Sawchuk, Committee Clerk

Mr. Duncan Leung, Committee Services Co-ordinator

Ms Leah Kirtio, Committee Services Assistant

Mr. Ben Throndson, Committee Assistant

Ms Rhonda Sorensen, Manager of Corporate Communications

Ms Jeanette Dotimas, Communications Consultant

Hansard staff

Security staff

<sup>\*</sup> In January 2017 the Ministry of Children's Services was created and assumed responsibility for child intervention. Before January 2017 child intervention was the responsibility of the Ministry of Human Services.

#### **5.0 CONSULTATION AND REVIEW PROCESS**

The Standing Committee on Legislative Office's review of the *Child and Youth Advocate Act* involved a series of meetings that were open to the public and streamed live on the Legislative Assembly website. These meetings took place on June 22, August 16, and November 4, 2016, and January 16, January 17, February 7, May 17, June 12, and June 16, 2017.

As part of the review process the Committee received a background briefing on the *Child and Youth Advocate Act* from the Child and Youth Advocate and officials from the Ministry of Human Services<sup>\*</sup> on August 16, 2016.

The Committee invited written submissions from identified stakeholders and advertised for written submissions from the public through radio and newspapers, on its website, and through social media and other web-based platforms.

The Committee received 66 written submissions from identified stakeholders and members of the public. On August 16, 2016, the Committee heard oral presentations from the Office of the Child and Youth Advocate and from the Ministry of Human Services; on January 16, 2017, from representatives of the Ministry of Human Services, Ministry of Justice and Solicitor General, the Office of the Child and Youth Advocate, Alberta Health Services, Alberta College of Social Workers, Psychologists' Association of Alberta, College of Alberta Psychologists, City of Calgary Youth Justice Services, Child and Family Services, Premier's Council on the Status of Persons with Disabilities, Legal Aid Alberta, Align Association of Community Services, Red Deer Youth and Volunteer Centre, Canadian Native Friendship Centre Edmonton; on January 17, 2017, from the Boyle Street Education Centre, iHuman Youth Society, Alberta School Boards Association, Boys & Girls Clubs of Canada, Little Warriors/Be Brave Ranch, Alberta Adolescent Recovery Centre, Elk Island Child & Youth Ranch, Taccalusa Institute, John Humphrey Centre for Peace and Human Rights, Robert Cardinal, Creating Hope Society of Alberta, and the Kasohkowew Child Wellness Society; and on February 7, 2017, from the Office of the Auditor General of Alberta. Appendices A and B contain a list of the individuals and organizations that provided written and oral presentations to the Committee.

The Committee met on May 17, June 12, and June 16, 2017, to deliberate on the issues and proposals arising from the written submissions and oral presentations. Representatives from the Office of the Child and Youth Advocate and the Ministry of Children's Services attended the meeting and supported the Committee by providing technical expertise.

This report is the result of the Committee's deliberations and contains its recommendations in relation to the Act.

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<sup>\*</sup> In January 2017 the Ministry of Children's Services was created and assumed responsibility for child intervention. Before January 2017 child intervention was the responsibility of the Ministry of Human Services.

#### 6.0 COMMITTEE RECOMMENDATIONS

#### 6.1 Definition of "Child"

Section 1(k) of the *Child and Youth Advocate Act* defines "youth" as a child who is 16 years of age or older.

Section 1(c) defines "child" as

- (i) a person under the age of 18 years, including a youth, who is receiving or is seeking to receive a designated service, or
- (ii) a person under the age of 22 years who is receiving support and financial assistance under section 57.3 of the *Child*, *Youth and Family Enhancement Act*.

The age limit of 24 in section 6(4) of the *Child, Youth and Family Enhancement Regulation*, A.R. 160/2004 appears to be at odds with the definition of "child" in section 1(c)(ii) of the *Child and Youth Advocate Act*.

In their written submissions and oral presentations to the Committee many individuals and organizations, including the Child and Youth Advocate, the Ministry of Human Services, the Alberta College of Social Workers, Align Association of Community Services, United Way of Calgary and Area, iHuman Youth Society, Legal Aid Alberta, and the Creating Hope Society of Alberta, advocated for aligning the age limits under the *Child, Youth and Family Enhancement Act* and the *Child and Youth Advocate Act*.

The Committee discussed changing the age limit under the *Child and Youth Advocate Act* and acknowledged the importance of aligning age limits so that children and youth could receive the services of the Office of the Child and Youth Advocate up to the age of 24 years.

Therefore, the Committee recommends:

1. That the Act be amended to expand the definition of "child" to include persons under the age of 24 years old in order to align the age limit with the *Child, Youth and Family Enhancement Act*.

#### 6.2 Appointing Lawyers to Represent Children and Youth of All Ages

During its deliberations the Committee discussed the age limits for which the Advocate can appoint or cause to be appointed lawyers to represent children and youth.

Section 9(2)(c) of the Child and Youth Advocate Act grants the Advocate authority to

appoint, or cause to be appointed, lawyers to represent children with respect to any matter or proceeding under the *Child*, *Youth and Family Enhancement Act* or the *Protection of Sexually Exploited Children Act* or any matter or proceeding prescribed by regulation.

Currently children can only receive representation from the Legal Representation for Children and Youth (LRCY) program until the age of 18.

In their written submissions the Child and Youth Advocate, Alberta College of Social Workers, and Alberta Health Services recommended permitting the appointment of a lawyer for children up to the age of 24. The Committee noted that 24 is the age up to which children are involved in the intervention system and agreed that permitting the appointment of a lawyer for children and youth up to that age is important.

Therefore, the Committee recommends:

2. That the Act be amended to provide that the Advocate can appoint lawyers to represent children and youth of all ages for matters related to the *Child, Youth and Family Enhancement Act* except for adoptions or for matters related to the *Protection of Sexually Exploited Children Act*.

#### 6.3 Definition of "Serious Injury"

Section 1(1)(i) of the Child and Youth Advocate Act defines "serious injury," in respect of a child, as

- (i) a life-threatening injury to the child, or
- (ii) an injury that may cause significant impairment of the child's health.

In its discussion of this definition the Committee considered proposals put forward by the Child and Youth Advocate as well as other stakeholders and individuals to amend this definition in order to better capture the range of serious injuries a child might suffer. The Committee noted that according to the present definition injuries that meet the definition under the Act need to be physically observable and life-threatening or likely to impair a young person's health over time. The Committee considered that other forms of trauma related to mental health injury may not be physically observable. If unresolved, mental health injuries may also become life-threatening over time.

Committee Members recognized the potential severity of mental health injury and the importance of including mental health in the definition of "serious injury" in order to enable the Child and Youth Advocate to investigate systemic injuries arising from the mental health injury of a child.

The Committee therefore recommends:

3. That the Act be amended to clarify that the reference to health in the definition of "serious injury" include significant impairment to a child's physical or mental health.

#### 6.4 Oath of Confidentiality

During its deliberations the Committee acknowledged the recommendation of the Child and Youth Advocate to amend the Act so that the "oath of confidentiality should not have to be administered by the Advocate" and so that persons engaged by the Advocate are not required to take an oath.

In his written submission to the Committee the Advocate explained that amending the Act in this way would "allow [him] to delegate the responsibility to others within the office to administer the oath of confidentiality. The Act [currently] requires that a person employed must take the oath before they can begin to perform duties; however, the Advocate may not be available to administer it at that time." The Advocate further explained that the obligation to take an oath could vary depending on circumstance. For example, it may be reasonable, in some cases, to include the requirement of confidentiality within contracts, especially for organizations under contract with the Office of the Child and Youth Advocate to perform certain functions such as research or the delivery of technology.

The Committee agreed that it would be beneficial to enable the Advocate to delegate the responsibility for oaths to others within the Office of the Child and Youth Advocate. The Committee therefore recommends:

4. That the Act be amended so that the Advocate can delegate the responsibility of administering the oath of confidentiality to others within the Office of the Child and Youth Advocate.

#### 6.5 Records Management Requirements

In his written submission to the Committee the Child and Youth Advocate recommended amending the Act to include provisions for records management requirements. In his view these provisions might outline retention periods and specify whether young people have access to their personal records held by the Office of the Child and Youth Advocate. The Advocate further noted that the *Auditor General Act*, the *Ombudsman Act*, and the *Child, Youth and Family Enhancement Act*, include records management requirements.

The Committee agreed with amending the *Child and Youth Advocate Act* to include records management requirements. The Committee therefore recommends:

5. That the Act be amended to include a provision for records management requirements that would parallel that which is in place for other officers of the Legislature whereby the Standing Committee may make an order respecting records management on the recommendation of the Child and Youth Advocate.

#### 6.6 Releasing Reports with No Recommendations when Completing Investigations

During its deliberations the Committee acknowledged the recommendation of the Child and Youth Advocate to amend the Act to permit the Office of the Child and Youth Advocate "to release a report with no recommendations when completing investigations." In making this recommendation, the Advocate explained in his written submission to the Committee that "investigative reviews proceed on the basis of identifying potential systemic issues arising from the serious injury or death of a child receiving designated services. There are occasions where issues initially identified are not confirmed. The result is that there may be no recommendations." Further, "there is currently no provision ... to enable the public release of an investigation without recommendations."

The Committee acknowledged that the Advocate should not be obliged to make recommendations when none are warranted. The Committee therefore recommends:

6. That the Act be amended in section 15 to allow the Office of the Child and Youth Advocate to release a report with no recommendations when completing investigations.

#### 6.7 Review of the Act Every Five Years

During its deliberations the Committee considered the submissions of the Boys & Girls Clubs of Canada – western region, Boyle Street Community Services, Red Deer Youth & Volunteer Centre, and the Creating Hope Society of Alberta, recommending that the Act be reviewed every five years.

The Committee agreed that it would be beneficial for a committee of the Legislative Assembly to conduct regular reviews of the Act in order for the Act to remain responsive to any changes in child intervention strategies, social standards, and technologies that may occur. The Committee therefore recommends:

7. That the Act be amended so that a committee of the Legislative Assembly conduct a comprehensive review of the Act every five years.

#### 6.8 Expanding the Definition of "Designated Services"

The Committee considered the recommendation of the Child and Youth Advocate that his office "be able to provide advocacy services for a wider range of vulnerable children and youth." To this end, the Advocate proposed amending the Act under the definition of "designated services" to include children's mental health services and family supports for children with disabilities. In their written submissions the

Alberta College of Social Workers, Horizon School Division, Greater St. Albert Catholic Schools, Child and Family Services Council for Quality Assurance, City of Calgary Youth Justice Services, College of Alberta Psychologists, and Align Association of Community Services made similar recommendations with respect to expanding the definition of "designated services" to include children's mental health services. The Premier's Council on the Status of Persons with Disabilities, Alberta Health Services, Align Association of Community Services, and Alberta College of Social Workers recommended including family supports for children with disabilities in the definition of "designated services."

During its deliberations the Committee acknowledged the importance of providing both mental health services and services under the *Family Support for Children with Disabilities Act* to vulnerable children. The concern was expressed that expanding the Office's mandate to include mental health services and services under the *Family Support for Children with Disabilities Act* may be too burdensome at this time. The Committee was cognizant of the ways in which the passing of Bill 18, *Child Protection and Accountability Act*, on June 5, 2017, created new responsibilities for the Office of the Child and Youth Advocate. In addition, the passing of Bill 205, *Advocate for Persons with Disabilities Act*, on May 24, 2017, recently created an Advocate for Persons with Disabilities. Given these developments, it was decided to revisit within two years the issue of expanding the role of the Child and Youth Advocate to include mental health services and services under the *Family Support for Children with Disabilities Act*. Within two years the new services provided by the Child and Youth Advocate and the Advocate for Persons with Disabilities can be evaluated to avoid redundancies in the system. The Committee therefore recommends:

8. That within two years after the proclamation of Bill 18 the Government consider whether amendments should be brought forward to the *Child and Youth Advocate Act* to expand the definition of "designated services" to include mental health services for children and services under the *Family Support for Children with Disabilities Act*.

### 6.9. Participation in Committee Meeting when a Report of the Child and Youth Advocate is under Consideration

During its deliberations, Committee members proposed that practices be developed so that each time a report of the Office of the Child and Youth Advocate is considered by a committee of the Assembly, participation in the discussion of that report includes the Office of the Child and Youth Advocate and department officials. It was additionally proposed that the relevant departments provide documents in advance of each meeting to facilitate the committee's discussion.

The Committee agreed that when the annual reports of the Office of the Child and Youth Advocate are under discussion by a committee of the Assembly, it would be necessary to have the Child and Youth Advocate and officials from the relevant departments present to facilitate a more informed and efficient discussion of the Advocate's reports. They agreed that it would be appropriate for officials from relevant departments to provide the committee of the Assembly with the necessary documents to support the committee's work. It was further argued that this motion supports the intent of Bill 18, *Child Protection and Accountability Act*. The Committee therefore recommends:

9. That practices be developed so that each time a report is under consideration of a committee of the Assembly, participation includes but is not limited to the Office of the Child and Youth Advocate and department officials, similar to proceedings of the Standing Committee on Public Accounts, and that the relevant department provide documents in advance of each meeting.

#### **APPENDICES**

#### Appendix A: Minority Report - MLAs Gill, Nixon, Pitt, van Dijken

#### Introduction

This submission is meant to provide some additional commentary from the four members of the Standing Committee on Legislative Offices who have co-signed below, pertaining to the draft report prepared in June 2017 entitled "Review of the *Child and Youth Advocate Act.*"

Wildrose and Progressive Conservative committee members support eight of the nine recommendations published in this report. We disagree with the committee's final version of Recommendation 8, which postpones for two years consideration of a recommendation to expand the Advocate's mandate. In addition, we are disappointed that the majority of the committee voted down a motion that would have allowed the Advocate to identify exceptional circumstances where its services are warranted. Either original motion, if implemented in subsequent legislation, would have reduced risk to vulnerable children and youth.

#### Review of Recommendation 8

The original motion made by Mrs. Pitt recommended broadening the definition of "designated services" to include mental health services and services under the *Family Supports for Children with Disabilities Act*. The motion arose out of a recommendation by the Office of the Child and Youth Advocate (OCYA), which requested the ability to assist young people in urgent need of assistance but whose issues involve government services that currently fall outside the *Act*.

As noted in the report, other stakeholders made similar recommendations with respect to expanding the definition of "designated services" to include children's mental health services and family supports for children with disabilities. Given the wide support for this motion, it is disappointing that the majority government membership on the committee opposed all arguments the opposition members put forward for broadening the Advocate's scope of services.

Government members raised objections because the OCYA will already need more resources in light of Bill 18, the *Child Protection and Accountability Act*, which was passed in the legislative assembly while the committee was undergoing its review. However, this motion does not compel the Advocate to carry out more work, rather it would have given the Advocate the discretion to assist children receiving these additional services, should it see fit to do so, as right now the Advocate does not have jurisdiction over those areas as per the *Act*. Part 2 of the *Child and Youth Advocate Act* states that "the Advocate may" (emphasis added) carry out a variety of roles or functions for children receiving a "designated service". Del Graff, the Child and Youth Advocate, testified to the committee that, by the nature of the phone calls the OCYA receives, they had the sense that "not all of the most vulnerable children in Alberta are contained within our current set of designated services."

The government suggested that Bill 205, which was being debated in the legislature, would provide for an Advocate for Persons with Disabilities that would serve children with disabilities. However, we are concerned because this Advocate is not an independent officer of the legislature like the Child and Youth Advocate, nor is it clear what that Advocate for Persons with Disabilities will do to serve children receiving mental health services.

In the end, the government members amended the motion so that it postpones any consideration of expanding the Advocate's mandate for a period of two years. They then used their majority to pass it.

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<sup>\*</sup> See Hansard, June 12, 2017, LO-297.

#### **Alternative Recommendation**

The Committee then debated Mrs. Pitt's alternative motion which would have at least allowed the Advocate to identify "exceptional circumstances" for providing crucial advocacy for issues that aren't within the scope of the *Act's* "designated services." This motion was also presented by the OCYA as an option for consideration.

Wildrose and PC members believed this compromise overcame the main roadblock the government members raised to the first motion. In short, it would have clearly restricted the Advocate to determining which young people require urgent assistance on a case-by-case basis, hence not guaranteeing an increased workload for the Advocate but allowing the Advocate the liberty to assist exceptionally vulnerable children should it wish to do so.

Graff testified to the Committee that the OCYA receives calls where children are in dire straits and their need is absolutely critical as well as urgent, and if this motion passed, the Advocate would be able to deal with them. Graff stated that the OCYA can deal with the vast majority of general inquiries through referrals to other agencies, but a small percentage of those cannot be, nor are they eligible for accessing the OCYA's advocacy services.\* We are significantly concerned when we hear that vulnerable children may "fall through the cracks" based on the inability of the Advocate to serve these children and youth. This important issue was not sufficiently discussed in the majority report because this motion failed.

#### Conclusion

Alberta's most vulnerable children are not well served by the committee's decisions regarding the two motions discussed above. We appreciate this opportunity to attach our observations to the committee's report.

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<sup>\*</sup> See Hansard, June 12, 2017, LO-301-LO-302.

#### **Appendix B: Written Submissions to the Committee**

The Committee received written submissions from 30 private individuals and two organizations who requested that their submissions remain confidential. The following table lists the remaining organizations that made written submissions to the Committee.

Name	Organization	
Donna Trimble	Parents for Choice in Education	
Robbie Charlebois	Horizon School Division No. 67	
Gloria Chalmers and Muriel Dunnigan	South East Edmonton Early Childhood Community	
Gioria Grianners and Marier Burningan	Coalition	
Isabel Henderson	Alberta Health Services – Glenrose Rehabilitation	
loabel Heliaeloon	Hospital	
Rhonda Nixon and David Keohane	Greater St. Albert Catholic Schools	
Clare Gallant, Alanna Manchak, and	Edmonton John Howard Society	
Kaela Hendra	Lamonton committed and coolety	
Holly Godson	D.A. Ferguson Middle School	
Karen McCullagh	Boys & Girls Clubs of Canada – Western Region	
Merwan Saher	Office of the Auditor General of Alberta	
Joelle Lewis	Big Brothers Big Sisters of Canada	
Cheryl Joynt	City of Calgary – Youth Justice Services	
Philip Bryden	Ministry of Justice and Solicitor General	
Anne Brown	Alberta Health Services	
Kevin Booth	St. Thomas Aquinas Roman Catholic Schools	
Gwenneth Feeny	Alberta Union of Provincial Employees	
Bob Cardinal	Bob Cardinal, Elder, Enoch Cree Nation	
Gary Strother and Andrea Holowka	Calgary Catholic School District	
Julie Mann-Johnson	Alberta College of Social Workers	
Tasnim Hasan	Edmonton-Ellerslie Consultation – Child and Youth	
	Advocate Act	
Del Graff	Office of the Child and Youth Advocate	
Mahamad Accord	Taccalusa Institute	
Katie Monilaws	Align Association of Community Services	
Patricia Yuzwenko	Legal Aid Alberta	
Lucy Miller	United Way – Calgary and Area	
Carol Robertson Baker	Office of the Alberta Health Advocates – Mental Health	
Renée Vaugeois	John Humphrey Centre for Peace and Human Rights	
David Morhart	Ministry of Human Services	
Jacquie Boyd	Red Deer Youth & Volunteer Centre	
Manna Middleton	Alberta Child Care Association	
Bill Brandon	Premier's Council on the Status of Persons with	
	Disabilities	
Christina Wallace Law	Kasohkowew Child Wellness Society	
Jim Gibbons	Alberta School Boards Association	
Donna Wallace	Child and Youth Services Council for Quality	
	Assurance	
Dr. Judi L. Malone	Psychologists' Association of Alberta	

**Appendix C: Oral Presentations to the Committee** 

Name	Organization
Del Graff, Child and Youth Advocate	Office of the Child and Youth Advocate
Jackie Stewart, Executive Director, Advocacy	
Mark Hattori, Assistant Deputy Minister,	Ministry of Human Services
Child and Youth Services	
Sandra Prokopiw, Manager,	Ministry of Justice and Solicitor General
Young Offender Branch, Correctional Services	
Kim Sanderson, Assistant Deputy Minister, Correctional Services	
Barry Andres, Executive Director,	Alberta Health Services
Provincial Addiction and Mental Health	Alberta Ficalti Gervices
Julie Mann-Johnson,	Alberta College of Social Workers
Professional Practice Support Team Lead	3
Richard Spelliscy, Deputy Registrar	College of Alberta Psychologists
Judi L. Malone, Executive Director	Psychologists' Association of Alberta
Trudy Wilson, Youth Justice Co-ordinator	City of Calgary Youth and Justice Services
Vicki Bertoia, Director	Premier's Council on the Status of Persons with
Janalee Morris, Member	Disabilities
Maria David-Evans, Interim President and Chief Executive Officer	Legal Aid Alberta
Joni Brodziak, Executive Director, Policy, Practice and	Child and Family Services, Ministry of Human
Program Development	Services (HS)
Julian Daly, Executive Director	Boyle Street Community Services
Jacquie Boyd, Executive Director	Red Deer Youth & Volunteer Centre
Rhonda Barraclough, Executive Director	Align Association of Community Services
Maxine Salopree, President, Board of Directors	Canadian Native Friendship Centre –Edmonton
Catherine Broomfield, Executive Director	iHuman Youth Society
Karen McCullagh, Western Regional Director	Boys & Girls Clubs of Canada
Jim Gibbons, Senior Education Adviser	Alberta School Boards Association
Alaina Thursby, Youth Worker	Boyle Street Education Centre
Cliff Whitford, School Counsellor	File Island Obild A Vestile Bandle
Melanie Kenzie, Director of Operations	Elk Island Child & Youth Ranch
Jackie Smith, Director of Community Education and	Alberta Adolescent Recovery Centre
Research Jacqui Linder, Clinical Director	Little Warriors/Be Brave Ranch
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Carolyn Peacock, Director	Kasohkowew Child Wellness Society
Bernadette lahtail, Executive Director of Programs and Cofounder	Creating Hope Society of Alberta
Robert Cardinal	
Dwayne Donald	
Kim Hallock, Red Dog Recovery Ranch	
Angelica Quesada	John Humphrey Centre for Peace and Human
Renée Vaugeois, Executive Director	Rights
Mahamad Accord, Chief Executive Officer	Taccalusa Institute
April Kellett, Counsel	
Doug Wylie, Assistant Auditor General	Office of the Auditor General of Alberta
Graeme Arklie, Principal Mary Gibson, Business Leader, Performance Audit	
Practice	
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