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Special Report release

A Place Where it Feels Like Home: The Story of Tina Fontaine

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Location of release: Sagkeeng First Nation

Speaking notes for the Manitoba Advocate

Good morning – Thank you Chief Henderson for welcoming my team and me onto your community and for inviting us to hold this important day and the ceremonies here in Sagkeeng First Nation.

I want to acknowledge and say a special good morning to the members of Tina’s family and her friends who are with us here today. My team and I have learned so much from you during the time we have been learning about Tina and we are glad you are here today to hold space and bear witness to this report being made public.

To the members of media, I would like to welcome you all here today and I want to thank you for travelling out to this beautiful community to participate in the release of this report. I know many of you have been awaiting its release for a long time now and I understand that you are likely feeling pressure to be quick to file your stories as soon as the embargo is lifted. We are going to try to get this process moving so you can proceed to report out, but I want to make sure that we are giving this report and the family the appropriate respect and care.

During my remarks I will walk you through the report, the investigation, my findings, and the formal recommendations I am issuing today. Under the *The Advocate for Children and Youth Act*, I will remind everyone here that this report is not allowed to be shared or reported out on until I lift the embargo, which will happen once we conclude the Q&A, following my formal remarks.

I am sensitive to the fact you are working on deadlines, and for some of you those are across the country, but for the time being I ask you help us hold the space in a respectful way so we can work

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through the information and respect the family and the community which has invited us as guests onto their land.

As I begin my remarks this morning, I would like to take a moment to acknowledge again that Chief Henderson has invited us onto Sagkeeng First Nation today, for which we are thankful and honoured.

I also would like to acknowledge that the mandate of the Manitoba Advocate for Children and Youth extends throughout the province of Manitoba, and across a number of treaty areas. Our southern office buildings in Winnipeg are on Treaty 1 territory and the homeland of the Métis Nation. Our northern office we are opening next month is on Treaty 5 land, and the services we provide to children, youth, young adults, and their families extend throughout the province and throughout Treaty areas 1, 2, 3, 4, 5, 6, and 10. The land on which we live and work is the traditional territory of Anishnaabeg, Cree, Oji-Cree, Dakota, Ojibwe and Dene peoples, and the homeland of the Métis nation.

As a publicly funded office, and in this era of Reconciliation, I acknowledge our positionality and am committed to using the mandate and role of this office to improve the lives of all children, but I especially recognize the importance of dedicating the resources afforded to me to doing what I can to improve the lives of Indigenous children, youth, young adults, and their families, who continue to be overrepresented in the public systems I am empowered by law to review and investigate.

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Tina Fontaine might always be known for the tragic way in which she died, but it is her life that is an important story worth knowing. It was on August 17, 2014, when most people would learn her name, but Tina's story began long before that day. It began even before Tina was born on New Year's Day in 1999.

To know Tina's story, to really understand how she came to symbolize ***a churning anger of a nation enraged***, each of us can look as far back as the arrival of European settlers, and as close to home as the depth of our own involvement or indifference in the lives and experiences of Indigenous youth.

It is a challenge to conduct a child death investigation. To gather files and evidence, to sort through boxes of information, to speak with an ever-growing list of people who knew the child who has died, and then to create an accurate and thoughtful story about the life of the child. This is a process of honouring legacy and uncovering truths.

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We work to understand the complexities of the child and their life within the broader context of a family, a surrounding community, and then we set out to carefully analyze all information. We view the evidence through the lenses of:

- best practice,
- best interests, and
- the rights of children, can be a path filled with challenges.

As the Manitoba Advocate for Children and Youth, these activities are part of my sworn promise to all citizens in our province.

Most especially, I make a promise to all children, youth, and young adults that I will approach this work ready to listen carefully to their voices, and to use my knowledge and experience to do my best to improve our province for the sake of the many young people who require or rely on public services each day.

My job is made infinitely more achievable when I am able to speak directly with young people through our outreach and advocacy services, and during child death investigation, when families and friends who have lost a young person agree to participate in the process of an investigation.

My team and I would not have been able to write the report I am releasing today without the participation of some of Tina's family and friends. While family participation is not required, my office is firmly committed to a process of inviting and including family members whenever possible as we conduct investigations and prepare special reports.

Depending on the location of the family, we may phone, send letters, or make house calls to ensure family members, especially parents, are aware of the invitation to participate in our process. We regularly travel to and spend time in the home communities of the children so we can better understand who they were within their circles and as a treasured member of a family unit.

Tina was a deeply loved member of a large family and while not all people we reached out to were able to meet with us, we give thanks to all of Tina's family and friends who sat with us, and we acknowledge those who were unable to do so. Whether you met with us or chose not to, we hope you see that we have tried to honour Tina and her legacy by the way we have written this report. Ultimately, we hope our communities and this province are inspired to take up the challenge of building legacies of good from the sadness born of tragedy.

This report is structured in two main parts. The first large part is the chronology of Tina's life, which includes the time before she was born to the time after she died. This section, which is standard in all of our child death investigations, is an accurate and chronological summary that reflects countless sources of

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information. The chronology focuses on which public services were active during Tina's life and we seek to identify where gaps in services existed or where there were opportunities for better interventions and supports.

The chronology is an overarching account of all of the historical file information, case information, assessment reports, and numerous interviews from the public systems that are in scope for review by my office. While not all systems within my scope were relevant to Tina's story, the services my team and I are empowered to formally review include: child and family services, adoption, disabilities, education, youth justice, mental health, addictions, and victim supports.

The second large section of this report is focused on our analysis. In addition to the requirements laid out in my legal mandate, and based on the detailed and accurate chronology of events, we analyze the information and interactions to look for information such as:

- What were Tina's needs and those of her family?
- What interventions and supports were offered and when?
- What is the family perspective on the services they received?
- What needs to be improved?
- What do the experts say needs to happen?
- What do the Elders say we need to remember?
- What do youth say **they** need to feel supported? And,
- How can tragedies like Tina's death be prevented in the future?

When we have the answers we need to these questions, my team and I carefully consider what could have made a difference for Tina and what needs to be changed. By law, I am empowered to make formal recommendations to the government, government systems, and other public bodies. I am further empowered to track and monitor the **compliance** with the recommendations I make. With the introduction of *The Advocate for Children and Youth Act* last year, I have decided that I will be tracking government compliance publicly.

There are limits to what these investigations can achieve. My role is not to blame anyone individually for why Tina died.

I acknowledge that there is a significant and high-profile history and criminal developments that people speak of when they speak of Tina, but finding fault for how and why Tina died is not what I am empowered to do. In our province, that responsibility falls to law enforcement, to the justice department, and to the courts. My role is to formally review child-serving systems and to hold them accountable for the ways in which families receive public services in Manitoba.

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My role encompasses a responsibility to speak the child's truth and to describe the gaps that exist in the infrastructure of our public systems. One thing we know to be true, and which you will read about in Tina's story is that she carried a burden that was not her own.

In order to understand the story of Tina's life and death it is important to first recognize the history of colonization. This includes the residential school system and the Sixties Scoop, and their lasting impacts on the social, psychological, spiritual, and economic health of Indigenous peoples and Indigenous communities.

Like so many, Tina's parents were significantly impacted by historical traumas; their struggles with housing, intimate partner violence, addictions, and mental illness can be directly tied to Canada's history of colonial practices and the implications of this history that continue to exist today for so many Indigenous families.

I have included some information in this report that is not Tina's. For example, I have included summarized information about Tina's parents, her great-aunt (whom Tina called "grandma"), and a few details of Tina's siblings. This decision was made carefully and with much consideration and discussion because I know that by including pieces of stories of other people, I expose them to the possibility of undeserved or ignorant criticism for the casual reader who is intent on casting blame.

However, I know that to tell Tina's story in a vacuum and without mention of those who loved her and surrounded her is to fail in my duty to tell the truth of Tina's story. Tina was influenced by many people and she had two moms who loved her. Tina's first mom loved her and tried to manage her growing family, but was unable in the long-term to provide the care Tina needed in her life. Tina's second mom, the great-aunt she called "grandma" ensured Tina had the experiences of family connections and a stable home for many years of her life, in a traditional customary care arrangement.

Tina's story was her own, and yet, it mirrors the stories of many others. The losses she experienced, the fracturing of her family, the inability to access necessary support, the promises of services that were never delivered, these are the echoes of so many other children and their families.

While I know that the child and family services (CFS) system has long been blamed for Tina's death, this is short-sighted and serves only to reinforce the existing structures and beliefs. In fact, Tina did not spend much time inside the CFS system before she died. While she was in care a for a few short periods when she was very young, what Tina had in her life that was a significant protective force was her family – especially her grandma and grandpa – who loved her and raised her from the time she was five years old, and until a month before she died. In their home, Tina found the stability and nurturing that all children need to feel like they matter and that they belong.

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The event that changed Tina's life was the violent and sudden death of her father. This was the experience that many people who knew Tina look to when they think back to when things started to change for her. Tina was 12 years old when he died, which is a critical time of discovery and development for all children and the impact of his death was profound. Despite all the other details of his history, Tina loved her dad, as any child would. What followed was significant sadness that grew and expanded until it began to manifest in difficulty at school, experimentation with drugs and alcohol, running away, increasing violence, and being sexually exploited by adult men who preyed on her.

Throughout her life, Tina needed an array of services from child and family, education, victim support, law enforcement, health, and mental health systems. At times, particularly in the final months of her life, some of these services were unavailable, not easily accessible, or ill-coordinated, which did not provide the supports and interventions she desperately needed.

The education system was active in her life and through which Tina met some dedicated educators, but she struggled to remain consistent in attending classes and there was little effort demonstrated to re-engage her through her sadness. After being suspended in April 2014, Tina would never return to school.

Tina had significant mental health needs following her father's death but she was never provided counselling or other cultural healing, despite ongoing assessments and recommendations that this was a critical need in her life. Further, Tina developed acute addictions in her final months of life and used many different drugs and alcohol but was unable to find the help she needed that would support her to address her underlying pain.

Victim services also played a role after the death of her father, but that system also never met directly with Tina to ask her what she needed, nor did they ever follow through with their offer to provide counselling to her, despite repeated requests during the two and half years in which they were involved with Tina's family.

Child and family services were involved historically with Tina's parents and with Tina when she was young, and then again in the months before her death. Our concerns with CFS following our investigation include the ways in which the family unit was allowed to fracture and split, the need for public systems to recognize Indigenous customary care arrangements, the barriers that are built when multiple service providers argue over jurisdiction, and the desperate need that exists in Manitoba for safe and secure placement resources when youth are at imminent risk of harm and death.

This report also looks closely at the issue of the sexual exploitation of youth. It is a difficult fact that Tina was exploited by adults and that Manitoba has a shameful reputation for the numbers of children and youth who are preyed upon every year in our province.

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I make five formal recommendations in Tina's name and in this report.

My first recommendation is to Manitoba Education and Training and builds on the report I released in October 2018, about Circling Star. In that story, and in Tina's, my team found compelling reasons and growing research on the impacts of absenteeism that calls into question the practice of expulsions and suspensions in public schools. My recommendation is that the recently formed *Commission on Kindergarten to Grade 12 Education* carefully examines the uses of these measures so they can be limited, reduced, and phased out.

My second formal recommendation is to Manitoba Health, Seniors, and Active Living. **It has been ten months** since the province released their mental health and addiction strategy. While announcements and investments have been made by the government regarding Manitoba adults, it is the children and youth – *which the government identified as a population in desperate need* – who remain waiting to hear the implementation plans for the changes that are coming.

If **early intervention** and **upstream investments** are more than mere buzzwords, then, as my recommendation lays out, the government will expedite the public release of a clear implementation plan to address the child and youth-specific recommendations contained in their Virgo report.

I also make a recommendation to Manitoba Justice - Victim Services to address the quality control measures that were lacking in their interactions with Tina and her family. While this system was involved for a number of years, barriers to access the service were plenty and overall, the service was not delivered to Tina in child-centred ways.

My recommendation to child and family services is focused on their responsibilities for child safety and in responding when children are in need of protection. What Tina might have benefitted from was access to the full continuum of services for children at imminent danger, and this continuum includes safe and secure treatment facilities that are therapeutic, culturally-informed, and effective – or, as Tina described to her CFS agency, *a place where it feels like home*.

At the time when everything might have seemed overwhelming, and painful, and when she knew she needed help, what she asked for was a home-like setting. That is why we have titled this report **"A Place Where it Feels Like Home"** and this concept is what I intend when I call for safe and secure, home-like treatment facilities.

Finally, in recognition that access to time-sensitive safety and care information about children who are missing is critical to their safety, I make a recommendation to Manitoba Families to ensure individual response plans are created for each child and youth who goes missing. This is required, is given the strong

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correlation between missing persons, sexual exploitation, and other harms that can place young people at immediate risk of injury and death.

It is a heartbreaking and desperate truth that here in Manitoba, adults actively lure, demand, and routinely purchase sex from children and youth, a crime that violates their human rights and dignity.

As we gather here today to speak about the experiences of one child who was taken too soon, we have to also acknowledge the many other hundreds of children and youth who are falling through the cracks of our society's safety net, just like Tina. These children and youth are preyed upon across our province and country by adults who sexually abuse and exploit them for their own sexual gratification.

I want to acknowledge that this week is also **Manitoba's Stop Child Sexual Exploitation Awareness Week**, which works to educate the public and put an end to child sexual exploitation in all of its forms. In the report I am releasing today, I have included a section focused specifically on sexual exploitation, which includes important data and research happening right here in our own province where, sadly, the problem of sexual exploitation is significant. daph

Some of these recommendations are large and will take some time to work through, and some can be more quickly implemented. However, what I hope the public hears from me today, through this report, and as we carry on in Tina's memory, these changes cannot wait. What has been a persistent message to my team and me as we moved through this investigation and the writing of this special report is that not enough has changed since Tina died in 2014.

In fact, what we know to be true from the youth we are working with in our advocacy program and who are still alive today, and which has been confirmed by public systems throughout this process, is that children and youth who present with the **same** issues today may find themselves getting the **same** responses and experiencing the **same** barriers to service that Tina did.

What people need to understand is that this report is only as good as the actions that follow it.

With some of those youth, we have seen them struggle with structural barriers for many months and years and they continue to try to access support and try to get help for themselves. For other youth, such as Tina, the downward spiral gathers speed rapidly and crisis response measures – where most of our public dollars continue to be invested – are only triggered into action when certain thresholds are met. For Tina, those interventions came too late to save her.

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Our track record in Manitoba is not good. We are home to the highest numbers of children in care, highest numbers of youth in custody, and highest numbers of missing children. These are the outcomes when services and investments are not intensively targeted on the early years and on the prevention of crisis.

The solutions lie upstream. If the focus of our resources and interventions keep our eyes locked on the **results** of trauma, then we will ignore the reasons that cause the trauma and our province will continue to see ballooning numbers of youth involved in child and family services, youth justice, and young people who are in need of emergency detox and treatment. We can do better. We must improve the ways we see our systems and ensure that they are built and deliver services that prioritize the needs not of service providers, but of the people who rely on those services.

Those of us who are engaged, empowered, and switched on, need to ensure we are standing up and getting involved so that all Manitobans can grow up supported.

If we take up these calls to action and move forward in a spirit of equity, justice, and Reconciliation, we can work to honour the name of Tina Fontaine and do right by the lessons and legacy she leaves behind so that she can truly be allowed to rest.

Daphne Penrose, MSW, RSW
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