

Standing Committee on Legislative Offices

Report on the Review of the Office of the Child and Youth Advocate 2020-2021 Annual Report

January 2022



Standing Committee on Legislative Offices
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STANDING COMMITTEE ON LEGISLATIVE OFFICES

January 2022

To the Honourable Nathan M. Cooper
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 the review of the Office of the Child and Youth Advocate 2020-21 Annual Report for consideration by the Legislative Assembly.

Sincerely,

(original signed by)

Brad Rutherford, MLA
Chair, Standing Committee on Legislative Offices

Table of Contents

Members of the Standing Committee on Legislative Offices	ii
1.0 Introduction	1
2.0 Committee Activities.....	1
3.0 Recommendations of the Standing Committee on Legislative Offices	1
4.0 Minority Report.....	2

MEMBERS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES
30th Legislature, Second Session

Brad Rutherford, MLA
Chair
Leduc-Beaumont (UC)

Nicholas Milliken, MLA
Deputy Chair
Calgary-Currie (UC)

Tracy L. Allard, MLA
Grande Prairie (UC)

David Shepherd, MLA
Edmonton-City Centre (NDP)

Joe Ceci, MLA
Calgary-Buffalo (NDP)

Mark Smith, MLA
Drayton Valley-Devon (UC)

Martin M. Long, MLA
West Yellowhead (UC)

Heather Sweet, MLA
Edmonton-Manning (NDP)

Rod Loyola, MLA
Edmonton-Ellerslie (NDP)

Glenn van Dijken, MLA
Athabasca-Barrhead-Westlock (UC)

Miranda D. Rosin, MLA
Banff-Kananaskis (UC)

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

Mickey K. Amery, MLA^{*}
Calgary-Cross (UC)

Rakhi Pancholi, MLA[†]
Edmonton-Whitemud (NDP)

Members also in attendance on January 11, 2022

Leela Sharon Aheer, MLA
Chestermere-Strathmore (UC)

^{*} Substitution for Mark Smith on January 11, 2022

[†] Substitution for Rod Loyola on January 11, 2022

1.0 INTRODUCTION

The Child and Youth Advocate (the “Advocate”) is appointed under the *Child and Youth Advocate Act*, S.A. 2011, c.C-11.5, (the “Act”) as an Officer of the Legislature. Pursuant to section 9(1) of the Act the Child and Youth Advocate’s role is “to represent the rights, interests and viewpoints of children.”

Section 21 of the Act provides that the Advocate must report annually to the Speaker of the Legislative Assembly with respect to the work of the Office of the Child and Youth Advocate. The reporting requirement includes the Office’s annual report and reports on any mandatory death reviews and systemic reviews following a serious injury or death of a child who was receiving a designated service under section 1(e) of the Act. Pursuant to section 21(1.1) the annual report must include information on the progress of the implementation of recommendations made by the Advocate.

The Speaker of the Legislative Assembly must table each annual report in the Assembly as soon as possible. In accordance with section 21(3) of the Act, once tabled, an annual report stands referred to the committee of the Legislative Assembly charged with review of the report. Pursuant to section 21(4) of the Act the committee undertaking the review “must report back to the Assembly within 90 days of the report being referred to it if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.” On November 24, 2021, the Assembly agreed to Government Motion 105, which referred the 2020-2021 Annual Report of the Office of the Child and Youth Advocate to the Standing Committee on Legislative Offices for review.

2.0 COMMITTEE ACTIVITIES

During its review the Committee met on January 11, 2022. At that meeting Del Graff, the Child and Youth Advocate, and Terri Pelton, Executive Director of Child and Youth Advocacy, made a presentation to the Committee on the 2020-2021 Annual Report of the Office of the Child and Youth Advocate. In 2020-2021 the Advocate made six new recommendations to government, released two mandatory review reports into child deaths, and issued one statement of concern regarding high-conflict custody and access disputes.

During the meeting the Committee expressed thanks and appreciation to Mr. Graff for his years of service as the Child and Youth Advocate. The Committee posed questions about the Advocate’s annual report and the recommendations made therein. Committee members asked a number of questions, including queries regarding the youth opioid crisis, impacts of the COVID-19 pandemic, Indigenous youth in care and supports for Indigenous families, supports for children in high-conflict family settings, youth suicide prevention, relevant ministry responses to and implementation of the Advocate’s recommendations, and the relationship between the Ministry of Children’s Services and the Advocate.

3.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES

At its meeting on January 11, 2022, the Committee expressed its appreciation for the work of the Advocate, as summarized in the Office of the Child and Youth Advocate’s 2020-2021 Annual Report. The Committee made no recommendations with respect to the Office of the Child and Youth Advocate’s 2020-2021 Annual Report and concluded its review through the following motion:

the Standing Committee on Legislative Offices (a) conclude its review of the office of the 2020-2021 annual report of the office of the Child and Youth Advocate, (b) direct research services to prepare a draft report on the committee’s review of the 2020-2021 annual report of the office of the Child and Youth Advocate, and (c) authorize the chair to approve the report after making it available for committee members for review.

4.0 MINORITY REPORT

To the Chair of the Standing Committee on Legislative Offices,

The Alberta NDP caucus does not agree with the outcome of the review by the Standing Committee on Legislative Offices of the 2020-21 Annual Report of the Office of the Child and Youth Advocate, and therefore submits this Minority Report.

For the third year in a row, the UCP members of the committee used their majority to end the review before any meaningful actions could be taken and ignored the recommendations and advice of the Child and Youth Advocate and his office. The Advocate could not have been more clear in committee:

“This annual review process [should] focus on both our office’s contributions and recommendations made and on what the relevant ministries have done to address those recommendations. This committee and all Albertans deserve to know what actions are taken and what outcomes are achieved in our collective efforts to improve the circumstances of young people...I urge you to act on strengthening accountability measures for government when we make recommendations.”

Despite this, within moments of the presentation of the Child and Youth Advocate, the member for Calgary-Currie put forward a motion to end the review and direct research services to prepare a meaningless report for the assembly. Then against opposition from the NDP, the UCP used their majority to pass the motion therefore preventing NDP members from bringing forward additional motions or actions to the floor.

It is most concerning that the UCP continues to avoid accountability on this file, despite the fact that 2020-21 was a record year for deaths of children receiving government services, and 2021-22 has already shattered that grim record.

The expectation of the public is that when faced with negative impacts for the most vulnerable Albertans, the government and its members would be looking for every opportunity to improve. Disappointingly, the UCP and their members continue to use their majority in committees and the assembly to protect themselves and not Albertans.

It is clear that over the three reviews that this committee has undertaken for the Annual Reports of the Office of the Child and Youth Advocate, the only thing that the UCP members have learned are new ways of doing the same thing, avoiding scrutiny and transparency.

The Alberta NDP caucus will not stop supporting the important work of the Advocate and all that he and his office do for our most vulnerable Albertans. Perhaps next year, the UCP will join us.

Thank you,

David Shepherd, Edmonton-City Centre

Heather Sweet, Edmonton-Manning

Joe Ceci, Calgary-Bufferalo

Rod Loyola, Edmonton-Ellerslie