

<b>Tina Fontaine</b>	<b>Recommendation Three</b>	<b>Reported Status: (not reported)</b>
<b>Report Sent: March 12, 2019</b>	<b>Public Body: Manitoba Justice</b>	
<p><b>Recommendation Three:</b> The Manitoba Advocate for Children and Youth recommends that Manitoba Justice evaluate the continuum of Victim Support Services for children and develop quality control measures to ensure that services are child centred and provided in a timely manner.</p> <p><b>DETAILS:</b></p> <ul style="list-style-type: none"> <li>• Manitoba Justice to examine the criteria regarding how child benefits are approved or denied and subsequently clarify and distributed to victim applicants.</li> <li>• Manitoba Justice to clarify current legislation and policies that are contradictory related to access to compensation services and benefits.</li> </ul>		

**Response from the Manitoba Government on June 27, 2019:**

Summary of activities completed since report was released

Manitoba Justice’s victim services (VS) branch sought clarification from the MACY on this recommendation and was advised the details section inform the basis of this recommendation. However, general comments include:

- VS has a child victim support service dedicated to assisting child victims of crime directly. These staff also attend Snowflake Place for Children and Youth to assist children with their initial statements early in the process.
- VS workers always connect with a child’s parent or legal guardian to offer support and information. This approach is taken as VS recognizes and respects the relationship between parents and their children, including the parent’s ability to make decisions for their children. VS often meets with children at the request of either the parent or the child specifically when preparing and supporting them during court proceedings.
- In matters involving domestic violence where the victim is a youth, it is preferred to have parental involvement to enhance the safety of the youth who may be at risk for future violence. VS workers acknowledge that a youth has a right to express their position on any given matter as it relates to domestic violence but also acknowledges that parent/guardian input is valuable from a safety perspective.
- VS is a voluntary program. However, if a parent was impeding a child’s access to victim services’ support that threatened the child’s well-being, VS would engage with child and family services. The MACY office has also offered to assist in advocating for children in these matters.



The MACY requested that Manitoba Justice examine the criteria regarding how child benefits are approved or denied and subsequently distributed to victim applicants.

- The compensation for victims of crime program has developed template letters to ensure that information provided to victims about benefits is clear and consistent. Policy direction has been provided to staff to ensure template letters are used in all circumstances.
- Staff with the compensation for victims of crime program have been granted access to the VS case management system. This will allow for increased coordination between program areas and assist with quality control.
- The compensation for victims of crime program offers counselling benefits to every eligible claimant, proactively offering it even if the applicant does not request it in their application.
- Template letters in child victim matters have been modified to ensure that CFS is aware and encouraged to apply for compensation for victims of crime benefits (specifically counselling) on behalf of the child, in cases where they are the child's guardian.
- The compensation for victims of crime program has implemented a tracking system to monitor when information is missing from applications, and to follow up with claimants whose applications do not specifically identify the benefits for which they are applying.
- VS will continue to enhance supports for children of homicide victims by exploring ways to confirm that parents/children are aware that they are able to access counselling resources.

The MACY requested that Manitoba Justice clarify current legislation and policies that are contradictory related to access to compensation services and benefits. VS clarified with the MACY that this request refers to The Victims' Bill of Rights, Section 51(2), which states:

**Extension of time**

**51(2)** The director may, before or after the expiry of the one year period, extend the time for making an application if he or she considers it appropriate.

In practice, compensation for victims of crime program staff always extend the time for making an application in relation to children. This is reflected in the program's policy as noted below:

Extension of time

The manager or claims adjudicator reviews each application on a case-by-case basis to determine if an extension is warranted. Primary consideration should be on the impact that the delay in applying may have had on the Program's ability to properly investigate and adjudicate a claim. Factors that may support a decision to approve an extension include:

- Applicant was a minor or was mentally incompetent – an extension may be granted where the applicant's parent, guardian or committee had failed to make application for compensation on the minor's behalf.

**Analysis of Manitoba Government's Response by the Manitoba Advocate for Children and Youth:**

**Activities Completed:**

- The compensation for victims of crime program has developed template letters to ensure that information provided to victims about benefits is clear and consistent. The policy is that staff ensure the template letters are used in all circumstances.
- The compensation for victims of crime staff members have been granted access to the Victim Services case management system to allow for increased coordination between program areas and assist with quality control.
- The compensation for victims of crime program offers counseling benefits to every eligible claimant, proactively offering it even in circumstance when the applicant does not request it.
- Template letters in child victim matters were modified to ensure that CFS is aware and encouraged to apply for compensation for victims of crime benefits (specifically counselling) on behalf of the child, in cases where they are the child's guardian.
- The compensation for victims of crime program has implemented a tracking system to monitor when information is missing from applicants, and to follow up with claimants whose applications do not specifically identify the benefits for which they are applying.
- Victim Services will continue to enhance supports for children of homicide victims by exploring ways to confirm that parents/children are aware that they are able to access counseling resources.
- In response to the recommendation that requests 'Manitoba Justice clarify current legislation and policies that are contradictory related to access to compensation services and benefits', MACY-RAP cites 51 (2) of the *Victims' Bill of Rights* which states that 'The director may, before or after the expiry of the one year period, extend the time for making an application if he or she considers it appropriate'. They also cite the program policy that states that each application is reviewed on a case-by-case basis to determine if an extension is warranted. There is consideration regarding the impact that the delay may have on the program's ability to properly investigate and adjudicate a claim. Factors that may support a decision to approve an extension include: applicant was a minor or was mentally incompetent. An extension may be granted where the applicant's parent, guardian, or committee had failed to make an application for compensation on the minor's behalf.

**Level of Compliance**

This response indicates a commitment to respond to the intent of the recommendation and its details.

**Analysis of Response**

- There has been significant work conducted in response to implementing this recommendation. This recommendation may be moved to a status of 'Complete' once MACY is provided with a copy of the revised template letters for assessment.
- In reference to the statement that 'Victim Services will continue to enhance supports for children of homicide victims by exploring ways to confirm that parents/children are aware that they are able to access counseling resources', are there ongoing activities still underway?
- To be addressed in the short term\*:
  - Status of implementation
  - Information indicating a timeline for implementation
  - Submission on the revised template letters



\*On September 30, 2019, the Manitoba Advocate sent a letter to the members of the government's MACY-RAP committee and working group requesting additional information regarding the government's progress on recommendations made by the Advocate. The Advocate communicated to the government representatives short-term questions for information that could be provided quickly. Additionally, the Advocate sent long-term questions for the government to address in future progress reports. The questions are designed to seek clarification on activities, seek evidence or documentation to support the activities, or to determine how the government's responses are meeting the intent of the recommendations made by the Advocate. All of this information will be used by the Advocate to determine the levels of compliance with implementation, in accordance with s.11(1)(d), s.30(2)(d), and s.30(4), of *The Advocate for Children and Youth Act*.