

THE OFFICE OF THE CHILDREN'S ADVOCATE 2015-2016 ANNUAL REPORT

stepping into the Light



Children's
Advocate



The Office of the Children's Advocate

Unit 100 – 346 Portage Avenue
Winnipeg, Manitoba R3C 0C3

Phone: **(204) 988-7440**
Toll Free: 1-800-263-7146
Fax: (204) 988-7472

childrensadvocate.mb.ca

-  [Facebook.com/OCAAdvocate](https://www.facebook.com/OCAAdvocate)
-  [Twitter @OCAAdvocate](https://twitter.com/OCAAdvocate)
-  [YouTube tinyurl.com/OCAAdvocate](https://www.youtube.com/tinyurl.com/OCAAdvocate)

MANITOBA OFFICE OF THE CHILDREN'S ADVOCATE ANNUAL REPORT

APRIL 1, 2015 - MARCH 31, 2016

3	ABOUT THE OFFICE OF THE CHILDREN'S ADVOCATE	31	GENERAL THEMES
5	MESSAGE FROM THE CHILDREN'S ADVOCATE	36	SHOUT-OUT FROM THE ADVOCATE
7	EXECUTIVE SUMMARY	37	FINANCIAL REPORT
11	OVERVIEW OF INITIATIVES AND ACTIVITIES	37	THE OFFICE OF THE CHILDREN'S ADVOCATE STAFF
19	WE WERE THERE!	38	SPECIAL INVESTIGATIONS REVIEW ADVISORY COMMITTEE
21	REVIEW OF SERVICES		

Vision statement

A safe and healthy society that hears, includes, values, and protects all children and youth.



Mission Statement

To ensure the voices of children and youth involved with the child welfare system are heard. As an independent office, we advocate for systemic change for the benefit of children and youth under the *Child and Family Services Act* and the *Adoption Act*.

WHAT WE DO

The Office of the Children's Advocate is an independent office of the Manitoba Legislative Assembly. We are here to represent the rights, interests, and viewpoints of children and youth throughout Manitoba who are receiving, or are entitled to be receiving, services under the *Child and Family Services Act* (CFSA) and the *Adoption Act*. We do this by advocating directly with children and youth, or on their behalf with caregivers and other stakeholders. Our advocacy also involves reviewing services after the death of any young person where that young person or their family was involved with the child welfare system at the time of the death or in the year that preceded the death of the child.

The children's advocate is empowered to review, investigate, and provide recommendations on matters relating to the welfare and interests of these children and youth.

We also promote the *United Nations Convention on the Rights of the Child* (UNCRC). This guiding document, which Canada ratified in 1991, describes more than 40 central human rights specific to children.

GUIDED BY BEST INTERESTS

We carry out our role according to the best interests provisions of both the CFSA and the *Adoption Act*. This means that in all of the activities carried out by the staff of the OCA, the best interests and safety of children and youth are our top considerations.

THE IMPORTANCE OF HAVING AN INDEPENDENT CHILDREN'S ADVOCATE

The independent status of the OCA is vital. It allows the children's advocate to freely challenge the system and work for change when practices, policy, or legislation are not meeting the best interests of children and youth.

"Independent" means that the government of Manitoba does not oversee the OCA. We are separate and apart from the child welfare system; we are not a child welfare agency.

Children are in particular need of advocates. They have a voice but virtually no legal power to make anyone listen to them. Our experiences speaking with children and youth in the child welfare system reveal that they sometimes feel they have no say in what happens to them.

MESSAGE FROM THE CHILDREN'S ADVOCATE

stepping into the Light

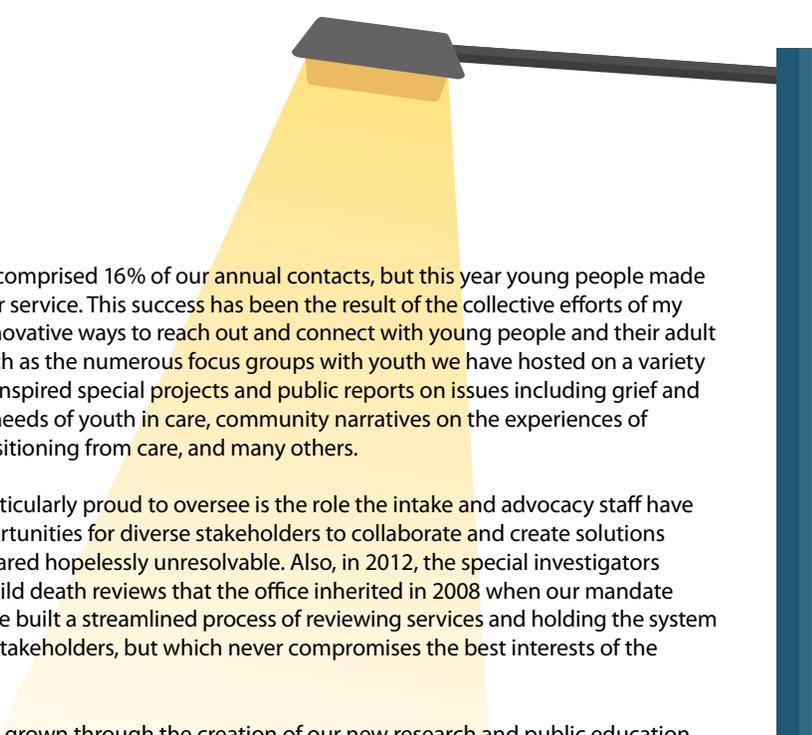
In accordance with Section 8.2 (1) (d) of the Child and Family Services Act, I respectfully submit this document as my annual report for the time period beginning April 1, 2015, to March 31, 2016.

Being a social worker can be a difficult job. Social workers in the child welfare system work with families experiencing crisis and help find solutions to make children and youth safe. In recent years, the role of social worker has come under increasing public scrutiny due in part to high-profile deaths and tragedies involving children and youth, systemic instability, a 24-hour news cycle and social media-saturated world. As the face of a large and decentralized system, Manitoba social workers often shoulder the public mistrust when inefficiencies and gaps in the system are revealed. While some cases have uncovered fault, the majority of social workers in Manitoba are high-level professionals who work hard to help families, and who do so quietly behind the scenes. In an ideal world the child welfare system would not need to exist, but in reality, thousands of Manitoba children, youth, and families benefit every day from the dedication of quality social workers.

As hard as it is to be a child welfare social worker, or a parent in receipt of child welfare services, it is vastly more difficult to be a young person impacted by the system. Children and youth involved with Child and Family Services (CFS) often feel the impact when systems are inefficient or when adults disagree about the best care options for a child. As advocates for children and youth throughout Manitoba, the staff at my office work with young people every day who tell us they feel unheard as adults continue to make decisions that impact their young lives. The majority of the children and youth we work with are Indigenous, and it is disheartening that some of these young people continue to live with the tragic legacy of the residential school system and Sixties Scoop their parents and grandparents endured. We hear countless stories of young people experiencing multiple placements, being cut off from family members, being removed from their home communities, not having access to the support resources that they need, and feeling alone and forgotten as the system churns away around them. Manitoba children need each of us as their champions.

The theme of this year's report is *Stepping into the Light*. In it, we focus on the issues that do not always receive attention and the corners of the system that impact young people. Many Manitobans may not even realize these issues exist. In addition to sharing some of the highlights and activities from the past fiscal year, we also explore the experiences of young people impacted by the foster parent appeal process, concerns about the youth justice system, and the many formal recommendations that remain unaddressed on how to improve support for children in our province.

April 2017 will mark the completion of my second and final term as children's advocate. It has been an honour to serve children and youth in Manitoba as their advocate, and while much of the work of my office still occurs behind a wall of legislated privacy, we have strived to be more visible in the community. One way we measure our visibility is by how frequently young people around the province contact us for advocacy support. When I began



in 2011, calls from children and youth comprised 16% of our annual contacts, but this year young people made up 42% of our total annual requests for service. This success has been the result of the collective efforts of my staff, who continue to find new and innovative ways to reach out and connect with young people and their adult supporters. I am proud of activities such as the numerous focus groups with youth we have hosted on a variety of topics. Many of those focus groups inspired special projects and public reports on issues including grief and loss, suicide prevention, the complex needs of youth in care, community narratives on the experiences of Indigenous girls, best practices in transitioning from care, and many others.

One of the many areas I have been particularly proud to oversee is the role the intake and advocacy staff have played in brokering and creating opportunities for diverse stakeholders to collaborate and create solutions in difficult cases that might have appeared hopelessly unresolvable. Also, in 2012, the special investigators completed the large backlog of 105 child death reviews that the office inherited in 2008 when our mandate expanded. Today the investigators have built a streamlined process of reviewing services and holding the system accountable that is collaborative with stakeholders, but which never compromises the best interests of the children for whom we advocate.

The public profile of the office has also grown through the creation of our new research and public education department as well as our new quality assurance department. These additions help us to continue to strive for the standards of excellence we expect from those working in the child welfare system. The office's regular participation on the Manitoba Child Inquest Review Committee continues to be a valuable way to collaborate with a number of key stakeholders on issues of child safety and systemic review. The office's increased presence at the national level through organizations such as the Child Welfare League of Canada and the Canadian Council of Child & Youth Advocates has provided valuable networking opportunities and a wealth of knowledge to the office. The past six years have been a time of significant and foundational development for the office. I want to thank my team at the OCA for their continued commitment and dedication to the children and youth of Manitoba.

There is much work left undone. For each of the six years I have been in this role as children's advocate, we have been urging the provincial government to pass stronger legislation for the office that would allow more children and youth in need to access our supports. The mandate of the office has sat largely unchanged for 17 years and remains embedded in the CFSA which creates numerous challenges. The most critical challenge is that current legislation prevents my office from helping children and youth when their support needs are in systems outside the child welfare system. The children's advocate must be empowered with independent legislation that allows for review of any service that accepts public money and provides services to children and youth.

Strong governments must provide services that stand up to review and measures of accountability. When service providers are allowed to operate insulated from independent review, repeated tragedy is more likely. Healthy public systems prioritize the best interests of children and welcome independent scrutiny with the goal of continuously improving services to some of the most vulnerable and dependent populations.



An important role for this office is to provide information to Manitobans about when public systems are working effectively for young people, and to illuminate those areas where gaps exist and where improvements must be made. Addressing these systemic gaps is good for all of us: it improves the ability of social workers to work with families, empowers families to seek support, shifts efforts from crisis response to long-term improvement, saves us all money, and, ultimately, creates safe and healthy communities where children and youth are heard, included, valued, and protected.

Darlene MacDonald,
MSW, RSW

EXECUTIVE SUMMARY

The OCA ensures that the voices of children and youth involved with the child welfare system are heard.



CHILDREN'S ADVOCATE
Darlene MacDonald,
MSW, RSW

ANNUAL REPORT THEME:

stepping
into the
Light

This year's report illuminates issues in the corners of the child welfare system that affect children and youth—issues that many Manitobans may not even realize exist.

ACTIVITY HIGHLIGHTS

- We released four special reports as the result of emerging trends we have seen in the concerns that have come to our attention. Included in the reports was a follow-up on our 2012 report on the child welfare system's care of youth who have complex needs. We also released a report examining the experiences of youth who have been made permanent wards of the child welfare system. A report we did in partnership with Dr. David Milward of the University of Manitoba looked at alternatives to adversarial litigation in child welfare. We also released phase two of our three-phase study examining youth suicide in our province.
- Our office was honoured to be invited to attend the closing events of the Truth and Reconciliation Commission of Canada (TRC) in Ottawa, along with our child and youth advocacy counterparts from across the country. As part of this historic event, the Canadian Council of Child & Youth Advocates (CCCYA) presented its Declaration of Reconciliation, which expresses a commitment to continue the work set out by the TRC.
- Our quality assurance department initiated a systemic review of the progress government has made towards the implementation of the 62 recommendations that Commissioner Ted Hughes made in his inquiry report *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*.
- We made 29 public education presentations on the work of our office and child welfare issues to community groups and organizations in Manitoba. This included presentations to the Manitoba Bar Association, the Brandon Teachers' Association's annual Learning Information for Teachers (LIFT) conference, and the Canadian Association for Young Children Manitoba's Early Childhood Education Faculty Forum.

SERVICE STATS

ADVOCACY SERVICES

206

Cases Carried Forward From Last Year

2,546

Cases Opened

2,575

Cases Closed

177

Cases Carried Forward To Next Year

SPECIAL INVESTIGATION REVIEW SERVICES

28

Reviews Carried Forward From Last Year

61

Reviews Opened

52

Reviews Completed

37

Reviews Carried Forward To Next Year

GENERAL THEMES

BALANCING CONFIDENTIALITY AND TRANSPARENCY

An important component of delivering quality child welfare services is public confidence in the system. Being accountable to the public in terms of service delivery is part of maintaining that confidence. Our office is urging the province to examine possible legislative remedies regarding the sharing of child welfare information with the public in exceptional circumstances where the public interest, and the interests of children and youth, may outweigh the need for privacy restrictions.

EFFECTS OF THE FOSTER PARENT APPEAL PROCESS

Foster placement disruption can create further instability and emotional harm for children in care who have been removed from their families of origin, friends, and community. Unfortunately, we have seen countless cases of children and youth moving through literally dozens of placements. Placement stability may be negatively affected by the foster parent appeal process. These appeals become problematic when they reach the authority level, which is the only point in the appeal process where there are no defined timelines. This point in the process is the reason some reviews can take up to a year to conclude, which leaves children in an insecure state of limbo.

MENTAL HEALTH AND OTHER NEEDS OF YOUTH IN CUSTODY

Youth in contact with the Manitoba justice system do not have access to the services of the OCA unless they are also involved in the child welfare system. This situation is out of step with most other provinces in Canada and leaves the many youth who request our services without a voice. This is concerning given some of the issues we see with the youth involved in the justice system to whom we can provide service. The justice system's lack of resources for dealing with mental health concerns and its use of pepper spray and isolation to manage behaviour are areas that need examination.

SOMMAIRE

Le BPE veille à ce que les voix des enfants et des jeunes inscrits dans le système de protection de l'enfance soient entendues.



LA PROTECTRICE DES ENFANTS,
Darlene MacDonald

THÈME DU RAPPORT ANNUEL :

Mettre au grand jour

Cette année, le rapport fait la lumière sur des questions du système de protection de l'enfance qui sont restées dans l'ombre et qui touchent les enfants et les jeunes - des questions dont bon nombre de Manitobains et Manitobaines ne soupçonnent peut-être pas l'existence.

POINTS SAILLANTS DES ACTIVITÉS

- Nous avons publié quatre rapports spéciaux à la lumière des nouvelles tendances que nous avons observées parmi les sujets d'inquiétude qui ont été portés à notre attention. Parmi les rapports, mentionnons un suivi de notre rapport de 2012 sur la gestion, par le système de protection de l'enfance, des jeunes pris en charge qui ont des besoins complexes. Nous avons également publié un rapport sur les expériences des jeunes devenus pupilles permanents du système de protection de l'enfance. Un autre rapport produit en collaboration avec M. David Milward de l'Université du Manitoba a étudié les solutions de rechange aux litiges dans le contexte des services de protection des enfants. Nous avons également publié la deuxième phase d'une étude en trois phases sur le suicide des jeunes dans notre province.
- Nous avons eu l'honneur d'être invités à assister aux manifestations de clôture de la Commission de vérité et réconciliation du Canada (CVR) à Ottawa, en compagnie de nos homologues de partout au pays qui défendent les intérêts des enfants et des jeunes. Dans le cadre de cet événement historique, le Conseil canadien des défenseurs des enfants et des jeunes (CCDEJ) a présenté sa Déclaration de réconciliation, qui fait état d'un engagement à poursuivre le travail entrepris par la CVR.
- Dans le cadre de notre programme d'assurance de la qualité, nous avons entrepris un examen systémique des progrès du gouvernement à l'égard de la mise en oeuvre des 62 recommandations que le commissaire Ted Hughes a formulées dans son rapport d'enquête intitulé *Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*.
- Nous avons présenté 29 exposés d'éducation publique sur le travail de notre bureau et sur les questions de protection de l'enfance à des groupes communautaires et organisations du Manitoba. Nous nous sommes notamment adressés à l'Association du Barreau du Manitoba, à la Brandon Teachers' Association, à l'occasion de sa conférence annuelle LIFT (*Learning Information for Teachers*), ainsi qu'à l'Association canadienne pour jeunes enfants dans le cadre du forum manitobain sur l'éducation de la petite enfance.

STATISTIQUES SUR LES SERVICES

SERVICES DE DÉFENSE DES DROITS

206

Dossiers reportés
de l'an dernier

2546

Dossiers
ouverts

2575

Dossiers
fermés

177

Dossiers reportés
à l'année prochaine

SERVICES D'EXAMEN DES ENQUÊTES SPÉCIALES

28

Examens reportés
de l'an dernier

61

Examens
entamés

52

Examens
terminés

37

Examens reportés
à l'année prochaine

THÈMES GÉNÉRAUX

ÉQUILIBRE ENTRE LA CONFIDENTIALITÉ ET LA TRANSPARENCE

La confiance du public dans le système est importante pour la prestation de services de protection de qualité. Le fait de rendre des comptes au public sur la prestation des services contribue à maintenir cette confiance. Notre Bureau exhorte la province à examiner les solutions législatives possibles en ce qui concerne le partage de renseignements avec le public dans des circonstances exceptionnelles lorsque l'intérêt du public ainsi que les intérêts des enfants et des jeunes sont susceptibles de l'emporter sur le droit à la vie privée d'une personne ou d'une famille.

EFFETS DU PROCESSUS D'APPEL DES PARENTS NOURRICIERS

Les déplacements d'un foyer nourricier à un autre peuvent accroître l'instabilité et les conséquences affectives néfastes pour les enfants pris en charge qui ont été séparés de leurs familles d'origine, de leurs amis et de leur communauté. Malheureusement, nous avons vu de nombreux cas d'enfants et de jeunes placés dans des dizaines d'endroits différents. La stabilité du placement est perturbée quand un parent nourricier estime qu'il est dans l'intérêt supérieur de l'enfant de quitter le foyer. Dans ces cas-là, les appels deviennent problématiques au niveau des régions, qui constituent la seule étape du processus d'appel pour laquelle il n'existe pas de délais précis. Cette étape est la raison pour laquelle certains examens peuvent durer jusqu'à un an et laisser les enfants dans un état d'incertitude et d'insécurité.

SANTÉ MENTALE ET AUTRES BESOINS DES JEUNES PLACÉS SOUS GARDE

Les jeunes qui ont des démêlés avec le système judiciaire du Manitoba n'ont accès aux services du BPE que s'ils sont également inscrits dans le système de protection de l'enfance. Cette situation diverge de ce qui se passe dans la plupart des autres provinces du Canada et empêche les nombreux jeunes qui demandent à bénéficier de nos services de se faire entendre. Cela est inquiétant étant donné certains des problèmes que nous observons parmi les jeunes qui ont des démêlés avec la justice et auxquels nous pouvons offrir des services. Le manque de ressources du système judiciaire pour s'attaquer aux problèmes de santé mentale et son recours au neutralisant en aérosol à base d'oléorésine capsicum (gaz poivré) et à l'isolement pour maîtriser les comportements sont des points qu'il est nécessaire d'examiner.

Overview of Initiatives and Activities



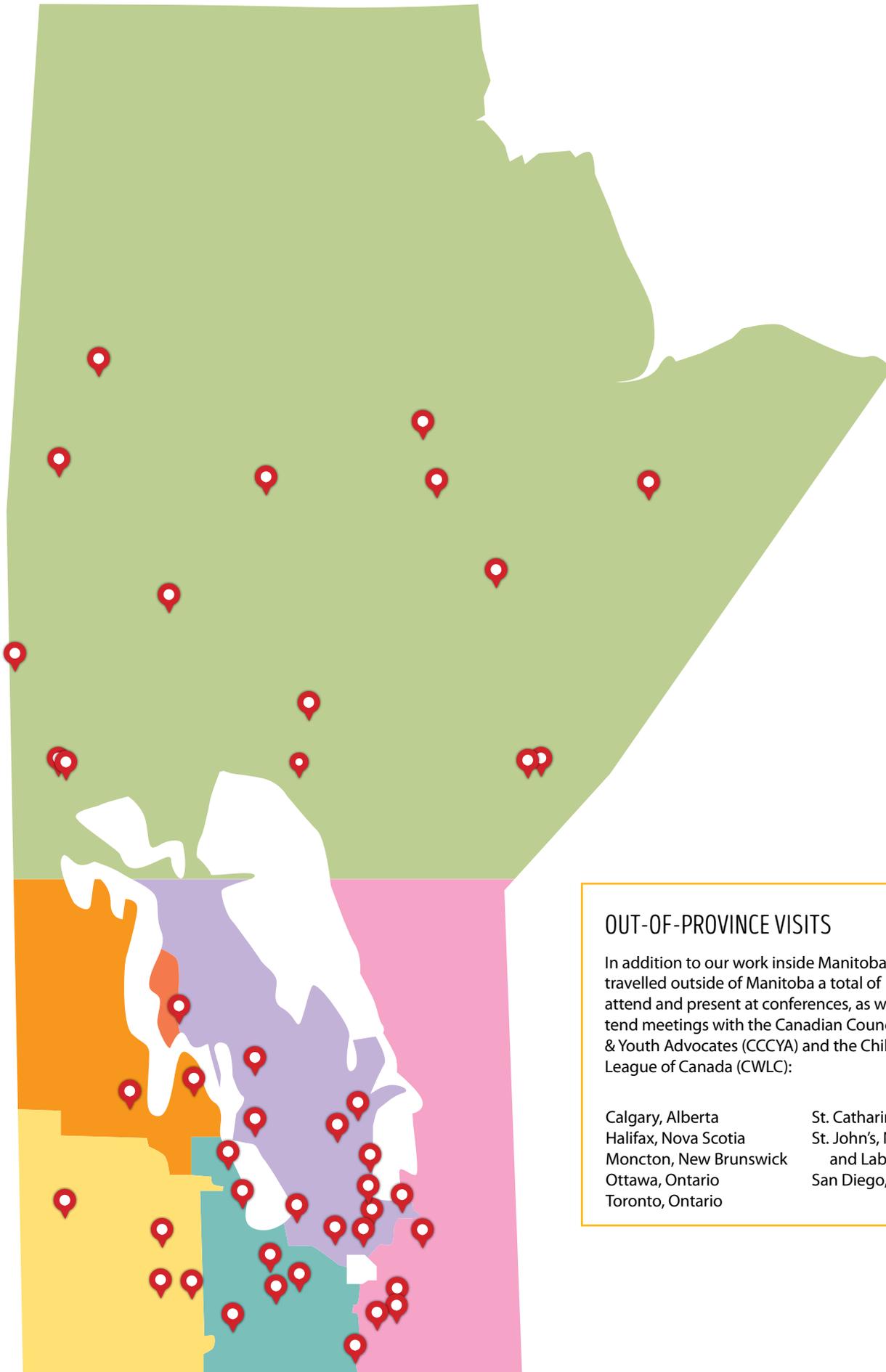
REGIONAL VISITS

This year, the OCA made 113 trips within Manitoba. We met with youth, service providers, and other organizations in various communities. The purposes of our visits were to address specific cases, connect with residential facilities for children in care, for community outreach or presentations, or to attend conferences.

Alonsa
Beausejour
Brandon
Brokenhead Ojibway Nation
Bunibonibee Cree Nation
(Oxford House)
Carberry
Clandeboye
Dauphin
Fisher River Cree Nation
Flin Flon
Garden Hill First Nation
Gimli
Gladstone
Lake Manitoba First Nation
Lockport
Lynn Lake
MacGregor

Nisichawayasihk Cree Nation
(Nelson House)
Norway House Cree Nation
O-Chi-Chak-Ko-Sipi First Nation
(Crane River)
Opaskwayak Cree Nation
Peguis First Nation
Pimicikamak Cree Nation
(Cross Lake)
Pinaymootang First Nation
(Fairford)
Portage la Prairie
Pukatawagan
(Mathias Colomb Cree Nation)
Rolling River First Nation
Roseau River Anishinabe First Nation
Ste. Anne
St. Laurent

St-Pierre-Jolys
St. Theresa Point First Nation
Sandy Bay Ojibway First Nation
Selkirk
Shamattawa First Nation
Skownan First Nation
(Waterhen)
Steinbach
Stonewall
Swan Lake First Nation
Tataskweyak Cree Nation
(Split Lake)
The Pas
Thompson
Waywayseecappo First Nation
York Factory First Nation
(York Landing)



OUT-OF-PROVINCE VISITS

In addition to our work inside Manitoba, we travelled outside of Manitoba a total of 13 times to attend and present at conferences, as well as to attend meetings with the Canadian Council of Child & Youth Advocates (CCCYA) and the Child Welfare League of Canada (CWLC):

- | | |
|------------------------|---------------------------------------|
| Calgary, Alberta | St. Catharines, Ontario |
| Halifax, Nova Scotia | St. John's, Newfoundland and Labrador |
| Moncton, New Brunswick | San Diego, California |
| Ottawa, Ontario | |
| Toronto, Ontario | |

NEEDED LEGISLATIVE CHANGES REMAIN PENDING

The Manitoba government released the inquiry report into the death of Phoenix Sinclair, called *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*, in January 2014. Among Commissioner Ted Hughes' many recommendations to strengthen the child welfare system in Manitoba were thirteen that pertained to the mandate of the OCA. To date, the government has not enacted the legislative changes required to meet these recommendations.

The recommendations address the need to expand our office's reach to include advocacy on behalf of children and youth receiving any publicly funded service. The recommendations include reducing the restrictions our office has with respect to publicly releasing the findings of our child death reviews and expanding reviews to include critical injury of a child. The inquiry report also recommended that young adults be eligible for our services. These changes were to be included in legislation that would be independent from the CFSA.

In June 2015, the government proposed a new *Children's Advocate Act* under Bill 25. Although our office was pleased that this legislation would create a truly independent office, it fell short in terms of any expansion of our mandate. The OCA and others expressed extreme disappointment over the proposed changes. The government withdrew the bill.

In December 2015, the government introduced a new *Children's Advocate Act* under Bill 16. The changes proposed were a step towards the strong recommendations that were made in the public inquiry, but they did not fulfill what the Commission urged the government to do, which was to expand the advocacy of our office to include all publicly funded services to children and youth. After its introduction into the Manitoba legislature, Bill 16 passed first reading. However, because it remained unpassed at the end of the legislative session in March 2016 when the provincial election was called, it died on the order paper.

Since then, Manitoba elected a new government and it remains unclear when these needed changes will be implemented. In the meantime, thousands of children and youth being served by publicly funded bodies in Manitoba still do not have access to our services, and the scope of our mandate continues to hamper our ability to meet the best interests of our most vulnerable youth.

PRESENTATIONS, CONFERENCES, AND PANELS



We made 29 public education presentations on the work of our office to community groups and organizations in Manitoba this year. If your group would like a presentation, please call us at (204) 988-7440 or toll free 1-800-263-7146.

MANITOBA BAR ASSOCIATION

The Manitoba Bar Association established a Manitoba Child and Youth Law Section and the OCA's deputy advocate, Corey La Berge, was named its chair. The deputy children's advocate also made a presentation to this group on our office and on child-welfare-related issues including the impact of apprehensions, access by children and youth to legal support, as well as thoughts related to Indigenous children, youth, and families, and the path to reconciliation.

PRESENTATIONS TO EDUCATORS

OCA staff members made presentations to education students about the work of our office, which included information on how Manitoba's child welfare system is structured, the experiences and needs of the children involved with the child welfare system, and how educators can best support these children.



We also spoke at the Brandon Teachers' Association's annual Learning Information for Teachers (LIFT) conference about the experiences of children and youth at the intersection of the child welfare and education systems.

CANADIAN ASSOCIATION FOR YOUNG CHILDREN MANITOBA

Our office participated in a panel discussion at the Conference and Early Childhood Education Faculty Forum in October in a session titled *Children's Rights: Current Issues and Perspectives*. Our focus was on issues related to Indigenous children growing up in poverty and the importance of facilitating critical thinking and civic engagement.

MANITOBA COLLEGE OF SOCIAL WORKERS

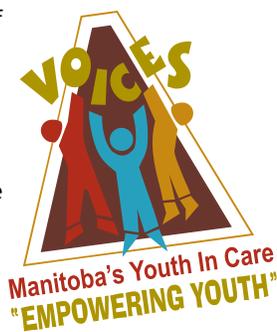
One of the recommendations in the Phoenix Sinclair inquiry report was that all individuals working in a social work capacity should be required to register with the Manitoba College of Social Workers (MCSW). The College is the provincial body that regulates the profession of social work. Although the government implemented this recommendation with the passing of the *Social Work Profession Act* in April 2015, it allowed for an exemption for anyone whose specific job title does not include the words "social worker."

In keeping with the spirit of the recommendation from the inquiry, each of our staff members working in social work capacities are registered with the College or are in the process of registering. Professional standards and accountability are important aspects of quality social work.

SUPPORTING THE VOICES OF YOUTH

As part of our office's ongoing collaboration and support for VOICES: Manitoba's Youth in Care Network, our office covered the costs of the redesign of its website to enable the organization's support of and communication with youth.

The OCA hosted a focus group of 12 youth to gain insight into issues of loss and grief within the child welfare system. These young people generously and openly shared their personal stories and observations, providing us with important information that we plan to highlight in a future report on the subject.

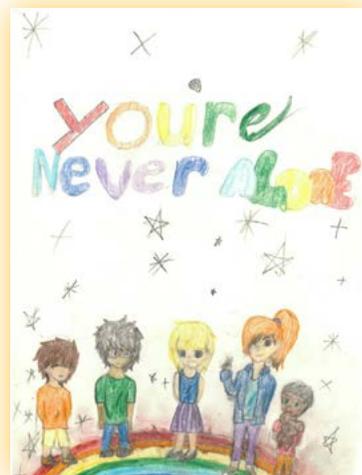


TRUTH AND RECONCILIATION

Manitoba's children's advocate travelled with a senior staff member to Ottawa. They were honoured to be invited to attend the closing events of the Truth and Reconciliation Commission of Canada (TRC), along with the advocate's counterparts from across the country. As part of this historic event, the Canadian Council of Child & Youth Advocates (CCCYA) issued its Declaration of Reconciliation, which expressed a commitment to continuing the work set out by the TRC. The Council resolved to be vigilant in ensuring that the rights of Indigenous children are respected and to support Indigenous children and youth so that their voices are heard and their best interests are respected as the nation's future unfolds. To read the declaration visit <http://tinyurl.com/declarationreconciliation>.



The CCCYA also issued a statement on National Child Day, calling on the federal, provincial, and territorial governments to work together to address the dire situation of Indigenous child welfare in Canada. The statement pointed to the gross overrepresentation of Indigenous children in care, and pressed for a deeper exploration of the opportunities to address this crisis. The statement also strongly urged the enactment of the child welfare recommendations made by the TRC as part of the solution.



Submitted by a youth in care



Special Reports

When we become aware of emerging trends that require advocacy, we analyze and address those concerns to see if there are systemic issues at play. This may result in broader advocacy work and special reports.

“WHO I WANT TO BE”

Submitted by a youth in care

I want to be the person who saves a life.
The person somebody can come up to for help.
I want to make a difference in the world.
And no matter what people tell me or do to me, I'm going to be that difference.
I'm the person who sits down to talk to the homeless guy about what's going wrong and helping him get a job.
I'm the person who asks their foster sister if she's okay and how she's doing, no matter how busy I am.
I'm the person who never gives up on people no matter what they say or do to me, because I care.
And I'm already making the difference this world needs.

SAFE FOR TODAY: BARRIERS TO LONG-TERM SUCCESS FOR YOUTH IN CARE WITH COMPLEX NEEDS

In July 2015, we released a report examining the child welfare system's management of youth in care who have complex needs. This was a follow-up to our study of the same issue in 2012. Unfortunately, we found that little had changed for these estimated 3,000 youth.

Many are not being adequately supported by available resources in the system. Instead of creating environments that support them and encourage their development, provincial systems remain in a chronic state of emergency, focused on keeping youth safe only for today, with little attention to long-term success.

Many youth with complex needs have been highly traumatized by significant negative childhood experiences. This history often results in significant behavioural and mental health issues. They may require intensive treatment and care. The development of specialized placements for these youth has not kept pace with the number of youth who need them. Further, to adequately address the issues faced by youth with complex needs, we need to coordinate services across systems beyond child welfare.

The OCA's 2012 report made 10 recommendations to government, including the development of a multi-year plan to create trauma-responsive services, early assessment and intervention resources, a wider range of placement options, and a unified vision across sectors (such as mental health, addictions, youth criminal justice, education, and others) to address the issues of service fragmentation and poor coordination.

This latest report reiterated those themes and added more targeted recommendations including a summit of child-serving sectors, better access by caregivers to specialized support services, quicker assessment strategies so wait times can be reduced, a commitment to increase the number of specialized placements available in the system, and that the government report publicly on its progress on the recommendations. Find the entire report on the OCA website at tinyurl.com/MBAdvocateSafe.



PERMANENCY BEYOND FOSTER CARE

This report, which was released in December 2015, examined what happens after a child becomes a permanent ward in Manitoba. Children and youth may become permanent wards when the issues that brought them into care are not resolved. Of the 10,293 children in care in Manitoba in 2014, 5,848 (57%) were in care as permanent wards.

Children and youth in permanent care of the government deserve realistic opportunities for permanence and long-term stability. The government of Manitoba, as their legal guardian, has an obligation to facilitate permanency beyond foster care. This position is consistent with provisions outlined in the *United Nations Convention on the Rights of the Child* (UNCRC). It is an unfortunate reality that many children who become permanent wards do not live in a single placement until they turn 18 years of age. Research indicates that children who do not return home and are not adopted are more likely to have poorer life outcomes.

In 2013-2014, there were 5,848 children and youth permanently in the care of the province of Manitoba. In the same year, there were 44 adoptions of permanent wards, representing less than one per cent of children for whom the province is their permanent guardian. The number of permanent ward adoptions taking place today is lower than 10 years ago, despite the reality that the number of children in permanent care has increased by almost 85%. Adoption rates for this group of children and youth have consistently hovered around one per cent for the last eight years.

Our report calls on the government to invest in subsidies that support permanency planning. It also calls on the government to support custom adoptions that reflect Indigenous values about the extended circle of care that surrounds each child. We made three formal recommendations. One was to the Minister of Family Services (now known as the Minister of Families) to review the outdated regulations on adoption-related financial assistance.

One recommendation was to the Healthy Child Committee of Cabinet to develop Child Rights Impact Assessment (CRIA) tools and resources to be used across government where decisions impact citizens under the age of 18. The OCA also recommended that the Department of Family Services (now named the Department of Families) ensure any proposed new legislation, regulations, policies, and provincially funded programs are assessed regarding their impact on two specific groups of stakeholders: children (as laid out in the UNCRC) and Indigenous Peoples (as described in the *United Nations Declaration on the Rights of Indigenous Peoples* and as recommended in the TRC). Find the entire report on our website at tinyurl.com/MBAdvocatePermanency.

CHILDREN NEED FAMILIES, NOT COURTROOMS: ALTERNATIVES TO ADVERSARIAL LITIGATION IN CHILD WELFARE

We released a special report in March 2016 that examined the harmful consequences of an adversarial, court-based approach to resolving child welfare issues. For this report, our office partnered with Indigenous legal scholar Dr. David Milward of the University of Manitoba.

Roughly 90% of children and youth in care are Indigenous. Manitoba's attempts to "devolve" the child welfare system through the creation of culturally appropriate Indigenous child welfare authorities and agencies has been criticized by many in the Indigenous community. Principally, these authorities and agencies remain within the very same legal and court system that has facilitated colonization and assimilationist laws and practices. These include the laws that facilitated and enforced the residential school system, the Sixties Scoop, and contemporary child welfare trends that include gross overrepresentation of Indigenous children in care.

Manitoba's child welfare system is rooted in provincial child welfare legislation. The majority of the children in care of CFS are the subjects of legal proceedings. All children under temporary or permanent wardship are assigned this status through a provincial court order. It is an adversarial system that pits the state against parents, relying on judges hearing witness testimony to decide the best interests of the child. Proceedings are formal and are closed to the public to protect privacy. This process is in striking contrast to traditional Indigenous legal processes, which were collaborative instead of adversarial, included family and community members, and relied on collective wisdom.

In the report, Dr. Milward discusses the power imbalances that disproportionately impact children and families versus child welfare agencies. He speaks to the unrealistic expectations placed on parents during temporary guardianship orders and the lack of program resources available to them. He goes further to provide an overview of some potential innovations that involve more mediation- and collaborative-based approaches to deciding what is in the best interests of children. This overview highlights promising work that has been done in the areas of family group conferencing and customary care, such as the Circle of Care project at Sagkeeng First Nation. He concludes with a number of findings and recommendations, including that mediation-based alternatives result in better outcomes for children and their families, and that while innovation does require some investment, the financial and social costs of failing to take action are greater. Find the entire report on the OCA website at tinyurl.com/MBAdvocateChildren.

THE CHANGING FACE OF YOUTH SUICIDE — PHASE TWO

At the end of March 2016, we completed the second phase of our multi-phase youth suicide research study. In this phase, we compared 50 youth who died by suicide in Manitoba between 2009 and 2013 with a randomized control group of 100 youth who were also involved with the child welfare system during that time period.



In phase one of the study (released in 2015), we completed a detailed examination of the histories of the 50 youth who died by suicide. In phase two, we examined the child welfare histories of the 100 randomly selected control group of youth for the presence of 17 known risk factors for suicide.

These factors include exposure to domestic violence, drug or alcohol addiction, a history of suicide attempts, poor school attendance, self-harm behaviours, and others. Our research revealed that while nearly all youth involved with the child welfare system displayed known risk factors for suicide, many of the risk factors were notably higher in the group of 50 who died. In many cases the risk factors were doubled.

Youth who died by suicide talked about dying more often, struggled with addiction, had more hospitalizations for suspicious injuries, and had more family members who had died by suicide. Find the entire report on the OCA website at tinyurl.com/MBAdvocateChanging.

Phase three of this study now turns to analyzing the collected data as part of developing evidence-informed multimedia resources that are tailored to multiple audiences. One key finding has been that youth at the highest risk for suicide often struggle with attending school consistently, yet it is our school system that delivers the bulk of suicide prevention information. We will be examining multiple communication methods so as to reach the widest possible audiences in the most effective ways.

Quality Assurance Activities

ADVOCACY SERVICES PROGRAM REVIEW

The OCA's quality assurance department began a review of our advocacy services program in May. This review includes an examination of program structure, service delivery, feedback from service recipients and other internal and external sources, the future direction of the program, and best practices. The expected completion date of the report is March 2017.

UPDATE REPORT ON THE STATUS OF THE PHOENIX SINCLAIR INQUIRY RECOMMENDATIONS

We initiated a systemic review of the progress the government has made towards implementing the 62 recommendations that Commissioner Ted Hughes made in his inquiry report *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*.

The review will not evaluate the adequacy of each response in terms of the intent of the recommendations. Rather, the purpose of our review is to offer a status update on the planning and activities undertaken within the systems involved that would indicate progress towards implementing each recommendation. We expect to be able to release our report to the public in the near future.

We Were There!

It is our honour to attend numerous community activities throughout the year. These events help us to keep abreast of developments and initiatives in our province's child welfare agencies and other community organizations. Many of these events celebrate and recognize youth and give us an opportunity to raise awareness about the role of the OCA.



Children lead the advocate into the Heart Garden at Rideau Hall as part of TRC closing events



Darlene MacDonald receives the 2016 Canadian Association of Social Workers (CASW) Distinguished Service Award



Youth members of @25not21 host creative awareness activities and a speakers panel to share stories of aging out of care



Members of the Canadian Council of Child & Youth Advocates



OCA information booth at an education event



OCA staff join other advocates at children's rights conference in Moncton



Attending the 40th anniversary celebration of Rossbrook House



Attending agency AGM at Circle of Life Thunderbird House



Bear encounters at Nisichawayasihk Cree Nation





Participant discussion groups at an OCA workshop



ABOVE: Attending event to honour community supporters, hosted by VOICES: Manitoba's Youth in Care Network
RIGHT: The pile of stuffed animals OCA staff donate each year that find forever homes with VOICES youth members



Staff pack 500 bags of popcorn for our annual block party at the Winnipeg Santa Claus Parade



One of the many youth aging out of care events we attended this year



The advocate and deputy advocate host members of the Child Welfare League of Canada on a tour of the Canadian Museum for Human Rights



Supporting the incredible youth performers at the annual Broadway Neighbourhood Centre's Just TV showcase



Discussing release of a special report on CBC radio morning show



Championship Oak Park cheerleaders perform at our annual block party



Members of management wore jerseys as part of the Government of Manitoba's All Charities annual fundraising drive



Wavy Guy hangs out with Aboriginal Youth Opportunities founders at our block party



Wavy Guy surprises some of the OCA staff in Newfoundland and Labrador



Winnipeg Harvest fundraiser at MTS Centre



Wavy Guy high fives youth headed to WE Day



Stopping to take in the beautiful view in Flin Flon

Review of services

ADVOCACY SERVICES PROGRAM

We started the 2015-2016 year with 206 active cases in our child and youth advocacy services program. During the year, we opened an additional 2,546 cases. Throughout the year we resolved and closed 2,575 cases, which left 177 active cases at year-end that we carried into the 2016-2017 fiscal year.

During the year, the total requests for service we receive is higher than the number of cases we open. Our office promotes self-advocacy and wherever possible provides tools and information to help individuals be confident self-advocates. When Manitobans contact us looking for help and their query seems quickly resolvable, we provide the requested information and further follow-up may not be required. Calls to our office that are more complex or that may take additional time to address, are opened as cases that require additional support. In 2015-2016, the 2,546 cases we opened emerged from 2,639 total requests for service.

Advocacy services cover a wide range of activities that include the following:

- Reviewing child welfare involvement
- Establishing contact with the appropriate CFS agency
- Meeting with children and youth to help them express their views and understand the decisions being made by stakeholders in their care plan
- Attending meetings to provide direct advocacy support for a child or youth

More complex cases might include matters where the issues identified are multi-dimensional or involve a lack of community or family resources to meet the identified needs. We have been involved in cases where there are significant interpersonal or environmental breakdowns that require intervention by one or more service providers.

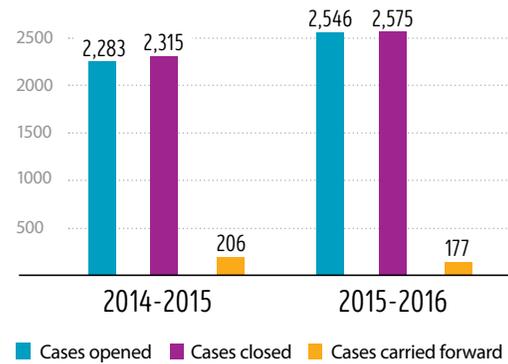
Amara's story

Amara and her siblings became orphans in their country of birth due to violence in the war-torn region. Extended family members moved the siblings to Canada to live with an uncle. This living arrangement proved challenging as the uncle frequently left Canada to return to his home country for extended periods of time, leaving few resources and no supervision for the children.*

CFS brought Amara and her younger siblings into care. Amara was made a permanent ward. Prior to turning 18 years of age, Amara gave birth to a child. Despite her circumstances and traumatic history, Amara excelled in school and wanted to go on to post-secondary education. The child welfare agency, however, planned to discharge her from care when she reached the age of majority despite Amara's desire to receive supports beyond the age of 18. Amara contacted the OCA hoping to get the agency to reconsider so that she could continue to receive support and assistance. The OCA met with the agency and Amara. We provided advocacy and helped Amara explain to the agency why support beyond the age of 18 was important for reaching her goals. The agency reconsidered its decision and agreed to provide support beyond termination of guardianship. Today, Amara is excelling in her post-secondary studies while also caring for her child.

*Names and identifying information have been changed to protect identities.

CASES OPENED

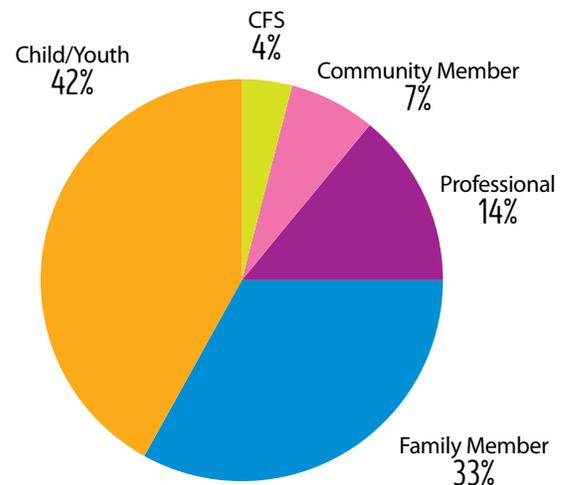


*Note: Not all requests for service result in a case opening.

A file opening does not represent the number of children served as part of that case or reflect its level of complexity. For example, when we have contact with a sibling group, we open just one file under the name of the oldest sibling, even though we may provide advocacy services to all of the children.

WHO CONTACTED THE OCA FOR ADVOCACY SERVICES

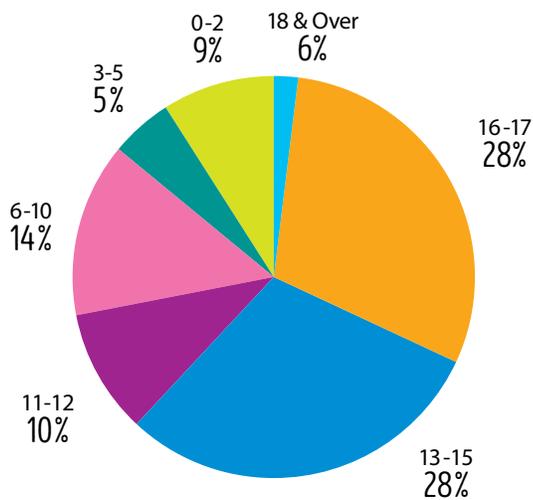
Children and youth as well as their family members are the ones most likely to contact the OCA for services, as illustrated in the chart below. These statistics have remained relatively consistent compared with the last fiscal year. However, the numbers of children and youth contacting us this year continued to increase.



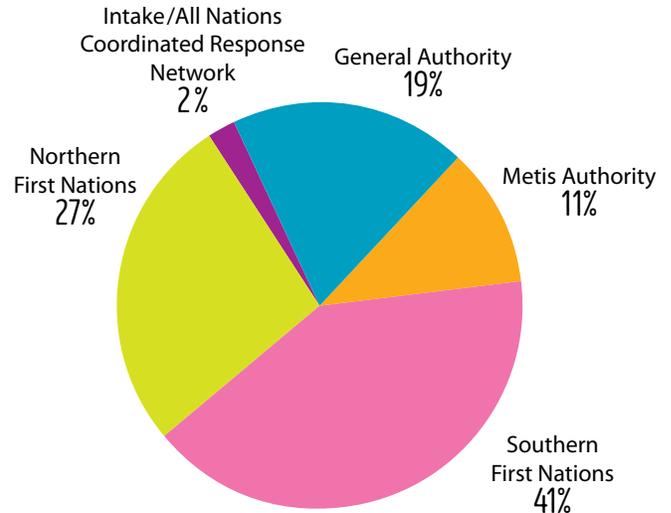
Most individuals made contact with our office by phone (85%), followed by in-person visits (10%). The remaining contacts were made through our website, fax, mail, or email.

THE CHILDREN AND YOUTH WE SERVE

AGE OF CHILD OR YOUTH

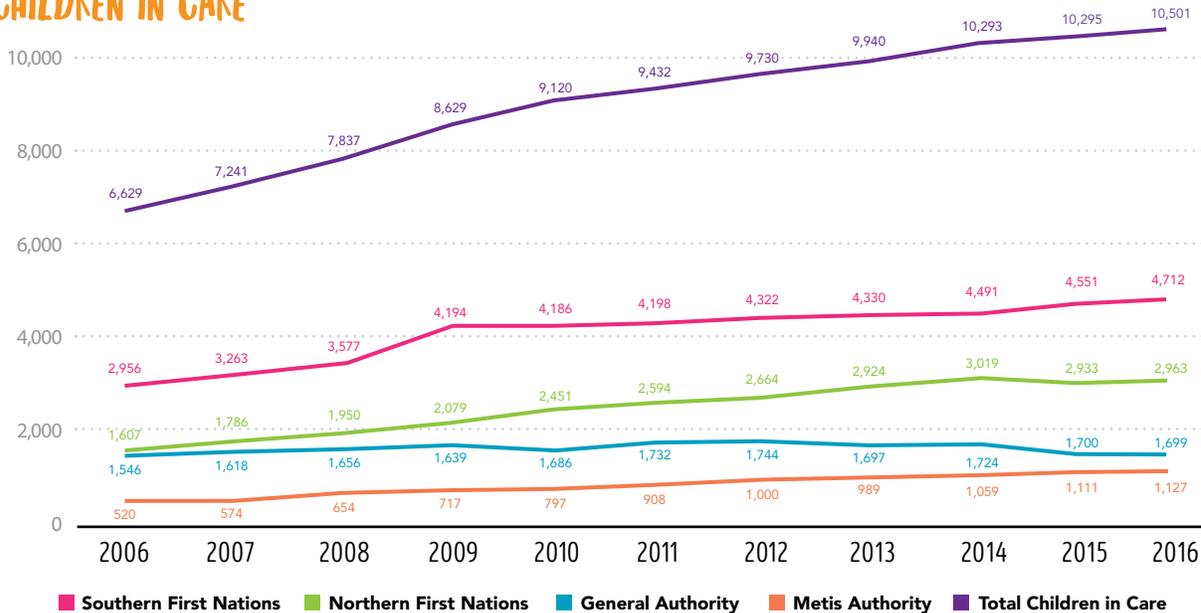


RESPONSIBLE CFS AUTHORITY



Across Canada, there is an overrepresentation of Indigenous children and youth receiving child welfare services due to historic and systemic reasons. In Manitoba, nearly 90% of children in care are Indigenous. We see a corresponding high number of Indigenous children and youth reflected in our statistics.

CHILDREN IN CARE



Data are from the Manitoba Department of Families

TOP CFS-RELATED CONCERNS BY CATEGORY

Each advocacy case may include multiple concerns. Case planning, quality of care, and the issue of child rights have dominated the top issues we have seen over the past several years.

Top Concerns	Percentage
Case management: <ul style="list-style-type: none"> • Lack of case planning • Lack of permanency planning • Lack of planning for family • Poor reunification planning • Change of worker • Lack of child participation • Lack of parental/family participation • Lack of service standards • Lack of appropriate protection planning • Disagreement with/refusal of CFS services 	39%
Quality of care (applies to children in care only): <ul style="list-style-type: none"> • Lack of health care • Lack of education programming • Lack of privacy • Lack of clothing • Lack of food • Lack of recreation • Lack of access to cultural traditions • Lack of mental health intervention/treatment • Inappropriate use of intrusive measures • Inappropriate discipline • Lack of appropriate care resources • Too many placement moves • Unapproved absence of child • Lack of access to/visitation with child in care • No contact with peers 	22%
Rights (e.g., provision, prevention, protection, participation): <ul style="list-style-type: none"> • Authority determination protocol • Lack of information • Lack of participation • Lack of consideration • Lack of knowledge of advocacy • Lack of legal advocacy 	10%
Responsiveness/timeliness: <ul style="list-style-type: none"> • Authority determination protocol • CFS unresponsive • CFS over-responsive • Administrative delays • Service delays 	10%
Transition planning: <ul style="list-style-type: none"> • Lack of transition planning • Ineligible for adult services • Ineligible for employment and income assistance • Lack of concrete resources • Lack of support services 	6%
Accessibility: <ul style="list-style-type: none"> • Lack of information • Refusal of services • Ineligibility • Lack of service/resource • Resource limitation 	5%
Child maltreatment: <ul style="list-style-type: none"> • Suspected child abuse of child in care • Suspected child abuse of child not in care • Suspected child neglect of child in care • Suspected child neglect of child not in care 	3%
Special/complex needs: <ul style="list-style-type: none"> • Lack of diagnostic assessment • Lack of resources • Poor coordination • Funding issues • Jurisdictional issues 	2%
Accountability: <ul style="list-style-type: none"> • Inadequate review process • Fear of retribution • Worker conduct 	1%
Abuse Investigations: <ul style="list-style-type: none"> • Response • Time frame • Resolution 	1%
Total	100%

Numbers may not total 100% due to rounding to the nearest whole number.

Special Investigations Review Statistics

The special investigations review (SIR) program began the fiscal year in April 2015 with a total of 28 outstanding reviews. We were notified of 160 Manitoba child deaths that occurred during the 2015-2016 fiscal year. Of those 160 reported deaths, 61 met the criteria for review. We completed 52 special investigation reviews, and had 37 to carry over to 2016-2017.

CHILD DEATHS IN MANITOBA

The Office of the Chief Medical Examiner (OCME) determines the manner of death of each child according to an established protocol. Our reporting on manner of death is unofficial and may differ slightly from the OCME's final determination. The official manner of death is not always available when we receive the notification of a child's death.

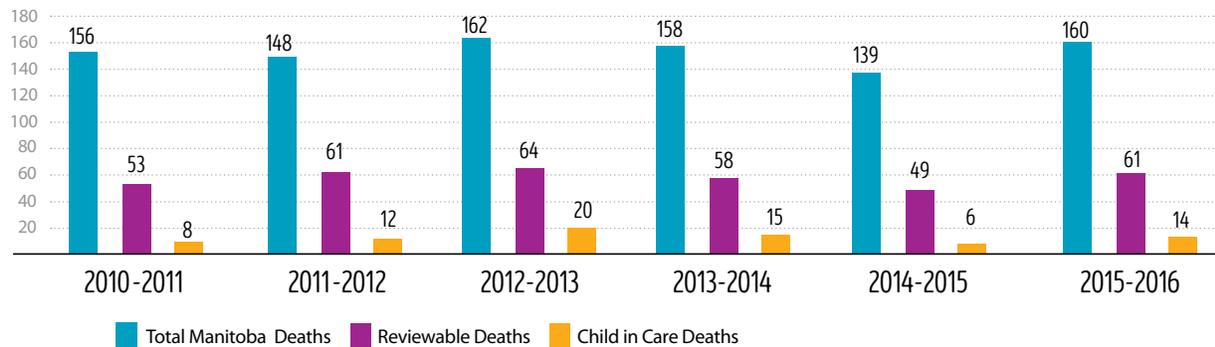
Child deaths that meet the legislative criteria for special investigation reviews include those where the child or the child's family had an open file with a child welfare agency at the time of the death, or where the child or the child's family had received or were entitled to receive child welfare services in the year preceding the child's death.

MANNER OF CHILD DEATHS IN MANITOBA 2015-2016

Manner of Death	Manitoba Deaths		Reviewable Deaths		Child in Care Deaths	
	Number	Percent	Number	Percent	Number	Percent
Natural	96	60%	27	44%	3	21%
Medically Fragile	45		10		3	
Prematurity	35		14		0	
Disease	7		2		0	
Other	9		1		0	
Accidental	12	8%	6	10%	2	14%
Motor Vehicle	7		2		0	
Drowning	3		2		1	
In the Home	1		1		0	
Other	1		1		1	
Suicide	22	14%	13	21%	6	43%
Homicide	2	1%	0	0%	0	0%
Undetermined	28	18%	15	25%	3	21%
Total Deaths	160	100%	61	100%	14	100%

*Numbers may not total 100% due to rounding to the closest whole number.

YEARLY COMPARISON OF MANITOBA CHILD DEATHS



REVIEWABLE DEATHS BY AUTHORITY

General Authority	9	15%
Metis Authority	1	2%
Southern First Nations	25	40%
Northern First Nations	26	44%
Total	61	

Note: Numbers may not total 100% due to rounding to the nearest whole number.

DEATH BY SUICIDE

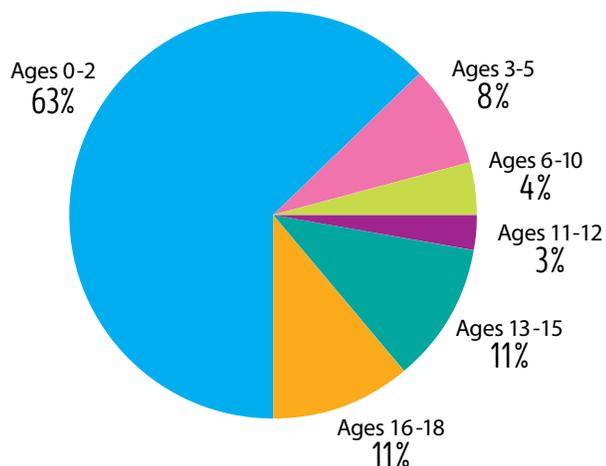
There were 22 child deaths by suicide in Manitoba this year, up from six last reporting year. Thirteen of those 22 deaths were reviewable by our office and six of them were children who were in care at the time of their death. In the 2013-2014 reporting year, 11 Manitoba youth died by suicide and all 11 were reviewable by our office. In 2012-2013 there were 17 deaths by suicide and 13 suicide deaths in 2011-2012. Three suicide deaths this year were of children aged 12 years. Twelve deaths were of females and ten of males and all but one were the result of hanging. The details behind some of these numbers can be found in our ongoing multi-year study on youth suicide, which we summarize under the Initiatives and Activities section in this report.

SLEEP-RELATED CONCERNS

Of the 28 undetermined deaths this year, the OCME noted that the child's sleeping environment was a concern in 14 of them. Although the cause of death could not be determined, the sleep environment may have involved hazards such as overheating, or smothering by soft bedding.

Safe sleep is an area of concern for our office, and in addition to our participation in formal case reviews and public education efforts on safe sleep, we have begun development of a research project that examines the issue. The project aims to look at some of the social and cultural factors that can impact sleep risks for babies, as well as examine how to fill current information gaps for parents and caregivers on how to create the safest possible sleep environments. We expect to complete this project before the end of March 2017.

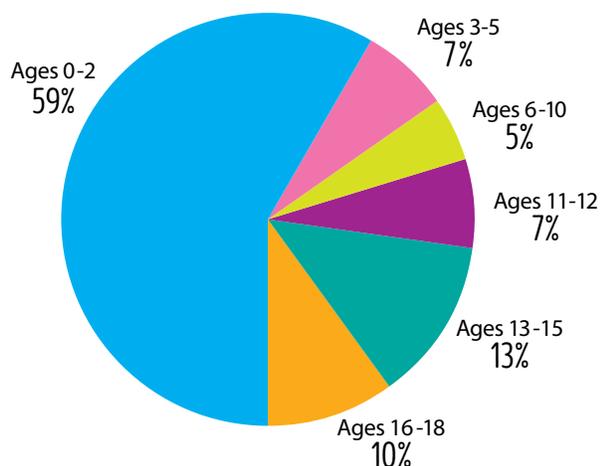
MANITOBA DEATHS BY AGE



MB Deaths by Age

Ages 0-2 years	101
Ages 3-5 years	13
Ages 6-10 years	7
Ages 11-12 years	5
Ages 13-15 years	17
Ages 16-18 years	17
Total	160

OCA REVIEWABLE CHILD DEATHS



Note: Numbers may not total 100% due to rounding to the nearest whole number.

Reviewable by Age

Ages 0-2 years	36
Ages 3-5 years	4
Ages 6-10 years	3
Ages 11-12 years	4
Ages 13-15 years	8
Ages 16-18 years	6
Total	61

Year over year, our office consistently notes that the majority of deaths of Manitoba children are from natural causes. Of the 61 child deaths meeting the criteria for our review, 44% were classified as natural.

WHAT IS AN "UNDETERMINED" DEATH?

When the chief medical examiner's investigation is unable to determine how the death occurred, the manner of death is categorized as undetermined, even if the physical cause is known. This category includes sudden unexplained infant death.

WHAT IS A SPECIAL INVESTIGATION REVIEW?

“Special investigation review” is the name given to the review our office conducts following the death of a child in Manitoba. The purpose of the review is to identify ways the programs and services provided, or which should have been provided, may be improved to enhance the safety and well-being of children and youth and to reduce the likelihood of a death occurring in similar circumstances in the future.

The review is conducted by a special investigator from our office and begins with collecting and analyzing relevant information from sources such as child welfare files, files from other social services, police reports, fire commissioner reports, medical records, school records, and other sources.

The investigative process includes opportunities for feedback, dialogue, and collaboration with various stakeholders, including professionals who provide services to children and families. Our reports examine public service delivery to Manitoba families through the eyes of the child and we often invite and encourage family and community participation. The length of time it takes to complete an investigation can vary from a few days to several months depending on the complexity of the case and the number of services involved.

Once the final report is complete, we submit it to the Minister of Families, to the Chief Medical Examiner’s office, and to the Manitoba Ombudsman, who is responsible for following the progress on any recommendations that may be made.

AN EXCERPT FROM “KEEP YOUR HEAD UP”

Submitted by a youth in care

Has life ever had you in a deep black pit? Well, it definitely has with me. People tell you to keep your head up high, kid, but you don’t know how. What can you do when you’re too deep to be pulled out? How can people tell you to keep fighting when it feels like you’ve already lost?

Hey, it’s me, the little voice in the back of your head, that tells you what you’re doing to yourself is bad, kid. You’re hurting yourself and others around you. Stop it, kid, you’ve just got to hold on. Please just hold on a little longer. I am finally holding on again. I just hope that it will last. How am I gonna do this on my own?

Well, kid, here’s what you do: you’ve just gotta keep your head up, head up, head up high. Even when the world just seems too cruel, you’ve just gotta keep your head up, head up, head up high.

TOP SPECIAL INVESTIGATION REVIEWS FINDINGS BY CATEGORY

Top Concerns	Percentage
Case Management: <ul style="list-style-type: none"> Legal status Response Response time Intake Risk assessment Planning Service delivery Evaluation Family visits 	35%
Safety Risks: <ul style="list-style-type: none"> Water safety Child sexual exploitation Firearm safety Suicidality Domestic violence Unsafe sleeping environment Client engagement 	12%
Accountability: <ul style="list-style-type: none"> Supervision File recording Reporting practices 	8%
Training: <ul style="list-style-type: none"> Post-traumatic stress Family group conferencing Fetal alcohol spectrum disorder Suicide awareness/prevention Critical incident stress debriefing Family violence 	8%
Coordination: <ul style="list-style-type: none"> Sharing of information between collaterals Inter-jurisdictional and inter-sectoral issues Coordination/service delivery Uses of CFS technology: Child and Family Services Information System (CFSIS), intake module 	5%
Systemic: <ul style="list-style-type: none"> Funding Caseloads Staffing resources Legislation Prevention 	5%
Abuse Investigations: <ul style="list-style-type: none"> Response Time frame Collaboration Interviews Resolution 	4%
Placement Issues: <ul style="list-style-type: none"> Licensing Assessment Adequacy/appropriateness Supports Changes 	4%
Accessibility: <ul style="list-style-type: none"> Lack of information Refusal of services Ineligibility Resource limitation 	3%
Care Provider Issues: <ul style="list-style-type: none"> Travel for service Lack of resources Training of care providers Funding of resources 	3%
Positive Work: <ul style="list-style-type: none"> Youth involvement Family-centered practice Placements Case planning Coordination of services/collaterals 	3%
Children's Special/Complex Needs: <ul style="list-style-type: none"> Jurisdictional issue (government) Lack of diagnostic assessment Lack of resources Poor coordination between service providers Funding issue 	3%
Youth Engagement: <ul style="list-style-type: none"> Not meeting with youth to develop meaningful relationship Lack of follow through by agency—no attempt to engage youth 	2%
Placements: <ul style="list-style-type: none"> Foster homes not meeting provincial standards Places of safety used inappropriately Children in care remaining in unlicensed homes Residential facilities not meeting provincial requirements of service provision, documentation, etc. 	2%
Other Service Providers: <ul style="list-style-type: none"> Mental health Addictions Employment and Income Assistance Justice Education Publicly funded social services 	1%
Total	100%

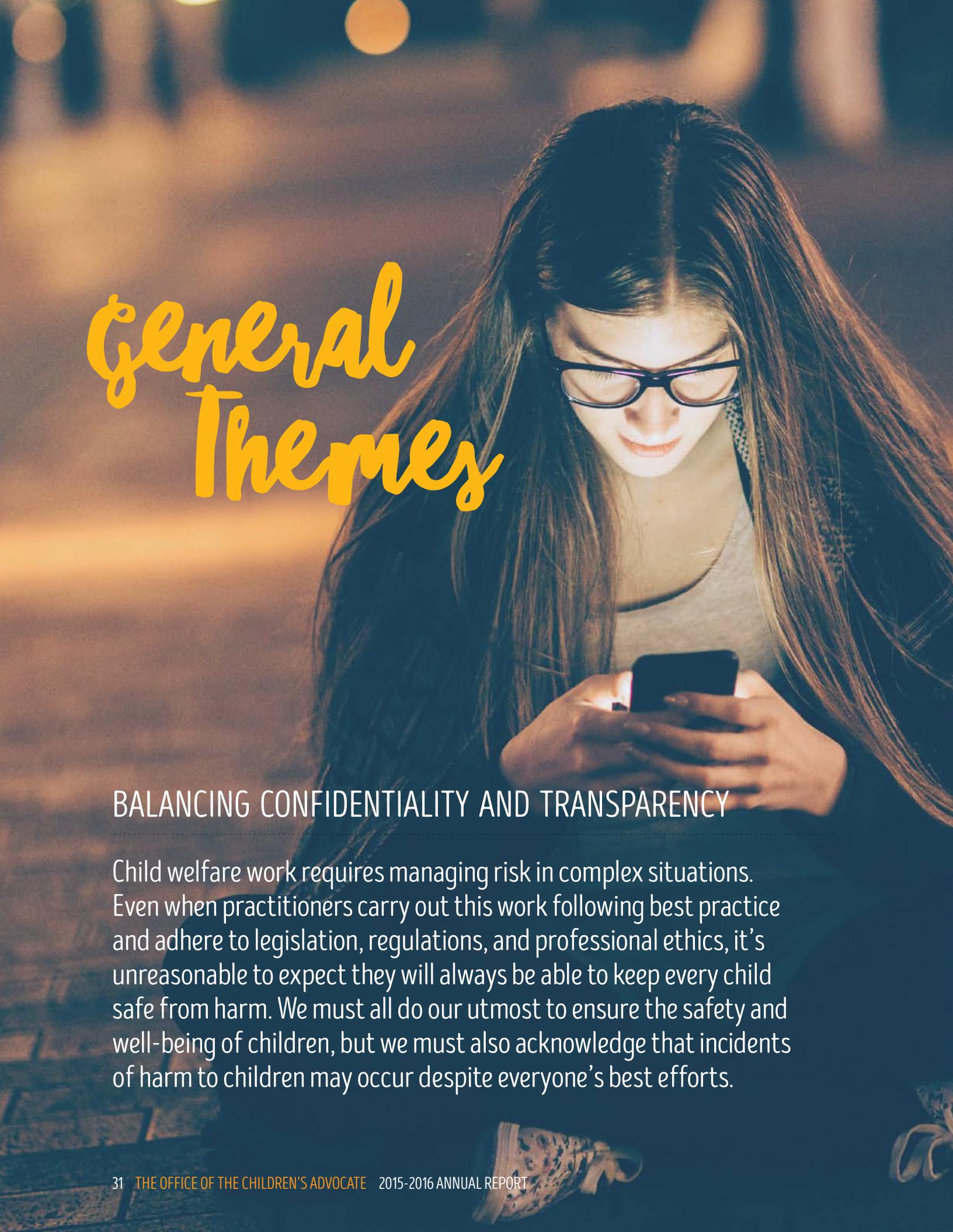
Note: Numbers may not total 100% due to rounding to the nearest whole number.

SPECIAL INVESTIGATION REVIEWS FINDINGS AND RECOMMENDATIONS

This year, our reviews included 44 recommendations related to 17 children and youth, which we shared with the Minister of Family Services (now renamed the Minister of Families), the Manitoba Ombudsman, the Chief Medical Examiner, and relevant child welfare authorities, agencies, and organizations. We also made two recommendations to agencies providing public services outside of the OCA's mandate. As such, these agencies are under no obligation to respond to our recommendations for improvements.

Findings may be positive or lead to recommendations that could improve situations for children involved in the child welfare system.

Case management involves working with families to establish goals, creating plans to achieve those goals, providing services to meet needs identified in assessments, monitoring progress toward achievement of goals, and closing cases when goals have been achieved.

A young woman with long dark hair and glasses is looking down at her smartphone at night. The background is dark with some blurred lights, suggesting an outdoor setting. The text 'General Themes' is overlaid in a yellow, cursive font on the left side of the image.

General Themes

BALANCING CONFIDENTIALITY AND TRANSPARENCY

Child welfare work requires managing risk in complex situations. Even when practitioners carry out this work following best practice and adhere to legislation, regulations, and professional ethics, it's unreasonable to expect they will always be able to keep every child safe from harm. We must all do our utmost to ensure the safety and well-being of children, but we must also acknowledge that incidents of harm to children may occur despite everyone's best efforts.

Public confidence in the child welfare system is an important component of delivering quality child welfare services. Being accountable to the public in terms of service delivery is part of maintaining that confidence. In order to meet the needs of children and youth in this province, the public has to have an understanding of those needs and the services available to assist children and youth and their families if required. Public understanding is particularly important when it comes to the most vulnerable children and youth living in the care of the province, because the public elects governments that are ultimately responsible for the quality of that care.

If the public loses confidence in the administration of child welfare, it may result in fewer families seeking needed support, less engagement and cooperation from parents and youth receiving services, and possibly lower rates of reporting when a child may be in need of protection. The public may be less inclined to support further government investment in child welfare resources that would serve the best interests of children and youth.

A number of Manitoba children have experienced tragic outcomes that have challenged the public's confidence in the administration of child welfare. When tragic events occur, it is important to identify, acknowledge, and resolve any systemic failings or deficiencies at play. It is also important for the public to have reassurance that the system has processes in place necessary for accountability and credibility. In some circumstances, existing confidentiality provisions under the *Child and Family Services Act* (CFSA) significantly hampers this public reassurance.

The CFSA defines a "record" as "a record of information in any form ... recorded or stored in any manner." Part VI of the Act deals with confidentiality, and s.76(3) states that "a record made under this Act is confidential and no person shall disclose or communicate information from the record in any form to any person" aside from a limited number of express exceptions. None of these exceptions deals with the provision of information to the public.



Generally, confidentiality of child welfare-related information is important and in the best interests of children and their families. Some of the information that is protected deals with highly personal and sensitive details of the lives of families who are receiving important support services

during times of particular vulnerability. For the most part, the public does not have the right to sensitive details of a family's situation. However, there may be circumstances when sharing some amount of information with the public may be warranted in terms of maintaining public confidence in the system.

One example may be when the public gets partial or inaccurate information about child welfare services that have been provided to a family. A family is free to discuss its experience with child welfare services publicly because the confidentiality provisions are limited to records made under the Act. Child welfare officials, however, are prevented by the legislation from responding and making sure the public has accurate information because their own information comes from records made under the Act. When this scenario happens, the public may conclude that the system is hiding behind legislation to avoid accountability. This conclusion on the part of the public can breed suspicion, speculation, and rumours, and ultimately it can undermine public confidence in the child welfare system. The way the scenario plays out is also inconsistent with emerging principles of transparency within government, which may contribute to the negative perception of the child welfare system and threaten the best interests of children.

Our office has urged the province to examine possible legislative remedies regarding the sharing of child welfare information with the public in exceptional circumstances where the public interest, and interests of children and youth, may outweigh the privacy restrictions currently in place. We have recommended that the government update aspects of confidentiality legislation so they are better able to provide information in these exceptional circumstances with an objective of bolstering public confidence in an important public system. In an age of information sharing, more can be done to assure the public of the good work being done on behalf of families, and more accurate information could be provided in some cases to increase accountability of systems providing services to vulnerable populations.



EFFECTS OF THE FOSTER PARENT APPEAL PROCESS

With more than 10,000 children living in the care of CFS agencies, many of Manitoba's most vulnerable children and youth rely upon the provision of high-quality foster care by committed, caring families across the province. These children and youth have often experienced a great deal of adversity associated with the situations that brought them into care. In addition, there can be trauma associated with being removed from their families of origin, home communities, extended families, friends, and neighbours. Disruption to a child or youth's foster placement can add further instability and emotional harm.

Unfortunately, our office has seen countless examples of children and youth experiencing literally dozens of moves between various placements throughout their young lives. The CFSA allows a child welfare agency to remove a child from a foster placement if the agency considers that it is in the child's best interests to do so. Sometimes our office is called to intervene in situations where children have been removed by an agency from a foster home and there is a dispute unfolding between the agency and the foster parents about whether the decision to remove the child was truly in their best interests. In such situations, the foster parent appeal process must be followed. Our office has raised many concerns over a number of years that the foster parent appeal process is not in the best interests of children in care. The process can stretch on for months while the dispute is addressed, which compounds the impact on children in care as they live in ongoing uncertainty.

The foster parent appeal process describes the steps all parties must take when an agency's decision to remove a child from a foster home has been challenged by the child's foster parents. The steps begin at the agency level, move up to the level of the governing child welfare authority, and then go on to the director of child protection for Manitoba, which involves the appointment of independent adjudicators by the Minister of Families. In many respects, the process involves dispute resolution that is typical of many systems and workplaces, but it is important to remember that young children can suffer in uncertain living situations while the adults who surround them work their way through the many levels of the appeal process.

As it is currently written, the appeal process could stretch out for months before a decision is made about where a child will be placed, but that is only if all parties adhere to the timelines. In fact, not all parties have prescribed timelines in the process. There are no defined timelines at the authority level. Unfortunately, our office has been asked to become involved in numerous situations that persist unresolved for several months and longer. When children are in care and have already experienced disrupted attachments and other trauma in their lives, it is in their best interests to resolve these times of uncertainty quickly and with an understanding of the impact long disputes have on children.

We have made the Minister of Families aware of this concern, and are urging for either a legislative amendment or changes to the regulations that would include express timelines for all parties. The best solution would be one in which decisions are made clearly and quickly and which reflect an understanding of the impact these disputes can have on a child's ability to feel safe and secure within a system responsible for protecting their best interests.

Amber's story

At the age of 16, Amber* began to experience hallucinations and a distorted perception of reality. She had been in and out of care throughout her childhood and disclosed that she had been sexually abused in a foster home at seven years of age.

At age 17, Amber became pregnant. During her pregnancy, she attended a health care facility presenting with hallucinations and psychosis. Once Amber stabilized, she was released to live with her mother in their rural community, but was offered no follow-up services. After Amber gave birth, her baby was apprehended and placed in foster care.

Amber stopped taking the medication she had been prescribed, and her mental health deteriorated. Matters reached a crisis point when at the end of a family visit with her baby, Amber expressed fear regarding how her baby was being cared for in the foster home. The situation escalated to the point where police were called. Amber was arrested for her violent behaviour.

Amber was incarcerated in Winnipeg where she remained for an extended period of time. She continued to exhibit symptoms of mental health concerns, and the hallucinations she was experiencing intensified. In response to her behaviours, corrections staff placed her in isolation in a stark room with cinder-block walls. Because of a lack of coordination between service providers as well as a lack of mental health services, Amber remained in custody longer than was required and in conditions that were far from optimal, given her health status. Amber called our office as the child welfare agency responsible for her care was not visiting her for planning purposes while she was in custody. Amber also told us that due to the lack of contact with her agency, her repeated requests for family visits had yet to be authorized. Our office became involved to advocate for more specialized care for her needs and to help reconnect her with family supports.

Upon Amber's release from custody, she returned to her home community and was placed in a non-specialized placement resource with minimal support and supervision. Her baby went to live with extended family. Amber's complex needs make it hard for her to understand the level of care she requires to achieve stability. She feels the child welfare system failed her and has refused additional opportunities for support. As she has reached the age of majority and is no longer in care, our mandate prevents us from advocating for this vulnerable young woman, despite a clear need. Her situation remains prone to crisis and repeated breakdown due to the inaccessibility of mental health resources in her home community.

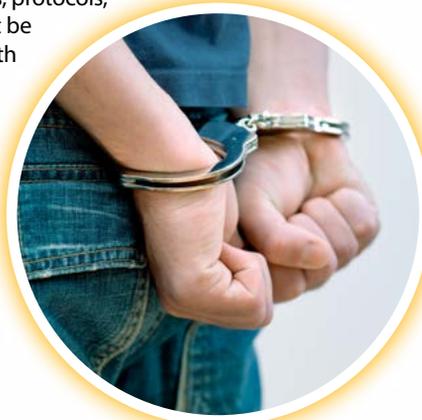
Amber's story is a distressing example of how people with mental health needs are under-resourced in our province and also how gaps in supports can worsen health concerns and trap people in the criminal justice system when their central needs are health-related.

*Names and other identifying details have been changed to protect the confidentiality of individuals.

MENTAL HEALTH AND OTHER NEEDS OF YOUTH IN CUSTODY

The *Child and Family Services Act* only allows the OCA to advocate for children and youth receiving services from a CFS agency. Youth in the justice system are denied advocacy services unless they are also involved in the child welfare system. As stated previously, most other children's advocate offices across the country include the justice system as part of their mandate. We routinely get requests for advocacy services from youth who are not eligible for our support, resulting in a basic inequality of rights among youth involved in the justice system.

This reality is concerning given the child rights issues we see in the situations that have come to our attention. We cannot address policies, protocols, and practices that may not be in the best interests of youth without a mandate to advocate for all youth within the justice system.



RATES OF CUSTODY AND INCARCERATION

Manitoba has highest rate of youth incarceration in the country. Further to that, youth held in pre-trial detention, or remand, have outnumbered youth in sentenced custody since 2007-2008, according to Statistics Canada.[1]

Our counterpart in British Columbia, the Representative for Children and Youth, has the youth justice system as a part of its mandate. In 2009, the representative for Children and Youth released a report that examined youth in care who were also involved with the justice system in B.C. Its examination found that children in care are more likely to have contact with the justice system than their non-care peers:

- 41% of youth in care were involved with the justice system by the age of 21, compared to 6.6% of the general population.
- 36% of children in care had formal involvement (incarceration, bail supervision, probation, etc.).
- 70% of children in care in the study were identified as having educational special needs (including mental health issues and fetal alcohol spectrum disorder [FASD]), in contrast to 15.5% of the general youth population.

At the OCA, we have seen a significant number of youth in care held in remand not because of violent crimes, but because a foster placement is not immediately available to them due to their complex needs.

PLANNING AND COORDINATION

We've also seen situations where young people are released from custody without the right services in place to support them. Young people have turned 18 while in custody and upon release find they have been discharged from care and have absolutely no supports in place.

Regardless of whether a youth in care is held in remand or has been convicted and sentenced, the effects are the same. They are separated from their families and communities and exposed to an environment that is proven to be further destructive to their ability to develop positive social skills and disengage from peers with unhealthy behaviours. Research has shown that incarceration of youth is expensive, is rarely as effective as community-based programs, and may result in the youth becoming gang-involved or solidifying gang involvement.[2]

The youth justice system is a necessary component of addressing youth offending. However, its use and corresponding interventions should be governed by evidence-based decisions that meet the best interests of youth.

THE RIGHTS OF INCARCERATED YOUTH

Some of the concerns that come to our attention involve the experiences of youth while in custody. Manitoba children have legal rights from a variety of sources, including provincial statute (e.g., *The Human Rights Code*), as well as the *Canadian Charter of Rights and Freedoms* (the Charter). The Charter is part of Canada's constitution. S.52(1) of the *Constitution Act, 1867* provides that "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect."

S.7 of the Charter provides that Manitoba children have "the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice." S.12 provides that Manitoba children have "the right not to be subjected to any cruel and unusual treatment or punishment." S.15 provides that Manitoba children have the right to the "equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on... age or mental or physical disability."

Youth have expressed concerns to our office about being subjected to oleoresin capsicum spray, commonly referred to as "pepper spray," while being detained within Manitoba's youth correctional facilities. Accounts indicate that the noxious substance may be being used not as a last resort due to imminent danger of injury or harm, but rather as a method of controlling behaviour.

Similarly, we've had reports of youth being restrained or kept in isolation under circumstances that appear to be in response to behavioural or mental health issues, as in the case example provided. In some cases it would appear that the youth corrections system may benefit from additional support and adequate resources to deal effectively with the complex needs of some of the youth in their custody.

[1] Statistics Canada (2016). *Youth correctional statistics in Canada, 2014/2015*. Online <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14317-eng.htm>

[2] Bala, N. (2011, November). Youth offending in Canada – *Principles, policies & politics*. Lecture presented at the Johnson-Shoyama Graduate School of Public Policy, Saskatoon, SK. Lecture retrieved from <https://youtu.be/s9THR--rb0s>



Shout-Out from the Advocate

TRUTH AND RECONCILIATION COMMISSION OF CANADA

Thank you to the commissioners who took on the monumental task of beginning the path to healing for those affected by the former Indian Residential School system. The Commission's final report provides a foundation for renewed relationships between Indigenous peoples and other Canadians based on mutual understanding and respect.

BEAR CLAN PATROL

Using a combination of street-based patrolling and outreach through social media, this group is leading the way as caring community builders. The Bear Clan Patrol's support to families of missing loved ones and outreach to vulnerable youth is making the North End and other neighbourhoods safer.

BROADWAY NEIGHBOURHOOD CENTRE

This non-profit organization is a hub for youth living in the West Broadway area and beyond. It offers high quality recreational, social, health, educational, and employment training programming. One of those programs is Just TV, which encourages youth to express themselves through multimedia opportunities. Participants get hands-on experience in all facets of the audio and video industry, producing projects based on their interests and experiences.

SYSTEM KIDZ AND CKUW 95.9

Every Tuesday from 5:00 – 6:00 p.m., VOICES: Manitoba's Youth in Care Network takes to the airwaves to discuss issues that matter to youth in care. We at the OCA have been honoured to be part of the VOICES team as regular guests on this radio show.

FINANCIAL REPORT

Salaries and Benefits:	\$2,843.0
Operating Expenses:	\$989.0
Total:	\$3,832.0

OFFICE OF THE CHILDREN'S ADVOCATE STAFF

Darlene MacDonald
Children's Advocate

Corey La Berge
Deputy Children's Advocate

Ada Uddoh
Special Investigator

Ainsley Krone
Manager, Communications, Research, and Public Education

Angie Balan
Manager, Quality Assurance

Carleigh Wegner
Administrative Assistant (from March to June 2015)

Carolyn Burton
Manager, Finance and Administration

Carolyn Parsons
Advocacy Officer

Cathy Hudek
Special Investigator (retired March 2016)

Cindy Courchene
Administrative Assistant (from July to December 2015)

Dawn Gair
Intake Assessment Officer

Debra De Silva
Intake Assessment Officer

Denise Wadsworth
Special Investigator

Dorothy McLoughlin
Manager, Special Investigations Review Program

Doug Ingram
Advocacy Officer

Erin Leonzio
Intake Assessment Officer (from February 2016)

Erin Ryan
Administrative Assistant (from March 2016)

Gerald Krosney
Advocacy Officer

Janine Bramadat
Policy Analyst

Joanne Lysak
Special Investigator

Justine Grain
Special Investigator

Kirstin Magnusson
Manager, Advocacy Services Program

Krista Rey
Advocacy Officer (from June 2015)

Laurie Freund
Senior Clerk

Leigh Enns
Special Investigator (from November 2015)

Lynda Schellenberg
Special Investigator

Patty Sansregret
Manager, Special Projects

Paula Zimrose
Intake Assessment Officer

Reji Thomas
Administrative Assistant

Rosie O'Connor
Advocacy Officer (retired May 2015)

Ryan Begley
Special Investigator (from November 2015)

Sandra McKelvey
Special Investigator (from June 2015)

Sarah Arnal
Advocacy Officer

Stacey Banfield
Intake Assessment Officer (from June to December 2015)

Tanis Hudson
Special Investigator

Thelma Morrissette
Advocacy Officer

STUDENTS

Jo-Ann Harrison

Richelle Ready

Dylan Cohen

SPECIAL INVESTIGATIONS REVIEW ADVISORY COMMITTEE

We offer our sincere thanks to the committed individuals who continue to support our office by contributing their professional expertise in many areas relevant to our work with children and youth.

Alem Asghedom
University of Manitoba Inner City Social Work Program

Carolyn Snider
Manitoba Institute of Child Health

David Milward
University of Manitoba Faculty of Law

Don Fuchs
University of Manitoba Faculty of Social Work

Lorena Sekwan Fontaine
University of Winnipeg Indigenous Studies

Elder Margaret Lavallee
University of Manitoba Centre for
Aboriginal Health Education

Marie Christian
VOICES: Manitoba's Youth in Care Network

Mary Brown
Health Canada

Pamela Jackson
Therapist, Trainer, and Consultant

Scott Amos
Aboriginal Affairs and Northern Development Canada

Wanda Phillips-Beck
Assembly of Manitoba Chiefs



Unit 100 – 346 Portage Avenue
Winnipeg, Manitoba R3C 0C3

Phone: **(204) 988-7440**

Toll Free: 1-800-263-7146

Fax: (204) 988-7472

childrensadvocate.mb.ca

 [Facebook.com/OCAAdvocate](https://www.facebook.com/OCAAdvocate)

 [Twitter @OCAAdvocate](https://twitter.com/OCAAdvocate)

 [YouTube tinyurl.com/OCAAdvocate](https://www.youtube.com/tinyurl.com/OCAAdvocate)