



Canadian Council of Child and Youth Advocates

Memorandum of Understanding

This Memorandum of Understanding (MOU) among the members of the Canadian Council of Child and Youth Advocates (CCCYA), as listed below, was developed jointly and shall become effective on the date at which all parties have agreed.

British Columbia – Representative for Children and Youth

Alberta – Office of the Child and Youth Advocate

Saskatchewan – Children's Advocate Office

Manitoba – Office of the Children's Advocate

Ontario – Office of the Provincial Advocate for Children and Youth

Québec – Commission des droits de la personne et des droits de la jeunesse

Nova Scotia – Office of the Ombudsman, Youth Services

New Brunswick – Office of the Child and Youth Advocate

Newfoundland & Labrador – Office of the Child and Youth Advocate

Yukon – Child & Youth Advocate Office

The purpose of this MOU is to ensure the seamless and timely accessibility of services in the spirit of courtesy and collegiality. This MOU between the individual offices of the CCCYA reflects agreed upon guidelines for the working relationship. It is understood that in the provision of services, each of the member offices of the CCCYA will act in a manner that is within the provisions of their own legislation (see Appendix A).

By signing this MOU, each individual member of the CCCYA acknowledges the urgency and importance of effective and efficient advocacy services to children in Canada. It will provide a framework for consistent, quality services to children and families moving between provinces. It is based on the principle that the safety and best interests of children are the primary considerations in all decisions and services.

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Guidelines

General Provisions

Definitions:

- **Child** – a person who meets the definition of a child under the legislation of the receiving province.
- **Child in care** – a child who has been apprehended by a child welfare authority or who is in the care, custody or guardianship of a child welfare authority by a court order or voluntary agreement or adoption consent.
- **Care family** – a family, other than a parent or guardian of a child, approved by a child welfare authority to provide care and supervision of a child in care.
- **Local authority** – an agency, society, organization, region or centre that has statutory responsibility for the delivery of child welfare services in a particular geographical area or for a specific group within a province.
- **Originating CCCYA member province** – unless otherwise defined, the CCCYA member province that requests advocacy services from a receiving province.
- **Province** – a province or territory in Canada.
- **Provincial authority** – the central authority responsible for the administration of child welfare legislation for a province or territory.
- **Receiving CCCYA member province** – unless otherwise defined, the CCCYA member province who agrees to provide advocacy services at the request of an originating CCCYA member province.
- **Young Adult** – a person who no longer meets the definition of child, but is receiving services under the legislation of the receiving province and/or is eligible to receive advocacy services.

1. Coordination of Services

Each CCCYA office agrees to:

- Work cooperatively with each other to facilitate continuity and minimize disruption in the delivery of advocacy and other services under this MOU to the extent permitted by individual provincial legislation and policy.
- Provide advocacy services on behalf of the requesting CCCYA member as required. This may include visiting children/youth in care of an agency in that province, contacting and interviewing agency officers, family members, care families, and community members.
- Provide assistance regarding investigations of services on behalf of the requesting CCCYA member as required. This may include investigations related to a critical injury or death of a child.

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- Facilitate the sharing of information with respect to persons needing or receiving services under this MOU to the extent permitted by legislation and policy. As a general rule, personal information is shared with the consent of the persons who are the subject of the information. To the extent permitted or required by legislation in each province, personal information may be shared without the person's consent in situations involving the protection of a child or services on behalf of a child in care.

2. Financial Responsibilities

Participating CCCYA members agree to provide services as a courtesy. Any additional expenses required to be incurred by the receiving CCCYA member shall be discussed and agreed upon by the involved CCCYA members. Additional expenses may include, but are not limited to, travel related expenses. Additional expenses shall be paid, unless otherwise agreed upon, by the originating CCCYA member at the current expense rates of the receiving CCCYA member.

In circumstances where a receiving CCCYA member assists an originating CCCYA member in securing an external contractor, the originating CCCYA member shall enter into a separate agreement with the external contractor and shall be responsible for all related costs. Such a circumstance may include, but not be limited to, requests for service that fall outside of the legislative parameters of the receiving CCCYA member.

3. Implementation of MOU

Upon signing this MOU, each CCCYA member office shall:

- Designate one or more contacts responsible for facilitating and coordinating services under this MOU (see Appendix B); and
- Provide to all CCCYA member offices any and all subsequent updates to the list, distributed on a timely basis.

4. Inclusion and Withdrawal

(a) Opting into MOU

A CCCYA member that has not signed the MOU on or before the date it comes into force may opt into the MOU by giving *30 days' notice* in writing to all members to the MOU as well as filing written notice with the President of the CCCYA. Written notice shall be accompanied by a copy of the MOU executed by its proper authority.

(b) Opting Out of MOU

A CCCYA member may opt out of this MOU by giving *90 days' notice* in writing to all parties of this MOU as well as filing written notice with the President of the CCCYA.

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5. Amendments to MOU

- A formal review of the provisions in this MOU shall occur on an annual basis, at the winter meeting of the CCCYA.
- Amendments to this MOU may be made upon the written consent of all the parties executed by their proper authorities.

6. Commencing of MOU

Effective Date

This MOU comes into force on September 26, 2013. It shall apply to those CCCYA member provinces that have signed the MOU on or before the date it comes into force and any party that subsequently opts in pursuant to section 4 (a). This MOU shall not apply to a party that subsequently opts out pursuant to section 4 (b).

Signing by Parties

This MOU may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of this MOU and such counterparts together shall constitute but one and the same instrument.


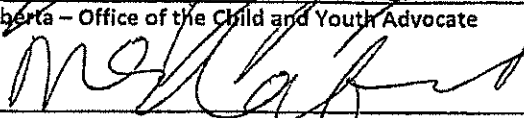
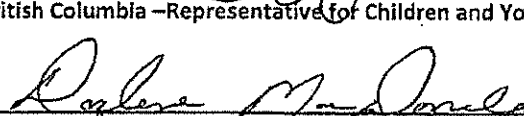
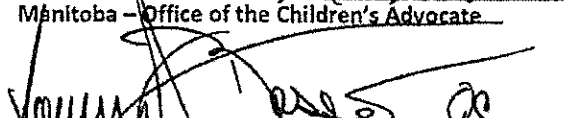
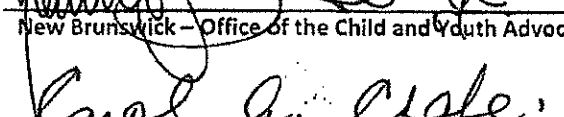
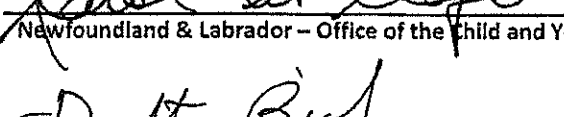
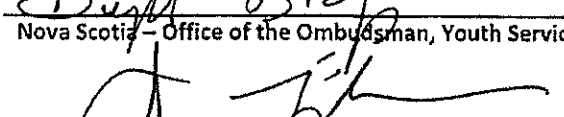
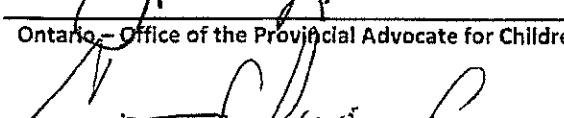
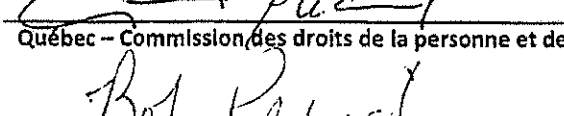
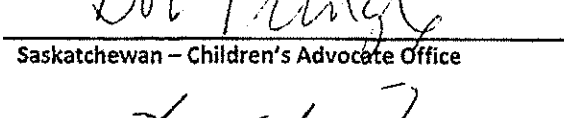
CCCYA MOU

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Canadian Council of Child and Youth Advocates

List of Signatories

Member Organization:

 Alberta – Office of the Child and Youth Advocate	<u>Sep 24/13</u> Date
 British Columbia – Representative for Children and Youth	<u>Sep 27/13</u> Date
 Manitoba – Office of the Children's Advocate	<u>Sep 27/13</u> Date
 New Brunswick – Office of the Child and Youth Advocate	<u>26 Sept 2013</u> Date
 Newfoundland & Labrador – Office of the Child and Youth Advocate	<u>Sep 27/13</u> Date
 Nova Scotia – Office of the Ombudsman, Youth Services	<u>26 Sept 2013</u> Date
 Ontario – Office of the Provincial Advocate for Children and Youth	<u>Sep 27/13</u> Date
 Québec – Commission des droits de la personne et des droits de la jeunesse	<u>Nov 04/13</u> Date
 Saskatchewan – Children's Advocate Office	<u>Nov 7/13</u> Date
 Yukon – Child & Youth Advocate Office	<u>Sep 27 (C)</u> Date

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Appendix A

CCCYA Mandate and Services of CCCYA Member Organizations

Alberta – Office of the Child and Youth Advocate

The mandate of the Child and Youth Advocate is to provide individual and systemic advocacy for children and youth receiving services under the Child, Youth Family and Enhancement Act, the Protection of Sexually Exploited Children Act, and youth involved with the youth criminal justice system, referred to as “designated services”. In carrying out this role the Advocate represents and promotes the rights, interests and viewpoints of children and youth. The Office of the Child and Youth Advocate also provides legal representation to children and youth in matters under the Child, Youth and Family Enhancement Act and the Protection of Sexually Exploited Children Act.

The Office of the Child and Youth Advocate’s core services include:

- Advocating on behalf of individual children and youth receiving designated services;
- Providing quality legal services to children and youth receiving services under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act;
- Providing public education on the rights, interests and viewpoints of children and youth;
- Building advocacy capacity in the community;
- Conducting research related to improving designated services;
- Conducting investigations into systemic issues arising from the serious injury to or death of a child or youth receiving designated services;
- Reporting to Alberta’s Legislature on any matter related to the rights, interests and well-being of children involved with designated services.

British Columbia – Representative for Children and Youth

The mandate of the Representative for Children and Youth is to improve services and outcomes for vulnerable children in B.C. through four distinct functions:

- Advocacy - supporting, assisting, informing and advising children and their families with regard to designated services or programs provided or funded by the government. Designated services are defined in the Representative for Children and Youth Act and Regulation. They include a wide range of government services, such as those pertaining to adoption, child welfare, child care, community living, youth justice (provincial and federal), early childhood development, mental health, addictions, and transitions to adulthood;
- Monitoring - monitoring and evaluating designated services provided or funded by government, and making recommendations to improve the effectiveness and responsiveness of those services;
- Reviewing and Investigating Critical Injuries and Deaths - reviewing and investigating critical injuries or deaths of children who were receiving, or had received in the year prior to the critical injury or death, “reviewable services”. Reviewable services are defined in the Representative for Children and Youth Act and Regulation. They include a narrower range of services, such as child welfare services, youth justice services (provincial and federal), and addiction and mental health services. The objective of the review and investigation function is to prevent future injuries or deaths by identifying and analyzing recurring issues and informing improvements to services or broader public policy initiatives;
- Research, Data Collection and Analysis - conducting evidence-based research for the purpose of making recommendations that can inform improvements to the development and delivery of child and youth services, which will in turn lead to improved outcomes for vulnerable children and youth.

Services are provided through each of these four functional areas:

- Advocacy
- Monitoring, evaluating and auditing
- Reviewing and Investigating Critical Injuries and Deaths
- Research, Data Collection and Analysis

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Manitoba – Office of the Children’s Advocate

As an Independent office of the Legislative Assembly, the mandate of the Office of the Children’s Advocate is to represent, other than as legal counsel, the rights and interest of children receiving or entitled to receive services under Manitoba’s *Child and Family Services Act* and *The Adoption Act*.

- The Children’s Advocate may in writing authorize any person to perform any of the duties or exercise any of the powers of the children’s advocate except the power of delegation and the power to make reports;
- The Office of the Children’s Advocate in carrying out its function is tied to best interest provisions of both *The Child and Family Services Act* and *The Adoption Act*. The best interests of the child shall be given paramount consideration in all activities carried out by Office of the Children’s Advocate staff when representing a child;
- Review, investigate and report on matters relating to the welfare and interests of children who receive or are entitled to receive services under *The Child and Family Services Act* or *The Adoption Act*, and make reports to the referral source as may be required;
- Advise the Minister of Family Services and Labour on matters relating to the welfare and interests of children and youth who receive or are entitled to receive services under both Acts;
- Conduct a review of services following the death of a child who was in the care of, or had been receiving services from an Agency under *The Child and Family Services Act* within one year before their death, or whose parent or guardian received services within the year preceding the death. This includes the potential review of other publicly funded social services and mental health and addictions services being provided to the child and/or family;
- Review systemic matters either by request of the Minister or at the discretion of the Children’s Advocate;
- Submit an annual report to the Legislature and to make an in-person presentation to the Legislative Assembly Standing Committee within 60 days of the release of the annual report.

Provision of services includes:

- Advocacy
- Investigations
- Public Education
- Youth Engagement

New Brunswick – Office of the Child and Youth Advocate

The Child and Youth Advocate has a mandate to:

- Ensure that the rights and interests of children and youths are protected;
- Ensure that the views of children and youths are heard and considered in appropriate forums where those views might not otherwise be advanced;
- Ensure that children and youths have access to services and that complaints that children and youths might have about those services receive appropriate attention;
- Provide information and advice to the government, government agencies and communities about the availability, effectiveness, responsiveness, and relevance of services to children and youths; and
- Act as an advocate for the rights and interests of children and youths generally.

Provision of services includes:

- Education and Outreach
- Advice to Government
- Individual Case Advocacy
- Systemic Case Advocacy
- Investigations
- Empowering Youth Voices

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Newfoundland & Labrador – Office of the Child and Youth Advocate

The Office of the Child and Youth Advocate (OCYA) was established by statute, *the Child and Youth Advocate Act*, which was proclaimed on May 12, 2002. The Mandate of the OCYA is stated in Section 3 of *the Child and Youth Advocate Act*. The OCYA was established with a mandate to:

- Protect and advance the rights and interests of children and youth through the provision of advocacy services;
- Ensure that children and youth have access to services and that their complaints receive appropriate attention;
- Inform the public about the needs and rights of children and youth;
- Provide information and advice to government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth;
- Make recommendations to government regarding legislation, policies, programs and services designed to meet the needs of children and youth;
- Conduct independent reviews and investigations.

The Advocate is a Statutory Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House.

All referrals for advocacy services are screened by an Intake Panel, comprised of three (3) management team members, to ensure that the OCYA provides effective, efficient and quality intake and assessment advocacy services and to ensure that a standard approach is applied to all advocacy services requests. The OCYA provides services to any child or youth under the age of 19 years who is entitled to receive services from a department, agency or board of government. The age is extended to 21 years for youth who are or have been in a care or custody arrangement.

The OCYA provides advocacy services to children and youth in four main capacities:

- Individual Advocacy
 - Information
 - Self-Advocacy Assistance
 - Basic Advocacy Intervention
 - Comprehensive Advocacy Intervention
- Systemic Advocacy
- Education and Promotion
- Reviews and Investigations

Nova Scotia – Office of the Ombudsman, Youth Services

The mandate of the Office is to be accountable for ensuring the rights and interests of children and youth in care and custody of the government, are protected and advanced, particularly respecting services and programs provided or funded under municipal and provincial legislation. This includes:

- Receiving, reviewing, and investigating complaints or concerns respecting children who receive provincial/municipal government services or programs, including residential, secure treatment care, and/or secure custody;
- Performing, where necessary, investigations initiated by the Office's own motion, including systemic investigations;
- Communicating, advising, and assisting government in resolving issues related to the provision of services for children and youth, and on issues related to the welfare and interests of children who receive those services or programs and/or reside in government residential or secure facilities;
- When youth-serving agencies, organizations, or government departments are not adequately meeting the needs of resident or staff, Youth Services may provide a forum to consider how the various policies and practices within government can be enhanced and better coordinated.

services includes receiving, reviewing, and investigating complaints or concerns from children and youth in care and custody of the government from 0-18 years. There are also exceptional situations, where the court orders that a permanent care and custody agreement be extended until the child reaches 21 years of age. This includes youth receiving services and/or programs offered through residential child caring facilities, secure treatment care, and/or secure custody under provincial and municipal legislation and/or from staff employed by these facilities.

Provision of services includes:

- Outreach and Education
- Complaint Resolution, Investigation, Mediation
- Contacting the Office

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Ontario – Office of the Provincial Advocate for Children and Youth

The Provincial Advocate for Children and Youth is an independent officer of the Legislature that

- provides an independent voice for children and youth, including First Nations children and youth and children with special needs, by partnering with them to bring issues forward;
- encourage communication and understanding between children and families and those who provide them with services;
- and educate children, youth and their caregivers regarding the rights of children and youth.

The functions of the Advocate are to:

- provide advocacy to children and youth who are seeking or receiving approved services under *the Child and Family Services Act*;
- promote the rights under Part V of *the Child and Family Services Act* of children in care;
- provide advocacy in accordance with clause 16 (1) (k) to children who are pupils of provincial schools for the deaf, schools for the blind or demonstration schools under section 13 of *the Education Act*;
- provide advocacy in accordance with clause 16 (1) (1) to children and youth with respect to matters that arise while held in court holding cells and being transported to and from court holding cells; and
- provide any other advocacy that is permitted under the regulations or any other Act.

The Office receives and responds to individual concerns of children, youth who are seeking or receiving services under *the Child and Family Services Act* and *the Education Act* (Provincial and Demonstration Schools).

The Provincial Advocate may identify systemic problems involving children, conduct review and provide education and advice on the issue of advocacy and the rights of children.

The office is guided by the principles of the UN Convention on the Rights of the Child and has a strong commitment to youth involvement.

The office takes direction from children and young people.

The Provincial Advocate conducts its work through three distinct functions:

- Individual Rights Advocacy
- Systemic Advocacy
- Community Development

Québec – Commission des droits de la personne et des droits de la jeunesse

The Commission has the mandate to promote and uphold the rights set forth in the *Québec Charter of Human Rights and Freedoms*, which are recognized to every person, including children. Furthermore, the Commission must ensure, by any appropriate measures, that the rights of the children and adolescents affected by an intervention under the *Youth Protection Act* or the *Youth Criminal Justice Act* are respected. These include:

- the right to make their views known concerning the measures to be taken;
- the right to be informed and prepared before being transferred from one facility to another (foster family, rehabilitation centre, etc.);
- the right to receive adequate health, social and educational services while under protection;
- the right to be consulted and represented by legal counsel;
- the right to communicate confidentially with family members while housed in a facility;
- the right to be housed in an appropriate facility;
- the right, in case of arrest, to be detained apart from adults;
- the right not to be identified publicly by the media, except if a judicial decision permits it;
- the right to be protected against arbitrary disciplinary measures;
- the right to be informed of the rules applicable in a rehabilitation centre;
- the right to confidentiality;
- the right to receive regular communications from the Director of Youth Protection.

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Provision of services includes:

- Reception of Requests
- Investigation
- Recommendation and Advocacy
- Action before the Court
- Rights Education and Cooperation
- Monitoring, Evaluation and Research
- Reporting

Saskatchewan – Children’s Advocate Office

The Advocate is an independent officer of the Legislative Assembly of Saskatchewan and acts pursuant to *The Advocate for Children and Youth Act*.

The Advocate shall:

Become involved in public education and advocacy respecting the interests and well-being of children and youths.

Receive and investigate any matter that comes to his or her attention from any source concerning:

- a child or youth who receives services from any ministry, agency of the government or publicly funded health entity;
- a group of children or youths who receive services from any ministry, agency of the government or publicly-funded health entity; and
- services to a child, group of children, youth or group of youths by any ministry, agency of the government or publicly-funded health entity.

If appropriate:

- try to resolve those matters through the use of negotiation, conciliation, mediation, or other non-adversarial approaches; and
- make recommendations on any matter.

The Advocate may also:

- Conduct or contract for research to improve the rights, interests and well-being of children or youths.
- Advise or make recommendations to any minister responsible for services to children or youths on any matter relating to the interests and well-being of children or youths who receive services from any ministry, agency of the government or publicly-funded health entity.

The Advocate does not have jurisdiction over decisions made or services provided by local school boards, municipal or federal governments, police or courts, decisions of Cabinet, private companies or individuals.

Anyone can call the Advocate for Children and Youth if they have a concern about a child, youth or group of children and/or youth receiving services from a provincial ministry, direct or delegated agency, or publicly funded health entity in Saskatchewan. Children and youth are encouraged to call on their own behalf.

An Early Resolution Advocate will listen to the complaint, ask questions to clarify the situation, and review the steps already taken to resolve the issue. The Early Resolution Advocate might offer information or referrals to other agencies or ministries to help the caller advocate for themselves and/or for the child or youth.

Advocacy by a regional Advocate on behalf of a child or youth is usually initiated at the request of the young person. The regional Advocate will work directly with the child or youth to negotiate a resolution to the matters raised with the service provider, caseworker and/or caregiver. In some cases, a formal investigation of the concern may be required.

If a child or youth is unable to provide direction, Advocate staff will work to ensure that he or she received the services and quality of care they are entitled to by legislation and policy.

All contacts with the Advocate for Children and Youth are confidential.

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Yukon – Child & Youth Advocate

Section 11 of the *Child and Youth Advocate Act* describes the Advocate's primary role as supporting, assisting, informing and advising children and youth regarding designated services.

The Advocate can perform their duties when requested to do so by a child or youth receiving or eligible to receive designated services or by any other person. Designated services are defined by section 1 the *Act* as programs or services for children and youth provided:

- directly by a department, including schools under the jurisdiction of the Minister of Education;
- as part of a school by a school board established under the *Education Act*; and
- by a First Nation service authority.

The youth who can access the Advocate include individuals under 19 years of age or who are receiving transitional support services, under sec 17 of the *Child and Family Services Act*, and are receiving or eligible to receive services under the *Education Act*, charged with an offence under *Youth Criminal Justice Act* or *Young Persons Offender Act*, or found guilty of an offence and eligible to receive designated services.

A First Nation government or a municipality can request that the Advocate perform functions from section 11 if the Advocate is able to recover costs from them.

Under section 12 of the *Act*, the Advocate may also review and provide advice regarding systemic issues that come to its attention. If a review of a systemic issue requires resources beyond those available to the Advocate, the Advocate can bring the issue to the attention of the department, service authority or school board who is providing the service at issue.

The Legislative Assembly or a minister may refer to the Advocate a matter for review regarding the provision of designated services, which may include a review of critical injuries, a death or other specific incident regarding a child or youth in care or custody of the government or a First Nation service authority.

The Advocate is able to inform children, youth and other members of the public about the role of the advocate and the *Child and Youth Advocate Act*.

The Advocate's primary role of supporting, assisting, informing and advising children and youth, with respect to designated services, can include the following activities:

- Providing information and advice on how to access service or a process for review of a decision respecting service;
- Working with the child or youth or other persons involved with the individual to ensure preferences and views of child or youth are heard;
- Promoting rights and interests of the child or youth, particularly if such cannot be determined as a result of developmental level or inability to communicate; and
- Working with a child or youth to resolve issues with services using informal dispute resolution processes.

The Advocate can refuse a request for service if the Advocate believes the matter is trivial, the request is not made in good faith or is made for frivolous or vexatious reasons, or that further action is unnecessary or unwarranted. The Advocate can also refuse a request for service if the person making the request does not have sufficient interest in the issue or if the subject matter is being dealt with by another body, tribunal, or court that has jurisdiction over the relevant service.

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Appendix B

CCCYA member designated contacts for facilitating and coordinating services under this MOU.

Alberta – Office of the Child & Youth Advocate

Jackie Stewart
Executive Director, Child and Youth Advocacy
T: 780-644-2363
E: jackie.stewart@gov.ab.ca

British Columbia - Representative for Children & Youth

John Greschner
Deputy Representative for Children and Youth
T: 250-953-4678
E: john.greschner@rcybc.ca

Manitoba – Office of the Children’s Advocate

Justine Grain
T: 204-988-7476
E: jgrain@childrensadvocate.mb.ca

Kirstin Magnusson
T: 204-988-7479
E: kmagnusson@childrensadvocate.mb.ca

New Brunswick – Office of the Child & Youth Advocate

Christian Whalen
Deputy Advocate and Chief Legal Counsel
T: 506-453-2789
E: christian.r.whalen@gnb.ca

Annette Bourque
Clinical Director
T: 506-453-2789
E: annette.bourque@gnb.ca

Newfoundland & Labrador – Office of the Child & Youth Advocate

Karen Gray
Director of Individual and Systemic Advocacy
T: (709) 753-3888
E: karenggray@ocya.nl.ca

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Nova Scotia – Office of the Ombudsman, Youth Services

Christine Delisle-Brennan
Executive Director
T: 1-902-424-6780, or toll free 1-800-670-1111
E: brenncd@gov.ns.ca

Ontario – Office of the Provincial Advocate for Children & Youth

Diana Cooke
Director of Advocacy Service
T: 416-325-9781
E: diana.cooke@provincialadvocate.on.ca

Québec – Commission for Human Rights & Youth Rights

Julie Ranger
Education and Cooperation Officer
T: 514-873-5146 ext. 201
E: Julie.Ranger@cdpdj.qc.ca

Saskatchewan – Children’s Advocate Office

Fleur Macqueen
Senior Advisor – Communications
T: 306-933-6706
E: fmacqueen@saskadvocate.ca

Yukon – Child and Youth Advocate

Bengie Clethero
Deputy Advocate
T: 867-456-5577
E: Bengie.clethero@ycao.ca