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FOR IMMEDIATE RELEASE

Children's Advocate disappointed government remains slow on improving legislation

WINNIPEG – When the final report of the Phoenix Sinclair inquiry was released a year ago, the Children's Advocate, Darlene MacDonald, was encouraged that Commissioner Ted Hughes agreed with what MacDonald, her staff, and multiple experts have been saying for years: the Advocate needs stronger legislation to hold public services accountable. Described in the thirteen recommendations specifically aimed at the Children's Advocate, Hughes called on the Manitoba government to act quickly to give the Advocate a stronger mandate that extends advocacy support to children and youth beyond child welfare.

With this most recent release of the final report of the government's implementation committee, AMR Consulting, we hear the same conclusion repeated, that, "While in Manitoba, children's interests and rights are protected in only one of the many systems that serve them" (p. 123). It is disappointing, then, that the AMR report has taken another year, is soft on timelines, absent of clear recommendations, and sets up vulnerable children and youth to wait even longer to see strong, independent legislation enacted.

Most other provinces in Canada have empowered their child and youth advocates with broad, independent mandates that allow them to support young people across the spectrum of public services such as child welfare, but also in justice, education, health, and others. Manitoba children and youth are not protected in the same way. "I am pleased that the government has gone on record saying they intend to introduce independent legislation for the Children's Advocate," said current Children's Advocate, Darlene MacDonald, "but instead of clear timelines, the government is now calling for more consultations and more committees on a long-studied and well analyzed gap in the system. Are we going to be sitting in the same place in another year from today?"

In Manitoba, the mandate that governs the Children's Advocate is embedded in section 8 of the *Child and Family Services Act*. Children and youth who request support from the Office of the Children's Advocate (OCA) must be receiving services from child welfare in order to qualify for support from the OCA. The Phoenix Sinclair report called on the government to create independent legislation for the OCA that would ensure any child or youth receiving any publicly funded services would qualify for support from the OCA. Hughes' recommendation was reinforced today by the AMR report stating the necessary legislative changes will, "...ensure that Manitoba has 'a truly independent officer of the legislature, with authority to advocate for all Manitoba children who receive, or are entitled to receive publicly funded services, and to report on matters that concern them'" (Hughes, 2014, p. 423, as quoted in AMR, p. 123).

Ironically, the AMR report references the process that occurred in BC to bring that province's child and youth advocate into force following a similar wide-scale review of the public system by the same Commissioner Hughes in 2006. In BC, the Hughes report, *BC Children and Youth Review (2006)*, was released in April 2006, and called for the creation of the office of the Representative for Children and Youth in BC (RCYBC). One month later, in May 2006, the BC government passed the *Representative for Children and Youth Act*. BC's first advocate was hired in November 2006, and her office of professional advocates, with a strong mandate of review across public service delivery systems, came into full force by March 2007, less than a year from the release of the final inquiry report. In Manitoba, Commissioner Hughes merely called for a strengthening and broadening of the already existing mandate of the busy OCA, and a year later the government is still talking about forming committees and looking at what can maybe be done in the next 5-7 years.

The OCA has studied this issue for years, motivated by the numbers of young people who contact the OCA for help but who do not qualify because of the weak mandate. Over the years, the OCA has provided the government with multiple studies, reports, templates, suggestions, and ongoing analysis on fixing this issue. It is of critical importance that the government act now and act quickly to create stand-alone legislation that extracts the OCA from under the umbrella of the department of family services. The Children's Advocate is an independent, non-partisan officer reporting directly to the legislative assembly and must be accountable equally to all members of the assembly, and by extension, all members of the public. Keeping the mandate of the Advocate embedded in the *Child and Family Services Act* casts unnecessary doubt on the office's independence.

The government also announced today their intention to provide the OCA with an additional resource of an associate deputy to address the overrepresentation of Aboriginal children and youth. With such a busy staff, we readily accept this support to respond to the needs of thousands of children and youth. Knowing our counterparts in BC have a similar, Aboriginal-designated position, we have requested more information about the responsibilities of that role so we can create a made-in-Manitoba version that meets the needs of our province. Still, it is vital that the government acknowledges the overrepresentation of Aboriginal children and youth occurs across the public service spectrum and many vulnerable young people do not have access to the OCA under current legislation. As we have been saying for years, we need to be given the legislative tools to provide support to all young people impacted by government services.

The OCA represents the rights, interests, and viewpoints of children and youth throughout Manitoba who are receiving, or who should be receiving services under The Child and Family Services Act or The Adoption Act. We also have the responsibility for reviewing the services after the death of any young person where that young person or their family was involved with child welfare in the year preceding the death.

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