



## FOR IMMEDIATE RELEASE

### **Proclamation of the Manitoba Advocate’s New Mandate Set for Next Week Means More Opportunities for Advocacy, Public Education, and Public Accountability of Government**

**March 6, 2018 – MANITOBA** – On Thursday, March 15, 2018, *The Advocate for Children and Youth Act* will be proclaimed and thousands of additional children, youth, and young adults will qualify for advocacy support services, Daphne Penrose announced today. Penrose, appointed Children’s Advocate in 2017, said proclamation of the Act will occur next week with the first of three phases coming into force immediately.

*“The passing of The Advocate for Children and Youth Act represents a significant and vital commitment by all elected members of the provincial legislature to the health and improved outcomes for families who rely on public services every day,”* said Penrose. *“Last spring, when this bill was before the House, it received rare, unanimous support from all MLAs in the legislature. That’s an important message to children, youth, and young adults in the province. It’s an acknowledgement that publicly-funded services are important in our lives and that the services we rely on must always seek to improve in effectiveness and efficiency.”*

*The Advocate for Children and Youth Act (ACYA)* reflects many years of analysis, multi-level discussion, interprovincial and cross-territorial comparisons, and evidence-informed best practices from within Manitoba and across Canada. The legislation takes significant steps toward answering 20% of the recommendations made in the final report of the Phoenix Sinclair inquiry. The phased-in approach to the legislation has been structured to occur in three phases.

#### **Phase 1: Expanded Advocacy, Young Adult Death Reviews, Special Reporting to the Public, and Tracking of Recommendations**

Upon the March 15<sup>th</sup> proclamation, the direct advocacy mandate of the Manitoba Advocate for Children and Youth Office will expand from a current focus on child welfare and adoption to also include advocacy support in the areas of child welfare, adoption, disabilities, mental health, addiction, victim support services, domestic violence, sexual exploitation, youth justice, and education. This advocacy support will be available to anyone between birth and 21 years of age.

In the area of child death reviews, the responsibility of the Manitoba Advocate for Children and Youth also expands as of March 15<sup>th</sup> to include young adults 18-20 years old who were receiving supports beyond termination of guardianship services from child welfare. The Manitoba Advocate will be able to conduct a review when a child, youth, or young adult dies and they, or their family received any form of service from child welfare in the year that preceded their date of death. A second expansion in the area of child death reviews is set to come into force in Phase 2 of the roll out of the ACYA.

Additional expansions occurring next week include the ability of the Manitoba Advocate to release information to the public on the work of the office as previously-imposed confidentiality restrictions are replaced with powers of discretion so the Manitoba Advocate can release information if the Advocate deems it to be in the best interests of the public to do so.

Also coming into effect next week is a transfer of the responsibility from the Manitoba Ombudsman to the Manitoba Advocate for Children and Youth of tracking formal recommendations made by the Advocate. With this transfer of power, the Manitoba Advocate will be able to report on the government's compliance with recommendations made in the course of her work. *"The public has a right to know the outcomes of certain investigations and the work we are doing on behalf of families,"* noted Penrose. *"The recommendations my office makes are based on evidence and on behalf of families in our province. I intend to monitor compliance with our recommendations and provide the public with ongoing information about the changes we are seeing and continued areas of concern."*

### **Phase 2: Expanded Death Reviews of Children, Youth, and Young Adults, Additional Capacity for Conducting Research**

Phase 2 of the roll out will occur in coming months and will further broaden the mandate of the Advocate in the area of its investigations after the death of a child, youth, or young adult. Building on the expansion from Phase 1, Phase 2 will further expand the scope of investigations to include not only child welfare and adoptions, but also any child or their family who received mental health, addictions, or youth justice services in the year that preceded the date of death of the child, youth, or young adult.

### **Phase 3: Reporting of Serious Injuries to the Manitoba Advocate**

Manitoba currently does not track serious injuries to children and youth in any central reporting system. This significant gap in our provincial system will be addressed in Phase 3 – at a date yet to be determined - when publicly funded systems will be required to report to the Manitoba Advocate when children and youth sustain serious injuries. However, since several public systems already have internal reporting mechanisms, work must be completed on developing common sense regulations to ensure that centralized reporting can occur. *"We know how many young people are dying in our province,"* noted Penrose, *"but our province has no idea how*

*many young people are being seriously injured. With centralized reporting, analysis can occur and we can then work to address issues and gaps so child safety improves.”*

In addition to a significant growth to its mandate, the name of the office will change upon proclamation. What was previously known as The Office of the Children’s Advocate will become known as **The Manitoba Advocate for Children and Youth**.

The office will be moving back to its main location at 346 Portage Avenue as repair work is now complete following a flood in December, which forced the office to temporarily relocate. *“Our entire team is excited about the beginning of this new chapter,”* Penrose said. *“We are honoured to carry on serving the best interests of young people and we are clear in our goal of holding public systems accountable so outcomes for families can improve. Investing in children is a win for us all.”*

**A detailed explanation of the Manitoba Advocate’s expansion is attached to this release.**

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The Office of the Children’s Advocate is an independent office of the Manitoba Legislative Assembly, which represents the rights, interests and viewpoints of children and youth throughout Manitoba. We do this by advocating directly with children and youth and by reviewing public services after the death of any young person who received child welfare services in the year preceding their death. The Children’s Advocate is empowered by legislation to review, investigate, and provide recommendations on matters relating to the welfare and interests of children and youth throughout Manitoba.

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**Phase 1: Expanded Advocacy, Young Adult Death Reviews, Special Reporting to the Public, and Tracking of Recommendations**

**EXPANDED ADVOCACY SERVICES**

CURRENT MANDATE	NEW MANDATE
<p>Advocate may provide support to any child/youth (birth-17 years old) receiving, or entitled to be receiving:</p> <ul style="list-style-type: none"> <li>child welfare or adoption services</li> </ul>	<p>Manitoba Advocate may provide services to any child/youth (birth-17 years old) receiving, or entitled to be receiving “designated services,” including:</p> <ul style="list-style-type: none"> <li>child welfare or adoption services</li> <li>disability services (within health, education, justice, community services),</li> <li>educational programming for children with an IEP,</li> <li>mental health,</li> <li>addiction services,</li> <li>victim support services (incl. victims of crime, witnesses in criminal proceedings, children &amp; youth impacted by domestic violence, children/youth who are sexually exploited <i>or at risk of being sexually exploited</i>),</li> <li>criminal justice services (custody and probation)</li> </ul> <p>PLUS, services to 18-21 year olds who were permanent wards and are receiving CFS support beyond termination of guardianship, adult disability, or educational programming</p>

**EXPANDED INVESTIGATIONS FOLLOWING THE DEATH OF A YOUNG ADULT**

CURRENT MANDATE	NEW MANDATE
<p>Advocate conducts a review when a child/youth (birth – 17 years old) or their parents received, within one year of the child death:</p> <ul style="list-style-type: none"> <li>Child welfare or adoption services</li> </ul>	<p>Manitoba Advocate conducts a review when a child/youth or their parents received, within one year of the child death:</p> <ul style="list-style-type: none"> <li>Child welfare services;</li> <li>Adoption services;</li> </ul> <p>Plus, extended to include 18-21 year olds who were former permanent wards with child welfare and who were in receipt of transition support services.</p> <p><b>*Note: Further expansion in this function coming in Phase 2.</b></p>

**EXPANDED RESEARCH AND PUBLIC EDUCATION**

CURRENT MANDATE	NEW MANDATE
No designated mandate, but some office resources are dedicated to conducting research and creating public education initiatives.	Research and public education, including publishing special reports, become core responsibilities of the Manitoba Advocate. Specifically: <ul style="list-style-type: none"> <li>• Conducting research on designated and reviewable services in order to make recommendations for improvements</li> <li>• Raising public awareness and understanding of the <i>United Nations Convention on the Right of the Child</i></li> <li>• Publishing an annual report, plus the Advocate must publish a service plan with goals and objectives for the coming year, and measures of achievement of previous goals.</li> <li>• Analyzing information arising in any review or investigation completed by the Advocate and publishing special reports, and commenting publicly on any other matter.</li> </ul>

**TRANSFER OF RESPONSIBILITY FOR MONITORING IMPLEMENTATION AND COMPLIANCE WITH RECOMMENDATIONS**

CURRENT MANDATE	NEW MANDATE
Recommendations tracking is the responsibility of the Manitoba Ombudsman.	Manitoba Advocate to monitor, analyze, and report publicly on progress of recommendations and on compliance with recommendations made in the Advocate’s work.

**Phase 2: Expanded Death Reviews of Children, Youth, and Young Adults, Additional Capacity for Conducting Research (in the coming months)**

CURRENT MANDATE	NEW MANDATE
Advocate conducts a review when a child/youth (birth – 17 years old) or their parents received, within one year of the child death: <ul style="list-style-type: none"> <li>• Child welfare or adoption services</li> </ul>	Advocate conducts a review when a child/youth or their parents received, within one year of the child death: <ul style="list-style-type: none"> <li>• Child welfare services;</li> <li>• Adoption services;</li> <li>• Mental health services;</li> <li>• Addiction services;</li> <li>• Criminal justice services.</li> </ul>

**Phase 3: Reporting of Serious Injuries to the Manitoba Advocate (Date TBD)**

CURRENT MANDATE	NEW MANDATE
No current mandate	Mandatory reporting of serious injuries to the Advocate will come into force across several service delivery sectors. The Advocate will have the responsibility to investigate and report on serious injuries to children, youth, and young adults.